

**Barton Springs/Edwards Aquifer Conservation District  
Board of Directors Meeting Minutes  
Regular Meeting  
January 23, 2014**

Board members present at commencement: Gary Franklin, Mary Stone, Craig Smith and Blake Dorsett. Bob Larsen was out of town. Staff present: John Dupnik, Brian Smith, Robin Gary, Vanessa Escobar, and Tammy Raymond. Bill Dugat of Bickerstaff, Heath, Delgado, and Acosta also participated in the meeting. 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.**

Mr. Franklin called the meeting to order at 6:02 p.m., noting that a quorum of the Board was present.

**2. Citizen Communications (Public Comments).**

There were no comments of a general nature

**4. Discussion and Possible Action.**

**4b. Discussion and possible action related to recognition of Cimarron Park as the 2013 Permittee of the Year.**

Mr. Dupnik stated that Cimarron Park has served as a model for District/Permittee cooperation on all issues related to aquifer management and preservation and other issues of mutual interest and was deserving of the award for Permittee of the Year.

Mr. Franklin presented the permittee of the year award to board members Byron Townsend and Larry Stafford of Cimarron Park Water Utility, and pictures were taken.

**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 of the Board's January 9, 2014, Regular Meeting.**

3. Approval of an extension for the presentation of recommended guidelines for calculating irrigation demand estimates for residential landscape irrigation until April 2014.
4. Approval of out-of-state travel for staff members Alan Andrews and Brian Hunt to attend and present papers at the Annual Meeting of the South-Central Section of the Geologic Society of America in Fayetteville, Arkansas, the week of March 17, 2014.

Mr. Dupnik briefed the Board on the consent agenda items above.

Mr. Smith moved approval of consent agenda items 3a. 1 through 4, noting an invoice from Hicks and Company in the amount of \$5192.07, an extension to provide recommendations to the Board for irrigation demand calculation until April, and Out-of-state travel for Alan Andrews and Brian Hunt to attend the GSA meeting in Fayetteville, Arkansas.

Ms. Stone seconded the motion and it passed with a vote of 4 to 0.

**3b. 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. Standing Topics.**

- i. **Personnel matters and utilization;**
- ii. **Upcoming public events of possible interest;**
- iii. **Aquifer conditions and status of drought indicators.**

Mr. Dupnik and staff updated the Board and answered directors' questions on the items listed above.

**2. Special Topics.** *(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 Team activities and highlights**
- ii. **Update on regulatory and enforcement activities**
- iii. **Update on efforts to characterize the saline zone of the Edwards Aquifer**
- iv. **Update on the progress of area roadway projects**
- v. **Update on the status of *SOS Alliance v. City of Kyle, Goodman et al., and the Barton Springs/Edwards Aquifer Conservation District***

Mr. Dupnik, staff, and Mr. Dugat updated the Board and answered directors' questions on the items listed above.

#### **4. Discussion and Possible Action.**

##### **4a. Discussion and possible action related to the conduct of District Board meetings in accordance with the Board-adopted guidelines for parliamentary procedure.**

Mr. Franklin reminded the Board of District Bylaws, which specify conduct of meetings in accordance with "Parliamentary Procedure at a Glance," New Edition, by O. Garfield Jones, 1971. He suggested that adherence to the procedure could ensure more orderly meetings especially when there are contentious issues or greater public interest and attendance.

Mr. Dugat commented that most public board's engage in discussion prior to making motions.

Ms. Stone requested that the Board continue to allow discussion after a motion has been seconded and before a vote.

Mr. Franklin agreed and indicated that typical meetings could remain relatively informal, but that he would request that Board members be recognized by the Board President when he sees the need for more order.

No formal action was taken.

##### **4c. Discussion and possible action related to consideration of the response to the Notice of Alleged Violation issued to Austin 1825 Fortview Management, L.P. for operating a nonexempt water well on property located at 6240 Hwy 290 without a permit and other violations.**

The Board adjourned into Executive Session as authorized under the Texas Government Code Section 551.071 Consultation with Attorney at 6:56 p.m. Mr. Franklin stated that no action or decisions would be made while in Executive Session.

The Board reconvened into Open Session at 7:30 p.m. Mr. Franklin stated that no action or decisions were made while in Executive Session.

Mr. Smith moved that the Board authorize our General Counsel to submit to the principal officer of the property owner the proposed Agreed Order (Order) in the matter of enforcement action concerning Austin 1825 Fortview Management, L.P. handed out at the meeting, to give Mr. Nassour 30 days to respond to the proposed Order, and notify him that if he fails to accept the Order then he will be notified of a Show Cause Hearing at a subsequent Board Meeting.

Ms. Stone seconded the motion and it passed with a vote of 4 to 0.

##### **4d. Discussion and possible action related to the status of the HCP including the prospective milestone schedule and setting upcoming work sessions for Board review.**

Mr. Dupnik updated the Board on the progress of the draft HCP and informed the Board of the intent to schedule two work sessions, in the two February board meetings, to offer opportunity for Board review and input.

Ms. Stone suggested that the draft HCP be available for pick up rather than mailed due to the size of the document.

No formal action was taken.

**4e. Discussion and possible action related to the ongoing District boundary review.**

Mr. Dupnik and Ms. Gary informed the Board of the mixed information that has emerged and confused the question of the actual District boundary near Bradshaw Road and the TDS property.

No formal action was taken.

**4f. Discussion and possible action related to the SOAH Hearing on the Hill Country PGMA including but not limited to developing a response to the Executive Director of the TCEQ's motion to withdraw its petition and to cancel the hearing.**

Mr. Dugat informed the Board of the recent motion to cancel the hearing by TCEQ and of the response of certain parties.

Mr. Smith offered a suggestion of mediation to facilitate a solution to providing GCD coverage in the subject PGMA area, particularly in southwestern Travis County.

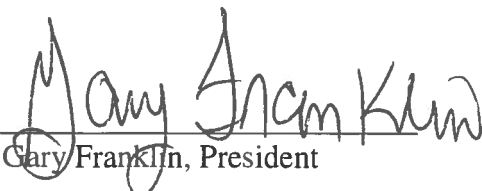
Mr. Smith moved that the Board authorize the District's attorney to file a response in the contested case hearing to ask the SOAH Judge not to cancel the hearing but to request mediation.

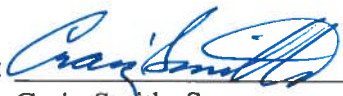
Ms. Stone seconded the motion and it passed with a vote of 4 to 0.

**5. Adjournment.**

Without objection, Mr. Franklin adjourned the meeting at 8:04 p.m.

Approved by the Board on February 13, 2014:

By:   
Gary Franklin, President

Attest:   
Craig Smith, Secretary