

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
March 27, 2014**

Board members present at commencement: Gary Franklin, Bob Larsen, Craig Smith, Mary Stone and Blake Dorsett. Staff present: John Dupnik, Brain Smith, Dana Wilson, Kendall Bell-Enders, Vanessa Escobar and Tammy Raymond. Bill Dugat of Bickerstaff, Heath, Delgado, Acosta also participated in the meeting. Also present were those on the attached sign-in sheet. These minutes represent a summarized version of the meeting; the complete discussion of the following items is recorded digitally.

1. Call to Order.

Mr. Franklin called the meeting to order at 6:00 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments).

There were no comments of a general nature.

3. Routine Business.

a. **Consent Agenda** Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as an item of Regular Business.

1. **Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.**
2. **Approval of minutes of the Board's March 13, 2014, Regular Meeting.**
3. **Approval of a contract with Brian Zavala for ongoing website maintenance and task-based improvements.**

Mr. Dupnik briefed the Board on the consent agenda items above.

Mr. Smith moved approval of consent agenda items 3a. 1 through 3, including a contract with Brian Zavala for website maintenance.

Dr. Larsen seconded the motion and it passed with a vote of 5 to 0.

4. Discussion and Possible Action.

4a. Presentation, discussion, and possible action related to an overview of the State Highway 45 Southwest roadway project.

Mr. Carlos Swonke of TxDOT gave a presentation on the SH 45 SW project and provided an overview of the project including the EIS process, the technical working groups convened to provide input, the consent decree, and TxDOT's intent to work with those groups to incorporate current practices that are appropriate considering the environmental sensitivity.

Representatives of the Central Texas Regional Mobility Authority also confirmed their intent to build and maintain the project in accordance with the consent decree requirements.

The following citizens gave public comment:

Gerald Daugherty
Roger Baker
Dick Kallerman
Adam Abrams
Stephen Beers

After a productive discussion and comments from the public, no action was taken.

4b. Presentation, discussion, and possible action related to the Consent Decree and Partial Final Judgment between TxDOT and the District on area roadway projects.

Mr. Dugat and Mr. Dupnik provided a presentation on the history of the lawsuit that produced the Consent Decree, and some of the specific provisions included.

Mr. Dupnik then informed the Board of TxDOT's intent to incorporate improved stormwater and pollution control measures in the highway design.

The Board briefly discussed the issue and generally agreed that the project should incorporate improved measures and practices where possible.

The Board adjourned into Executive Session at 8:04 p.m. under Texas Water Code Section 551.071 Consultation with Attorney. Mr. Franklin stated that no decisions or actions would be taken while in Executive Session.

The Board re-convened into Open Session at 8:46 p.m.

Mr. Franklin stated that no decisions or actions were made while in Executive Session.

No Board Action was taken.

4e. Discussion and possible action related to providing a letter of support and a demonstration of in-kind contributions to the Texas Desalination Association in support of a grant project to map brackish aquifers in Texas.

Mr. Kyle Frasier, the Executive Director of Texas Desalination Association, provided an overview of a grant project from the Governor's Emerging Technology Fund, which would support funding of a project to map the brackish aquifers in Texas. He described the phase of the project that involves compiling existing data and aerial mapping of targeted areas of the state including central Texas and the saline Edwards Aquifer. He then requested support from the District in the form of in-kind value associated with the District's equipment and budgeted expenses dedicated to a multi-port saline zone monitor well.

Dr. Larsen stated that while he appreciated the intent of the project he would prefer to reserve that value for contribution to another possible grant opportunity for the District.

No Board action was taken.

4c. Discussion and possible action related to amending the FY14 Budget.

Ms. Wilson provided an overview of the proposed amendments including reductions in certain line items and increases in projected expenses related generally to insurance, benefits, and HCP/NEPA consultants.

After discussion, Mr. Smith moved to approve the FY 14 Budget amendments as presented.

Ms. Stone seconded the motion and it passed with a vote of 5 to 0.

4d. Discussion and possible action related to approving a contract extension to Holland Groundwater Management Consultants, LLC to provide continued support of the District's habitat conservation plan and incidental take permit application.

Mr. Dupnik described the proposed contract amendment to increase the "not-to-exceed" limit in the current contract to provide additional funds to complete the HCP application within this fiscal year. The scope of work was described as Phase III and would be limited solely to HCP-related work.

After discussion, Mr. Smith moved approval of the contract extension to Holland Groundwater Management Consultants, LLC with a few minor revisions related to clarifying the Phase III scope, and increasing the "not-to-exceed" cost to be consistent with the approved budget amendment.

Dr. Larsen commented that this should be the last contract amendment.

Ms. Stone seconded the motion and it passed with a vote of 5 to 0.

4f. Discussion and possible action related to: a) consideration of the draft elements of an Interlocal Agreement (ILA) with the City of Austin to coordinate activities associated with our respective HCPs, and b) direction to staff on continuing negotiation of the ILA with the City of Austin.

Mr. Dupnik reported that the ILA subcommittee meeting had been postponed until 4-1-14, and recommended that the item be returned to the agenda to allow for the subcommittee to meet and report back to the Board.

The Board agreed to return the item to a future agenda.

3b. General Manager's Report. Note: Topics discussed in the General Manager's Report are intended for general administrative and operational information-transfer purposes. The Directors will not take any action on them in this meeting, unless the topic is specifically listed elsewhere in this as-posted agenda.

1. Standing Topics.

- i. Personnel matters and utilization;**
- ii. Upcoming public events of possible interest;**
- iii. Aquifer conditions and status of drought indicators.**

Mr. Dupnik and staff updated the Board and answered directors' questions on the items listed above.

2. Special Topics. *(Note: Individual topics listed below may be discussed by the Board in this meeting, but no action will be taken unless a topic is specifically posted elsewhere in this agenda as an item for possible action. A Director may request an individual topic that is presented only under this agenda item be placed on the posted agenda of some future meeting for Board discussion and possible action.)*


- i. Update on Team activities and highlights**
- ii. Update on regulatory and enforcement activities**
- iii. Update on efforts to characterize the saline zone of the Edwards Aquifer**
- iv. Update on activities related to the District Habitat Conservation Plan**
- v. Update on the status of SOS Alliance v. City of Kyle, Goodman et al., and the Barton Springs/Edwards Aquifer Conservation District**


Mr. Dupnik and staff updated the Board and answered Directors' questions on the items listed above.

5. Adjournment.

Without objection, Mr. Franklin adjourned the meeting at 10:09 p.m.

Approved by the Board on April 10, 2014:

By: 
Robert D. Larsen, Acting President

Attest: 
Craig Smith, Secretary