



MEETING MINUTES

SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

Regular Board Meeting

Wednesday, December 11, 2024, at 9:30 a.m.

A quorum of the Southwestern Travis County Groundwater Conservation District Board of Directors held a regular monthly board meeting on Wednesday, December 11, 2024, at 9:30 a.m. at the District's office at 8656 W. Highway 71, Building A, Suite 224, Austin, Texas 78735. The meeting was open to the public and a videoconference remote participation option was provided – instructions for accessing the remote videoconference were provided with the Public Notice of Meeting.

1. **Call to order, declare meeting open to the public, take roll and declare quorum status** – President Scadden called the public meeting to order at 9:30 a.m. on Wednesday, December 11, 2024. Seven directors were present at the meeting constituting a quorum, including President Scadden, Director Phillips, Director Leva, Director Van Ackeren, Director Davis, Director Urie, and Director Huber. Also present were General Manager Lane Cockrell, District Regulatory Compliance Specialist Virginia Smith, District Administrative and Hydrogeology Assistant Barbara Reyes, Cole Ruiz with Lloyd Gosselink, Pete Golde, Blaine Williams, and Elaine Davenport. The following individuals participated remotely by videoconference call: Audrey Cooper with Lloyd Gosselink, CJ Bennett, G.I.T., with Bullock, Bennett & Associates representing Clancy Utility Holdings, LLC, Danna Oakes, and Courtney Goodings.
2. **Announcements** – President Scadden thanked District staff and volunteer Pete Golde for all their hard work in 2024 and wished everyone happy holidays.
3. **Public Comments** – No public comments were presented.
4. **Discuss and possibly act on matters related to the election of Board Officers** – President Scadden reported that the Board must consider the election of Board officers each calendar year, and that the current slate of Board officers is as follows: Board President Director Scadden, Vice President Director Davis, Board Secretary Director Van Ackeren, and Board Treasurer Director Urie. President Scadden reported that General Manager Cockrell spoke to each of the current Board officers ahead of the meeting and that all are willing to continue serving if the Board so chooses. President Scadden asked for any volunteers or nominations for Directors to fill the Officer positions beyond the current position holders. There were no additional volunteers or nominations.

Director Huber moved to appoint Director Scadden to continue serving as Board President. Motion seconded by Director Phillips. Motion carried 6 Ayes – 0 Nays – 1 Abstaining. President Scadden abstained from voting. President Scadden moved to appoint Director Davis to continue serving as Board Vice President. Motion seconded by Director Urie. Motion carried 6 Ayes – 0 Nays – 1 Abstaining. Director Davis abstained from voting. Director Davis moved to appoint Director Van

Ackeren to continue serving as Board Secretary. Motion seconded by Director Huber. Motion carried 6 Ayes – 0 Nays – 1 Abstaining. Director Van Ackeren abstained from voting. Director Huber moved to appoint Director Urie to continue serving as Board Treasurer. Motion seconded by Director Davis. Motion carried 6 Ayes – 0 Nays – 1 Abstaining. Director Urie abstained from voting.

5. **Discuss and possibly act on approving previous meeting minutes** – President Scadden presented draft minutes for the October 30, 2024 Board workshop for consideration. A motion was made by Director Davis to approve the October 30, 2024 meeting minutes as presented. Motion seconded by Director Leva. Motion carried 7 Ayes – 0 Nays. President Scadden then presented draft minutes for the November 13, 2024 regular Board meeting for consideration. A motion was made by Director Davis to approve the November 13, 2024 meeting minutes as presented. Motion seconded by Director Huber. Motion carried 6 Ayes – 0 Nays – 1 Abstaining. Director Leva abstained from voting as he was not present at the November 13 meeting.
6. **Receive, discuss, and possibly act on update regarding West Travis County PUA's proposal to provide service to Mirasol Springs development** – General Manager Cockrell reminded the Board that at their November regular meeting they instructed District staff to coordinate with President Scadden and Director Huber to prepare and send a letter to the West Travis County Public Utility Agency ("WTCPUA") regarding the WTCPUA's proposal to provide water service to the Mirasol Springs development. General Manager Cockrell reported that the WTCPUA Board of Directors elected to move forward with the proposal to provide service to the development at their meeting on November 18, and instructed their staff to prepare a draft water service agreement for the WTCPUA Board to consider at their December meeting. General Manager Cockrell reported that the service availability letter issued by the WTCPUA contemplates prohibiting the Mirasol Springs development from utilizing groundwater or surface water if the development is to receive water service from WTCPUA for 347 living unit equivalents ("LUEs") via a dedicated water line. General Manager Cockrell presented a copy of the proposed Non-Standard Service Agreement ("NSSA") between Mirasol Capital, LLC ("Mirasol") and WTCPUA and outlined the conditions in the agreement, which prohibit Mirasol from utilizing groundwater in the development. General Manager Cockrell expressed concerns that the NSSA may prohibit the use of harvested rainwater for outdoor irrigation. President Scadden expressed concerns regarding whether the NSSA actually prohibits Mirasol from utilizing groundwater for any use. President Scadden proposed sending another letter to the WTCPUA Board requesting clarification on the provisions of the NSSA to address the Board's concerns.

Blaine Williams provided public comments to the Board and reported that he and his neighbors share similar concerns regarding the proposed NSSA between Mirasol and the WTCPUA, and supported the use of rainwater harvesting in the Mirasol development to offset water use from other sources. Mr. Williams reported that the Save Our Springs Alliance is working on proposed edits to the NSSA to address concerns from surrounding landowners and reported that he would like Mirasol to enter into a conservation easement with Travis County to preserve the groundwater underlying the development. Elaine Davenport provided public comments to the Board and requested to receive a copy of the District's letter once it is issued to the WTCPUA. A motion was made by Director Huber to instruct District staff to coordinate with President Scadden and legal counsel to develop and send

a letter to the WTCPUA Board of Directors outlining the District's concerns on the proposed NSSA with Mirasol Springs. Motion seconded by Director Leva. Motion carried 7 Ayes – 0 Nays.

7. **Receive, discuss, and possibly act on update regarding contested case hearings** – General Manager Cockrell reported that the parties to the Clancy Utility Holdings, LLC contested case matter at the State Office of Administrative Hearings ("SOAH") have agreed to a 90-day abatement while negotiations continue with the WTCPUA. Cole Ruiz reported that the 90-day abatement is beneficial to the District as it puts a temporary hold on any discovery or the preparation of any pre-filed testimony to allow the parties to attempt to reach a settlement informally.

General Manager Cockrell reported that the District has agreed to JPD Backyard Finance, LLC's request for mediation through SOAH, and that both parties have agreed to a 60-day abatement to potentially resolve that matter through mediation. No action was taken under this agenda item.

8. **Discuss and possibly act on matters related to potential management strategies for the Hamilton Pool Management Zone** – Due to time constraints, President Scadden suggested scheduling a dedicated board workshop to continue discussions on this matter.
9. **Discuss and possibly act on matters related to proposed new wells that require Board authorization to reduce required spacing from property lines** – This agenda item was taken out of order due to time constraints. General Manager Cockrell presented three (3) well drilling authorization applications to the Board that have requested variances from the District's Rules regarding required spacing from adjacent property lines. The first application presented was for a proposed new domestic well on South West Oaks on a 2.51-acre lot platted in 1984 before the District was created. However, General Manager Cockrell reported that after reviewing the site map, District staff found that there is adequate space on the property to accommodate a well location that complies with the District's 100-foot setback requirement from neighboring property lines. General Manager Cockrell recommended that District staff work with the applicant to adjust the proposed well location accordingly.

The second application presented was for a proposed domestic well to be located on Whitney Drive on a 0.2057-acre tract platted in 1970 before the District was created. General Manager Cockrell reported that District Rules allow an applicant, if their property was platted before the District was created and is too small to allow for compliance with District setback requirements from neighboring property lines and potential sources of contamination, to follow the Texas Department of Licensing and Regulation's ("TDLR") alternative spacing requirements, which allow for a reduced setback provided the well is pressure cemented to a minimum depth of 100 feet. General Manager Cockrell reported that the lot size prevents the applicant from complying with a 100-foot or 50-foot setback from property lines contemplated in the District Rules. Director Huber asked whether or not the District is obligated to grandfather certain applicants under the District's spacing rules after a property is sold. Cole Ruiz reported that the District's Rules as currently written don't consider the sale or ownership of properties when it comes to spacing. Cole Ruiz reported that the District Rules, as currently written, are straightforward in that the TDLR's alternate spacing requirements would apply to this application. Cole Ruiz reported that amending the District Rules to take into

consideration the sale of properties when grandfathering applicants under the District's spacing rules could expose the District to a potential lawsuit and legal liability under a takings claim. The Board agreed by consensus to delay further consideration regarding the proposed well location in this application until the site plan is finalized.

The final application presented was for a proposed domestic well to be located on Blue Cat Lane on a 0.12-acre tract that was platted in 1980 before the District was created. General Manager Cockrell expressed concerns regarding the proximity of the proposed well location to an existing unregistered well located on the neighboring property, which District staff identified while reviewing maps associated with this application. General Manager Cockrell recommended that District staff work with the applicant to revise the proposed well location to maximize the distance between the proposed well and existing neighboring well and to ensure compliance with TDLR alternate spacing requirements and applicable District Rules.

10. **Discuss and possibly act on matters related to District drought stage status** – General Manager Cockrell presented a map showing drought conditions in Travis County through December 3, 2024, as indicated by the U.S. Drought Monitor. General Manager Cockrell reported that there had been no significant change in drought conditions in the District since the last regular board meeting. No action was taken under this agenda item.

11. **Receive, discuss, and take action as necessary on Board Committee Reports:**

- a. **Finance** – Pete Golde provided a report to the Board regarding the financial reports dated November 30, 2024. The balance sheet indicated assets totaling \$144,087.45, and liabilities totaling \$5,172.08. The fiscal year to date profit and loss report indicated expenses totaling \$40,189.81, gross profit totaling \$17,312.70, and net income totaling \$-22,877.11 through November 2024. Pete Golde provided a summary of the checks issued by the District since the last board meeting, a summary of expenses by vendor, and a fiscal year to date summary of expenses by budgetary line item.
- b. **Legislative** – Director Davis reported that there has been a lot of discussion at the state level about water planning and future energy needs. Cole Ruiz reported that General Manager Cockrell coordinated with Rep. Goodwin to file HB 1529 to amend the District's enabling act to increase the District's ability to assess production fees. Cole Ruiz reported that the funding structure for groundwater districts varies across the state. Director Huber raised the possibility of following up with Rep. Goodwin about the introduction of a companion bill in the Texas Senate.
- c. **Science** – No action was taken under this agenda item.
- d. **Outreach** – General Manager Cockrell and Barbara Reyes provided an update regarding the District's social media accounts. Barbara Reyes reported that the District's Instagram account is active and set up along with the District's Facebook account to help better distribute information to the general public. Barbara Reyes reported that she has spoken with Lost Pines GCD's outreach coordinator for tips on promoting the District's social

media accounts. Barbara Reyes also shared slides she prepared for the District's social media accounts with information about the District's science initiatives and permitting.

- e. **Rules** – No action was taken under this agenda item.

12. General Manager's Report:

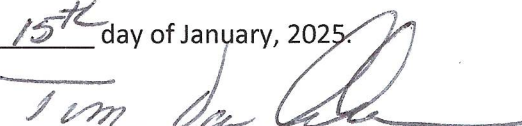
- a. **Summary of permitting, application, and registration inquiries and submissions** – General Manager Cockrell provided a summary to the Board of the permit applications and well registrations received by the District during the month of November. General Manager Cockrell reported that the District received three (3) new well drilling authorization applications, and one (1) new water utility service connection during the month of November.
- b. **Regulatory items and updates related to TWDB, TCEQ, GMAs, and other organizations** – General Manager Cockrell reported that the next GMA 9 joint planning meeting is currently scheduled for December 13, 2024, at the Cow Creek GCD offices in Boerne, Texas. General Manager Cockrell also reported that the TWDB's Water for Texas 2025 Conference will be held in Austin on January 27-29.
- c. **Overview of current District groundwater monitoring program** – General Manager Cockrell provided an update regarding the District's monitoring well program. General Manager Cockrell presented a graph of water-level data from the District's Lakeside monitoring well, showing a slight increase in Lower Trinity Aquifer levels since November.
- d. **Other items of interest not requiring Board action** – General Manager Cockrell provided an update on the Barton Springs/Edwards Aquifer Conservation District Trinity Aquifer Sustainability Model.

13. **Discuss and establish possible agenda items for future Board Meetings** – President Scadden proposed holding a Board workshop in January dedicated to discussing proposed management strategies for the Hamilton Pool Management Zone.

14. **Discuss and possibly act on setting the date, time, and location for the next Board Meeting** – President Scadden reported that the next regular board meeting will be held on January 15, 2025, at the District's office at 9:30 a.m. President Scadden also proposed holding the Hamilton Pool workshop on January 30, 2025 at the District's office at 9:30 a.m.

15. **Adjourn** – A motion was made by Director Huber to adjourn the open meeting at 12:00 p.m. Motion seconded by Director Phillips. Motion carried 7 Ayes – 0 Nays.

PASSED, APPROVED, AND ADOPTED THIS THE 15th day of January, 2025.


Tim Van Ackeren, Secretary