

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting and Public Hearing
October 13, 2011**

Board members present at commencement: Mary Stone, Jack Goodman, Bob Larsen and Craig Smith. Gary Franklin arrived at 6:05 p.m. Staff present: Kirk Holland, John Dupnik, Brian Smith, Brian Hunt 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 6:03 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments).

There were no public comments of a general nature.

Public Hearing.

The Board will hold a Public Hearing on an application filed on July 14, 2011, by St. Andrew's Episcopal School, 5901 Southwest Parkway, Austin, Texas, for a Historical Trinity Production Permit to withdraw a volume of 8,000,000 gallons per year from a well producing from the Middle Trinity Aquifer. The well is located at 5901 Southwest Parkway in Austin, Texas and will be operated as an irrigation well, to be used to irrigate the school's existing and future athletic fields and landscaping. The requested permit would be in addition to the 8,000,000 gallons per year of groundwater currently permitted from wells producing from the Lower Trinity Aquifer for the same purpose.

Ms. Stone opened the Public Hearing at 6:04 p.m.

Mr. Ed McCarthy, representing St. Andrew's Episcopal School, stated that he was present to support the well application and to answer any questions by the Board.

Mr. Dupnik stated that the application was administratively complete, gave a brief description of the application, and provided the Board with information related to comments submitted related to the application. One comment in particular came from an adjacent well owner who had voiced concerns of declining yields in his well being caused by the new well. Staff assessed his concerns and determined that they were not likely related to the subject application. The landowner was invited to participate in the hearing but did not attend.

After, a brief discussion, Ms. Stone closed the Public Hearing at 6:09 p.m.

6. Regular Business: Board Discussion and Possible Actions.

6a. Discussion and possible action related to approving a Historical Trinity Production permit for St. Andrew's Episcopal School at 5901 Southwest Parkway, Austin, Texas, to withdraw a volume of 8,000,000 gallons per year from a well producing from the Middle Trinity Aquifer for irrigation purposes.

Staff recommended approval of the application.

Mr. Smith moved approval of the Historical Trinity Production permit for St. Andrew's Episcopal School to withdraw a volume of 8,000,000 gallons per year from the Middle Trinity Aquifer for irrigation use.

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

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 from the Board's September 29, 2011, Special Called Meeting and Work Session.

Mr. Franklin moved approval of items 3.a.1 and 2 of the Consent Agenda, noting an invoice from Texas Municipal League for \$5,625.03.

Mr. Goodman seconded the motion, and it passed unanimously with a vote of 5 to 0.

- b. **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. Update of recent team and director activities.
- ii. Update on the activities of GMA 9 and 10.
- iii. Update on re-districting status and arrangements.

Mr. Holland, Mr. Dugat, and staff updated the Board and answered directors' questions on the teams' activities concerning the items listed above.

5. Briefing.

The Aquifer Science Team will brief the Board on recently completed and ongoing scientific investigations and reports on the District's aquifers and on groundwater system components and relationships.

Dr. Smith and Mr. Hunt gave an informative briefing from the Aquifer Science team on a) the Onion Creek Recharge Enhancement Facility's operational aspects and benefits; b) the District's two multi-port monitoring wells, at Ruby Ranch and near Antioch Cave, including what they were telling us about the subsurface flow characteristics; and c) recent analyses of historical information on multi-decadal trends in precipitation and stream flows in and near the District.

6c. Discussion and possible action related to the compliance by District permittees with their User Drought Contingency Plans and compliance of all groundwater users with District Rules, including the initiation of enforcement actions, as warranted.

Mr. Dupnik updated the Board on the compliance of the permittees with their UDCPs and initiation of enforcement actions, per Board direction at the September 29th meeting.

No Board action was needed.

6b. Discussion and possible action related to receiving committee recommendations and selecting the Groundwater Stewardship Award winners and approving the staff's selection for Permittee of the Year.

Mr. Holland briefly reviewed the recommendations of the Board and Staff Committee on the Groundwater Stewardship Awards and the staff's selection of the Permittee of the Year.

Mr. Smith made a motion that the Board Committee's recommendations for Groundwater Stewardship Awards and the Staff recommendation for Permittee of the Year, as presented here, be approved, and that the winners be invited to be the District's guests at the Awards luncheon at Bowie HS's Culinary Academy on Friday, November 4, 2011.

- Water Conservation – Residential End-User: **John Gula**
- Water Conservation - Larger Volume User: **Onion Creek Country Club**
- Water Quality Protection: **CoA Water Quality Protection Lands program**
- Innovation: **Pat Reynolds**
- Education: **Dual Awards: Texas Cave Management Association/UT Grotto and Clean Water Fund**
- Research: **Dual Awards: Michael Passarello and the Trinity Hydrogeologic Atlas Team, led by Doug Wierman**
- Permittee of the Year: **Arroyo Doble WSC**

6d. Discussion and possible action related to the commitment of District funds and in-kind services to install a multi-port monitoring well in the saline zone of the Edwards and to assist in the installation of a saline-zone test well by a private party, and the amendment of the FY 2012 budget for these purposes, if and as required.

After Board discussion, Dr. Larsen moved that the Board approves the funds previously budgeted and committed, equipment and in-kind services by the District and request commitment of financial participation of other parties required to install a monitoring well and facilitate a privately funded test well in the Saline Zone as soon as feasible.

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

6e. Discussion and possible action related to a potential settlement agreement concerning the Jeremiah Ventures TLAP contested case.

Mr. Dugat briefed the Board on the pending settlement agreement concerning the contested case and recommended moving forward.

After discussion, Mr. Smith moved to authorize the Board President to sign the settlement agreement as currently negotiated, subject to final details.

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

7. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 8:10 p.m.

Approved by the Board:

By: Mary Stone
Mary Stone, President

Attest: Craig Smith
Craig Smith, Secretary