

**MINUTES OF MEETING OF  
THE BOARD OF DIRECTORS OF THE  
WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY**

December 18, 2024

**Board:**

Scott Roberts, President  
Jack Creveling, Vice President  
Walt Smith, Secretary/Treasurer  
Mike Barron, Director  
Andrew Clark, Director

**Staff and Consultants:**

Jennifer Riechers, Agency General Manager  
Jennifer Smith, Agency Controller  
Lauren J. Kalisek (Lloyd Gosselink Rochelle & Townsend, P.C.), Agency General Counsel  
Lauren Binger (Lloyd Gosselink Rochelle & Townsend, P.C.), Agency General Counsel  
Jason Baze (Murfee Engineering Company, Inc.), District Engineer  
George Murfee (Murfee Engineering Company, Inc.), District Engineer

**I. CALL TO ORDER**

The meeting was called to order by President Roberts at 1:02 p.m.

**II. ESTABLISH QUORUM**

A quorum was established with the above-referenced Directors, staff and consultants present.

**III. PUBLIC COMMENT**

Patricia Sinnott provided comment. Ms. Sinnott stated she is President of the Lake Pointe HOA and was in attendance to provide comment on the status of the Lake Pointe Wastewater Treatment Plant. She explained that although she was assured at a previous meeting that odors would be eliminated before Thanksgiving after a year of persistent odors, odor problems are still occurring. She said the residents are exhausted from living with persistent problems for the past year. Ms. Sinnott asked the Board to place this item on the agenda every month to help track regulatory compliance and construction phases. She further requested the Board consider this matter when reviewing capital improvement plans and budget plans in order to prioritize resolution of this issue.

Jennifer Riechers provided a response. Ms. Riechers stated that the plant blower went out during the week of Thanksgiving and has since been repaired. President Roberts and staff

discussed the status of the plant and plans for its decommissioning. Ms. Riechers stated the delay in decommissioning is the result of delays with the Bohl's Wastewater Treatment Plant expansion.

#### **IV. PUBLIC HEARINGS**

##### **A. Conduct a public hearing on amendments to the WTCPUA's Land Use Assumptions, Capital Improvement Plan and Water Impact Fees, 1:15 p.m. (L. Kalisek/G. Murfee/N. Heddin).**

Nelisa Heddin presented this item. Ms. Heddin provided a brief overview and presentation on the proposed amendments to the WTCPUA's Land Use Assumptions and Capital Improvement Plan for both its Water and Wastewater Impact Fees.

##### **Public Comments:**

Bill Bunch of Save our Springs Alliance provided comment. Mr. Bunch asked the Board to reconsider its duty to serve its existing customers and the best interests of such customers. Mr. Bunch stated the areas served by the WTCPUA are the most environmentally sensitive areas of the state. He added there is no need to expand through these environmentally sensitive areas. Mr. Bunch stated he believes that water quality and groundwater are not being protected due to growth and development.

Nick Cocavessis provided comment. Mr. Cocavessis stated he is a resident of the Belvedere Subdivision and a retired registered civil engineer. He stated he had 40 years of experience working on oil and gas projects involving pipelines. Mr. Cocavessis stated he is familiar with the basic requirements of the system the Board is managing. He added that he is concerned with the unbridled growth in the area and the Agency's management of the system. Mr. Cocavessis stated he feels the development is untenable and proof of the consequences of such growth can be seen in Phoenix, AZ. He continued that Phoenix is proof of the impact unbridled growth has on an area that was not designed to be accommodating to so many people. Mr. Cocavessis stated he believes development is detrimental to the ecosystem and to the sustainability of the current WTCPUA system. He offered free consulting services to the WTCPUA staff regarding the Belvedere subdivision issues with water availability and pressure.

Jim Koerner provided comment. Mr. Koerner stated he is a resident of the Belvedere Subdivision and a customer of the WTCPUA since 2013. Mr. Koerner explained it is unacceptable that he spends three to four days a year with no water in his community. He said he was worried about water rate increases for water the community should already be receiving. Mr. Koerner stated the capital improvement projects should have been implemented long ago. Mr. Koerner stated the Board's agreement with developers is suspect as evidenced by the Provence development. He continued that the agency is a public utility, not a commercial water utility, and as such it has a responsibility to its existing customers and the environment. Mr. Koerner stated smart meters should be utilized to hold residents

accountable for overuse of water. Mr. Koerner asked the Board to work with the community on short-term mitigation of fire risks.

President Roberts announced a recess at 1:11 p.m. The Board reconvened at 1:15 p.m.

**MOTION:** A motion was made by Director Creveling to close the public hearing. The motion was seconded by President Roberts.

**The vote was taken with the following result:**

**Voting Aye: Unanimous**

**Voting Nay:**

**Abstained:**

**Absent:**

**B. Conduct a public hearing on amendments to the WTCPUA's Land Use Assumptions, Capital Improvement Plan and Wastewater Impact Fees, 1:30 p.m. (L. Kalisek/G. Murfee/N. Heddin).**

**MOTION:** A motion was made by Director Clark to close the public hearing. The motion was seconded by President Roberts.

**The vote was taken with the following result:**

**Voting Aye: Unanimous**

**Voting Nay:**

**Abstained:**

**Absent:**

The public hearings closed at 1:31 p.m. and the Board reconvened to regular session.

**V. CONSENT AGENDA**

**A. Approve minutes of November 18, 2024 Regular Board Meeting.**

**B. Approve payment of invoices and other bookkeeping matters.**

**C. Approve Contractor Pay Requests and invoices including:**

- 1. G Creek Inc., Pay Application #10, \$194,315.92, Uplands Water Treatment Plant Renovation;**
- 2. Udelhoven Oilfield System Service, Inc., Pay Application #4, \$49,434.20, Lake Pointe LS Rehab;**
- 3. Udelhoven Oilfield System Service, Inc., Pay Application #5, \$66,553.66, Lake Pointe LS Rehab;**
- 4. Payton Construction, Pay Application #3, \$92,219.00 Southwest Parkway Pump Station Improvements;**

5. **Austin Engineering, Pay Application #7, \$327,374.69, 1080 Transmission Line, Segment B; and**
6. **Landmark Structures, Inc., Pay Application #16, \$181,430.44, 1240 Elevated Storage Tank.**

**MOTION:** A motion was made by Director Smith to approve the Consent Agenda, presented in item V.A-C of the Board Packet. The motion was seconded by President Roberts.

**The vote was taken with the following result:**

**Voting Aye: Unanimous**

**Voting Nay:**

**Abstained:**

**Absent:**

## **VI. NEW BUSINESS**

- A. Discuss, consider and take action on order approving amendments to the WTCPUA's Land Use Assumptions, Capital Improvement Plan and Water Impact Fees (G. Murfee/N. Heddin).**

A discussion was led by President Roberts on how to allocate capital improvement plan costs to residents who live on different parts of the system.

Director Creveling stated the rate increase should begin at the 28% mark which would allow the agency to make up for its deficit over the last seven years.

Director Barron asked staff if part of the reason for the delay in providing adequate water service to certain service areas is related to the Provence development not meeting its contract requirements to extend the line. Jennifer Riechers stated Provence is working through the easement process to fulfill its obligation. Director Barron asked Agency counsel if the WTCPUA has an ability to enforce this under the agreement. Lauren Kalisek advised the Board this matter would need to be discussed in Executive Session because it is related to obligations and duties under the contract.

Director Smith provided comment regarding limitations placed on counties by the State related to limiting development. He suggested the discussion begin at the 28% mark in order for the Agency to break even.

Director Barron asked staff if the full 28% would need to be increased all at one time. Ms. Riechers stated only the impact fee rate is being considered and that a rate study has not been conducted for retail rates.

President Roberts asked if the fee can be determined solely from a pressure plane standpoint rather than a system-wide fee. The Board and staff discussed the difference between a system-wide fee versus a fee based on the service area. George Murfee suggested staff be given an opportunity to conduct a work session to discuss.

Board did not take action on this item. The Board instructed staff to place this item on the next Board meeting agenda.

**B. Discuss, consider and take action on order approving amendments to the WTCPUA's Land Use Assumptions, Capital Improvement Plan, and Wastewater Impact Fees (G. Murfee/N. Heddin).**

The Board did not take action on this item. The Board instructed staff to place this item on the next Board meeting agenda.

**C. Discuss, consider and take action on Service Availability Letters for:**

1. **Mirasol Springs, 347 Water LUEs, 71 System;**
2. **Lunaroya Revised SAL, 26 Water LUEs, 290 System;**
3. **Mitchell Tract, 32 Water LUEs, 290 System.**

*(This item may be taken into Executive Session under the consultation with attorney exception).*

Public Comments:

Bill Bunch provided comment. Mr. Bunch is the Executive Director of the Save Our Springs Alliance. Mr. Bunch stated he would like clarification on the three items posted together. He continued that the time limits for speaking should be given to each speaker for each service availability letter.

Mr. Bunch stated that he wanted to address the pipeline for Mirasol that would be passing through a site planned to be a future high school. He continued that the Board had discussed reserving capacity for this school site. However, Travis County has acquired land and this site will no longer likely be utilized for a school. Mr. Bunch is concerned that the WTCPUA will reserve capacity for a site that will likely now become development. He said the pipeline necessary to serve Mirasol crosses protected land in Travis County. Mr. Bunch stated he would like to see cooperation between Mirasol, the stakeholders of Hamilton Pool Road, the County, and WTCPUA to protect groundwater, minimize development and protect the river in a way that benefits the spectacular lands at Hamilton Pool Reserve and Ranch Preserve. Mr. Bunch commented there has been tremendous public investment in preserving this area.

Mr. Bunch stated that the Lunaroya and Mitchell projects are smaller proposed service agreements for developments in the Barton Creek Watershed. He pointed out that none

of the protections included in the Mirasol project regarding pumping groundwater for irrigation and landscaping are included in these service agreements. He continued, he would like the Agency to make it a standard provision on non-standard service agreements that service is contingent upon protecting the groundwater by not allowing additional ground-water pumping.

Lou Adams provided comment. Mr. Adams stated he is co-owner of Roaring Creek Canyon. Mr. Adams stated he would like to work with the Board to listen to constituents who are worried about groundwater and Mirasol. He added that water in the Hill Country is paramount. Mr. Adams stated that Roaring Creek Canyon is one of a kind and every effort should be made to protect the groundwater and springs there. He continued that the Mirasol maps do not include markings of micro-water sheds that are instrumental in maintaining the ground water in the water sheds. He continued that the health of the river depends on our water resources and these natural elements work in unison like a collective bargaining agreement. Mr. Adams stated that in order to maintain these resources, it is important that Mirasol be willing to give up their groundwater permits. He stated he believes they should not be able to have pipe and groundwater permits which would double their usage. He would also like Mirasol to give up existing wells and abandon any further pumping rather than utilizing both. Mr. Adams added that several colleges and universities use this Canyon for scientific studies and it should be protected for future use by these schools. He would like to see Mirasol utilize rainwater and river water collections during construction rather than groundwater. Mr. Adams would like the developer to slow down so that things can be done correctly. He added that the agreement should be in perpetuity with the right of survivorship.

Josh Bennett provided comment. Mr. Bennett is a resident living off of Hamilton Pool Road. He requested the non-standard service agreement be revised to milligram per liter instead of part per million. Mr. Bennet would like the Agency to keep its promises to current residents rather than focusing on new consumers. Mr. Bennett would like to balance natural resources and population growth so that it is sustainable for families who have been there for generations.

Victoria Rose provided comment. Ms. Rose is a member of the Save Our Springs Alliance. Ms. Rose stated the decision the Board is making today will impact a special and unique area with endangered species. She continued that although she was thankful for the protections added to the Mirasol non-standard service agreement regarding water quality, the protections did not include Fatmucket Mussels and the Golden Warbler which are both protected by the endangered species act. Ms. Rose asked the Board to consider the gravity of their decision and its effects on the areas unique and protected wildlife.

Mike Clifford provided comment. Mr. Clifford stated he is the Technical Director for the Greater Edwards Aquifer Alliance. He requested that the Board change the nutrient

limits in the agreement to milligram per liter instead of parts per million to be consistent with TCEQ permits. Mr. Clifford requested the Board add 2 additional requirements to the Mirasol Springs NSSA. He requested the Board add pollution limits of 5 mg per liter of carbonaceous biochemical oxygen demand (CBOD) and total suspended solids (TSS) to be consistent with TCEQ to ensure the Pedernales River and springs are not threatened by wastewater pollution. Mr. Clifford encouraged the Board to delay decision on the agreement in order to revise the agreement with these changes.

Annie Borden provided comment. Ms. Borden stated she lives on the Pedernales River across from new development and has concerns related to water usage. She thanked the Board for requiring water restrictions to be platted and requiring limits on nitrogen and phosphorus in wastewater. Ms. Borden stated there will need to be additional changes to the agreement before she can support it. She continued she would like wells to be capped immediately. She added she would like protections for the Fatmucket Mussel included in the agreement. Ms. Borden stated permitting agencies should encourage the use of rainwater as a source of potable water.

Blane Williams provided comment. Mr. Williams stated he shares a property line with the new development and is a member of the Save the Pedernales. Mr. Williams requested the Board require rainwater to be a key water source for Mirasol in the agreement. He added the use of rainwater can easily be integrated into the Mirasol project since each building will have a WTCPUA meter installed. Mr. Williams stated the future of water in the hill country is dependent upon conservation of the existing resources and fully developing new sources of water like rainwater. He added he would like to see WTCPUA lead this effort.

Jim Truitt provided comment. Mr. Truitt stated he works for Mirasol Capital. He stated Mirasol has provided written comments to the most recent draft agreements and provided these comments to the WTCPUA. Mr. Truitt stated these comments address many of the concerns expressed by the public today. He added there is a meeting scheduled for tomorrow with those who protest the development. Mr. Truitt requested the Board approve the plans.

Ed McCarthy stated he would waive public comment.

President Roberts stated he would like to add a standard provision to all non-standard service agreements with the WTCPUA that precludes any developer with a water permit from having wells. President Roberts instructed staff to add this item to the next meeting agenda.

President Roberts announced the Board would be convening in Executive Session at 2:42 p.m. on items VI.C, VI.D, VI.G, VI.J, VI.K and VI.L under the consultation with attorney exception and item VI.F under the real property exception. President Roberts reconvened regular session at 3:44 p.m. No action taken.

**MOTION:** A motion was made by Director Roberts to approve items VI.C. 2 and 3 in their entirety as presented in the Board Packet and item VI.C.1 with the changes listed below. The motion was seconded by Director Smith.

**The vote was taken with the following result:**

**Voting Aye: Unanimous**

**Voting Nay:**

**Abstained:**

**Absent:**

The Service Availability Letter for Mirasol should be updated to reflect a new Section 2.2 of the Mirasol NSSA as follows:

**Section 2.2 Developer Commitments on Water Conservation and Water Quality Protection.** As consideration for the WTCPUA's extension of retail water service to the Proposed Development, Developer agrees to the following water conservation and water quality protection measures:

- a. Potable water from the WTCPUA, or sourced from harvested groundwater or treated effluent generated in the Phase, must be the exclusive potable water sources used for each Phase of the Proposed Development, and Developer agrees to not use groundwater or surface water from the Pedernales River as a potable water source;
- b. Developer agrees not to drill new groundwater wells and shall include a plat note in all subdivision plats for the Proposed Development prohibiting the installation of new groundwater wells;
- c. The existing groundwater well planned for use in Phase I for irrigation of the organic farm shall be abandoned upon the availability of WTCPUA water to provide service for farm irrigation at a capacity/meter size approved by WTCPUA;
- d. The existing groundwater wells planned for use in Phase II shall be abandoned upon the availability of WTCPUA water to provide service for agricultural, and livestock use at a capacity/meter size approved by WTCPUA at the time Phase II is developed;
- e. Developer agrees to request TCEQ include limits in the TLAP permit for the Proposed Development of 1 ppm Ammonia Nitrogen and 1 ppm Total Phosphorus and to install and operate wastewater treatment facilities so that such effluent quality is achieved; and
- f. WTCPUA may inspect the Development at any time, and if it determines a violation of these water conservation and water quality protection measures is occurring, WTCPUA will provide 60-day notice and opportunity to cure and, if such violation continues, may suspend water service until the violation is corrected.



**D. Discuss, consider and take action on Non-Standard Service Agreements:**

1. **Mirasol Springs;**
2. **Lunaroya (Revised);**
3. **Mitchell Tract.**

**(This item may be taken into Executive Session under the consultation with attorney exception).**

This item was taken into Executive Session under the consultation with attorney exception as noted above. No action was taken in Executive Session.

**MOTION:** A motion was made by Director Roberts to approve items VLD. 2 and 3 in their entirety as presented in the Board Packet and item VLD.1 with the changes listed below. The motion was seconded by Director Smith.

**The vote was taken with the following result:**

**Voting Aye: Unanimous**

**Voting Nay:**

**Abstained:**

**Absent:**

Section 2.2 of the Mirasol NSSA shall be deleted in its entirety and replaced with:

**Section 2.2 Developer Commitments on Water Conservation and Water Quality Protection.** As consideration for the WTCPUA's extension of retail water service to the Proposed Development, Developer agrees to the following water conservation and water quality protection measures:

- a. Potable water from the WTCPUA, or sourced from harvested groundwater or treated effluent generated in the Phase, must be the exclusive potable water sources used for each Phase of the Proposed Development, and Developer agrees to not use groundwater or surface water from the Pedernales River as a potable water source;
- b. Developer agrees not to drill new groundwater wells and shall include a plat note in all subdivision plats for the Proposed Development prohibiting the installation of new groundwater wells;
- c. The existing groundwater well planned for use in Phase I for irrigation of the organic farm shall be abandoned upon the availability of WTCPUA water to provide service for farm irrigation at a capacity/meter size approved by WTCPUA;
- d. The existing groundwater wells planned for use in Phase II shall be abandoned upon the availability of WTCPUA water to provide service for agricultural, and livestock use at a capacity/meter size approved by WTCPUA at the time Phase II is developed;

- e. Developer agrees to request TCEQ include limits in the TLAP permit for the Proposed Development of 1 ppm Ammonia Nitrogen and 1 ppm Total Phosphorus and to install and operate wastewater treatment facilities so that such effluent quality is achieved; and
- f. WTCPUA may inspect the Development at any time, and if it determines a violation of these water conservation and water quality protection measures is occurring, WTCPUA will provide 60-day notice and opportunity to cure and, if such violation continues, may suspend water service until the violation is corrected.

**E. Discuss, consider and take action on Proposal from Malone Wheeler, Inc. for Bee Cave Elementary Wastewater Conversion (J. Riechers).**

Jennifer Riechers presented this item. Ms. Riechers advised the Agency would like to get this item completed prior to the start of the next school year.

**MOTION:** A motion was made by Director Creveling to approve item VI.E, as presented in the Board Packet. The motion was seconded by President Roberts.

The vote was taken with the following result:

Voting Aye: Unanimous

Voting Nay:

Abstained:

Absent:

**F. Discuss, consider and take action regarding an alternative site for Elevated Storage Tank for the City of Dripping Springs (G. Murfee).**  
*(This item may be taken into Executive Session under the real property exception).*

This item was taken into Executive Session under the real property exception. The Board provided staff with instructions. No action was taken on this item.

**G. Discuss, consider and take action on litigation from Save Our Springs Alliance, Cause No. D-1-GN-24-009338 (M. Shaunfield).**  
*(This item may be taken into Executive Session under the consultation with attorney exception).*

This item was taken into Executive Session under the consultation with attorney exception. The Board instructed staff to keep this item on future agendas until the matter has been resolved. No other action taken.

- H. Discuss, consider and take action on proposal from Murfee Engineering Co. for engineering services related to Cross Country Transmission Main CIP project (G. Murfee).**

George Murfee presented his item.

**MOTION: A motion was made by Director Barron to approve item VI.H, as presented in the Board Packet. The motion was seconded by Director Smith.**

**The vote was taken with the following result:**

**Voting Aye: Unanimous**

**Voting Nay:**

**Abstained:**

**Absent:**

- I. Discuss, consider and take action on proposal from Texas Aquastore for maintenance on West Bee Cave ground storage tank (J. Riechers).**

Jennifer Riechers presented this item. Ms. Riechers stated the agency has received a quote for the repair or replacement of a leaking tank. Ms. Riechers advised the Board that the recommendation from staff was to repair the storage tank.

**MOTION: A motion was made by Director Roberts to approve item VI.I, as presented in the Board Packet. The motion was seconded by Director Smith.**

**The vote was taken with the following result:**

**Voting Aye: Unanimous**

**Voting Nay:**

**Abstained:**

**Absent:**

- J. Discuss, consider and take action on Audit Engagement Letter from Maxwell, Locke and Ritter (J. Smith).**

Jennifer Smith presented this item. Ms. Smith stated the proposal included a continuation of service for one year with Maxwell, Locke and Ritter with an increased fee of \$2,000.00.

**MOTION: A motion was made by Director Roberts to approve item VI.J, as presented in the Board Packet. The motion was seconded by Director Smith.**

**The vote was taken with the following result:**  
**Voting Aye: Unanimous**  
**Voting Nay:**  
**Abstained:**  
**Absent:**

- K. Discuss, consider and take action on status of 1080 Transmission Main project and easement acquisition (L. Kalisek)**  
*(This item may be taken into Executive Session under the consultation with attorney exception).*

This item was taken into Executive Session under the consultation with attorney exception. The Board instructed staff to set a Special Board meeting for January 15, 2025 at 1:00 p.m. to further discuss this item.

- L. Discuss, consider and take action on update of Hwy. 290 30" Transmission Main project (G. Murfee).**  
*(This item may be taken into Executive Session under the consultation with attorney exception)*

This item was taken into Executive Session under the consultation with attorney exception. The Board provided direction to staff. No action was taken on this item.

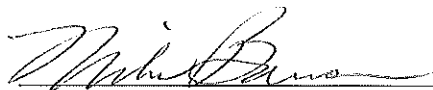
## **VII. ADJOURNMENT**

**MOTION:** A motion was made by Director Roberts to adjourn the Board meeting. The motion was seconded by Director Creveling.

**The vote was taken with the following result:**  
**Voting Aye: Unanimous**  
**Voting Nay:**  
**Abstained:**  
**Absent:**

The meeting was adjourned by President Roberts at 3:49 p.m.

PASSED AND APPROVED this 20<sup>th</sup> day of February, 2025.

  
~~Walt Smith, Secretary~~ Mike Barron, Asst. Sec.  
Board of Directors