



COUNCIL COMMITTEE REPORT

Public Utilities Committee

Date: April 15, 2015

Agenda Item # 7

Agenda Item: Briefing, public comment, and possible Committee action on issues related to Decker Golf course.

Vote: Approved unanimously 4-0-0-0

Original Sponsors/Department: Parks and Recreation Department

Summary of Discussion

Greg Meszaros, Director of the Austin Water, delivered a presentation on water considerations in relation to the Decker Lake Golf proposal. Mr. Meszaros provided background information about Walter E. Long Lake and described how Austin Water plans to use the lake as an augmentation to the City's water supply.

In regards to the golf proposal, Mr. Meszaros described the water well that the developer proposes to drill and use for irrigation, and mentioned that there are provisions in the draft agreement that protect the City's interests in using the lake for water supply purposes.

Following the presentation, council members posed the following questions and concerns about the water supply for Decker Lake Golf:

- *The cost and economic feasibility of the City using water from the Trinity Aquifer for drinking water versus surface water, and diversification of the City's water supply*

Mr. Meszaros explained that it would be feasible but very expensive given the brackish nature of the water, and that it would take many years to make the changes necessary for this to occur. Discussion was had about San Antonio's \$3 billion project to use water from the Carrizo-Wilcox Aquifer at a cost of \$2200 per acre-foot versus Austin's current cost of \$175 per acre-foot. Mr. Meszaros also noted that the Austin Water Resource Planning Task Force that was convened last year had recommended local water supplies versus importing it from elsewhere, and that supply diversification could also include, for example, treatment of wastewater to convert it into drinking water, which the City is evaluating.

- *Protections for the City and any impacts of the proposal on the availability of water should the City need the water from the Trinity Aquifer, and in light of the Task Force recommending that the City look for local water supplies.*

Mr. Meszaros explained that the amount of water that the golf course would use would not make a material difference in terms of limiting the availability of that water should the City want to use that water, and noted that the draft contract provides the City the right to terminate the agreement. He also noted that the proposed well would be on an adjacent property and the City could not restrict the use of that water today. Mr. Meszaros noted that if the development requests City water, that would raise concerns. Council Member Garza raised concerns that the well might not work. Council Member Troxclair inquired about the cost to the utility for any infrastructure and Mr. Meszaros stated that the developer is responsible for any infrastructure, including the well. She also inquired about the sodium level of the water, to which Kevin Gomillion, Division Manager of Golf and Tennis for the Parks and Recreation Department, replied that many hybrid grasses can thrive with saltwater. She also asked Mr. Meszaros about commentary from a citizen who spoke before Mr. Meszaros' presentation and conveyed that no other uses would be hindered by the golf course's use of the well, with which Mr. Meszaros agreed.

- *Contract provisions if the proposed well does not produce water*

Warren Hayes of Decker Lake Golf conveyed his confidence that the well would produce water given the 3000-foot depth of the well but noted that if the well does not produce water, they must come back to Council since the well water is the only approved source of water per the proposed contract. Comments and questions arose from the Committee about the risk to the developer associated with returning to Council. Mr. Hayes conveyed his comfort with the risk, and believed that the water would be available for this project. Mr. Hayes noted that probability of not hitting water would be in low single-digits.

- *The 'rule of capture' governing groundwater rights*

The Committee noted that under the right/rule of capture, the 'person with the biggest pump wins.' Mr. Meszaros and Mr. Hayes confirmed this to be the case. Mr. Meszaros also noted that the proposed contract included provisions that prohibit the developer from interfering with any permit amendments or applications the City might make in regards to the use of Decker Lake as a water supply.

- *The risk and pressure on the City if the well does not produce water*

The Committee discussed what recommendation to send back to Council. Council Member Garza expressed a preference to deliver no recommendation to Council given the uncertainty and potential pressure on the City. Council Member Zimmerman noted that he did not see a strong reason to say yes or no. Council Member Kitchen noted the proposal would be stronger to her if it said that the developer could not come back to Council and ask the City for water if the well did not work, and that she was also comfortable with sending the item back to Council with no recommendation. Council Member Troxclair noted that this was sent to committee in hopes of a recommendation

and suggested that the Committee develop points for the Council's consideration, such as prohibiting the developer from coming back to the City if the well did not work, though she felt like her questions had been answered.

Council Member Kitchen motioned to send the item to Council with no recommendation but include a report that Chairwoman Garza would develop and post on the Council Message Board.

Public Comments:

For the Item:

- Barbara Scott – was not present when item was called but spoke at beginning of meeting during General Citizen Communication on Item 7
- Larry Jackson – did not mark position on sign-in sheet but spoke in favor
- Douglas Gilliland – spoke in favor
- Warren Hayes of Decker Lake Golf, LLC – spoke in favor
- Larry Beard – spoke in favor
- Jeffrey Schryver – spoke in favor
- Dr. Charles Urdy – spoke in favor
- Greg Smith – did not speak but donated time to Dr. Urdy
- Richard Suttle, representative of Decker Lake Golf – spoke in favor

Against the Item:

- David King – spoke against
- Marion Molotok – spoke against
- Brian Rodgers – spoke against
- Liz Carrasco – did not mark position on sheet and did not speak but donated time to Brian Rodgers

Direction

Council Member Kitchen motioned to send the item to Council with no recommendation but include a report that Chairwoman Garza would develop and post on the Council Message Board. Seconded by Council Member Zimmerman. Approved unanimously 4-0.

Recommendation:

Council Member Kitchen motioned to send the item to Council with no recommendation but include a report that Chairwoman Garza would develop and post on the Council Message Board. Seconded by Council Member Zimmerman. Approved unanimously 4-0.