



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

Date: Wednesday, April 15, 2015
Time: 6:00 pm
Place: Dripping Springs City Hall
Located: 511 Mercer Street, Dripping Springs, Texas 78620

6:03 pm: Board Meeting Call to Order

Board Present: Linda Kaye Rogers-President, Jimmy Skipton-Vice President, Mark Hastings-Secretary Treasurer, Greg Nesbitt & Doc Jones
Staff Present: Rick Broun-General Manager, Tressy Gumbert-Administrative Assistant & Alex Broun-District Geologist, P.G. 4845

The following subjects were considered for discussion and/or action at said meeting:

- **Board Roll Call:**
 - Rick Broun:
 - Called Roll. A quorum is present
- **General Comments from Board & Staff:**
 - Al Broun:
 - Thanked Wet Rock and Electro Purification for the test data that was supplied.
 - Presented information on logs, samples and test data.
 - Rick Broun:
 - There were 11 Public Water Connections submitted in March, 32 YTD, 85 Budgeted
 - There were 10 new well registrations submitted in March, 27 YTD, 85 Budgeted
 - The District has received 2 new TCEQ projects: Ledgestone Senior Living and JB3 Services. JB3 Services will require an operating permit application as it will be utilizing a groundwater well.
 - Request that the Board please inform staff of any meetings, tours, events or lectures you attend concerning groundwater.
 - The District always wants to encourage the use of rainwater collection systems on all new homes, businesses and on existing buildings. We further promote artificial recharge of the aquifer through such means as proper brush management and re-establishing deep rooted native grasses. The District further promotes the use of surface water or other alternatives to groundwater in and around western Hays County.
 - The District encourages the public to view the District's two educational videos which have been made available on the District's website.
- **Public Comments concerning non-agenda items:**
 - No public comment(s) provided:

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Consent Items:

1. Approval of Bank Reconciliations and Monthly Invoices
2. Approval of Monthly Financial Report and Budget to Actual Report
3. Approval of February 26 and March 18, 2015 Board Meeting Minutes

Board & Staff:

- Mark Hastings:
 - The financials and meeting minutes have been reviewed and appear to be in order.

Motion

Mark Hastings: I move to approve consent items one through three.
Greg Nesbitt: Seconded
Vote: 5-0 in Favor (Linda Kaye Rogers, Jimmy Skipton, Mark Hastings, Greg Nesbitt & Doc Jones)

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Discussion and Possible Action Items:

Item #4 – Status of Drought Briefing

Public Comments:

No public comments provided

Board & Staff:

Rick Broun:

- Presented the Status of Drought Briefing to the Board
 - The latest US Drought Monitor map indicates that the majority of the District is within D0-“Abnormally Dry”. The latest Palmer Drought Severity Index map indicates “Near Normal” conditions. These maps have been collected and will be part of the District’s 2015 Annual Report.
 - The Texas Drought Preparedness Council Situation has not released any reports since November 2014.
 - Water levels are up 1.1’ north of Camp Ben and 3.8’ south of Camp Ben.
 - As of April 14th, the District’s drought trigger, the Pedernales River, indicates 3 consecutive days of flow below drought stage Alarm. The second trigger, the Blanco River, indicates 60 consecutive days of flow below drought stage Alarm. The District’s third trigger, the Palmer Drought Severity Index, shows “Near Normal” drought conditions.
 - Recommended Drought Stage for western Hays County is to remain in drought stage alarm.
 - District staff has updated the 2015 water table and will provide the total year’s collection within the 2015 Annual Report.
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Item #5 – Review and consider Legislative Bills concerning the formation of groundwater district within Western Travis and Comal Counties.

Public Comments:

No public comments were provided.

Board & Staff:

Linda Kaye Rogers:

- House Bill 2407 for the creation of a groundwater district in Comal County and HB4038 for the creation of a groundwater district in Western Travis County are being presented to the Legislative Committee.
- Support the establishment of groundwater districts in those areas and would like to get the Board approval to go before the council to speak in favor of the Bills.

Jimmy Skipton:

- Recommends drafting a Resolution supporting the creation of the new groundwater districts and presenting it to the Board for review and approval.
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Item #6 – Creation of Rule Revision Committee and an Advisory Committee

Public Comments:

No public comments were provided.

Board & Staff:

Linda Kaye Rogers:

- Proposing to create a Rule Revision Committee to consist of 2 Board members, to include myself and Mark Hastings, and HTGCD staff. And to create a 2-person Advisory Committee.
- Each Board member to submit 1 name each then vote for 2 of the 5 to serve on the Advisory Committee.

Motion

Mark Hastings: Move that a Rule Revision Committee be formed consisting of 2 Board members, HTGCD staff & a 2-person Advisory Committee selected by the Board.

Doc Jones: Seconded

Jimmy Skipton: Mark, Linda, Rick & Tressy would be sufficient for the committee, they know the rules.

Greg Nesbitt: Suggests that the Advisory Committee be made up of permit holders

Vote: 3-2 in Favor (Linda Kaye Rogers, Mark Hastings & Doc Jones) Against (Jimmy Skipton & Greg Nesbitt)

Item #7 – Review and consider the costs to install a transducer in the Bachardy well

Public Comments:

The following provided public comment(s): Bruce Turbo.

Board & Staff:

Rick Broun:

- Well located in the South Rainbow Ranch neighborhood.
- Estimated cost to install a transducer is \$1,500.

Motion

Jimmy Skipton: Approve spending up to \$1,500 for the installation of a transducer in the Bachardy well located in South Rainbow Ranch
Greg Nesbitt: Seconded
Vote: 5-0 in Favor (Linda Kaye Rogers, Jimmy Skipton, Mark Hastings, Greg Nesbitt & Doc Jones)

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Discussion Only Items:

Item #12 – Update on operating permit applications, renewal applications and amendment applications.

Public Comments:

No public comments provided

Board & Staff:

Rick Broun:

- o March 31, 2015 was the 20 day deadline date to file a formal contested case against the 1521 Holding permit.
- o No formal contested case requests were received.

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Item #13 – 2013 NOAV Receipts totaling 88% of penalty.

Public Comments:

No public comments provided

Board & Staff:

Rick Broun:

- o All receipts have been submitted to the District office .

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Item #14 – Update on HTGCD's role regarding Electro Purification

Public Comments:

The following provided public comment(s): Louie Bond.

Board & Staff:

Linda Kaye Rogers:

- o District is stepping back at this time as TESPA and EP have requested a SOAH Hearing.

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Item #15 – Update on Legislative Bills

Public Comments:

No public comments were provided.

Board & Staff:

Greg Ellis:

- o Provided updates on HB3406: HTGCD's Possible Annexation of unregulated portion of the Trinity Aquifer; and HB3405: BSEACD's Possible Annexation of unregulated portion of the Trinity Aquifer; and HB4049 Production Fee Funding.

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Item #16 – Update on Contested Case Lawsuit Plaintiffs vs. HTGCD

Public Comments:

The following presented public comment(s): Andrew Backus

Board & Staff:

Linda Kaye Rogers:

- o Nothing new to report.

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6:40 p.m. Into Executive Session

7:23 p.m. Reconvene from Executive Session

Board & Staff:

- Linda Kaye Rogers:
- o No action taken during Executive Session

7:23 p.m. Open Contested Case Hearing

Item #10 – TESPAs Notice: Evidentiary Hearing

- On March 18, 2015 the HTGCD office received a NOTICE from The Mundy Firm PLLC on behalf of their client Trinity Edwards Springs Protection Association (TESPA) alleging violations of HTGCD rules by Electro Purification. The Notice was provided in compliance with the requirements of Section 36.119, Water Code, as a prelude to TESPAs filing suit. Section 36.119, Water Code, requires that HTGCD investigate and rule on whether a violation of HTGCD rule has occurred within 90 days of receiving the NOTICE. The Board will consider a hearing and briefing schedule.

Public Comments:

The following presented public comment(s): Bill Davis & Malcolm Harris

Board & Staff:

- Linda Kaye Rogers:
- o TESPAs and EP had filed a Joint Motion requesting that the matter be heard by SOAH
- Greg Ellis:
- o Explained the process and procedures of a contested case as well as steps necessary to refer case to SOAH.
 - o Contract will be between HTGCD and SOAH, EP and TESPAs will be responsible for the cost, \$7000 to be split between the two parties, both paying \$3500. Time table and scheduling will have to be negotiated.
 - o Advised the Board to not discuss the case outside of the open meeting.

7:40 p.m. Hearing Closed

Motion

Mark Hastings: Motion to approve SOAH Contract Number 360-15-002.

Doc Jones: Seconded

Vote: 5-0 in favor (Linda Kaye Rogers, Jimmy Skipton, Mark Hastings, Greg Nesbitt & Doc Jones)

Motion

Mark Hastings: Motion to approve the Joint Motion between TESPAs & EP.

Doc Jones: Seconded

Vote: 5-0 in favor (Linda Kaye Rogers, Jimmy Skipton, Mark Hastings, Greg Nesbitt & Doc Jones)

7:40 p.m. Open Contested Case Hearing Continuance

Item #8 – 2014 NOAV recipients who have submitted a timely filed contested case letter

Public Comments:

The following presented public comment(s): Andrew Backus

Board & Staff:

- Rick Broun:
- o Aqua Texas contested: NOAV for Mountain Crest, Woodcreek Phase I & Phase II.
 - o Aqua Texas doesnt believe the District has the legal authority to impose penalties for unaccounted for water loss.
- Greg Ellis:
- o The District has the ability under Chapter 36 to adopt penalties.

Motion

Jimmy Skipton: Motion to accept the contested case request from Aqua Texas, with the understanding that attorneys will get together and come up with an agreement. The contested case hearing will be continued at the next regularly scheduled Board Meeting.

Greg Nesbitt: Seconded

Vote: 5-0 in favor (Linda Kaye Rogers, Jimmy Skipton, Mark Hastings, Greg Nesbitt & Doc Jones)

Board & Staff:

- Rick Broun:
- o Received contested case letter from Cielo Azul Ranch they had included pumpage amounts for the owners residence in their quarterly reporting.
 - o There is no one here at the meeting to speak on behalf of Cielo Azul Ranch.
- Greg Ellis:
- o Recommends that the Board approves a continuance on the matter allowing the staff to investigate.
- Linda Kaye Rogers:
- o Recommends that staff do a site visit at Cielo Azul Ranch

Motion

Mark Hastings: Motion for a continuance regarding Cielo Azul Ranch hearing to continue at the next regularly scheduled Board Meeting. In the mean time staff work with Henry Garza regarding his production.

Jimmy Skipton: Seconded

Rick Broun: Recommends that a flow meter for Mr. Garza's residence be installed.

Vote: 5-0 in favor (Linda Kaye Rogers, Jimmy Skipton, Mark Hastings, Greg Nesbitt & Doc Jones)

7:56 p.m. Hearing Closed

Reopen Item #5 – Review and consider Legislative Bills concerning the formation of groundwater district within Western Travis and Comal Counties

Public Comments:

No public comments were provided.

Board & Staff:

Linda Kaye Rogers:

- o Would like permission from the Board to express support of HB4038-Creation of a Groundwater District in Western Travis County and HB2407-Creation of a Groundwater District in Comal County.

Greg Ellis:

- o The Board took an official position in support of the creation of Groundwater Districts in Western Travis and Comal Counties during the TCEQ hearing.
- o If motion is made and passed recommends that the Board instruct staff to generate a letter in support of creating Groundwater Districts in Western Travis and Comal Counties, send letter to Representative Miller, Representative Workman and Senator Campbell.

Motion

Mark Hastings: Motion to reassert the Boards interest in legislative action to create Groundwater Districts in Western Travis County and Comal County.

Doc Jones: Seconded

Mark Hastings: Amend Motion to include that staff draft a letter of support and send to the legislative parties.

Doc Jones: Seconded

Vote: 5-0 in favor (Linda Kaye Rogers, Jimmy Skipton, Mark Hastings, Greg Nesbitt & Doc Jones)

Future Agenda Items:

Board & Staff:

Linda Kaye Rogers:

- o Next meeting will be May 20, 2015 in Wimberley if meeting area is available.

8:10 p.m. Meeting Adjourned

Approved: Linda Kaye Rogers President: May 20 2015
 Linda Kaye Rogers

Approved: Mark Hastings Secretary/Treasurer 5-20- 2015
 Mark Hastings