

MINUTES

**Lower Colorado Regional Water Planning Group Meeting
January 9, 2013
LCRA Dalchau Service Center
3505 Montopolis Drive, Austin, Texas**

Members Signing In

Jim Barho, Environmental
Jim Brasher, GMA 15
John Burke, Water Utilities
John Dupnik, GMA 10
Joe Cooper, GMA 12
Ron Fieseler, GMA 9
Ronald Gertson, Small Business
Karen Haschke, Public
Barbara Johnson, Industries
Joe King, Electric Generating Utilities
James Kowis, River Authorities
Teresa Lutes, Municipalities
Bill Neve, Counties
Charles Shell, Alternate, GMA 8

Doug Powell, Recreation
Mike Reagor, Municipalities (Elected)
Robert Ruggiero, Small Business
Haskell Simon, Agriculture
James Sulzemeier, Counties
Byron Theodosios, Counties
Paul Tybor, GMA 7
David Van Dresar, Water Districts
Brandon Wade, Municipalities (Elected)
Jennifer Walker, Environmental
David Bradsby, Non-voting, TPWD
David Meeseay, Non-voting, TWDB

Voting Members Absent

Richard Eyster, Non-voting, TDA
Billy Roeder, Agriculture

Consultants/Support/Visitors/Others

Jaime Burke, AECOM
Sam Marie Hermitte, TWDB
Larry Hoffmann, self
Andy Johnston, HALFF Associates
Mary McAllister
David M. Lindsay, Recreation Alternate, CTWC
Ashley S. Harper, TX State Student, Geo-Water Resources
Kodi Sawin, Sawin Group
Tommy Koch, Texas Water Alliance, HH Ranch
Karen Bondy, River Authorities Alternate, LCRA
Don Kiser, LCRA
Phillip Spenrath, Wharton County Judge
Lauri Gillam, City of Pflugerville

Cindy Smiley, Smiley Law Firm for CTWC
Izzy Neusch, CTWC
Jo Karr Tedder, CTWC
James Miller, City of Bastrop
David Wheelock, River Authorities, Alternate, LCRA
Jeff Fox, Municipalities Alternate, City of Austin
Danielle Martin, City of Austin
Gary N. Oradat, Oradat & Associates, for City of Pflugerville
Randy Wilburn, Randall Wilburn Law
James Totten, Lost Pines GCD
Matt Webb, TAMU

Quorum

Quorum: Yes

Number of voting members or alternates representing voting members present: 24

Number required for quorum per current voting membership of 25: 13

Formal Actions Taken

1. Approved Nominating Committee Recommendations for the Executive Committee (See item 3., below)
2. Approved election of Mike Reagor and Brandon Wade to represent the Municipalities Interest category. (See items 4 and 5., below)
3. Approved the minutes from the October 10, 2012 meeting, with noted corrections. (See item 7., below)
4. Approved Bylaws Committee recommended changes to the Bylaws with changes as noted during the meeting. (See item 9, below)
5. Approved the process for identifying potentially feasible water management strategies as presented and discussed. Additionally, as part of the process, hold three Region K meetings at locations up and down the basin to provide additional opportunities for public input on proposed water management strategies.

Regular Meeting

1. Call to Order:
John Burke called meeting to order at 10:00 a.m.
2. Welcome and Introductions:
Joe Cooper (GMA 12) introduced Jim Totten as his potential future replacement and designated him as his alternate. Brandon Wade (Pflugerville City Manager) introduced himself and Gary Oradat (consultant for the City of Pflugerville) and Lauri Gillam (Assistant City Manager). Mike Reagor (Llano City Mayor) introduced himself. John Burke introduced James Miller (City of Bastrop Director of Water and Wastewater) as his new alternate.
3. Report on Nominating Committee Recommendations:
A memo from James Kowis on Nominating Committee Recommendations was provided in the member packet. The committee recommended that John Burke, Jim Barho, and Teresa Lutes remain Chairman, Vice Chairman, , and Secretary, respectively. The committee also recommended Joe King, James Sultemeier, and James Kowis be elected as Executive Committee "at large" members. James Kowis motioned that the recommendations be approved, which was seconded and unanimously passed.
4. Discuss and take action on election of voting member representative for the Municipal Interest category (small cities) and 5. Discuss and take action on election of voting member representative for Mills County:

Recommendation letters for Mike Reagor and Brandon Wade were provided in the member packets. Mike Reagor, Mayor of Llano introduced himself and expressed his interest in serving as a Municipalities Interest representative. Mr. Reagor has been Mayor for four years in Llano, which has water rights on the Llano River. He worked with Natural Resources Conservation Service for 35 years, most recently on the Llano River from Junction to Llano, and has recently retired. He expresses appreciation for the group's consideration. Brandon Wade, Pflugerville City Manager, expressed his interest in being elected to serve on the Lower Colorado Regional Water Planning Group. Wade has worked for municipal government for 27 years, is a licensed professional engineer, and appreciates the group's consideration.

Chairman Burke reported that no one had applied for the Mills County opening and recommended that, Mike Reagor, the Llano County Mayor represent both Llano and Mills counties. Additionally, Brandon Wade, City Manager of Pflugerville, could also represent Municipalities resulting in two small city Municipality Interest representatives.

Ron Fieseler, noted that GMA 8 could possibly cover Mills county since Mills County is included in GMA 8. Teresa Lutes also noted that if Mayor Reagor is elected, Llano County would be represented, and the GMA 8 representative could represent Mills County. Teresa Lutes made a motion to elect both nominees, Brandon Wade and Mayor Reagor as Municipalities Interest representatives. Brandon Wade will also represent Williamson County.

Ron Fieseler asked whether the planning group needed to have an "Other" Interest category representative. John Burke indicated that the "Other" category is not a required interest category. Representation for a county can come from any interest category, so if the GMA 8 member can represent Mills County, that would not add another member. The motion to elect Brandon Wade (Williamson County) and Mayor Reagor (Llano County) as Municipalities Interest representatives was seconded and passed unanimously.

6. Attendance Report:

Teresa Lutes called the group's attention to the attendance report for the October 10, 2012 meeting and asked members to report any attendance corrections.

7. Consent Agenda:

a. Approval of Minutes from October 10, 2012 Meeting:

James Kowis provided several corrections, mostly spelling and syntax. It was noted that Visitor Mary McAllister's name had been misspelled.. Bill Neve made the motion for approval of the minutes with suggested changes, which passed unanimously

b. Financial/Budget Report:

James Kowis reported that the current balance for the Region K collected funds is \$2,040.13 (a balance sheet is available). Balance sheet for expenses and reimbursements from State Grant Funds is also available.

8. Bylaws Committee Report:

Barbara Johnson reported on language and changes made to the bylaws. The Bylaws Committee members that worked on this include Barbara Johnson, John Burke, James Kowis, Teresa Lutes, David Meesey, Rob Ruggiero, and Paul Tybor, with support from Martina Bluem of LCRA. Refer to proposed changes to Bylaws in the January 9th meeting materials packet. Barbara outlined the 4 major types of changes which included:

- 1) The process for establishing the Region K Group is no longer relevant, so that language was removed.
- 2) Language was changed to better align the bylaws to some of the group's current practices.
- 3) Clarification of the meaning of "open meetings" and the circumstances when the Open Meetings Act applies when there is a quorum, according to the Texas Open Meetings Act. It doesn't apply when there is not a quorum, for example, when committees meet, and therefore, meetings do not have to be posted, which is a significant cost savings to the group.

- 4) Updating references, for example the Texas Natural Resource Conservation Commission (TNRCC) is now the Texas Commission on Environmental Quality (TCEQ).

Barbara recommended that the Bylaws changes be approved if possible by the planning group today.

9. Discuss and take action on approval of proposed Bylaws changes:

Haskell Simon made suggested changes on pages 4, 6, and 18:

- 1) Article V, Section 4: strike “as appropriate” before the words “County Judge” on the fourth row of text
- 2) Article V, Section 6 (a) (2) ii.: add the word “immediate” before the word “family”
- 3) Article X, Section 2 (a): bottom row of text change “may” to “should” to result in “The process of building consensus should involve the development of...”

Teresa Lutes commented on preserving the intent of working towards consensus versus a simple majority, and the committee process and other options that take place beforehand to ensure that all interest concerns are heard. Teresa noted that there are some things that require a consensus process, some requiring a simple majority vote while others require a two-thirds vote. Bill Neve noted that finding a consensus is a goal but that ultimately the majority rules. Jim Barho stressed that a consensus does not necessarily mean unanimity and he appreciates the work the committee did in updating the Bylaws. Jennifer Walker suggested that it might warrant noting that not all items are decided by a consensus decision and that there may be times when a minority report would possibly be in order. James Kowis pointed out that the Bylaws specify in many cases a decision requires a simple majority, a two-thirds vote, or consensus process may be in order. Ron Fieseler appreciated the concerns raised by Haskell Simon and noted that the consensus process is a good alternative where a unanimous vote cannot be achieved. John Dupnik suggested this might be an opportunity to spell out in the Bylaws a process to record a dissenting opinion. John Burke and others expressed that recording a dissenting opinions in the minutes has worked in the past.

John Burke called for a vote. Barbara Johnson made a motion to approve the revised bylaws as submitted (by the Bylaws Committee) with Haskell Simon’s changes as noted above. James Kowis seconded the motion, which passed unanimously.

10. Texas Water Development Board (TWDB) Communications:

- a. Discussion on draft TWDB population and municipal demand projections:
David Meeseey reported that the TWDB projections are not complete, but hopes to have projections for water user groups available next month.
- b. Other regional planning issues:
David Meeseey offered to make a presentation to the group on new planning requirements. With the Legislative session underway, additional regional water planning process funding may become available. The TWDB Water Planning Rules booklet is available. Grant funding for the Water Plan is available via a contract amendment, which becomes effective January 17th. Ron Fieseler explained that changes made by TWDB in the chapter 356 rules will affect the GMA planning process, shortening the desired future condition petition process.

11. Consultant Status Report:

a. Work progress for September through December 2012:

Jaime Burke reviewed AECOM progress through December 2012 (Refer to Agenda Item 11, Consultant Status Report in the packet materials or the website for details). The Public Involvement Committee met via conference call. The meeting included discussion on website changes, ways to engage the public during the planning process, and planning for the Planning 101 presentation to be made by Mr. Meesey following today's meeting. Additional recent consultant work included preparation of materials for today's presentation on the process of identifying feasible water management strategies.

b. Schedule and future task work:

Jaime reviewed upcoming work and the revised planning schedule, which is included in the packet materials. Jaime noted that the contract amendment is now signed and becomes effective on January 17, 2013. Grant funding is available for Tasks 1, 4D, 5, 6, 7, 8, 9, 10, and 11. The due date for a planned technical memorandum, which is a summary of Tasks 2, 3, and part of 4, has been pushed back to May 1, 2014. The Task 4D Scope of Work is due before March 1, 2014. The Initially Prepared Plan (IPP) is due May 1, 2015, and final adopted plan is due November 2, 2015. The TWDB population and municipal demand projections are expected within a month. Planned near term work activities include moving forward with surface water availability modeling, and beginning work on Chapters 1 (Planning Area Description) and 7 (Drought Response), and preparing the Task 4d Scope of Work.

12. Present and receive public comments on the proposed "Process for Identifying Potentially Feasible Water Management Strategies":

John Burke noted that the planning group will receive public comments on water management strategy identification process but first Jaime Burke outlined the TWDB requirement that a planning group hold a public meeting to determine the process for identifying potentially feasible water management strategies and receive public comments. See packet materials Agenda item 12 (pages 16 through 20) outlining the proposed documentation and evaluation process. Jaime reviewed an example screening table, a rating criteria matrix (same as the one used in the last planning cycle) and a template to assist in evaluating and documenting which strategies are feasible for particular WUGs.

13. Discuss and take possible action on the proposed "Process for Identifying Potentially Feasible Water Management Strategies":

Jim Barho suggested holding three meetings upstream, central, and downstream to allow public for additional involvement opportunities. Ron Fieseler and Jim Barho discussed providing a timeline or agenda item outlining for members and the public when they can suggest strategies, for example when meetings specifically for this process are held to take public input.

Jaime Burke noted that there are agenda items in each meeting for public comment and a space on the website to submit suggestions, and that the group is still early in the process noting that there are still two years before the plan is to be submitted. Jim Barho reiterated the need for scheduling public meetings early on to solicit public input on strategies. Jennifer Walker suggested enumerating shortages and demands before identifying strategies. James Kowis suggested identifying for the public what strategies are already being looked at by the group before asking for input on additional strategies. David Meesey reminded the group about the linear process of analyzing demand and shortages data, which is to be presented in further detail in the Planning 101 presentation to be held immediately after the meeting. David Van Dresar stated he liked the process of strategy evaluation the group has used in

the past. John Burke invited comments from the public. John Dupnik suggested that comments from consultants would also be useful, due to their knowledge of the process. Jaime Burke responded that the current guidelines are updated from the last planning process, having additional studies and discussions with groups that will be implementing these strategies are all excellent sources of information, and noted that in the past, at times, it has been difficult to get feedback, but there is more time this cycle to focus on getting more responses from WUGs. Jennifer Walker suggested working with Joe Trungale to simplify the process of performing the Water Management Strategy (WMS) environmental evaluation process. Ron Gertson emphasized the importance of the members of the group populating the screening table. Teresa Lutes asked whether the TWDB Table E Template for documenting should be followed closely, specifically, if each WMS needs to be identified as potentially or not potentially feasible for meeting shortages for each WUG. David Meesey discussed gathering input from WUGs on potential WMS but many will be easily identified as not feasible and are not expected to require a significant amount of detailed evaluation. Additional WMS may be considered and the template, which is a tool that can and should be modified for Region K, can be used in the consideration process for strategies for WUGs. David Van Dresar asked whether each strategy determined to be potentially feasible has to be evaluated. David Meesey indicated that for each WUG with a need the group would have to address the statutorily required strategies along with any others strategies that may be deemed feasible to meet the WUGs need.

Public Comments on the proposed Process for Identifying Potentially Feasible Water Management Strategies:

Ron Fieseler - Provided a comment on request of Tommy Koch, consulting P.E. in Blanco County. Mr. Fieseler handed out a proposed Water Management Strategy for Region K to consider. Region L has a water management strategy which includes extending a pipeline to city of Blanco. The request is for Region K to consider this supply strategy and coordinate with Region L to supply additional water to southern Blanco County and part of Comal and Hays Counties.

Andy Johnston - citizen from south Austin: Asked if a line could be added for reuse of rainwater in the list of feasible strategies for the regional water plan.

Larry Hoffman - Expressed concern about competition for limited water resources. Asked whether the planning group is using *firm* yield (based on the drought of record)? On Water Management Strategies, suggested feasibility only may not be a good way to view strategies, stakeholder involvement should be considered. Benefit-cost analysis should be used to examine who benefits and who pays. Also need to consider the environmental requirements.

Jim Barho made the motion to adopt the proposed process for identifying potentially feasible water management strategies as presented by the consultant. Additionally, as part of the process, the committee recommended holding three Region K meetings at locations up basin, central and down basin to provide additional opportunities for public input on proposed water management strategies. The Motion was seconded and passed unanimously.

14. Other Committee Reports:

Karen Haschke presented minutes from the Region K Public Information and Participation Committee meeting on Nov. 26th. The members of the committee are Karen Haschke, chair, John Burke, James Kowis, Haskell Simon, Teresa Lutes, Jennifer Walker, and David Meesey. They were joined by consultants Jaime Burke, and Laura Raun, and Krystal Cantu and Martina Bluem from LCRA. Website improvements were

discussed, a glossary and a media page are to be added, and Committee meetings and documents will be posted.

15. Review projected 2013 Calendar:

Upcoming meeting dates: April 10th, July 10th, October 9th

Public meeting dates and locations for presenting and gathering input on water management strategies will be determined. A quorum will not be necessary for these public meetings.

16. Agenda items for next meeting

Jim Barho suggests a presentation from LCRA on proposed off-channel reservoirs for the next meeting. John Burke suggests a presentation from LCRA Meteorologist Bob Rose.

17. New / Other business

Jennifer announced the Gulf Coast Water Conservation Symposium to be held on February 19th in the Woodlands (see flier). On February 26th, the annual Central Texas Water Conservation Symposium will be held at LCRA in Austin.

Ronald Gertson passed out letter from rice producers regarding LCRA emergency order drought relief request at TCEQ.

18. Additional Public Comments:

Dave Lindsay - Central Texas Water Coalition: noted a suggested clarification on Slide 6 ("Summary of Major Items from October 2012 Meeting") as presented in AECOM's January 9, 2013 meeting presentation. Mr. Lindsay requested that the bullet be broadened to more closely match the minutes reflecting a request for a new demand category, which was submitted, as part of the public input process, with a number of endorsements.

19. Adjourn:

John Burke adjourned the meeting at 1:00 p.m.

Note that a Regional Planning 101 session, presented by David Meesey, was held immediately after the regular meeting.