

## PANHANDLE WATER PLANNING GROUP

### Minutes

May 9, 2011

A meeting of the Panhandle Water Planning Group (PWPG) was held on Monday, May 9, 2011, at 1:30 p.m. in the PRPC Board Room, 415 West Eighth Avenue, Amarillo, Potter County, Texas.

Judge Vernon Cook, Vice Chairman, presided.

#### MEMBERS PRESENT:

Dr. Nolan Clark, Environmental; Janet Guthrie, Public; Dr. John Sweeten, Higher Education; Joe Baumgardner, Agriculture; Steve Walthour, Water Districts; Vernon Cook, Counties; Bill Hallerberg, Industries; Jim Derington, River Districts; Ben Weinheimer, Agriculture; John Williams, Water Districts; Grady Skaggs, Environmental; Emmett Autrey, Municipalities; Rick Gibson representing Gale Henslee; Paul Baumgardner, Virginia Sabia, TWDB, Tonya Kleuskens, Environmental, Charles Munger, TPWD, Cleon Namken, NRCS, Cole Camp, Water Districts.

#### MEMBERS ABSENT:

Denise Jett, Tom Bailiff, David Landis, John Sweeten, Janet Tregellas, Steve Walthour, Charles Cooke, Kendall Harris, Rusty Gilmore, CE Williams

#### OTHERS PRESENT:

Alan Abraham, LWV, Steve Amason, Texas Agri-Life, Simone Kiel, FNI, Steve Stevens, Mesa Water, Marty Jones, Mesa Water, Mick Baldys, USGS, Jill Goodrich, McCormick Company

#### STAFF PRESENT:

Kyle Ingham, Local Government Services Director; Jamie Allen, Local Government Services Coordinator

#### 1. CALL TO ORDER

Judge Vernon Cook called the meeting to order at 3:04 p.m. and noted that a quorum was present.

2. **ESTABLISH ATTENDANCE & RECOGNIZE DESIGNATED ALTERNATES**

Designated Alternates were recognized:

3. **MINUTES**

Charles Cook was marked as absent, but he was present. Bill Hallerberg made a motion to adopt the minutes as amended and Grady Skaggs seconded. Motion carried unanimously.

4. **CONSIDERATION OF APPOINTMENT OF RICK GIBSON TO ELECTRIC UTILITY REPRESENTATIVE SEAT UPON RECOMMENDATION OF OUTGOING MEMBER GALE HENSLEE**

Mr. Ingham noted that this item was posted properly and asked Mr. Gibson for any comments. Mr. Gibson noted that he appreciated Mr. Henslee's work on the Board and that he hoped he could perform in the role as well as Mr. Henslee had done. Cole Camp made a motion to approve Rick Gibson to represent Electric Utilities and Ben Weinheimer seconded. Motion carried unanimously.

5. **CONSIDERATION OF BYLAW REVISIONS PERTAINING TO MEMBER APPOINTMENT TIME FRAMES**

Mr. Ingham outlined the purpose of this revision. He noted that in 2001, the requirement was added stating that new members must be appointed at least 15 days prior to the end of the appointed term or at least 15 days after resignation of a member's seat. He noted that this requires special meetings at times and requested that the Board adopt the revision which would allow replacements to be made at the next full meeting after the expiration of a term. Motion was made by John Williams and seconded by Jim Derington to amend the bylaws as presented. Motion carried unanimously.

6. **FINANCIAL REPORT**

Dr. Clark noted that 95% of funds had been collected at the last meeting, but that approval had been obtained to receive the final 5%. That amount was received and the account is now closed. The balance at the end of March in the local account is currently \$117,546.00 which represents a carryover from previous years of \$89,367, a collection this year of \$69,240 and expenditures of \$41,061 for the first 6 months of this Fiscal Year. Until the first part of September, all portions of obligation will be carried out of the local account until a new contract is signed. Dr. Clark made a motion to approve the financial report as of March 31, 2011 and John Williams seconded the motion. Motion carried unanimously.

7. **CONSIDERATION OF CONSULTANT STATEMENTS OF QUALIFICATION PERTAINING TO THE 2016 REGIONAL WATER PLANNING CYCLE**

Mr. Ingham explained the RFQ process as outlined in previous meetings as well as the notification process by which engineering firms were notified. He explained the legalities of asking for qualifications vs price of services. Mr. Ingham noted that 9 firms requested RFQ packets, but by the deadline, 4 principal firms submitted statements of qualifications. He noted that several of the 9 firms joined forces to submit a statement. The four principal responders to this RFQ were Talon LPE, Espey Consultants, Freese and Nichols Inc. and CDM. The Statements were

reviewed by the Executive Committee plus three members from the full PWPG including Emmett Autrey, John Sweeten and Steve Walthour. It became evident that Dr. John Sweeten's entity was named in one of those responses and Dr. Sweeten removed himself from those discussions. The proposals were reviewed by the aforementioned committee on April 18<sup>th</sup>. On April 25<sup>th</sup>, CDM and Freese and Nichols, Inc. were interviewed. The recommendation from that April 25<sup>th</sup> Committee meeting is that the full PWPG make a recommendation to the PRPC Board of Directors to enter into a contract with Freese and Nichols Inc. for the purposes of providing regional water planning services. Mr. Ingham then asked John Williams if there were any other comments he or any of the committee members would like to make.

Mr. John Williams noted the different partnerships which existed in each response from each of the proposers. Mr. John Williams made a motion to recommend Freese and Nichols, Inc. to provide the aforementioned services to the full PRPC Board of Directors. Jim Derington seconded that motion. Dr. Clark noted the several categories by which each of the respondents were scored. Ms. Kiel was invited to speak and thanked the group for the opportunity to continue working with the region. Motion carried Unanimously.

8. **APPLICATION FOR FUNDING ASSISTANCE TO TWDB FOR 2016 REGIONAL WATER PLANNING CYCLE**

Mr. Ingham noted that this planning cycle is different than those previous as the scope of work hearings generally took place prior to application deadlines. However, this time the scope of work was delineated by TWDB and the hearing was not required to be held prior to submission of the application. Total amount of grant funds requested is \$124,228 based on amount of funding available on April 5, 2011, but it is noted that that is only 61% of the projected expense to do the base level planning and that further application for special projects should be expected. He then outlined the budget for each task. He noted that the application was accepted and that we have been notified that the application is administratively complete. Ms. Virginia Sabia noted that the TWDB Board will be meeting on June 22<sup>nd</sup> and she expects contracts to be authorized for execution at that time. Mr. John Williams asked what has been placed in the budget proposal and Ms. Sabia noted that all funding is currently intact. Mr. Ingham noted that PRPC serves as the administrative and fiscal agent for PWPG because of legislated requirements that a political subdivision act in that capacity. Tanya Kleuskens asked if the hearing that was due to take place in 2009 regarding surface water availability ever happened and Mr. John Williams stated it's impossible at this time due to drought to determine availability and updating that surface water availability model. Ms. Kiel noted that this task should fall under the identification of new strategies. At the 2-15-11 meeting of the Panhandle Water Planning Group action was taken to allow PRPC to submit application to the Texas Water Development Board for the 2016 Regional Water Planning Cycle as the political subdivision. Mr. John Williams made a motion that that the PWPG recommendation to the PRPC Board of Directors be that upon the availability of a contract from TWDB the contract be executed. The motion was seconded by The Honorable Vernon Cook and passed unanimously.

9. **WATER RELATED ISSUES RELATING TO THE 82<sup>ND</sup> TEXAS LEGISLATIVE SESSION**

Mr. Camp noted that out of 97 bills that have been monitored, there are 4 major bills worth mentioning. Senate Bill 691 by Estes clarified exemptions for permitting. Senate Bill 727 by Seliger is regarding management plan updating requirements and groundwater districts. Senate Bill 737 by Hagar changes "Managed" to "Modeled" and all three were signed by the Governor on April 29<sup>th</sup>. There were several other bills mentioned and briefly discussed. Dr. Sweeten asked if there was a place where all of these bills are currently written or can they be compiled and circulated among the group and made a request that Mr. Ingham and Mr. Camp do such. The two agreed to circulate those bills by e-mail.

**10. REGIONAL REPORTS**

Mr. Ingham noted that Region O selected Daniel B. Stevens as their engineer and Region B selected Biggs and Matthews teamed with Freese and Nichols and Alan Plumber.

**11. COMMENTS FROM TWDB**

State water plan draft expected to be presented to the Board in August and preparing contracts to be presented to Board in June. There are two new Board members, Monty Cluck, Gruver and Billy Bradford of Brownsville.

**12. OTHER BUSINESS/CLOSING COMMENTS**

Mr. Ingham noted that Kendall Harris e-mailed him this morning resigning his position and no recommendation was made so full newspaper requests will be undertaken. He also noted that a couple members are cutting it close on consecutive absences and he suggested to the Board allowing him to call those members to ensure their continued interest in the process. Dr. Clark and Mr. Hallerberg suggested that Mr. Ingham contact those individuals.

**13. PUBLIC COMMENT**

Public introductions were made including Simone Kiel, Steve Amasson, Cleon Namken, Marty Jones, Steve Stevens, Dale Hallmark, Alan Abraham and Mick Baldys.

**15. ADJOURN**

There being no further business to come before the Group, the meeting adjourned at 3:50 p.m. in anticipation of the 5:30 public hearing.