

UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT
MONDAY, JANUARY 28, 2019
MINUTES OF MEETINGS
OF THE
BOARD OF DIRECTORS

SPECIAL CALLED MEETING

1. Welcome guests and members of the public. The meeting convened at 3:00 p.m.
2. Roll call; establish a quorum; call Special Called Meeting to order; declare it open to the public.
Directors Present: Tim Watts, Tracy Mesler, Mike Massey, Don Majka, Shannon Nave, Brent Wilson and Mike Berkley
Director Absent: Richard English
3. Discussion with the District's General Counsel regarding the development of District Rules occurred in executive session.

At 3:01 p.m., the Board went into Executive Session under Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated, concerning attorney-client matters (§551.071).

President Mesler called the Special Called Meeting back into open session at 4:02 p.m. No action was taken as a result of the Executive Session.

4. President Mesler adjourned the Special Called Meeting at 4:02 p.m.

INTRODUCTORY MATTERS

1. Welcome guests and members of the public. The meeting convened at 4:02 p.m.
2. Roll call; establish a quorum; call Public Hearings and Board Meeting to order; declare them open to the public.
Directors Present: Tim Watts, Tracy Mesler, Mike Massey, Don Majka, Shannon Nave, Brent Wilson and Mike Berkley
Director Absent: Richard English
3. Pledges of allegiance to the flags were recited.

PUBLIC HEARINGS

1. In the continuation of the Public Hearing from November 19, 2018, regarding proposed "District Rules for Water Wells in Hood, Montague, Parker, and Wise Counties, Texas", the board and staff received and responded to questions and comments regarding the proposed changes from the public, including Sandy Engle, Dave Eagle, Roxie Davidson, Donetta Roach, Bill Hicks, Cullen Calame, Lisa Flowers, Henry Bredenkamp, Donald Cole, Curt Mahaffey, Judy Reeves, Charlie Agonoy, Tamy Sinkler, Donald Cheshier, Carmen Villani, Andrew Rottner, Judy Reeves, David Cook, Aron Stewart, Kathy Clem, Duane Dixon, Darryl Waldock, and others.

Director Nave moved to direct the General Manager and the District's legal counsel to (1) redraft the proposed rules to eliminate the proposed changes to minimum tract size requirements and to restore the rules

to the current 2 acre requirement, (2) to make changes to the disincentive fee provisions for non-exempt wells based on comments received, and (3) re-publish the revised rules in time to hold a Public Hearing in conjunction with the March Board Meeting. Director Massey seconded the motion. The motion passed Aye-5 Nay-2 (Directors Majka and Wilson).

2. President Mesler announced that the Hearing would be continued on March 18, 2019 at 4:00 p.m. in conjunction with the District's regular meeting.

President Mesler called for a brief recess at 5:39 p.m. The board reconvened at 5:59 p.m.

3. Mayor Bruce Pinckard and Victoria Harkins represented Town of Annetta in the continuation of the Public Hearing from November 19, 2018, regarding a new well application and an application for exception to spacing requirements submitted by Town of Annetta, for the purpose of providing additional water to Lakes of Aledo subdivision in Parker County. The board and staff received and responded to questions and comments regarding the applications from the public, including Becky Calhoun and Ben Jackson.

Director Watts moved to approve the new well application and application for exception to spacing requirements with the following conditions: (1) pump capacity is not to exceed 25 gallons per minute; (2) once selected, the well drilling contractor must complete and sign the applicable portion of the application; (3) the applicant must submit a copy of TCEQ's preliminary approval related to the engineering and design of the well; (4) the applicant is required to complete some form of geophysical/electric/gamma log of the boreholes and provide those logs to the District; and (5) the applicant agrees to enter into an agreement with the District to allow for the ongoing measurement of water levels in the well. Director Majka seconded the motion. The motion passed Aye-6 Nay-1.

4. President Mesler adjourned the Public Hearing for Town of Annetta at 6:35 p.m.
5. Mayor Bruce Pinckard and Victoria Harkins represented Town of Annetta in the discussion regarding a new well application and an application for exception to spacing requirements submitted by Town of Annetta, for the purpose of providing additional water to the Panther Creek Subdivision in Parker County. The board and staff received and responded to questions and comments regarding the applications from the public, including Robert Robinson, Becky Burk, David Aaron, Liz Snyder, Ryan Robinson and Donald Cheshier.
6. Director Nave moved to continue the Public Hearing for Town of Annetta on February 25, 2019 at 4:00 pm., in order to allow an opportunity for concerned landowners to register their existing wells and to allow the staff to perform additional impact analysis to include any newly registered wells near the proposed site. Director Majka seconded the motion. The motion passed unanimously. The Board also recommended that the developer of the proposed subdivision be present for the continuation of the Hearing.

President Mesler called for a brief recess at 7:19 p.m. The board reconvened at 7:28 p.m.

7. Mayor Bruce Pinckard and Victoria Harkins represented Town of Annetta in the discussion regarding two new well applications and two applications for exception to spacing requirements submitted by Town of Annetta, for the purpose of providing water to the Aledo Heights subdivision in Parker County. The board and staff received and responded to questions and comments regarding the applications from the public, including Dana King, David Duncan, James Vasich, and Kathy Clem.
8. Director Nave moved to continue the Public Hearing for Town of Annetta on February 25, 2019 at 4:00 pm., in order to allow an opportunity for concerned landowners to register their existing wells and to allow the staff to perform additional impact analysis to include any newly registered wells near the proposed site. Director Berkley seconded the motion. The motion passed unanimously. The Board also recommended that the developer of the proposed subdivision be present for the continuation of the Hearing. President Mesler announced the public hearing recessed at 7:49 p.m.

9. Kerry Maroney of Biggs & Mathews Environmental represented Bolivar WSC in the discussion regarding a new well application and an application for exception to spacing requirements submitted by Bolivar WSC, for the purpose of providing additional water to their existing system in Wise County.

Director Watts moved to approve the new well application and application for exception to spacing requirements with the following conditions: (1) once selected, the well drilling contractor must complete and sign the applicable portion of the application; (2) the applicant must submit a copy of TCEQ's preliminary approval related to the engineering and design of the well; (3) the applicant is required to complete some form of geophysical/electric/gamma log of the boreholes and provide those logs to the District; (4) the applicant agrees to enter into an agreement with the District to allow for the ongoing measurement of water levels in the well; and (5) Bolivar WSC reports water exported out of the District with their semi-annual water production reports. Director Berkley seconded the motion. The motion passed unanimously.

10. President Mesler adjourned the Public Hearing for Bolivar WSC at 8:20 p.m.
11. Director Wilson moved to continue the Public Hearing regarding a new well application and an application for exception to spacing requirements submitted by Lackland Fairview, LLC, for the purpose of providing additional water to the Fairview Meadows subdivision in Wise County until the applicant obtained TCEQ's preliminary approval related to the engineering and design of the well. The motion died for lack of a second.

At 8:34 p.m., the Board went into Executive Session under Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated, concerning attorney-client matters (§551.071).

President Mesler called the Regular Board Meeting back into open session at 8:37 p.m.

Director Massey moved to approve the new well application and application for exception to spacing requirements with the following conditions: (1) once selected, the well drilling contractor must complete and sign the applicable portion of the application; (2) the applicant must submit a copy of TCEQ's preliminary approval related to the engineering and design of the well; (3) the applicant is required to complete some form of geophysical/electric/gamma log of the boreholes and provide those logs to the District; (4) the applicant agrees to enter into an agreement with the District to allow for the ongoing measurement of water levels in the well. Director Berkley seconded the motion. The motion passed Aye-6 Nay-1 (Director Wilson.)

12. President Mesler adjourned the Public Hearing for Lackland Fairview, LLC at 8:38 p.m.

REGULAR BOARD MEETING

1. Director Majka moved to approve the Consent Agenda, including minutes from Public Hearings and Regular Board Meeting on December 17, 2018; approval of bank statement ending December 31, 2018, and current financial reports of the District; approve payment of bills/invoices received through January 28, 2019; and reimbursements for expenses incurred on behalf of the District through January 28, 2019. Director Nave seconded the motion. The motion passed unanimously.
2. No items were pulled from consent agenda for further discussion.
3. Director Massey moved to approve the quarterly Investment Report as presented. Director Watts seconded the motion. The motion passed unanimously.
4. Director Wilson moved to approve a new well application and an application for exception to spacing requirements for an exempt domestic well in Hood County submitted by Brian Clinkscale. Director Berkley seconded the motion. The motion passed unanimously.
5. Director Massey moved to approve a new well application and an application for exception to spacing requirements for an exempt domestic well in Hood County submitted by Jason Franklin, with the conditions (1) District staff determines the proposed well site meets Texas Department of Licensing and Regulation (TDLR) requirements in regards to any on-site sewage system; (2) pump capacity is limited to ten gallons

per minute (10 gpm); and (3) the applicant agrees to enter into an agreement with the District to allow for the ongoing measurement of water levels in the wells. Director Berkley seconded the motion. The motion passed unanimously.

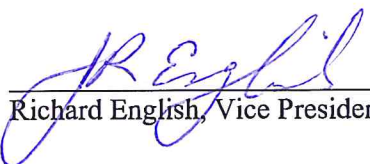
6. Director Mesler moved to approve a request by Patterson Water Supply for a 120-day extension to drill an approved public water supply well located in Wise County. Director Watts seconded the motion. The motion passed unanimously.
7. Director Nave moved to approve a request by Stonegate Partners for a second 240-day extension to drill an approved public water supply well located in Parker County. Director Majka seconded the motion. The motion passed unanimously.
8. **Management Report on Administrative and Operational Issues:** The General Manager and staff will brief the Board on the following and any other items included in the General Manager's written report, which may be discussed, considered, and acted upon by the Board, including authorizing the initiation of, managing, or resolving enforcement action or litigation where applicable.
 - A. General Manager's report was submitted to the Board of Directors in advance of the Regular Board meeting; no action was taken.
 - B. Report on delinquent customers of the District; no action was taken.
 - C. Report on Education and Outreach activities; no action was taken.
 - D. Report on injection well applications filed with the Railroad Commission; no action was taken.
 - E. Well Registration and Groundwater Production reports; no action was taken.
9. Attorney Brian Sledge of SledgeLaw Group had no updates on pertinent legal issues and developments impacting the District since the last Regular Board Meeting.
10. Discussion regarding the Development of District Rules occurred during the Public Hearing.
11. Public Hearings and the next Regular Board Meeting are scheduled for Monday, February 25, 2019 at the District's office at 4:00 p.m.
12. No new business was placed on the next meeting agenda.
13. Public comment was heard in prior agenda topics.
14. President Mesler adjourned the meeting at 8:53 p.m.

PASSED, APPROVED, AND ADOPTED BY THE BOARD OF DIRECTORS this 25 day of February 2019.

Attest:



Tracy Mesler, President



Richard English, Vice President