



Minutes for Open Meeting/Public Hearing of the Hays Trinity Groundwater Conservation District

Date: Wednesday, October 30, 2019
Time: 6:00 pm
Place: Dripping Springs City Hall
Located: 511 Mercer Street, Dripping Springs, TX. 78620

6:05 p.m.: Board Meeting Called to Order

Board Present: Linda Kaye Rogers - President, Doc Jones – Vice President, John Worrall – Secretary/Treasurer, Jeff Shaw, & Holly Fults

Staff Present: Rick Broun - General Manager, Philip Webster - Hydrogeologist, Al Broun – Geologist, P.G. 4845, Keaton Hoelscher - Geo-Tech, Tressy Gumbert – Office Administrator, and Kayla Shearhart – Administrative Assistant

Legal Counsel Present: Greg Ellis

- **Board Roll Call:**
Rick Broun:
 - Roll call, a quorum of the Board is present.
- **General Comments and Announcements from Board & Staff:** None
- **General Public Comment(s):** Susan Cook, Joe Day, Jim Schultz, Craig Calley, Dianne Wassenich from San Marcos River Foundation, Jimmy Skipton, and Mark Key.

Public Hearing Items

6:24 p.m.: Hearing Opened

Legal Council Review on Items #4-8:

Greg Ellis

- Reviewed all written comments submitted to HTGCD concerning proposed rules 2, 10, 13, 15, and 16 during public comment period and recommended the following changes based on requests made:
 - Rule 2: No recommended changes.
 - Rule 10: Separate the penalties for exceeding the Monthly Baseline during curtailment period from the penalties related to exceeding a Drought Contingency Plan or Water Conservation Plan.
 - Rule 13: (refer to handout); Strike the 40% cutback of the Monthly Baseline.
 - Rule 15: Recommended only Option A; emphasize that monthly reports of pumping will only be required during curtailment periods; change 15.1.3 effective date to January 1, 2020; 15.2.2 would only apply during a curtailment period; 15.2.3 added; strike the 40% cutback of Monthly Baseline (15.2.4).
 - Rule 16: No recommended changes.
- Informed the Board that the suggested changes will require the board to republish the rules for another round of public comment.

Public Comment on Hearing Items #4-8:

- Roger Kew – Rule 10, Rule 13, & Rule 15
- Kent Killough (Vista Brewing) – Rule 10, Rule 13, & Rule 15
- Curt Koulin (Lauren Concrete) – Rule 13
- Mark Key – Rule 10, Rule 13, Rule 15, Rule 16
- David Baker (Wimberley Watershed Association) – Rule 15 & Rule 16
- Nick Domak (Meadows Center) – Rule 15 & Rule 16
- Russel Johnson (Legal representation for Wimberley Springs Partners) – Rule 10 & Rule 13
- Russel Johnson (Legal representation for Dripping Springs Water Supply Co) – Rule 13
- Marshal Jennings – Rule 15 & Rule 16
- Vanessa Puig Williams (TESPA) – All Rules
- Alexandra Thompson (Hays County) – Rule 15 & Rule 16
- Charlie Flatton (Hill Country Alliance) – Rule 15 & Rule 16
- Ed McCarthy (Legal representative of Blacks Market) – All rules
- Jimmy Skipton – Rule 13, Rule 15, & Rule 16

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- Craig Calley – Rule 15

8:22 p.m.: Public Hearing Closed

8:22 p.m.: Break

8:49 p.m.: Reconvene

Public Hearing Items

8:49 p.m.: Hearing Opened

Item #9 – Public hearing on operating permit amendment application: Prima Vista

Public Comment(s):

- Tom Miles & Leanne Easton – Contested permit amendment

8:55 p.m.: Closed Hearing

Discussion and Possible Action

8:55 p.m.: Pre-hearing Conference Opened

Item #18 – Regarding Operating Permit Amendment Application Prima Vista

Testimony by Prima Vista:

- Water needed to clean venue before and after events, and to provide water to customers during events.
- Venue is located on an 11-acre tract.
- Little irrigation required, and no water features.
- No rainwater harvesting on the property currently.

Legal Council:

Greg Ellis:

- The letters submitted by Protestants do not meet minimum requirements set in District Rule 5.5.
- It is his opinion that the Protestants did not prove there will be any substantial impact on their property if the permit amendment is granted by the board.

Motion:

John Worrall: Motion to not grant standing to Protestants.

Jeff Shaw: Seconded.

Vote: 5-0 In Favor (Linda Kaye Rogers, John Worrall, Doc Jones, Holly Fults, & Jeff Shaw); motion passes.

Motion:

John Worrall: Motion deny operating permit to Prima Vista.

Doc Jones: Seconded.

Vote: 5-0 In Favor (Linda Kaye Rogers, John Worrall, Doc Jones, Holly Fults, & Jeff Shaw); motion passes.

Public Comment(s): None

Item #17 – Regarding adoption of the proposed rule amendments hearing during the Public Hearing including Rules 2, 10, 13, 15, and 16

Motion:

John Worrall: Motion to adopt Rule 2.

Jeff Shaw: Seconded.

Vote: 5-0 (Linda Kaye Rogers, John Worrall, Doc Jones, Holly Fults, & Jeff Shaw); motion passes.

Board and Staff:

- John Worrall and Holly Fults discuss tabling Rule 10 until Rules 13 and 15 are decided.
- Holly Fults suggests a special meeting of the Board on November 8, 2019 for further discussion.

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Motion:

John Worrall: Motion to table Rule 15 until special meeting on November 8, 2019 at 6pm.
Holly Fults: Seconded.

Vote: 5-0 In Favor (Linda Kaye Rogers, John Worrall, Doc Jones, Holly Fults, & Jeff Shaw); motion passes.

Motion:

John Worrall: Motion to table Rule 10 until special meeting on November 8, 2019 at 6pm.
Jeff Shaw: Seconded.

Vote 5-0 In Favor (Linda Kaye Rogers, John Worrall, Doc Jones, Holly Fults, & Jeff Shaw); motion passes.

Motion:

John Worrall: Motion to table Rule 13 until such time that we make a stakeholder process and it is brought back to the board.

No Second, motion fails.

Motion:

Jeff Shaw: Motion to table Rule 13 until special meeting on November 8, 2019 at 6pm for discussion only.
Holly Fults: Seconded.

Vote 4-1 In Favor (Linda Kaye Rogers, Doc Jones, Holly Fults, & Jeff Shaw); motion passes.

Motion:

?: Motion to table Rule 16 until special meeting on November 8, 2019 at 6pm.
Doc Jones: Seconded.

Vote: 5-0 In Favor (Linda Kaye Rogers, John Worrall, Doc Jones, Holly Fults, & Jeff Shaw); motion passes.

Public Comment(s): None

Item #12: Discussion and Possible Action regarding HTGCD Rule 3.10

10:24 p.m.: The Board recessed into Executive Session to consult with the District's attorney, due to possible litigation, under Sec. 551.071, Government Code.

10:51 p.m.: Reconvene from Executive Session.

Motion:

Linda Kaye Rogers: Motion to appoint John Worrall and Holly Fults for a special committee to discuss Rule 3.1 with Dripping Springs Water Service Co.
Jeff Shaw: Seconded.

Vote: 5-0 In Favor (Linda Kaye Rogers, John Worrall, Doc Jones, Holly Fults, & Jeff Shaw); motion passes.

Public Comment(s): None

Adjourned at 10:54 p.m.

Approved: Linda Kaye Rogers, President: 11-18, 2019
Linda Kaye Rogers

Approved: John A Worrall, Secretary/Treasurer: 11-19, 2019
John Worrall