

**Barton Springs/Edwards Aquifer Conservation District  
Board of Directors Meeting Minutes  
Regular Meeting  
April 25, 2013**

Board members present at commencement: Mary Stone, Gary Franklin, Craig Smith, Bob Larsen and Blake Dorsett. Staff present: Kirk Holland, John Dupnik, Brian Smith, Robin Gary, Kendall Bell-Enders and Tammy Raymond. Bill Dugat of Bickerstaff 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.**

Ms. Stone called the meeting to order at 6:02 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 April 11, 2013, Regular Meeting.**
3. **Approval of an agreement with Magellan Midstream Partners concerning a supplemental well monitoring program associated with the Longhorn Pipeline.**

Mr. Holland gave a brief overview on Item 3, explaining that the agreement sets forth the terms and conditions under which both the District and Magellan agree to participate in the installation, maintenance and operation of monitoring wells in the vicinity of the Longhorn Pipeline.

Mr. Smith moved approval of the consent agenda items 1 through 3, noting an invoice from Bickerstaff in the amount of \$6388.42 and Hicks & Company in the amount of \$5272.90.

Mr. Franklin seconded the motion and it passed with a vote of 5 to 0.

**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.**

- a. Personnel matters and utilization;
- b. Upcoming public events of possible interest;
- c. Aquifer conditions and status of drought indicators.

**2. Discussion related to current staff work areas and specific activities of staff teams and directors.** 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. Review of Status Update Report – at directors' discretion;
- ii. Update on GMA and regional water planning activities;
- iii. Update on private-well water quality testing event; and
- iv. Update on the selection process of the General Manager position.

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

**3c. Directors' Reports.** Note: Board Member comments in this part of the agenda cannot address any aspect of an agenda item posted elsewhere on this agenda, and no substantive discussion among the Board Members or action by the Board on these comments will be allowed in this meeting.

Individual Board Members may, on a voluntary basis, make a brief report to the entire Board on their personal involvement in activities and dialogue that are of likely interest to the rest of the Board, in one or more of the following topical areas:

- Meetings and conferences attended or that will be attended;
- Conversations with public officials, permittees, other stakeholders, and private citizens;
- Kudos and recognition of people doing good things for groundwater management in the District;
- Concerns about specific issues or problems for groundwater management in the District.

Mr. Franklin and Mr. Smith gave reports.

#### **4. Board Discussion and Possible Action.**

##### **4a. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments.**

Mr. Dupnik reported St. Andrews School as the only permittee that had significant overpumpage in the month of March 2013. He said that as protocol, staff would schedule a second enforcement meeting with St. Andrews, staff and a Director in attendance.

No Board action was taken.

##### **4b. Discussion and possible action related to awarding the Kent S. Butler Memorial Groundwater Stewardship Scholarship essay contest winner and conducting drawings for the Aquatic Science Adventure Camp scholarships.**

Ms. Gary reported that the scholarship committee unanimously chose applicant #4 as the winner of the Kent S. Butler Memorial Groundwater Stewardship Scholarship, and the Board was provided an opportunity to review the essay of that applicant..

Mr. Franklin moved to award the scholarship to applicant #4.

Mr. Smith seconded the motion and it passed with a vote of 5 to 0.

The identity of Applicant #4 was then revealed to be Ms. Bonnie Devany, from AISD's Liberal Arts and Science Academy.

The Directors randomly drew the winners of the camp scholarships:

Skyler Johnson - 5 day camp

Ty Pirkle - 5day camp

Leonardo Uriarte - 2 day camp

Courtney Alexander - 2 day camp

##### **4c. Discussion and possible action related to the feedback received from the first meeting of the Stakeholders Advisory Group on alternative water supplies including recommendations for next steps.**

Mr. Dupnik presented the findings of the SAC on alternative water supplies, suggesting that the SAC's input supported the District's current efforts and management plan objectives to 1) develop the science that may facilitate alternative water supply development , and 2) encourage conservation and use of other supplies (e.g., rainwater, AC condensate, greywater, etc.). He said that staff would compile all of the SAC feedback from the surveys and the meeting exercise into a summary report that will also relate the SAC's identified priorities to the Districts current

management objectives. Without objection, this report will then be distributed to the SAC as a product of their efforts and inputs.

No Board action was taken.

**4d. Discussion and possible action related to a well that was previously permitted as an NDU well and that was recently purchased for purposes not authorized by the NDU general permit.**

Staff presented a case to the Board related to a property with a well permitted for nonexempt domestic use that was purchased to support a school that would be designated as commercial use. The staff recommended that the Board direct staff to draft an agreed order that would provide interim pumping and compliance for developing over time an alternative water supply that would support a Class C Conditional Permit.

Ms. Stone stated that she met with the landowner and his engineer and that the landowner was not informed of the status of the well permit on the property that he was purchasing. She said that they bought it to open a Montessori school that would use approximately 6000 gallons of water per month. They would also build a rainwater harvesting system. She encouraged the Board to have the staff draft an agreed order.

Dr. Larsen stated that he did not agree with even drafting an agreed order, as this would start the precedent of the Board getting involved in land use, and that this is not our problem.

After further discussion, Mr. Smith moved to direct staff to negotiate terms of an agreed order with the owner of 2050 Cole Springs Rd.

Ms. Stone called for a second. No second was heard; therefore, Ms. Stone relinquished the gavel to second the motion.

After discussion, Mr. Franklin, then presiding during consideration of this item, called for a vote.

Mr. Smith and Ms. Stone voted aye, Dr. Larsen and Mr. Franklin voted nay, and Mr. Dorsett abstained from the vote. The motion failed with a vote of 2 to 2.

Mr. Franklin returned the gavel to Ms. Stone, who presided over the remainder of the meeting.

**4e. Discussion and possible action related to the District analysis of permittee underpumpage and consideration of the appropriate response.**

Mr. Dupnik presented an analysis of actual permittee pumpage relative to permitted volumes over the last four years, and highlighted permittees that did not use greater than 50% of the permitted pumpage for four consecutive years.

After discussion, the Board chose to take no action at this time.

**4f. Discussion and possible action related to approving certain non-regulatory elements and commitments required for one or more desalination demonstration projects.**

Dr. Larsen reported that he had a meeting the previous day with Texas Disposal System (TDS) in which they committed to drill a test well on the west side of their property along Bradshaw Road within proximity of property that was believed to be both located in the District and on TDS property, which accordingly could be used to locate a District multi-port monitoring and observation well. This commitment, however, was contingent on the passing of HB 340/SB 1532 into law, which would allow for a desalination demonstration project on TDS property. The staff indicated it was proceeding to plan to install the monitoring well on that or other property nearby TDS in the current fiscal year.

No Board action was taken.

**4g. Discussion and possible action related to establishing the process and stipulations for conducting a limited public hearing on the City of Kyle's applications to increase authorized Transport and to increase authorized withdrawals from the freshwater Edwards Aquifer under a Class B Conditional Production Permit.**

Mr. Dugat provided an update to the Board indicating that the Save Our Springs Alliance had filed an appeal of the court's ruling remanding the permit and therefore, the process that would have guided the District's public hearing on the remanded permit was necessarily delayed until the appeal has been ruled on by the court. He said that he will continue to monitor activities, and will report back to the Board when there is news of note.

No Board action was taken.

**4h. Update, discussion and possible action related to the pursuit of the District's legislative agenda in this legislative session, including the consideration of specific bills and bill language to be advanced, and a briefing on other introduced bills of particular interest to the District.**

Mr. Holland provided the legislative update and presented a summary of key bills that have been filed that affect the District specifically, and GCDs generally. After discussion, the Board took no formal action.

**5. Adjournment.**

Without objection, Ms. Stone adjourned the meeting at 8:25 p.m.

Approved by the Board on May 9, 2013:

By: Mary Stone  
Mary Stone, President

Attest: Craig Smith  
Craig Smith, Secretary