

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
December 17, 2009**

Board members present at commencement: Mary Stone, Gary Franklin, and Craig Smith. Robert Larsen and Jack Goodman were out of state. Staff present: Kirk Holland, Brian Smith, John Dupnik, Brian Hunt, Robin Gary, 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 6:00 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.

4. Regular Meetings: New Business.

4d. Discussion and possible action on approving an extension of the well drilling authorization for St. Andrews High School.

Mr. Tom Caponi of Bury & Partners stated that he was representing St. Andrews High School, and requested a 1-year extension on their well drilling application. He said that they were in the process of receiving bids and hoped to start drilling in January.

After discussion, Mr. Smith moved approval of the 1-year extension.

Mr. Franklin seconded the motion and it passed unanimously with a vote of 3 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 November 19, 2009, Regular Meeting & Public Hearings.**
3. **Approval of a Conservation Credit for the City of Sunset Valley that was earned in FY 2009.**

After discussion of the circumstances arising from a policy change in the calculation of conservation credits for those permittees with no pumpage in a fiscal year, Mr. Smith moved approval of the consent agenda as stated above, noting an additional Conservation Credit in the amount of up to \$3219.00 related to the City of Sunset Valley .

Mr. Franklin seconded the motion and it passed unanimously with a vote of 3 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. **Update on 319(h) and HCP grant projects.**
 - ii. **Update on GMA-9 activities and status.**
 - iii. **Update on Technical Team activities**
 - iv. **Update on intergovernmental water conservation coordinating group activities.**
 - v. **Update on progress and schedule in developing the District's 2009 Annual Report.**

Mr. Holland and staff updated the Board and answered directors' questions on the teams' activities concerning the items listed above. No Board action was taken.

4. Regular Meetings: New Business.

4e. Discussion and possible action related to interpreting "domestic use" more broadly, to include certain non-residential uses that have similar use characteristics, and to approve the resulting inclusion of a prospective public

safety facility as an “exempt” user.

Chief Warren Hassinger from the Travis County Emergency Services District #5 stated that he was requesting an exempt well from the District for a new fire station, with firefighters’ routinely and continuously staying over-night on the property, and with the water only to be used for drinking, cooking, bathing and other domestic-type uses, and not for firefighting purposes.

After discussion as to the differences and applicability of exempt wells and non-exempt domestic use (NDU) wells and the volume required for the intended purposes, Mr. Smith made the following motion:

Whereas, [TC ESD #5] desires to drill an Edwards Aquifer well for a new fire station on FM 1626,

Whereas, the use of the water from such a well would be essentially for domestic use,
Whereas, the capacity of the well would limited to no more than 500,000 gallons per year,
Therefore, the Board of the BSEACD determines that such a well would qualify as an NDU well under the District rules.

Mr. Franklin seconded the motion and it passed unanimously with a vote of 3 to 0.

4a. Discussion and possible action related to approving a change in drought status of the District, from Alarm Stage Drought to No Drought.

After discussion, Mr. Franklin moved to declare a No Drought status effective immediately, ending the 2008-2009 Drought.

Mr. Smith seconded the motion and it passed unanimously with a vote of 3 to 0.

4b. Discussion and possible action on legislator/county commissioner comments on TCEQ decisions and interfaces.

Mr. Holland updated the Board on the ongoing discussions with legislators, commissioners, and staff concerning TCEQ decisions and reports.

No action was required.

4c. Discussion and possible action related to the development of the District Board’s recommendations to the GMA 10 Coordinating Committee concerning Desired Future Conditions for one or more relevant aquifers in the Northern Subdivision of the GMA, including establishing a schedule for public meeting(s) and for future Board action on establishing such recommendations, as part of the joint regional groundwater planning process.

Mr. Holland gave a report on the status and tentative schedule for producing DFCs in GMA 10. No action was required.

5. Regular Meeting: Continued Business.

5a. Discussion and possible action related to the use of treated municipal wastewater as an alternate water supply for Centex and Texas Lehigh.

Mr. Holland and Mr. Dupnik updated the Board on the discussions with Texas Lehigh and Centex concerning treated effluent reuse and rulemaking concerns.

No action was required.

5b. Discussion and possible action related to the Alarm Stage Drought management program of the District, including 1) compliance by District permittees with their User Drought Contingency Plans in November 2009, and 2) developments concerning ongoing enforcement actions for non-compliant permittees and possible initiation of additional enforcement actions as warranted.

Mr. Holland reported that all permittees were in compliance, and no action was needed.

5c. Discussion and possible action related to status and progress on the contested-case SOAH proceedings associated with the TCEQ preliminary decision on the TLAP for Jeremiah Venture, L.P.

Mr. Bill Dugat gave an update on the status of the Jeremiah Venture TLAP contested case and settlement discussions, and stated that Hays County was taking the lead in the settlement discussions and related investigative arrangements, and he had no new information to report at this time.

5d. Discussion and possible action related to the Travis County Water Control and Improvement District 10 decision on annexing Ridgewood Village Water System as it relates to the District's Agreed Order with RVWS.

Mr. Smith gave an update on the status of the negotiations between Ridgewood Village Water System and Travis Co. WCID 10.

Mr. Holland commented that a minor amendment related to timing may be needed on their current Agreed Order with the District, but the need for and specifics of that amendment were now indeterminate.

No action was required.

5e. Discussion and possible action related to pumping of non-flood flows of Onion Creek by a private individual in the contributing zone to fill a large reservoir for uses that appear to be other than domestic and livestock or wildlife conservation.

The Board discussed the pumping of non-flood flows from Onion Creek in the contributing zone to fill a large reservoir that diminishes recharge to the aquifer, and authorized the General Manager, accompanied by Craig Smith, to meet with LCRA and with the landowner to discuss the District's concerns.

6. Adjournment.

Ms. Stone adjourned the meeting at 7:48 p.m.

Approved by the Board:

By: 
Dr. Robert Larsen, President

Attest: 
Gary Franklin, Secretary