

CITY OF SAN ANTONIO

CONSERVATION ADVISORY BOARD

MINUTES

April 28, 2021

BOARD MEMBERS PRESENT

Member Name	Agency Represented
Dr. Francine Romero	<i>Texas Parks & Wildlife Dept.</i>
Mr. Homer Garcia	<i>COSA Parks & Recreation Dept.</i>
Mr. Brock Curry	<i>Edwards Aquifer Authority</i>
Mr. Scott Halty for Mr. Robert Puente	<i>San Antonio Water System</i>
Mr. Stephen Graham	<i>San Antonio River Authority</i>
Mr. Rogelio Garcia	<i>San Antonio Economic Development Foundation</i>
Dr. Russell Persyn	<i>Medina County</i>

STAFF PRESENT

Melinda Cerda, Assistant Director, Parks & Recreation
 Grant Ellis, Natural Resources Manager, Parks & Recreation
 Phillip Covington, Special Projects Manager, Edwards Aquifer Protection Program (EAPP)
 Susan Courage, Senior Management Analyst, EAPP
 David Bernal, Management Analyst, EAPP
 Steve Whitworth, Assistant City Attorney, City Attorney's Office
 Victoria Shum, Assistant City Attorney, City Attorney's Office

GUESTS PRESENT

Name	Organization
David Bezanson	The Nature Conservancy
Jeff Francell	The Nature Conservancy
Kyle Garmany	The Nature Conservancy
Doug Dillow	Green Spaces Alliance
Matthew Fischer	Green Spaces Alliance
Jim Boenig	Edwards Aquifer Authority
Paul Bertetti	Edwards Aquifer Authority
Patricia Seidenberger	San Antonio Conservation Society
Bonnie Conner	Citizen; Former District 8 Councilmember
Scott Gruendler	Landowner
Andrea Beymer	San Antonio Water System
Keith Martin	San Antonio Water System
Tracey Lehmann	San Antonio Water System
Gavino Ramos	San Antonio Water System
Brian Chasnoff	San Antonio Express-News
David Cupit	Cude Engineers
Tonda Alexander	Meritage Homes
Paxton Weidner	Meritage Homes
Devin "Buck" Benson	Barton Benson Jones PLLC

REGULAR BUSINESS

Meeting was called to order at 1:01 pm by Chairwoman Francine Romero. Roll call was taken by Dr. Romero.

APPROVAL OF MINUTES

Dr. Romero asked for approval of the minutes for the March 24, 2021 meeting. Mr. Steve Graham motioned for approval of the minutes. Mr. Brock Curry seconded. Dr. Romero called for voice vote. Dr. Romero abstained. Minutes approved. Motion carried.

ITEMS OF COMMUNITY INTEREST

- Mr. Phillip Covington stated that the closings for the Jagge-Foley addition, Smart and Klaus ranch conservation easements were on-going and would be executed remotely. Mr. Covington also stated that the Smith Ranch conservation easement in Bexar County would close on Friday, March 26th. Mr. Covington also stated that with those four conservation easements would add 541 acres to the protected acreage and would bring the total land protected to 164,277 acres under the EAPP.

CITIZENS TO BE HEARD

Mr. Covington stated that there were written statements submitted to be read at the meeting regarding the agenda Item #1 Follow-up briefing regarding infrastructure easement requests. He also stated that there was a request to speak live at the meeting from Ms. Bonnie Conner concerning Item #1 on the meeting agenda.

INDIVIDUAL ITEMS

1. Follow-up briefing regarding infrastructure easement requests: City staff and San Antonio Water System
 - a. Mr. Covington read public statements with regards to the San Antonio Water System (SAWS) infrastructure easement requests. Those statements were submitted by: Mr. & Mrs. Scott Gruendler, 28710 Dal-Cin Drive, San Antonio, Texas 78260; The Conservation Society of San Antonio, Board President Patty Zaiontz, 107 King William Drive, San Antonio, Texas 78204; The Greater Edwards Aquifer Alliance, P.O. 15618, San Antonio, Texas 78212
 - Ms. Bonnie Conner, 3750 Hunters Circle, San Antonio, Texas 78230, via a telephone call addressed the CAB with comments regarding the SAWS Specht Tract infrastructure project.

- b. Mr. Covington stated that the proposed SAWS water and sewer easement would run through two EAPP conservation easement properties, the Chapman and the Gruendler properties. He also stated the SAWS easements were a 40-foot permanent water and sewer easement and a temporary 20-foot construction easement. Mr. Covington stated that the Gruendler property landowners had received an easement offer from Cude Engineers on behalf of SAWS. He also stated that the City has consulted with the Edwards Aquifer Authority (EAA) regarding what protective measures should be considered if the project moves forward and the recommendations provided closely followed those for the Classen-Steubing Ranch property when it was impacted by the installation of a wastewater line. Mr. Covington provided a summary of those recommendations which included installation of a concrete encasement around the wastewater line located within the 100-year floodplain as a secondary containment in the event of a leak, no alignment deflections greater than 90 degrees in order to assist with pipe buoyancy issues. Mr. Covington also stated that it was requested that the pipe specifications meet a 165-psi rating requirement and a rubber gasket and manhole walls for SAWS standard drawings for pre-cast concrete manholes. He also stated that if there would be a deflection greater than 90 degrees, EAA recommends that construction of two deflection manholes at least 10 feet apart so that each manhole takes one-half of the deflection angle. EAA also recommended concrete stabilized backfill, grade control structure to match the existing channel grade at Meusebach Creek crossing, riparian area erosion protection and vegetation reestablishment, and notification to EAPP staff prior to any construction activity and for acceptance and final approval of trenching, backfill and restoration efforts.
- c. Mr. Covington introduced the SAWS project staff. Mr. Covington presented questions to the SAWS project staff about the project, which included what the overall timeline for the project would be and what could landowners expect in terms of when work would begin and end on a typical day. Mr. Tracey Lehmann provided an overview of right of entry and easement status for project. Mr. Lehmann stated that the status of the water and sewer project plans are in preliminary design. He also stated that SAWS had been granted right-of-entry from seven of the nine property owners in the path of the proposed project in order to perform initial survey work, determine ground level and a geological assessment of the property. Mr. Lehmann estimated that the project design plans could be finalized at the end of the year, dependent on the geological assessment. He also stated that the project would begin in January 2022 and construction time would be six to eight months.

Mr. Lehmann stated that for the EAPP landowners they could expect two months of construction with typical working hours of 7:00 am to 7:00 pm; however, the contractor could ask for additional work hours if they run behind schedule. Mr. Covington asked if a sensitive karst feature were discovered during the excavation process what would be the protocol for handling that type discovery. Mr. Lehmann stated that the TCEQ has defined the protocol. He also stated that the contractor would need to move to another area until an engineer and a geologist made an assessment and determined a plan for resolving the karst feature and at the same time notify TCEQ which would provide a requirement on how to proceed. Mr. Covington asked approximately how deep the trenching would be on the properties. Mr. Lehmann stated about eight to 10 feet and as shallow as four feet in the area but dependent on the survey data. Mr. Covington asked what type of restoration would be performed upon completion of the project. Mr. Lehmann stated that the land would be brought back to normal grade and re-seeded with a native and rye grass mix per a revegetation specification the contractor would follow in order to bring the completed work into compliance. Mr. Covington asked what impact the installation of the water and sewer lines would have on Specht Road itself and to residents living along the road. Mr. Lehmann stated that there would be more right-of-way easement for the road than pavement and that would ensure less impact to the pavement with one-lane traffic for the six to eight weeks of planned construction. Mr. Covington asked how many gallons of wastewater per day were expected to run through the proposed sewer line based on the SAWS calculation worksheet. Mr. Lehmann stated that there was a revision on the calculations used and there would be 200 gallons per day per customer on average and not the 240 gallons used by the outdated worksheet cited, and the 200 gallons per customer per day multiplied by the 420 expected residential lots would equate to 84,000 gallons per day of wastewater. Mr. Covington asked what guarantees if any would be given to protect the Edwards Aquifer Zone with the amount of sewage flowing through the mains each day. Mr. Lehmann stated that PVC pipe with rubber seals would be used to construct the water mains. He also stated that maintenance was a key item due to the project being over the Edwards Aquifer recharge zone, where every five years SAWS would be required to inspect, maintain and remediate any issues with the pipes. Mr. Lehmann added that SAWS as well as TCEQ would review the project plans. Mr. Covington asked if the waste main would stop at the lower right corner of the development per the map or would it go down to the intersection of Blanco and Specht Road. Mr. Lehmann stated that the project was slated for the eastern corner of the Specht Tract and on-site infrastructure

would have sewer mains that would not go out to Blanco Road. Dr. Romero asked Mr. Covington to discuss the relevant conservation easement verbiage which provides examples for the possibility of such projects and the role of SAWS in this particular matter. Mr. Covington stated that Section 20 of the conservation easement provides standard language pertaining to condemnation of the entire protected property or a portion of the property. The second section of Section 20 explains the City's interest, as holder of a conservation easement, is a compensable property right and, if some or all of the property is condemned or sold in lieu of condemnation, the Grantor (landowner) and Grantee (City) would divide the condemnation proceeds by a fraction to be determined by an appraisal conducted at the time of condemnation. Dr. Romero asked what rights the City had if a property owner accepts an offer for an easement but the City states it would not accept the offer and goes to court. Mr. Steve Whitworth stated there was verbiage in the conservation easement pertaining to utility lines and the property owner would make an initial determination but the City has a right to object and would not agree to allow a utility easement and at that point it would be the utility company's decision on what action to follow and explained that it was a joint decision between the City and landowner as to whether the utility easement would go through the property. Mr. Covington added that unless the City consents in writing the landowner would be prohibited to grant new utility, road or pipeline easements unless necessary to service and to permit access to parcels and building envelopes within the conservation easement itself. Mr. Whitworth explained that the EAPP staff are routinely working with landowners to interpret the conservation easement contracts, and provide advice, consent, and consider modifications to ensure proper function of the easements. Mr. Whitworth stated that the CAB was provided a briefing in order to review and discuss the types of issues that may arise in a situation such as this. Mr. Whitworth also stated that it was an administrative decision of the City through the Parks and Recreation Department on how best to interpret the conservation easement and to protect the Edwards Aquifer. Dr. Romero asked Mr. Covington to explain how the City would enforce the conditions EAA had recommended for SAWS to consider implementing for this project. Mr. Covington stated that a written letter to SAWS could state the EAPP does not support or oppose the project but authorizes the landowners to proceed with negotiations with the understanding that SAWS would incorporate EAA's recommendations into the project. Mr. Keith Martin with SAWS stated that the conditions would be included into the contract signed by SAWS, the developer and contractor to ensure that the conditions are carried out. Mr. Steve Graham

asked if there was a precedent of sewer easements that had been allowed on EAPP conservation easements. Mr. Covington stated that on the Classen-Steubing property, SAWS had secured a sewer easement prior to the City's acquisition of the was not aware of a sewer easement request that impacted any of the EAPP conservation easements after acquisition. Ms. Andrea Beymer addressed the question regarding what conditions SAWS would agree on and stated most would be dependent on the limits and some of the specifics of those best practices. Ms. Beymer also stated that SAWS could provide a formal response through Mr. Covington. Mr. Brock Curry asked if it was true that a conservation easement does not prevent a utility easement from traversing a property in the EAPP. Mr. Covington stated that was correct and the EAPP did not hold the power of eminent domain and could not prevent a public improvement project. Mr. Scott Halty asked Mr. Lehmann how SAWS would provide sewer service on a future project if they had to reroute around a conservation easement and grade issues were encountered. Mr. Lehmann stated that SAWS would preferably follow the lows of an area and use gravity rather than use a lift station as initially proposed by the developer. Ms. Beymer stated that in the event there was not a way to go through an conservation easement and there were an elevation issue, a lift station or package treatment plant could be constructed. Mr. Covington confirmed that EAPP had communicated to the landowners that they were free to grant rights of entry to Cude Engineering for the purpose of conducting survey work.

2. Discussion & update regarding Middle Verde Ranch addition & Rothe Martin Phase III: The Nature Conservancy

- a. Mr. Jeff Francell presented the Middle Verde addition for stage 2 approval.
- b. Mr. David Bezanson presented the Rothe Martin Phase III for stage 2 approval.

3. Discussion on Framework for future water study for Edwards Aquifer Protection Program: Edwards Aquifer Authority – No presentation was provided. Item was tabled for the May CAB meeting.

Closed Regular Session & Opened Executive Session at 2:19 pm.

4. Deliberate the purchase, exchange, lease or value of real property and discuss related legal issues pursuant to Texas Government Code Sections 551.072 (real property) and 552.071 (consultation with an attorney).

Closed Executive Session & Opened Regular Session at 2:36 pm.

5. Action on proposed acquisitions in Bexar, Medina, and/or Uvalde Counties:

- No items were voted on.
6. Program fiscal report: Mr. Phillip Covington stated that the expense tracker was updated to reflect the closings for the Jagge-Foley addition, Smart and Klaus ranch conservation easements. Mr. Covington also stated that there were no major changes with the due diligence on the current properties under consideration.
 7. Monitoring status report: Mr. Phillip Covington stated that there were no issues to report.
 8. Report, Discussion, and Action regarding Agenda and for the next CAB meeting – May 26, 2021 at 1:00 pm, via a virtual meeting.
 9. Adjournment at 2:43 pm.

Scott & Maria Gruendler
28710 Del Rio Drive
San Antonio, TX 78260

Phillip Covington (Parks)

From: Scott Gruendler <scottg@spechts.com>
Sent: Tuesday, April 27, 2021 11:36 AM
To: Phillip Covington (Parks)
Cc: Maria Gruendler
Subject: [EXTERNAL] SAWS Sewer

Phillip:

Thank you for representing Maria and I at the public hearing for the proposed water and sewer lines that are proposed across our's and my neighbors property. As you know, when we placed our property into the conservation easement with the City of San Antonio we were overjoyed with the agreement to keep our property protected from the urban sprawl that Maria and I had to move away from with our acreage on Borgfeld Road. We had a subdivision built all around us and eventually sold out to the developer.

It was our understanding that the Conservation easement would protect us from exactly what is being proposed today. Running Sewer and Water across our protected property does not work with the spirit of this agreement. Not to mention that it is going to require lots of cement in the proposed solution from what I have been told. Also this is only to support more density for a subdivision that is close to Blanco road. If anything they should consider taking the lines down Blanco and not across our's and our neighbors protected property easements.

Thank you.

Scott E Gruendler

Scott Gruendler
Operator/Partner
210-364-6942



****THIS EMAIL IS FROM AN EXTERNAL SENDER OUTSIDE OF THE CITY.****

Be cautious before clicking links or opening attachments from unknown sources. Do not provide personal or confidential information.



April 28, 2021

TO: Edwards Aquifer Protection Program's Conservation Advisory Board
(EAPP-CAB)

The Conservation Society of San Antonio objects to the proposed plan to run an oversized water main and oversized sewer main through the Chapman and Gruendler Ranches' conservation easements which were acquired by the City of San Antonio for the purpose of protecting the Edwards Aquifer under the Edwards Aquifer Protection Program to protect the water supply. This area is over the sensitive recharge zone. New development is encroaching and threatening an already precious resource and this plan should be denied. We urge you to vote no on this proposal.

Respectfully,

SAN ANTONIO CONSERVATION SOCIETY

Patti Zaiontz, President



Member Organizations

Alamo, Austin, and Lone Star chapters of the Sierra Club

Bexar Audubon Society

Austin, Bexar and Travis Green Parties

Bexar Grotto

Boerne Together

Bulverde Neighborhood Alliance

Bulverde Neighbors for Clean Water

Cibola Nature Center

Citizens for the Protection of Cibola Creek

Comal County Conservation Alliance

Environment Texas

First Universalist Unitarian Church of San Antonio

Friends of Canyon Lake

Friends of Dry Comal Creek

Friends of Government Canyon

Fuerza Unida

Green Society of UTSA

Guadalupe River Road Alliance

Guardians of Lick Creek

Headwaters at Incarnate Word

Helotes Heritage Association

Hill Country Planning Association

Kendall County Well Owners Association

Kinney County Ground Zero

Leon Springs Business Association

Medina County Environmental Action

Native Plant Society of Texas – SA

Northwest Interstate Coalition of Neighborhoods

Preserve Castroville

Preserve Lake Dunlop Association

Preserve Our Hill Country Environment

San Antonio Audubon Society

San Antonio Conservation Society

San Geronimo Valley Alliance

San Marcos Greenbelt Alliance

San Marcos River Foundation

Save Barton Creek Association

Save Our Springs Alliance

Scenic Loop/Boerne Stage Alliance

Securing a Future Environment

SEED Coalition

Signal Hill Area Alliance

Solar San Antonio

Sisters of the Divine Providence

Texas Cave Management Association

Trinity Edwards Spring Protection Association

Water Aid – Texas State University

Wildlife Rescue & Rehabilitation

Wimberley Valley Watershed Association

PO Box 15618
San Antonio, Texas 78212
(210) 320-6294

April 28, 2021

City of San Antonio Conservation Advisory Board

Comments on Agenda Item 21-3280 Staff Briefing - Without Ordinance - Follow-up briefing regarding infrastructure easement requests: City staff and San Antonio Water System

Chairman Romero and Members of the Conservation Advisory Board,

I submit these on behalf of the 54 member organizations and thousands of individual members of the Greater Edwards Aquifer Alliance (GEAA).

We understand San Antonio Water System (SAWS) is presenting a plan to run water mains and a 15" oversized sewer main through properties conserved through the EAPP to protect our Edwards Aquifer water supply in order to serve a new development on the Edwards Aquifer Recharge Zone.

That tax money was used to protect properties and conservation easements acquired by the City for the express purpose of protecting San Antonio's primary source of water should prohibit such a plan. Between January 2008 and May 2012 eighty-three spills totaling 809,000 gallons (2.5 acre/feet) of raw sewage occurred on Edwards Aquifer Recharge Zone¹. The vast majority of these spills were in sewage infrastructure under SAWS management. Some were not recognized nor reported for undetermined periods of time. While we applaud SAWS efforts to address these problems, we believe it would be unconscionable to expose properties that were selected for protection based on criteria that ranks them as extremely vulnerable to rapid transmission of pollution into the Edwards Aquifer to trenching for water and waste water lines, not to mention transmission of sewage for many years to come.

SAWS will tell you that they are required to serve the Specht tract because it is within their CCN. This is true but, they are required to do so only because they petitioned the State for exclusive service rights over a large area on the Edwards Aquifer Recharge and Contributing zones that extend into Comal and Medina counties.

In 2010 GEAA contested two of three requests to expand the SAWS CCN into Aquifer zones in Kendall and Medina counties. As a result, SAWS withdrew these applications. Because GEAA lacked the resources to contest the application to expand SAWS CCN on the ERZ east, into Comal County, that application was granted. I mention this because I recall at least one instance when SAWS agreed to release a development in Comal County from the requirement to hook up to SAWS infrastructure and instead build their own.

So, SAWS has two options here: they could agree to allow the development of the Specht tract to be released from any requirements for a service contract with SAWS or, they could petition the State to remove this area from their CCN.

¹ <https://aquiferalliance.org/Library/GEAAPublications/FinalReport-GEO4427.pdf>

GEAA prefers the latter option. Texas Commission for Environmental Quality staff who regulate CCN's for the State assured me that this is possible. They even showed me the form they had available for this purpose.

At this time, I do not know whether or not SAWS has finalized a service contract with the developers of the Specht tract. If they knowingly did so without apprising the SAWS board and City elected officials that the contract would require SAWS to traverse EAPP protected lands with sewage infrastructure and, if they did not involve them in this decision, I believe a serious look into how SAWS is coming to these decisions is in order.

In a 2014 presentation to the SAWS Board¹, GEAA recommended:

That SAWS amend SAWS Certificates of Convenience and Necessity (Water CCN #10640 and Sewer CCN #20285) to exclude the Edwards Aquifer Recharge and Contributing zones in Bexar and Comal counties

That the San Antonio Water Systems Board shall direct the San Antonio Water System to establish a policy prohibiting applications for extension of Certificates of Convenience and Necessity into areas eligible for Proposition 1 funds dedicated to the protection of the Edwards Aquifer.

That SAWS adopt a moratorium on issuing new Utility Service Contracts for water and waste water service on the Edwards Aquifer Recharge, Transition, and Contributing zones until such time as policies protective of these areas are adopted

GEAA has for many years asked our Mayor and City Council to convene a task force to provide direction to SAWS about the impacts of SAWS water and waste water service on growth over the Edwards Aquifer Recharge and Contributing zones. We believe that the action proposed today by SAWS should require formal approval by a vote of the Mayor and City Council.

I do not know the purpose of SAWS presentation of this plan to the CAB as it does not seem to require any action or approval on your part. In as much as you have any authority in this matter, I would urge you to act to influence SAWS to abandon this plan. In that you have the credibility of expertise in Aquifer protection and management of EAPP acquisitions, which is presumably why you were appointed to this board, we urge you to use any influence that you have to advise the Mayor and City Council to oppose this plan and direct SAWS to find another option.

Thank you for the opportunity to submit these comments. Should you have any questions or wish to discuss this further, please contact me at your convenience.

Respectfully,



Annalisa Peace
Executive Director
Greater Edwards Aquifer Alliance

¹ <https://aquiferalliance.org/wp-content/uploads/2014/01/SAWS-Role-In-Development-of-the-Edwards-Aquifer-10-29-2014-Final.pdf>