



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

Date: Wednesday, May 20, 2015  
Time: 6:00 pm  
Place: Wimberley Community Center  
Located: Wimberley, Texas 78676

6:05 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:**  
Rick Broun:
  - There were 23 Public Water Connections submitted in April, 55 YTD, 85 Budgeted
  - There were 11 new well registrations submitted in April 38 YTD, 85 Budgeted
  - The District has received 6 new TCEQ projects: Arrowhead Ranch, The Preserve at La Ventana, Jacobs Well Natural Area, Key Ranch, Dripping Springs ISD and Crescent Belterra.
  - District staff will be in the field tomorrow working alongside with Barton Springs and the Edwards Aquifer Authority measuring wells concerning the EP project.
  - On Wednesday June 3, 2015 I will be attending Investment Training
  - A new GMA9 Public Comment Form concerning Proposed Desired Future Conditions was reviewed and approved by GMA9. The form can be reviewed on the HTGCD website. Completed forms are to be submitted to Ron Fieseler, GMA9 Chairman during any GMA9 meeting, or submitted via U.S. Mail, E-Mail or Facsimile.
  - 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 April 15, 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 Drought free. The latest Palmer Drought Severity Index map indicates “Unusual Moist Spell” 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.
- Due to recent rain fall and multiple low-water-crossings, staff has not been able to collect all the water level data for May.
- As of May 19<sup>th</sup>, the District’s drought trigger, the Pedemales River, indicates 32 consecutive days of flow above drought stage Alarm. The second trigger, the Blanco River, indicates 60 consecutive days of flow above drought stage Alarm. To move out of Drought Stage Alarm, both rivers must have 60 consecutive days of flow above drought stage Alarm. It’s possible the District will move out of “Drought Stage Alarm” into “No Drought” by July 1<sup>st</sup>. The District’s third trigger, the Palmer Drought Severity Index, shows “Unusual Moist Spell” drought conditions.
- Recommended Drought Stage for western Hays County is to remain in Drought Stage Alarm until further notice.
- 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 – Contribution to Wounded Warrior’s Project

**Public Comments:**

No public comments were provided.

**Board & Staff:**

Rick Broun:

- A representative with the Wounded Warrior Project has submitted a new well registration for a home being built in Dripping Springs for a disabled veteran. He has requested that the District consider waiving the \$600 registration fee.

**Motion**

Greg Nesbitt: I move to waive the \$600 well registration fee for the well registration submitted by the Wounded Warrior’s Project.

Doc Jones: Seconded

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

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Item #6 – 2016 Hays County Funding Application

**Public Comments:**

No public comments were provided.

**Board & Staff:**

Rick Broun:

- The District received a Hays County Funding application. The application must be submitted by June 8. Need direction from the Board on how to proceed.

**Motion**

Mark Hastings: Move that the application requesting the same amount as last year be submitted to Hays County.

Doc Jones: Seconded

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

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Item #7 – GMA9 Update

**Public Comments:**

The following provided public comment(s): Jim McMeans.

**Board & Staff:**

Rick Broun:

- A GMA9 Public Comment form has been posted on the District's website for those who wish to comment on the proposed DFC. The completed forms are to be submitted to Ron Fieseler.
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Item #8 – Onion Creek Project Update.

**Public Comments:**

No public comments provided

**Board & Staff:**

Al Broun:

- Presented map of Onion Creek area.
  - Four teams plan to measure flow during the 1<sup>st</sup> or 2<sup>nd</sup> week of June.
  - Running cutting samples of wells in area to show geology.
  - In the past week two reports have been provided to GMA9.
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Item #9 – Creation of a Rules Revision Committee and an Advisory Committee.

**Public Comments:**

No public comments provided

**Board & Staff:**

Linda Kaye Rogers:

- During the previous meeting the Board agreed to create a Rules Revision Committee which would include Linda Kaye Rogers, Mark Hastings, Rick Broun and Tressy Gumbert. Each Board member is to nominate someone to serve on the Advisory Committee.

Greg Nesbitt:

- Nominates Mark Key

Linda Kaye Rogers:

- Nominates John Dupnik

Doc Jones:

- Nominates Garrett Allen

Jimmy Skipton:

- Nominates Roger Kew

Mark Hastings:

- No nomination

**Motion**

Jimmy Skipton: To appoint Roger Kew and Garrett Allen to the Advisory Committee.

Greg Nesbitt: Seconded

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

**Board & Staff:**

Linda Kaye Rogers:

- We are going to vote on each nominee one at a time.

**Motion**

Jimmy Skipton: To appoint Roger Kew to the Advisory Committee.

Greg Nesbitt: Seconded

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

**Board & Staff:**

Linda Kaye Rogers:

- A motion is not necessary, the nominations are the motion.
- Call a vote for Mark Key: 4 to 1 Against (Linda Kaye Rogers, Doc Jones, Mark Hastings & Jimmy Skipton-against) (Greg Nesbitt-in favor)
- Call a vote for John Dupnik: 3 to 2 In favor (Linda Kaye Rogers, Doc Jones & Mark Hastings-in favor) (Jimmy Skipton & Greg Nesbitt-against)
- Call a vote for Garrett Allen: 4 to 1 In favor (Linda Kaye Rogers, Doc Jones, Mark Hastings & Greg Nesbitt-in favor) (Jimmy Skipton-against)
- Call a vote for Roger Key: 3 to 2 Against (Linda Kaye Rogers, Doc Jones & Mark Hastings- against) (Jimmy Skipton & Greg Nesbitt- in favor)

**Motion**

Linda Kaye Rogers: To appoint Roger Kew as a backup member to the Advisory Committee.  
Jimmy Skipton: The agenda states "Board to create a 2-person Advisory Committee" states nothing about electing a backup member.  
Linda Kaye Rogers: Withdraw motion to appoint Roger Kew as a backup member to the Advisory Committee.

**Motion**

Mark Hastings: To accept John Dupnik & Garrett Allen as Advisory Committee members.  
Greg Nesbitt: Seconded  
Vote: 3 to 2 Against (Linda Kaye Rogers, Doc Jones & Mark Hastings-In favor) (Jimmy Skipton & Greg Nesbitt-against)

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Item #10 – Cypress Creek Project Presentation – Jeff Thornton  
▪ Introduced himself and spoke briefly on the project plan.

**Public Comments:**  
No public comment provided:

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**7:05 p.m. Into Executive Session**  
**7:35 p.m. Reconvene from Executive Session**

**Board & Staff:**  
Linda Kaye Rogers:  
○ No action taken during Executive Session

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**7:39 p.m. Open Contested Case Hearing Continuance**

Item #11 – On April 15, 2015, the HTGCD Board of Directors approved to grant a Contested Case Hearing to Aqua Texas concerning 2014 NOAV letters. Attorneys from both parties are to attempt a settlement and respond back to the HTGCD Board.

**Public Comments:**  
No public comment(s) provided:

**Board & Staff:**  
Linda Kaye Rogers:  
○ Attorneys are still in the process of reaching a settlement agreement.

**Motion**

Mark Hastings: Motion to continue Contested Case Hearing until next month.  
Doc Jones: Seconded  
Vote: 5-0 in favor (Linda Kaye Rogers, Jimmy Skipton, Mark Hastings, Greg Nesbitt & Doc Jones)

**7:42 p.m. Hearing Closed**

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Item #12 – HTGCD Board to close evidentiary portion of the contested case hearing continuance and open the Final hearing portion.

**Public Comments:**  
No public comment(s) provided.

**Board & Staff:**  
Linda Kaye Rogers:  
○ Contested Case Hearing to be continued until the next regular scheduled Board Meeting.

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**Discussion Only Agenda Items**

Item #13 – Update on operating permit, renewal, and permit amendment applications.

**Public Comments:**  
No public comment(s) provided.

**Board & Staff:**  
Rick Broun:  
○ A new operating permit application was submitted for Children's Learning Adventure, however well has not yet been drilled.

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

**Public Comments:**

No public comment(s) provided.

**Board & Staff:**

Linda Kaye Rogers:

- o District staff is working with BSEACD and EAA collecting data.

Item #15 – Update on Legislative Bills

**Public Comments:**

No public comments were provided.

**Board & Staff:**

Linda Kaye Rogers:

- o HB3406: HTGCD's Possible Annexation of unregulated portion of the Trinity Aquifer - not moving forward.
- o HB3405: BSEACD's Possible Annexation of unregulated portion of the Trinity Aquifer - moving forward
- o HB4049 Production Fee Funding for HTGCD – gone through house scheduled to be heard by senate this Friday, May 22, 2015.

Item #16 – Update on TESP v Electro Purification SOAH hearing

**Public Comments:**

No public comments were provided.

**Board & Staff:**

Linda Kaye Rogers:

- o The parties have requested a 90 day waiver for hearing to be held in October.

Jimmy Skipton:

- o The District has the right to request that the case be heard within Hays County.

**Future Agenda Items:**

**Board & Staff:**

Linda Kaye Rogers:

- o The next regularly scheduled meeting will be June 17, 2015 in Dripping Springs if meeting area is available.

7:52 p.m. Meeting Adjourned

Approved: Linda Kaye Rogers President: \_\_\_\_\_, 2015  
Linda Kaye Rogers

Approved: Mark Hastings Secretary/Treasurer July 15, 2015  
Mark Hastings