



MEETING MINUTES

SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT BOARD OF DIRECTORS

Regular Monthly Meeting

Wednesday, May 14, 2025, at 9:30 a.m.

A quorum of the Southwestern Travis County Groundwater Conservation District Board of Directors held a regular monthly board meeting and public hearings on Wednesday, May 14, 2025 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, May 14, 2025. Seven directors were present at the meeting constituting a quorum, including President Scadden, Director Davis, Director Phillips, Director Leva, Director Huber, Director Van Ackeren, and Director Urie. 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, Adam Friedman with McElroy, Sullivan, Miller & Weber, LLP, Lynn Sherman representing JPD Backyard Finance, LLC, Nieves Alfaro, P.E., Bryan Boyd, P.G., with Bullock, Bennett & Associates, LLC on behalf of Archangel Catholic School of Austin, Tom Prevost, Colleen Lynch, and Audra McCleary with Archangel Catholic School of Austin. The following individuals participated remotely by videoconference call: Audrey Cooper and Andres Castillo with Lloyd Gosselink, CJ Bennett and Edward Ficker with Bullock, Bennett & Associates, LLC, Ed McCarthy representing Archangel Catholic School of Austin, Danna Oakes on behalf of Cypress Ranch WCID No. 1, Pete Golde, and Lance Oriti with Kimley Horn on behalf of JPD Backyard Finance, LLC.
2. **Announcements** – No announcements were presented.
3. **Public Comments** – No public comments were presented under this agenda item.
4. **Discussion and possible action on approving previous meeting minutes** – President Scadden presented draft minutes for the March 12, 2025 and April 10, 2025 regular board meetings and public hearings for consideration. A motion was made by Director Davis to approve the minutes for the March 12, 2025 and April 10, 2025 regular board meetings and public hearings as presented. Motion seconded by Director Urie. Motion carried 7 Ayes – 0 Nays.
5. **Public hearing on Operating Permit Application for Archangel Catholic School of Austin** – President Scadden called the public hearing on the Operating Permit Application of Archangel Catholic School of Austin for District Well ID# 58427AC2 to order at 12:08 p.m., a quorum of seven directors remained present. President Scadden reported that Archangel Catholic School of Austin submitted an operating

permit application to the District for a well located at 3000 Barton Creek Boulevard seeking authorization to withdraw up to 9.85 million gallons (30.23 acre-feet) of groundwater annually from the Lower Trinity Aquifer for the purpose of irrigating school athletic fields and landscaped grounds. President Scadden swore in Ed McCarthy, Bryan Boyd, P.G., Tom Prevost, Colleen Lynch, and Audra McCleary to provide testimony on behalf of Archangel Catholic School of Austin.

Bryan Boyd, P.G., with Bullock, Bennett & Associates, LLC, provided testimony on behalf of Archangel Catholic School of Austin regarding the hydrogeology reports submitted with the operating permit application. Bryan Boyd reported that Archangel Catholic School of Austin is a private catholic school located in Travis County on an 80-acre campus, and that the school is a historic groundwater user and has had a groundwater well on the school's property since the late 1990s. Bryan Boyd reported that the school has traditionally used groundwater to irrigate the school's athletic fields, and that the school has engaged in groundwater conservation efforts including converting several of their athletic fields to artificial turf to reduce the need for irrigation. Bryan Boyd reported that the school is a nonprofit organization and must fundraise to meet their general operating costs, and that the cost of complying with some of the special permit conditions proposed by the District General Manager would be difficult for the school to meet, including drilling a new monitoring well and installing a rainwater harvesting system. Bryan Boyd requested that Archangel Catholic School be provided additional time to negotiate the special permit conditions proposed by District Staff.

Colleen Lynch, Head of School at Archangel Catholic School of Austin, provided testimony and requested that the Board allow additional time for the school to negotiate the special permit conditions proposed by District Staff. Colleen Lynch reported that many nonprofit organizations, like Archangel Catholic School, do the bulk of their fundraising in the fall after the beginning of the new school year, and that the school may be able to raise additional funds at that time. Ed McCarthy provided testimony on behalf of Archangel Catholic School of Austin and reiterated that the applicant's goal is to work with District Staff to develop permit conditions that are agreeable to both parties.

Director Huber left the public hearing at 12:25 p.m.; a quorum of six directors remained present. President Scadden adjourned the public hearing at 12:35 p.m. for a brief break. President Scadden reconvened the public hearing on the Operating Permit Application of Archangel Catholic School of Austin at 12:39 p.m., a quorum of six directors remained present.

General Manager Cockrell provided testimony on the permit application and reported that District Staff recommend approval of the applicant's request to withdraw up to 9,850,000 gallons (30.23 acre-feet) of groundwater annually, subject to special permit conditions designed to balance groundwater conservation and protection with the applicant's water-use needs. General Manager Cockrell reported that he has worked with the applicant's team to negotiate special permit conditions that are agreeable to both parties. General Manager Cockrell reported that based on staff review, the proposed production is expected to contribute to localized drawdown and reduced artesian pressure, causing unreasonable impacts to the Lower Trinity Aquifer and nearby wells and may potentially impact the District's ability to achieve its Desired Future Conditions. Based on this finding, District Staff recommend implementing special permit conditions for this applicant to help mitigate

the potential impacts. General Manager Cockrell provided a presentation to the Board regarding the special permit conditions proposed by District Staff.

President Scadden closed the public hearing on the Operating Permit Application of Archangel Catholic School of Austin, at 1:10 p.m. President Scadden reconvened the open meeting at 1:11 p.m., a quorum of six directors remained present.

6. **Discussion and possible action on the operating permit application for Archangel Catholic School of Austin** – President Scadden reported that the Board will not take any action on the operating permit application of Archangel Catholic School of Austin to allow additional time for the applicant and District Staff to negotiate proposed special permit conditions. No action was taken under this agenda item.
7. **Public hearing on Operating Permit Application for JPD Backyard Finance, LLC** – This agenda item was taken out of number order due to time constraints. President Scadden called the public hearing on the Operating Permit Application of JPD Backyard Finance, LLC, Permit No. OP-LT-JPD-240320, to order at 9:36 a.m., a quorum of seven directors remained present. President Scadden reported that JPD Backyard Finance, LLC, submitted an operating permit application to the District seeking authorization to withdraw up to 3,700,492 gallons (11.36 acre-feet) of groundwater annually from two Lower Trinity Aquifer wells located at 13801 Bee Cave Parkway for the purpose of supplying a site water feature, with diversion for irrigation use at the same location. President Scadden reported that the Board held its first hearing on this permit application on March 20, 2024, and approved the permit with special conditions authorizing up to 1,142,452 gallons (3.506 acre-feet) annually, and that JPD Backyard Finance, LLC subsequently filed a request for a contested case hearing before the State Office of Administrative Hearings (“SOAH”) on April 8, 2024. President Scadden reported that the only two parties to this contested case matter are the applicant, JPD Backyard Finance, LLC, and the District’s General Manager. President Scadden reported that JPD Backyard Finance, LLC filed a brief requesting that the Board re-open the administrative record in this matter to receive and consider additional evidence from the applicant. President Scadden reported that Cole Ruiz is present as counsel for the District General Manager, and Adam Friedman is present as counsel for the Board of Directors. President Scadden swore in Lynn Sherman to provide testimony on behalf of JPD Backyard Finance, LLC, and Lane Cockrell and Cole Ruiz to provide testimony on behalf of the District General Manager.

Lynn Sherman provided testimony on behalf of JPD Backyard Finance, LLC, and requested that the applicant’s brief requesting the reopening of the administrative record be admitted as evidence. Lynn Sherman argued that the site water feature on the applicant’s property is not a vanity pond for aesthetic purposes, but is a water quality retention pond designed for stormwater runoff purposes in compliance with federal, state, and local laws. Lynn Sherman presented a map of JPD Backyard Finance, LLC’s property, reflecting the location of Pond B, for which the applicant obtained TCEQ Texas Pollutant Discharge Elimination System (“TPDES”) Stormwater Construction General Permit No. TXR1577HQ. Lynn Sherman also presented City of Bee Cave Ordinance No. 428 and argued that the applicant’s Pond B meets all the criteria for beneficial use. Lynn Sherman requested that the

Board of Directors reconsider their previous decision on JPD Backyard Finance, LLC's operating permit application, and authorize the full amount of groundwater requested in the application.

Cole Ruiz cross-examined Lynn Sherman and questioned whether keeping Pond B at a "constant level" and keeping the pond full are the same thing. Lynn Sherman reported that the two terms are interchangeable, and referenced the applicant's TPDES permit which requires a water level elevation of 941 feet. President Scadden requested that Lynn Sherman provide the specific citation from TCEQ rules or City of Bee Cave regulations that requires Pond B to be maintained at an elevation of 941 feet. Mr. Sherman was unable to provide the citation immediately but stated that the information was included in the applicant's brief and that he could locate it later in the hearing if given time.

Cole Ruiz provided testimony on behalf of the District General Manager and reported that the District has an obligation as a Hill Country Priority Groundwater Management Area District under Texas Water Code § 36.113 to consider if the proposed use of water from a well is wholly or partially to provide water to a pond, lake, or reservoir for aesthetic purposes. Cole Ruiz reported that if the amount of water being requested by the applicant exceeds the requirements of their TPDES permit, the Board may choose to authorize a groundwater production volume up to what is necessary for the applicant to comply with that requirement.

President Scadden reported that the Board will enter executive session pursuant to Texas Government Code § 551.071 to discuss attorney-client matters with the Board's legal counsel. President Scadden adjourned the public hearing and the Board went into executive session at 10:25 a.m. President Scadden reconvened the public hearing on the Operating Permit Application of JPD Backyard Finance, LLC, Permit No. OP-LT-JPD-240320, at 11:12 a.m. A quorum of seven directors remained present at the meeting.

Lance Oriti with Kimley Horn was sworn in by President Scadden to provide additional testimony on behalf of JPD Backyard Finance, LLC, regarding the nature of Pond B and basis for maintaining it at a constant elevation of 941 feet. He testified that the applicant's Pond B is required by the City of Bee Cave's Environmental Criteria Manual to be a wet pond, and that the pond elevation of 941 feet was developed in accordance with those requirements. Lance Oriti reported that the bottom of the main pool is 933 feet above mean sea level, and that the criteria manual requires six to eight feet of water, making the minimum water level elevation of Pond B 939 feet above sea level. Cole Ruiz cross-examined Lane Oriti and requested that he explain what portion of the City of Bee Cave's ordinance and Environmental Criteria Manual require the applicant's pond to be at a water level of 941 feet. Lance Oriti testified that the City of Bee Cave's Environmental Criteria Manual requires stormwater ponds like Pond B to have a water depth of six to eight feet, and that the final water level elevation depends on site specific topography. Lance Oriti testified that the City of Bee Cave City Engineer approved JPD Backyard Finance, LLC's site plan for Pond B, and that the plan was also approved by the Bee Cave City Council.

Adam Friedman, counsel for the Board, cross-examined Oriti and asked whether Pond B was also intended to serve as an amenity feature for aesthetic purposes. Friedman referenced Exhibit E of the applicant's brief, City of Bee Cave Ordinance No. 404, which specifies requirements for Water Quality and Detention Ponds within the development and states that Pond B "shall be designed to function

and operate as a landscaped amenity feature with seating areas and views available from contiguous trails.”

President Scadden closed the public hearing on the Operating Permit Application of JPD Backyard Finance, LLC, Permit No. OP-LT-JPD-240320, at 11:58 a.m. President Scadden reconvened the open meeting at 11:59 a.m., a quorum of seven directors remained present.

8. **Discussion and possible action on the operating permit application for JPD Backyard Finance, LLC –** President Scadden reiterated that no action was taken during the Board’s executive session to consult with legal counsel pursuant to Texas Government Code § 551.071. President Scadden reported that JPD Backyard Finance, LLC has requested that the Board reconsider its previous decision on their operating permit application in light of the new evidence entered into the administrative record. President Scadden reported that he believes the Board should take no further action on JPD Backyard Finance, LLC’s permit application and allow the contested case to continue at SOAH before the administrative law judge. After some discussion, the Board took no action on the operating permit application of JPD Backyard Finance, LLC.
9. **Receive update, discuss, and consider possible action on the implementation and enforcement of District Rules –** No action was taken under this agenda item.
10. **Receive update, discuss, and consider possible action on ongoing contested case hearings –**
 - a. **Clancy Utility Holdings, LLC –** No action was taken under this agenda item.
 - b. **JPD Backyard Finance, LLC –** No action was taken under this agenda item.
11. **Receive update, discuss, and consider possible action on proposed new wells requiring Board authorization to reduce required property line setbacks –** No action was taken under this agenda item.
12. **Discussion and possible action on matters related to District drought stage status –** No action was taken under this agenda item.
13. **Discussion and possible action on forming an Administrative Subcommittee of the Board –** No action was taken under this agenda item.
14. **Receive, discuss, and take action as necessary on Board Committee Reports:**
 - a. **Finance –** No action was taken under this agenda item.
 - b. **Legislative –** No action was taken under this agenda item.
 - c. **Science –** No action was taken under this agenda item.
 - d. **Outreach –** No action was taken under this agenda item.
 - e. **Rules –** No action was taken under this agenda item.
15. **Discussion and possible action regarding FY 2025 Interlocal Cooperation Agreement with Travis County –** No action was taken under this agenda item.

16. **General Manager's Report:**

- a. **Summary of permitting, application, and registration inquiries and submissions** – No action was taken under this agenda item.
- b. **Regulatory items and updates related to TWDB, TCEQ, GMAs, and other organizations** – No action was taken under this agenda item.
- c. **Overview of current District groundwater monitoring program** – No action was taken under this agenda item.
- d. **Other items of interest not requiring Board action** – No action was taken under this agenda item.

17. **Discuss and establish possible agenda items for future Board Meetings** – No action was taken under this agenda item.

18. **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 June 12, 2025, at 9:30 a.m. at the District's office.

19. **Adjourn** – A motion was made by Director Urie to adjourn the open meeting at 1:16 p.m. Motion seconded by Director Van Ackeren. Motion carried 6 Ayes – 0 Nays.

PASSED, APPROVED, AND ADOPTED THIS THE 12th day of June, 2025.



Tim Van Ackeren (Jun 19, 2025 13:07 CDT)

Tim Van Ackeren, Secretary






SWTCGCD-Meeting-Minutes-20250514_Approved

Final Audit Report

2025-06-19

Created:	2025-06-19
By:	Lane Cockrell (GeneralManager@swtcgcd.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAaW34q8Vzgox3nhLsX1oQnKdb2HXJe3aa

"SWTCGCD-Meeting-Minutes-20250514_Approved" History

-  Document created by Lane Cockrell (GeneralManager@swtcgcd.org)
2025-06-19 - 1:07:41 PM GMT
-  Document emailed to Tim Van Ackeren (vanackeren@swtcgcd.org) for signature
2025-06-19 - 1:08:44 PM GMT
-  Email viewed by Tim Van Ackeren (vanackeren@swtcgcd.org)
2025-06-19 - 1:10:48 PM GMT
-  Document e-signed by Tim Van Ackeren (vanackeren@swtcgcd.org)
Signature Date: 2025-06-19 - 6:07:14 PM GMT - Time Source: server
-  Agreement completed.
2025-06-19 - 6:07:14 PM GMT