

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, Texas
Thursday, January 14, 2015
Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a board meeting on Thursday, January 14, 2015 at 1:30 p.m. at the Clearwater UWCD Building, located at 700 Kennedy Court, Belton, Texas.

Board Members Present:

Leland Gersbach, President
Wallace Biskup, Vice President
Judy Parker, Secretary
David Cole, Director
Gary Young, Director

Public Advisory Committee:

Bill Schumann
Henry Bunke
Bradley Ware

Staff:

Dirk Aaron
Shelly Chapman

Guests:

Peter DiLillo

Workshop convened with President, Leland Gersbach, at 1:30p.m.

Workshop #1. Discuss Groundwater Management Area 8 efforts on RFP and proposed GAM Run.

Dirk brought the board up to date on GMA8 efforts. GMA8 is currently in the 2 year process of pursuing new DFCs as mandated by the last Legislative Session. Prior to now, TWDB was responsible for the GMA runs. Due to budget cuts, they are no longer doing this. Each GMA is now required to hire a consulting firm to do the GAM runs. Dirk was approached by several other Districts with concerns about the process. They were concerned that INTERA would automatically be chosen for this project. Judy Parker asked why this wasn't being put out to bid. They were told it was because it was a professional engineering service and Intera had been chosen to update the model and this was the next phase. The members did not agree. The GMA8 members were going to be asked to "rubber stamp" Intera as the consultant for \$104,000. Because of questions that arose from this decision, the next meeting was cancelled. The RFQ draft is complete but has not yet been sent to GMA8. Dirk said the other GM's were concerned that the price from Intera was excessively high. Judy was also concerned that Intera was going to use some of their original data there was conflict with some of the original data and they wanted a fresh look.

Workshop closed and Board Meeting convened with President, Leland Gersbach at 1:47 p.m.

1. Invocation and Pledge of Allegiance:

Vice President, Wallace Biskup, gave the invocation.
Secretary, Judy Parker, lead the Pledge of Allegiance.

2. Public Comments:

None

3. Approve minutes of the December 10, 2014 Board Meeting and Workshop.

Director, Gary Young, moved to approve the Minutes of the December 10, 2014 Board Meeting and Workshop. Secretary, Judy Parker, seconded the motion. **Motion carried 5-0.**

4. Discuss, consider and take action if necessary to accept the monthly financial report for December, 2014 as presented.

Secretary, Judy Parker, moved to accept the monthly financial report for December 2014 as presented. Director, David Cole, seconded the motion. **Motion carried 5-0.**

5. *Discuss, consider and take action if necessary to accept the monthly Investment Fund account report as presented.*

Director, David Cole, moved to accept the monthly investment fund account as presented. Vice President, Wallace Biskup, seconded the motion. **Motion carried 5-0.**

6. *Discuss, consider and take appropriate action on proposed Legislative Services.*

Dirk explained to the Board the need for Legislative Services. Dirk and Leland met with Ty Embrey, Attorney with Lloyd Gosselink concerning the upcoming 2015 Regular Session of the 84th Texas Legislature. Discussion focused on the interim charges, TWCA Consensus Legislation, and the services provided by legal.

The proposed cost for the services in a six month flat fee per month has been amended to \$4,166.66 not to exceed \$25,000.00 in FY15.

This plan would provide CUWCD with its legislative needs under a monthly flat fee arrangement for several reasons, including budgetary certainty for CUWCD and the entire investment made by LG to build our legislative relationships. They have amended their original proposal of a flat fee of \$5000 a month for the six (6) months of legislative activity for a total of \$30,000.00, down to the \$25,000.00 fee billed monthly at \$4166.66.

They will work closely with CUWCD Board and Staff to ensure that they do exactly what CUWCD wants. We would be working on all of the different legislative issues that could impact CUWCD, such as issues related to Chapter 36 of the Texas Water Code, the Regional Water Planning process, the Texas Open Meetings Act, the Texas Public Information Act, the Texas Election Code, property taxes, Aquifer Storage and Recovery, Brackish Legislation and any other issues identified by CUWCD and LG.

Codification is more complex per GM's discussion with Stacey Bergendahl, Legislative Council Attorney. Ty has verified that Senator Fraser will have an omnibus water district this session that will make substantive changes to the enabling acts of the water districts that are included in the bill. Ty says that typically, the codification bill that Legislative Counsel works on every Regular Session makes non-substantive changes to the enabling acts of the districts that are included in the codification bill.

It appears that Leg Counsel wants the codification of Clearwater UWCD's enabling act to occur next session (85th Session in two years) and to be part of the non-substantive codification bill.

Ty has agreed by email that the work on Senator Fraser's Omnibus Bill this session that would make a substantive change to CUWCD's enabling act by removing Chapter 49 powers would definitely be part of the services they would provide as part of the \$25,000 flat fee

Dirk recommends the Legislative Services of Lloyd Gosselink as described be utilized for January thru June 2015. He also pointed out where funds could be adjusted on the budget to cover this expense. He explained that \$15,000 could be transferred from Endangered Species (53072) and \$10,000 from General Rules (53703) to cover the Legislative Services fee. He also explained that an additional \$2,675 could be moved from Endangered Species (53702) to cover expenses for Legislative Research/Analysis (53704). If the Board agrees to approve these services, there will be a budget line item amendment on the next agenda item.

Secretary, Judy Parker, moved to approve legal fees for Legislative Monitoring not to exceed \$25,000. Vice President, Wallace Biskup, seconded the motion. **Motion carried 5-0.**

7 *Discuss, consider and take action if necessary to approve the FY15 line item budget amendments as requested.*

Dirk explained the line item amendments during the discussion of Agenda Item #6. Leland asked for a motion to accept the FY15 line item budgets as presented.

Vice President, Wallace Biskup, moved to approve the budget amendments as requested. Director, Gary Young, seconded the motion. **Motion carried 5-0.**

8. *Discuss, consider and take action if necessary to change Board Meeting dates in February and July 2015.*

Dirk informed the Board that the TAGD meeting in February has been scheduled for Feb 11-12. Judy and Dirk will be attending that meeting. Dirk is requesting that the Board move the February meeting from February 11th to February 18th to allow Dirk and Judy to attend TAGD. Leland informed the Board that he will be out of town on July 8th and requested the Board move the July 8th meeting to July 15th.

Director, David Cole, moved to approve the date changes for the February and July meetings. Vice President, Wallace Biskup, seconded the motion. **Motion carried 5-0.**

9. *Discuss, consider and take action if necessary on a request for Tax Abatement Agreement with Block 015 Arcadia, LLC.*

Dirk presented the request for Tax Abatement for Arcadia, LLC. Leland Gersbach explained that it has been the position of the Board in the past not to grant tax abatements. Judy Parker commented that the District has received numerous requests for tax abatements over the past 10 years. If the District were to grant all of the abatement requests, the District would have to raise taxes.

Vice President, Wallace Biskup, moved to deny this request for tax abatement. Secretary, Judy Parker, seconded the motion. **Motion carried 5-0.**

10. *Discuss, consider and take action if necessary on a request for Tax Abatement Agreement with Block 015 Doering, LLC.*

Dirk presented the request for Tax Abatement for Doering, LLC.

Secretary, Judy Parker, moved to deny this request for tax abatement. Vice president, Wallace Biskup, seconded the motion. **Motion carried 5-0.**

11. *Discuss, consider and take action if necessary on a request for Tax Abatement Agreement with DanHil Fulfillment Center.*

Dirk presented the request for Tax Abatement for DanHil Fulfillment Center.

Director, Gary Young, moved to deny this request for tax abatement. Director, David Cole, seconded the motion. **Motion carried 5-0.**

12. *Discuss, consider and take action if necessary on proposed additional Karst Investigation by Baylor University as presented December 10th.*

Dirk reminded the Board that the proposed additional Karst Investigation by Baylor University was presented by Stephanie Wong, on behalf of Kori Taylor, during the December 10th Workshop. Dirk pointed out that this study is to enhance the current Edwards study currently be conducted by Baylor. This is a “no cost” request to the District and will be funded by the Geology Dept. at Baylor. Dirk included a copy of the power point presented at last month’s meeting. The purpose is to compare the density and types of recharge features found and to provide information helpful to Stephanie Wong and the District to help us understand recharge in the Northern Segment of the Edwards BFZ Aquifer. Kori’s results will be summarized in a senior thesis document which will be provided to the District at the end of the study. The anticipated completion date is January 2016. Dirk also recommended Kori present her finding at the next Water Symposium.

Director, David Cole, moved to approve the additional Karst Investigation by Baylor University. Vice President, Wallace Biskup, seconded the motion. **Motion carried 5-0.**

13. Discuss, consider and take action if necessary on proposed scientific investigation of the Middle Trinity Aquifer by Baylor University as presented December 10th.

Dirk reminded the board that the proposed Investigation of the Middle Trinity Aquifer by Baylor University was presented at the December 10th meeting. Dirk included a copy of the power point and proposed budget presented by Jim Tucker. Dirk was informed by Dr. Yelderman that if the project is approved, there will be a 15% charge added by Baylor for the project. The budget for this study would be set not to exceed \$6,670. If the Board approves this study, Dirk will present a request for a budget line item amendment once the agreements are signed with Baylor. The funds would have to come from the Contingency Fund. The anticipated completion date for this study is May 2016. Dirk also recommended that Jim present an update on his finding at the next Water Symposium.

Secretary, Judy Parker, moved to approve the Investigation of the Middle Trinity Aquifer by Baylor University not to exceed \$6,670. Vice President, Wallace Biskup, seconded the motion. **Motion carried 4-0-1** (Gary Young stepped out of the room).

14. General Manager's report concerning office management and staffing related to District Management Plan.

- * Electricity contract has been renewed with AmeriPower at .0548/KWH
- * Upcoming TAGD Meetings are scheduled for February 11-12, June 2-3, August 25-27 (Dirk encouraged all Directors to hold this date open and attend if possible), October date and location TBD.
- * Upcoming TWCA Meetings are scheduled for March 4-6 and June 17-19.
- * GMA8 – Dirk reminded the Board that Judy represents the District at the voting delegate; DFC process is still ongoing. Deadline to submit to TWDB is May 2016; RFQ for GAM runs is being developed. GAM runs in the past were conducted by TWDB.
- * Dirk suggested a Salamander Update and Meeting is needed with Leadership of Salado to offset false information.
- * Dirk will be speaking to the Hidden Springs HOA water issues forum for the residents on Jan 24th.
- * Would like to take updated pictures of the Board at the February meeting.
- * Annual report will be presented at the February meeting.
- * Annual financial audit is still on going and will be presented at the February meeting.

15. Receive monthly report and possible consideration and Board action on the following:

- a. Salado Creek stream flow gauges
- b. Education Outreach Update
- c. Monitoring wells
- d. Rainfall/Drought Conditions
- e. Well registration
- f. Non-exempt Monthly well production

(Copies of the Monthly Staff Reports were given to the Board Members to review. No action required. Informational items only.)

16. Public Advisory Committee comments.³

None

17. Director comments³

Judy Parker – Region G and HDR Engineering will be conducting a meeting in Williamson County on February 21st (time and location TBD) to discuss future of their water planning and explain what is available and where some of the local fallacies have been. Judy will be attending.

18. Discuss agenda items for next meeting.

Workshop – Legislative updates and ESA update.


19. *Set time and place of next meeting.*
February 18, 2015; 1:30 p.m.

20. *Adjourn.*

Meeting adjourned by President, Leland Gersbach at 3:09 p.m.


Leland Gersbach, President

ATTEST:



JUDY PARKER, Secretary

(A compact disc of this meeting is available upon request.)