

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
April 28, 2011**

Board members present at commencement: Mary Stone, Gary Franklin, Jack Goodman and Bob Larsen. Craig Smith arrived at 6:09 p.m. Staff present: Kirk Holland, John Dupnik, Brian Smith, Dana Wilson, and Tammy Raymond. Bill Dugat of Bickerstaff, Heath also participated. 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 6:01 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 April 14, 2011, regular Meeting.**
 - 3. Approval of out-of-state travel for Robin Gary to attend the Karst Hydrogeology and Ecosystems International Conference, June 8-10, 2011, in Bowling Green, Kentucky.**
 - 4. Approval of correction of a non-substantive error on District Fee Schedule.**

Mr. Holland explained briefly items 3.a.3 and 3.a.4; there were no questions from the directors on these agenda items. Mr. Goodman moved approval of items 3.a.1, 2, 3 and 4 of the consent agenda, noting an invoice from Bickerstaff in the amount of \$16,349.11.

Mr. Franklin seconded the motion, and it passed unanimously with a vote of 4 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. Personnel matters and utilization;**
- 2. Upcoming public events of possible interest;**
- 3. Aquifer conditions and status of drought indicators.**
- 4. 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 Report Update – at directors' discretion.**
 - ii. Update on regulatory and permitting activities.**
 - iii. Update on the status of the Jeremiah Venture contested-case mediation.**

Mr. Holland, Mr. Dugat and staff updated the Board and answered directors' questions on the teams' activities concerning the items listed above. Mr. Holland also identified the winners of the two scholarships to the summer Aquifer Camp in San Marcos: Tyler Mellring of Baily MS for the 5-day camp, and Brigid Hardy, a home-schooled student in the Del Valle area, for the 2-day camp.

4. Board discussions and Possible Actions.

4a. Discussion and possible action related to a time-extension request for the Agreed Order with Ridgewood Village Water System to allow for the system annexation by Water District 10, and a resolution commending the work of Westlake Mayor Dave Claunch in facilitating the annexation.

Mr. Holland explained that a final extension to the Agreed Order is needed to accommodate the long-delayed but now-authorized annexation of Ridgewood Village Water System (RVWS) by Water District 10.

Mr. Smith moved to approve the second revision to the Agreed Order with the time extension requested as stated in the backup.

Dr. Larsen seconded the motion and it passed with a vote of 4 to 0. Mr. Goodman was off the dais at the time of the vote.

Mr. Holland recognized Westlake Mayor Dave Claunch and commended him for his efforts in the facilitation of the RVWS annexation by Water District #10.

Mr. Smith said that he would be proud to sponsor Resolution #280411-01 recognizing Mayor Claunch.

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

Ms. Stone presented a plaque to Mayor Dave Claunch.

4g. Discussion and possible action related to communications by Centex, Inc. concerning the most recent District rule-making and its formal request for re-consideration.

Mr. Mike Gershon, representing Centex questioned the Board's statutory authority to enforce drought restrictions of more than 40% for Centex and reviewed the previously provided request for re-consideration of the most recent rule-making.

After discussion, the Board adjourned into Executive Session under Texas Government Code Section 551.071 (Consultation with Attorney) at 6:54 p.m. Ms. Stone stated that no action would be made while in Executive Session.

The Board reconvened in Open Session at 7:24 p.m. Ms. Stone stated that no action was taken while in Executive Session.

Mr. Smith moved to grant the motion for reconsideration made by Centex.

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

Mr. Gershon pressed the Board for specific answers, but Ms. Stone said that our attorney would contact him.

4b. Discussion and possible action on assessing the status of drought triggers and declaring a Stage II-Alarm Drought.

Staff reported that both drought indicators were now below their respective triggers for Stage II-Alarm Drought, indicating that we were within that drought stage.

Mr. Goodman moved to declare a Stage II-Alarm Drought effective immediately.

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

4c. Update, discussion, and possible action related to developments concerning the District's legislative agenda and other relevant legislative initiatives that potentially affect the District.

Mr. Holland briefed the Board on the progress and status of legislative bills of interest, and in particular developments concerning the District's bills.

No action was needed.

4d. Discussion and possible action related to selecting the winner of a college scholarship in the District's groundwater essay contest.

Mr. Holland recommended the award of a \$1500 college scholarship to Isaac Riley of Austin Bowie High School for his winning essay titled "What Individuals Can Do to Prevent Non-Point Source Pollution", as identified by a panel of independent judges in the District's essay contest.

Mr. Franklin moved to select Isaac Riley of Bowie High School as the winner of the District's college scholarship essay contest; to congratulate and award him a \$1500 scholarship to the university, community college, or training institute of his choice, and to thank the judging panel for their good work in making this selection.

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

4e. Discussion and possible action on amending the contract with Brian Zavala for website design services for an additional phase of ongoing support.

Mr. Holland explained the need for ongoing support of the District's website, and how the contract served that need. He also noted that the address for the Consultant on the draft contract was an old one and needed to be corrected to his new one.

Dr. Larsen stated that he felt like the contract should have more of a stipulated overall cost ceiling, rather than just task ceilings, and noted that current and especially future staff members should be able to do all of this contracted work.

Mr. Smith moved to approve the contract amendment with Brian Zavala as included in the backup with all necessary corrections.

Mr. Goodman seconded the motion and it passed with a vote of 4 to 1, with Dr. Larsen voting nay.

4f. Discussion and possible action on report on draft Managed Available Groundwater estimates by the TWDB for the Saline Edwards aquifer in the District.

Mr. Holland recommended that no action should be taken on the MAG report until the technical staff has had an opportunity to fully vet the methodologies and the input parameters used, and provide the Board with a more comprehensive assessment of the report.

Ms. Stone stated that this item would return to a future agenda when staff has had time to review the report.

No formal action was taken.

4h. Discussion and possible action relating to *City of Kyle vs. Goodman et al. and the Barton Springs Edwards Aquifer Conservation District, Cause No. 10-1267, 22nd District Court, Hays County, Texas.*

The Board adjourned into Executive Session under Texas Government Code Section 551.071 (Consultation with Attorney) at 8:15 p.m. Ms. Stone stated that no action would be made while in Executive Session.

The Board reconvened in Open Session at 8:37 p.m. Ms. Stone stated that no action was taken while in Executive Session.

No Board action was taken in Open Session.

5. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 8:38 p.m.

Approved by the Board:

By: 
Mary Stone, President

Attest: 
Craig Smith, Secretary