

Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
May 24, 2012

Board members present at commencement: Mary Stone, Gary Franklin, and Jack Goodman. Craig Smith arrived at 6:04 p.m. Bob Larsen was out of town. Staff present: Kirk Holland, John Dupnik, Brian Smith, Robin Gary and Shannon DeLong. 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 public 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 from the Board's May 10, 2012, Regular Meeting and from the May 14, 2012, Work Session.
3. Approval of a Memorandum of Understanding between the National Wildlife Federation and the District related to their providing grant funds, and our employing a summer intern to do geochemistry studies on our southern divide with the San Antonio segment.
4. Approval of negotiated master services (task-order) contracts between the District and the following contractor: John Mikels dba GEOS Consulting.

After explanatory comments by Mr. Holland, Mr. Franklin moved approval of consent agenda items 3a. 1 through 4 as presented.

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

4. Presentation of the summer aquatic science camp scholarship awards. (6:05 PM)

On behalf of the Board, Ms. Stone awarded individually the five-day and two-day camp scholarships, posing for pictures with each, and then the Board recessed briefly while group pictures were taken outside.

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

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

Mr. Holland updated the Board on the Standing Topics.

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 District's in-kind services on City of Kyle Effluent Re-use Feasibility Study grant project.**
- iii. Update on the conceptual plan for rulemaking in response to the work session on strategies to close the gap between our EDWL and applicable MAG, and on the white paper for Enhancing Alternative Water Supplies.**

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

3. Routine Business.

c. 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.

Gary Franklin, Mary Stone, and Craig Smith gave reports.

5. Regular Business: Board Discussion and Possible Actions.

5a. Discussion and possible action related to a protest of, and prospective contested-case hearing on, the application of the Class C Conditional Use permit for Creekside Villas in Buda.

Mr. Dupnik stated that the City's protest stems from an alleged non-compliance with their own ordinance as well as a concern about interference by the proposed well and the City's public water supply wells. The staff recommended that the Board not set the hearing date until the next Board meeting, which is still within the allotted time period under our Rules to hold that hearing, to encourage and provide the protestant and the applicant an opportunity to work out their differences before the Board sets and holds a hearing.

Mr. Stanley Fees, and Mr. Brian LaBorde of the City of Buda, spoke against the permit, stating that it violated their rules and reiterated their concerns. Mr. LaBorde mentioned that the City and District should consider entering into an Interlocal Agreement to preclude similar situations in the future..

Ms. Ina Spokas represented the Applicant on this item, and she indicated that Creekside Villas had worked with the City and believed it was in compliance with its rules, but was willing to continue to discuss those matters with the City and the District.

Mr. Dugat gave a timeline on contested-case procedures.

Ms. Stone emphasized that she wanted to be sure that the District provided, and even facilitated, both sides having an opportunity to resolve their differences, which both parties appeared willing to do. It was noted that the City would have to formally withdraw their protest for the matter to not proceed through our contested case procedure.

The Board accepted the staff recommendation to postpone setting the contested-case hearing date until the next Board meeting. No Board action was required.

5b. Discussion and possible action on the status of funding and outlook for the saline zone monitoring well, and approve funding of the District share of an initial set of wells.

Staff updated the Board on the status of the saline zone monitoring well.

After discussion, Mr. Franklin moved to direct staff and counsel to form a public-private partnership with Texas Disposal System for installing the recommended two-well network this summer, with each party committing the necessary funds and in-kind support required for that limited network.

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

Mr. Franklin moved for the District to commit \$55,000 in equipment on-hand, \$75,000 in cash that is in the current 2012 budget, and \$25,000 from the existing financial reserve restricted to alternative water supply development as its financial contribution to the partnership.

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

Mr. Franklin moved to authorize the installation of the monitoring well on property within the District adjacent to TDS, with access acquired for such use by the partnership, *provided* the partnership agreement and possibly other funding entities adequately fund the initial two-well network.

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

5c. Discussion and possible action related to the increasing number of wells being installed, both in the District and throughout the Austin metropolitan area, primarily for lawn and landscape irrigation purposes, their impact on the aquifers, and potential District responses.

Mr. Dupnik reported that the map in the Board's Backup package created by Ms. Gary shows wells drilled within the City of Austin and stated that staff notes that the increase in the number of wells being installed are mostly, but not entirely outside of our GCD boundaries but largely within the City of Austin municipal jurisdictional limits.

Mr. Holland stated that staff does not believe that these wells will impact the District's groundwater resources, but the wells may interfere with each other and adversely impact the likely more limited groundwater resources outside of the District.

Mr. Holland stated that staff recommends that staff and at least one director continue to have an informal dialogue with the City's Watershed Protection Department and with AWU senior management to give them the benefit of our knowledge about such wells and their effects, and also to ascertain whether these wells are a source of concern and what options are presently being considered or at least being discussed to address the concern.

No Board action was taken.

5d. Discussion and possible action related to establishing a legislative agenda and defining near-term steps in pursuit of that agenda.

After discussion, Mr. Franklin moved to direct staff, counsel, and legislative liaison to:

- i. Draft preliminary language for a bill to remove current restrictions on injecting other than non-altered Edwards water into and through the Saline Edwards Aquifer within the area of the District's boundaries to enable cost-effective desalination and ASR;
- ii. Discuss such language with stakeholders and potential legislative authors and sponsors with the intent of identifying a set of enthusiastic and effective legislative authors/sponsors; and
- iii. Discuss with appropriate parties the efficacy and approach needed for including an appropriation for funding hydrogeologic and engineering investigations specifically of the feasibility of desalination and ASR in the Saline Edwards Aquifer within and near BSEACD's jurisdictional area.

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

Mr. Franklin moved to direct staff, counsel, and legislative liaison to:

- i. Draft preliminary language for a bill that would conditionally increase the water use fee ceiling on withdrawals from the Barton Springs Aquifer to be similar to fees for current raw surface water supplies used in the District, and would utilize funds from some portion of that fee to support alternative water supplies, involving our existing historical-use permittees in that drafting;and
- ii. Discuss such language with other stakeholders and potential legislative authors and sponsors.

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

Mr. Franklin moved to direct staff, counsel, and legislative liaison to:

- i. Draft preliminary language for a *possible* bill to restrict direct-discharges of wastewater in the contributing zone by requiring advanced water treatment before direct discharge and thereby promoting reuse of that water;
- ii. Discuss such a bill with development community, the environmental community, other governmental entities, and potential legislative authors and sponsors; and
- iii. Bring a recommendation back to the Board as to whether such a bill should be pursued to accomplish this goal and what provisions that bill should contain.

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

6. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 7:36 p.m.

Approved by the Board on ^{June} ~~May~~ 14, 2012:

By: Mary Stone
Mary Stone, President

Attest: Craig Smith
Craig Smith, Secretary