



Edwards Aquifer Authority

900 E. Quincy
San Antonio, TX 78215
EdwardsAquifer.org

Meeting Minutes - Final

Board of Directors

Tuesday, May 14, 2019

3:00 PM

EAA Board Room

A. Call to Order – Roll Call – Pledge of Allegiance.

Vice-Chairman Youngblood called the meeting to order at 3:02 p.m.

Present: 13 - Director Deborah Carington, Treasurer Ron Ellis, Director Rader Gilleland, Director Don Laffere, Director Gary Middleton, Director Byron Miller, Director Carol Patterson, Director Abe Salinas, Director Rachel Sanborn, Director Pat Stroka, Secretary Enrique Valdivia, Director Clark Ward, and Vice Chairman Ben Youngblood

Absent: 4 - Chairman Luana Buckner, Director Kathleen Krueger, Director Ron Walton, and Director Scott Yanta

B. Public comment.

There were no citizens who requested to address the board.

C. General Manager's announcements and reports.

C.1

- Staffing Items of Interest (anniversaries, new hires)
- Recent Activities/Events (reports on conferences attended, meetings held, etc.)
- Legislative Activity
- Upcoming Activities/Events (conferences, meetings, etc.)
- Operational Announcements (schedule changes, program updates, etc.)
- Recent Activities of the Edwards Aquifer Habitat Conservation Program
- Aquifer Conditions

Mr. Roland Ruiz, General Manager, made the following announcements:

- *Ms. Jesse Chadwick was hired as a Hydrologic Coordinator for Aquifer Science.*
- *Ms. Dalia Reinders was hired as an Administrative Assistant I for Human Resource Services.*
- *Ms. Sarah Flores Valdez, Stem/School Educator, completed 15 years of service with the EAA.*
- *Our EAA Tube Chute team took first place in New Braunfels at the annual Thru the Chute boat race. The team consisted of Brannndon Trigg, Charles Bradshaw, and Chris Morgan.*
- *Directors received a copy of the 2018 Withdrawal Summary report.*
- *Directors also received a copy of a memorandum and analysis performed by staff on the federal use of Edwards Aquifer water as it relates to the Edwards Aquifer Habitat Conservation Plan (EAHCP). This issue would be discussed at the Implementing Committee meeting on May 23.*
- *A legislative update report was presented which highlighted House Bill 2729 and House Bill 3656.*
- *Mr. Paul Bertetti, Director of Aquifer Science, briefed the board on current aquifer conditions.*

D. Treasurer's Report**D.1**

Receive report from EAA staff on unaudited financial statements for March 2019.

Treasurer Ellis presented the unaudited financial statements for March 2019.

E. Board Reports**F. Consent Agenda****F.1**

Approval of previous board meeting minutes
- Regular Board Meeting - April 9, 2019

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- Regular Board Meeting - April 9, 2019

- F.2 Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by Schertz 312, LLC, based on a change in land use.**

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Regular Permit No. P108-788 (CO00119) based on a change in land use submitted by Schertz 312, LLC.

[Attached and made a part of these minutes.]

- F.3 Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by Schertz 312, LLC, based on a change in land use.**

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Regular Permit No. P100-705 (CO00118) based on a change in land use submitted by Schertz 312, LLC.

[Attached and made a part of these minutes.]

- F.4 Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by Schertz 312, LLC, based on a change in land use.**

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Regular Permit No. P100-665 (CO00102) based on a change in land use submitted by Schertz 312, LLC.

[Attached and made a part of these minutes.]

- F.5 Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by Tierra Lytle LLC, that is in excess of the one acre-foot per acre of historically irrigated land.**

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater in excess of the one acre-foot per acre of historically irrigated land for Initial Regular Permit No. P100-077(BE00042) submitted by Tierra Lytle LLC.

[Attached and made a part of these minutes.]

- F.6 Consider recommendation from the Permits/Enforcement Committee to approve ASR springflow protection program forbearance agreements with Stolte Farms, Ltd., Colby Joe Heyen, and Henry P. DeCock for the Aquifer Storage and Recovery Forbearance Program, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$517,277.70.**

Adopt Resolution and Order No. 05-19-933 of the Edwards Aquifer Board of Directors to approve springflow protection program forbearance agreements with the permit holders listed below, to the EAA for the Aquifer Storage and Recovery Program in support of the Edwards Aquifer Habitat Conservation Plan, and authorizing the General Manager to execute the agreements.

[Attached and made a part of these minutes.]

- F.7 Consider recommendation from the Permits/Enforcement Committee to restore limited production well status for the well owned by Fernando & Jesusa Castillo, based on the owners' ability to meet annual groundwater withdrawal limits.**

Adopt an Order Vacating the Order Rescinding Limited Production Well Status issued on May 8, 2018, pursuant to Section 711.70(b) of the EAA Rules relative to Well No. W105-694, owned by Fernando & Jesusa Castillo.

[Attached and made a part of these minutes.]

- F.8 Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for March 2019.**

Approve payment to Kemp Smith in the amount of \$62,941.53, for legal services for March 2019.

A motion was made by Director Patterson, seconded by Director Laffere, to approve the consent agenda. The motion passed viva voce.

G. Individual Consideration

- G.1** Consider recommendation from the Finance/Administrative Committee to approve a contract with Quacito LLC, for development of an EAA database and data migration, in an amount not to exceed \$500,000.

A motion was made by Treasurer Ellis, seconded by Secretary Valdivia, the board adopt Resolution and Order No. 05-19-934 of the Edwards Aquifer Authority Board of Directors approving Contract No. 19-927-AFS between the EAA and Quacito, LLC, for development of an EAA database and data migration services, in an amount not to exceed \$500,000, for the period May 15, 2019 through December 31, 2020. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.2** Consider recommendation from EAA staff to refer to General Counsel an enforcement matter against 7-Eleven, Inc. and Sonnahr Enterprises, Inc., for violations of EAA rules, and authorize General Counsel to file a civil suit, if necessary.

The board discussed this agenda item in closed session.

H. Staff Reports

I. Closed Session.

The Board of Directors of the Edwards Aquifer Authority may go into a closed session under the authority of the Government Code, Chapter 551, Texas Open Meetings Act, to discuss:

Vice-Chairman Youngblood closed the meeting to the public at 3:25 p.m.

I.1**Closed Session.**

1. Consultation with Attorney - Pending Litigation (§ 551.071)

Active Litigation:

League of United Latin Am. Citizens v. Edwards Aquifer Auth. (5th Cir. filed Aug. 9, 2018)

Uvalde Cty. UWCD v. Edwards Aquifer Auth. (38th Uvalde Cty. filed Jan. 16, 2018)

Gibson v. Edwards Aquifer Auth. (37th Bexar Cty. transferred Sept. 6, 2018)

Gonzales v. Mendez (285th Bexar Cty. filed Sept. 20, 2018; EAA intervened May 8, 2019)

2. Consultation with Attorney - Attorney/Client Privileged Consultations (§ 551.071)
3. Consultation with Attorney - Settlement Offers (§ 551.071)
4. Consultation with Attorney (§ 551.071)
5. Deliberations Regarding Real Property (§ 551.072)
6. Deliberations Regarding Personnel Matters (§ 551.074)

Vice-Chairman Youngblood reopened the meeting to the public at 3:53 p.m.

J. Consider recommendation(s) regarding matters discussed in closed session.

A motion was made by Secretary Valdivia, seconded by Director Laffere, the board refer to counsel an enforcement matter against 7-Eleven, Inc. and Sonnahr Enterprises, Inc., for failure to meet certain underground storage tank rules in Subchapter G (relating to Aboveground and Underground Storage Tanks) of Chapter 713 (relating to Water Quality) of the EAA Rules, and to authorize counsel to take all steps necessary to resolve such matter, including the filing of a civil suit, as may be necessary. The motion passed viva voce.

K. Discuss items for future board meeting agendas.

The board did not discuss future board meeting agenda items.

L. Adjournment.

There being no further business to discuss, the meeting adjourned at 3:54 p.m.

Enrique P. Valdivia
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary