

**Barton Springs/Edwards Aquifer Conservation District  
Board of Directors Meeting Minutes  
Regular Meeting & Public Hearing  
July 24, 2014**

Board members present at commencement: Bob Larsen, Mary Stone and Blake Dorsett. Craig Smith participated by Video Conference. Staff present: John Dupnik, Brian Smith, Dana Wilson, Robin Gary, Kendall Bell-Enders 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.**

Dr. Larsen 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 June 26, 2014, Regular Meeting.**
3. **Approval of a joint-funding agreement with USGS at an annual cost of \$7,370 to continue the inclusion of the Lovelady Drought Indicator well in the USGS-managed and reported Texas Data Collection Program.**
4. **Approval of the elimination of the TexPool Capital account to be merged with the limited-use TexPool Contingency account.**
5. **Approval of ordering director elections for Precincts 2 and 5 on the general election date in November 2014.**
6. **Approval of an Interlocal Agreement to coordinate the funding of GMA 10 planning efforts.**

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

Ms. Stone moved approval of consent agenda items 3a. 1 through 6 as presented, noting an invoice from Bickerstaff in the amount of \$7191.09 and an annual joint-funding agreement with USGS in the amount of \$7370.00.

Mr. Smith seconded the motion and it passed with a vote of 4 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.**

- 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. Review of Status Update Report – at directors' discretion**
- ii. Update on activities related to GMA and regional water planning**
- iii. Update on efforts to characterize the saline zone of the Edwards Aquifer**

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

**Directors' Reports.** *(Note: Directors' comments under this item cannot address an agenda item posted elsewhere on this agenda and no substantive discussion among the Board Members or action will be allowed in this meeting. Communications reported under this item may be used to support Performance Standard 4-1 of the District's Management Plan related to demonstration of effective communication with District constituents.)*

**Directors may report on their involvement in activities and dialogue that are of likely interest to 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, stakeholders, and other constituents;**

- **Recognition of people doing good things for groundwater management in the District;**
- **Issues or problems of concern.**

Mr. Dorsett attended meetings with Creedmoor Maha WSC.

Dr. Larsen attended meetings with staff and the Onion Creek Club.

No other reports were given.

#### **4. Public Hearing (6:15)**

**The Board will hold a public hearing on the Proposed FY 2015 Budget and Proposed FY 2015 Fee Schedule. At the conclusion of the public hearing, the Board may take action to approve and adopt the Proposed FY 2015 Budget and to approve by resolution the Proposed FY 2015 Fee Schedule.**

Dr. Larsen opened the Public Hearing at 6:21 p.m.

Ms. Wilson gave an overview of the Proposed FY 2015 Budget and answered questions by the Board.

There were no public comments; therefore, Dr. Larsen closed the Public Hearing at 6:26 p.m.

#### **5. Discussion and Possible Action.**

##### **5a. Discussion and possible action related to approval of the Proposed FY 2015 Budget.**

Ms. Stone moved approval of the FY 2015 Budget as proposed.

Mr. Dorsett seconded the motion and it passed with a vote of 4 to 0.

##### **5b. Discussion and possible action related to approval of the FY 2015 Fee Schedule by Resolution #072414-01.**

Ms. Stone moved approval of the FY 2015 Fee Schedule by Resolution #072414-01.

Mr. Dorsett seconded the motion and it passed with a vote of 4 to 0.

##### **5c. Discussion and possible action related to conditional renewal of all annual Production Permits for FY 2015 contingent on compliance with District rules and renewal requirements.**

Ms. Bell-Enders reported that there were no compliance issues with the District Permittees. She stated that staff recommended the renewal of all annual Production Permits.

Ms. Stone moved approval of all annual Production Permits for FY 2015.

Mr. Dorsett seconded the motion and it passed with a vote of 4 to 0.

**5h. Discussion and possible action related to the initial staff review of the draft Environmental Impact Statement for State Highway 45 Southwest and staff-recommended comments for the upcoming public hearing on July 29, 2014.**

Mr. Dupnik presented an overview of the staff's preliminary review of the draft EIS, noting some of the measures of the plan that were good and would be beneficial to the project, and then describing some of the notable deficiencies of the EIS. He indicated that it was staff's opinion that the findings and conclusions of the EIS could not be validated or judged to be consistent with the consent decree until ongoing work being done to inform the plan was complete, certain data gaps were addressed, and certain technical details were provided. He went further to suggest that the District should reserve judgment on the EIS until these deficiencies were addressed and the findings were re-evaluated in light of that information.

Mr. Don Rauscher, the District's consulting engineer, also presented a summary of his initial review stating that the literature review was well done; however, some of the most effective BMPs described were not incorporated into the design. He also indicated that more design elements and technical specifications would be needed to judge the effectiveness of BMP design.

Mr. Chuck Lesniak, representing the City of Austin, indicated that the City staff had determined that the EIS was so deficient in the necessary information that their City Manager had sent a request to TxDOT to withdraw the EIS until the deficiencies were addressed.

Dr. Larsen indicated that he agreed that TxDOT needed to address certain deficiencies and provide additional information, but felt like the comments could be addressed without withdrawing the EIS.

Ms. Stone commented that the tone of staff's comments seemed to suggest that the EIS was substantially deficient of the science needed to support the conclusions.

After further discussion, Mr. Smith moved to direct staff to present the essence of the District's preliminary review at the public hearing, and to compile written comments for submission to the Board. If any Board member has significant reservations about those comments to communicate that to the General Manager, and the Directors could then decide if a Special Called meeting on August 7<sup>th</sup> is necessary.

Ms. Stone seconded the motion and it passed with a vote of 4 to 0.

**5d. Discussion and possible action related to progress on the District's draft Habitat Conservation Plan (HCP).**

Mr. Dupnik provided a brief overview of the interim progress on the draft HCP that has occurred during the public comment period that expires on July 25<sup>th</sup>. Work has included responding to SOS comments and the preliminary MAC comments and additional revision to Chapter 5 on take estimates. He informed the Board that the District Consultant, Kirk Holland; and Brian Hunt had spent a significant amount of time and effort incorporating the City of Austin's updated regression equations into the take estimate methodology.

Dr. Larsen questioned the validity of a model that didn't incorporate births into the population estimates.

Mr. Dupnik explained that staff was being very careful to clarify that the take estimate methodology is not a population mode, but a tool for estimating the number of organisms that were adversely affected (taken) by pumping. He then offered to set up a meeting to more thoroughly go over that work that has occurred in the interim.

No Board action was taken.

**5e. Discussion and possible action related to approval of a professional consulting services contract with Holland Groundwater Management Consultants, LLC, to continue to support the development of the District HCP and Incidental Take Permit application.**

Mr. Dupnik presented a draft amendment to Kirk Holland's contract to continue support of the District's HCP project. He indicated that the MAC comments generated some additional work that was not anticipated, and that additional funding was necessary to complete the work to finalize the draft HCP and submit the ITP application.

Dr. Larsen indicated that he agreed with the Phase IV work to complete the ITP application, but not the Phase V work that would cover addressing comments after the application was submitted. He said that the staff should be able to manage the project from there.

Ms. Stone stated that bringing someone else up to speed would be very hard and more work than to let Mr. Holland continue.

Mr. Dupnik informed the Board that the contract was worded to require Board approval before any expenditure for Phase V work could be paid.

After discussion, Ms. Stone moved approval of amendment No. 3 to the Contractual Agreement for Professional Consulting Services between the District and Holland Groundwater Management Consultants LLC.

Mr. Smith seconded the motion and passed with a vote of 3 to 1. Dr. Larsen voted nay.

**5g. Discussion and possible action related to consideration of declaring Stage II Alarm Drought.**

Dr. Brian Smith reported that the Lovelady monitor well was below the Alarm Drought level, which was all that was needed to declare Stage II Alarm Drought.

After discussion, Ms. Stone moved to continue the “No Drought status” and to reassess conditions at the next meeting.

Mr. Dorsett seconded the motion and it passed with a vote of 4 to 0.

**5f. Discussion and possible action related to consideration of submittals received in response to the Request for Qualifications (RFO) to provide legislative consulting services for the District and the selection of firms to receive a follow-up Request for Proposals (RFP).**

Mr. Dupnik stated that the four firms that submitted a Request for Qualifications were all viable candidates, and recommended that they should all be sent a Request for Proposals.


Mr. Stone moved to issue a Request for Proposal to all four firms.

Mr. Smith seconded the motion and it passed with a vote of 4 to 0.

**6. Adjournment.**

Without objection, Dr. Larsen adjourned the meeting at 7:58 p.m.

Approved by the Board on August 14, 2014:

By:   
Robert D. Larsen, Acting President

Attest:   
Craig Smith, Secretary