

**Barton Springs/Edwards Aquifer Conservation District  
Board of Directors Meeting Minutes  
Regular Meeting  
July 11, 2013**

Board members present at commencement: Mary Stone, Bob Larsen, Craig Smith and Blake Dorsett. Gary Franklin was out of town. Staff present: John Dupnik, Kirk Holland, Dana Wilson, Brian Hunt, Kendall Bell-Enders, Vanessa Escobar and Tammy Raymond. Bill Dugat of Bickerstaff Heath 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 6:00 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 27, 2013, Regular Meeting.**
3. **Approval and execution of a contract with Charles Porter to develop and implement a strategy to inform real estate professionals and buyers of water well-related requirements and responsibilities.**

Mr. Dupnik stated that at the last meeting the Board directed staff to negotiate a scope of work and cost limitation with Charles Porter to assist the District in working with the real estate brokerage community to promote timely notice to new well owners of the District's permitting and other regulatory requirements.

Mr. Smith moved approval of the consent agenda items 1 through 3.

Dr. Larsen 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.**

**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 on recent activities of teams and directors;**
- ii. Update on permitting and non-drought regulatory activities;**
- iii. Update on the City of Austin's proposed changes to the Watershed Protection Ordinance;**
- iv. Update on the progress of District efforts to characterize the Saline Zone of the Edwards Aquifer;**
- v. Update on the status of *SOS Alliance v. City of Kyle, Goodman et al., and the Barton Springs/Edwards Aquifer Conservation District.***

Mr. Dupnik, Mr. Holland, staff, and Mr. Dugat 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.**

A brief report was given by Ms. Stone.

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

##### **4a. Discussion and possible action related to reviewing the draft FY 2014 annual budget and fee schedule and setting a public hearing.**

Mr. Holland provided an overview of the draft FY 2014 annual budget.

Dr. Larsen was concerned that the Saline Zone Westbay well project had not been included in the draft.

Mr. Holland explained that the proposed Saline Zone Westbay well project was excluded as a specific line item because of the uncertainty of the timing and amount of the project. He said that the expense would require a Board-approved transfer from reserves to fund it, regardless. If the project commences in FY 2014, the Board could at that point approve a budget amendment authorizing the use of reserves to provide the necessary funds.

After discussion, Mr. Smith moved to authorize draft Version C 7-2-13 as the proposed budget for FY 2014, and to set a Public Hearing in the July 25, 2013 Board meeting.

Mr. Dorsett seconded the motion.

Ms. Stone called for a vote.

The motion passed with a vote of 3 to 1. Dr. Larsen voted nay.

##### **4b. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments for the month of May 2013.**

Mr. Dupnik stated that the majority of the permittees were compliant with their UDCP curtailments for the month of May and that, in accordance with the enforcement plan, no enforcement or pre-enforcement actions were recommended..

No Board action was needed.

##### **4c. Discussion and possible action related to the Texas Commission on Environmental Quality's hearing (TCEQ Docket No. 2010-1040-MIS) before the State Office of Administrative Hearings (SOAH Docket No. 582-10-5643) on Groundwater Conservation District Creation Recommendations for the Hill Country Priority Groundwater Management Area in Travis and Comal Counties.**

Mr. Dupnik provided a short history of the District's involvement with supporting efforts to provide groundwater management by GCDs in the unmanaged portion of the PGMA, namely southwestern Travis County. He also informed the Board that because previous attempts at

creating a district in southwestern Travis County through legislative efforts have failed, the TCEQ has provided notice to fulfill their obligation to resume the hearing on recommendations for GCD creation. The TCEQ also reaffirmed their primary recommendation for southwestern Travis County was annexation by the BSEACD.

Mr. Dugat reminded the Directors that as a result of changes to the Water Code governing TCEQ in 2011, a confirmation election is no longer required when a GCD annexes an area in a PGMA in response to a TCEQ order.

The Board discussed the various aspects of the issue and generally agreed that before the District would agree to annex:

1. the District would need to know that annexation was generally supported by local officials, legislators, and affected stakeholders, and
2. there would need to be some assurance that the management of the area by the BSEACD, if annexed, would be properly funded in such a way that service to current constituents was not affected or diminished.

After discussion, Mr. Smith moved to direct staff to participate in the preliminary hearing and re-affirm the District's party status in the hearing.

Dr. Larsen seconded the motion and it passed with a vote of 4 to 0.

**4d. Discussion and possible action related to the District's participation in providing comments and input into the design, construction, and the environmental assessment associated with State Highway 45 Southwest.**

Mr. Dupnik explained that the item was posted on the agenda in response to Mr. Smith's request, and in response to a notice in the Texas Register advertising the intent to initiate the work on the EIS. After the item was placed on the agenda, TxDOT sent a letter directly inviting the District to participate in the scoping meeting on July 31, 2013, and to be a participating agency.

Mr. Smith offered up a draft resolution reciting the District's involvement and concerns in the project as memorialized in the BSEACD/TxDOT Consent Decree, and accepting the invitation to participate in the EIS development.

Dr. Larsen offered some minor edits to the draft Resolution.

Mr. Smith moved to adopt Resolution 071113-01 as amended by the Board.

Dr. Larsen seconded the motion and it passed with a vote of 4 to 0.

**4e. Discussion and possible action related to approving a professional consulting services contract with Kirk Holland to provide continued support in FY14.**

The Board adjourned into Executive Session at 7:58 p.m. as authorized under the Texas Government Code 551.071 Consultation with Attorney. Ms. Stone stated that no actions or decisions would be made in Executive Session.

The Board re-convened into Open Session at 8:14 p.m. Ms. Stone stated that no actions or decisions were made while in Executive Session.

Mr. Smith moved to adopt the Professional Services Contract discussed in Executive Session between Kirk Holland and the District.

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

**5. Adjournment.**

Without objection, Ms. Stone adjourned the meeting at 8:15 p.m.

Approved by the Board on July 25, 2013:

By: Mary Stone  
Mary Stone, President

Attest: Craig Smith  
Craig Smith, Secretary