

UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT
MONDAY, FEBRUARY 27, 2017
MINUTES OF WORK SESSION
OF THE
BOARD OF DIRECTORS

INTRODUCTORY MATTERS

1. Welcome guests and members of the public. The work session convened at 4:06 p.m.
2. Roll call; establish a quorum; call work session to order; declare it open to the public.

Directors Present: Tracy Mesler, Mike Massey, Tim Watts, Don Majka, Richard English, Mike Berkley, and Dan Caudle

Directors Absent: Billy Stout

WORK SESSION

1. Attorney Brian Sledge explained the process for choosing an Architectural and Engineering firm. The staff and directors discussed the Statements of Qualifications the District received from Architectural and Engineering firms in response to the Request for Qualifications published by the District. No action was taken. The board reviewed the RFQs from five applicant firms.
 2. There was no public comment.
 3. President Mesler adjourned the work session at 4:40 p.m.; the board returned to the UTGCD office in their individual vehicles.
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UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT
MONDAY, FEBRUARY 27, 2017
MINUTES OF MEETINGS
OF THE
BOARD OF DIRECTORS

INTRODUCTORY MATTERS

1. Welcome guests and members of the public. The meeting convened at 5:30 p.m.
2. Roll call; establish a quorum; call Public Hearing and Regular Board Meeting to order; declare them open to the public.

Directors Present: Tracy Mesler, Mike Massey, Tim Watts, Don Majka, Richard English, Mike Berkley, and Dan Caudle

Directors Absent: Billy Stout

3. Pledges of allegiance to the flags.

President Mesler announced that the Show Cause Hearing for Rio Brazos WSC would be held at the conclusion of the Regular Board Meeting if Rio Brazos WSC representatives had arrived prior to the conclusion of the board meeting.

PUBLIC HEARING

1. Director Massey moved to grant exception to spacing requirements and approve the new well application submitted by DDFW Triangle Properties to be located at 112 Greenlee Park Trail, Weatherford, in Parker County, so long as the well is constructed exactly as described on the application and the production capacity does not exceed ten gallons per minute. Director English seconded the motion. The motion passed unanimously.
2. President Mesler adjourned the Public Hearing for DDFW Triangle Properties at 5:40p.m.

REGULAR BOARD MEETING

1. Director Massey moved to approve the Consent Agenda, including minutes from Board meeting on January 19, 2017; bank statement ending January 31, 2017, and current financial reports of the District; approve payment of all bills/invoices received through February 27, 2017; reimburse staff for invoices/bills paid on behalf of the District through February 27, 2017. Director Majka seconded the motion. The motion passed unanimously.
2. No items were pulled from the Consent Agenda for further discussion.
3. The staff and directors discussed the Statements of Qualifications the District received from Architectural and Engineering firms in response to the Request for Qualifications published by the District and discussed during a properly posted and noticed Work Session held on site of the subject property immediately prior to the regularly scheduled meeting. Director Majka moved to select GSBS Architects as the first recommendation and Quorum as an alternate firm, based upon Statements of Qualifications submitted to the District in response to the recently published Request for Qualifications (RFQ), to provide Architectural/Engineering Design Services for the District; authorize GM Shaw to work with

President Mesler on negotiations with said Architectural and Engineering firms. Director English seconded the motion. The motion passed unanimously. Staff will invite the chosen Architectural and Engineering firms to attend the next Regular Board meeting.

4. Attorney Brian Sledge of SledgeLaw Group briefed the Board on pertinent legal issues and developments impacting the District since the last regular Board meeting, and legal counsel's activities on behalf of the District, including groundwater-related legislative activities.
5. 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
 - 1) GM Shaw is working with Tarleton State University to hire two summer interns.
 - 2) Staff is working with Environmental Protection Agency regarding the existing Circle Court Super Fund site, located in Willow Park/Hudson Oaks, TX in Parker County.
 - 3) Intera should release the Well Impact Tool to staff for testing in early March. Intera plans to demonstrate the tool to the Board in the next Regular Board meeting.
 - B. Report on delinquent customers of the District; no action was taken.
 - C. Report on Education and Outreach activities; no action was taken.
 - D. GM Shaw reported that SledgeLaw is reviewing one injection well application filed with the Railroad Commission; no action was taken.
 - E. Investment Report; no action was taken.
 - F. Well Registration and Groundwater Production reports; no action was taken.
6. Discussion regarding potential violation of District Rules, drilling a well without an approved registration, by the following; take action as necessary:
 - A. Director Massey moved that the UTGCD finds Thomas Gasmann of Earth Tech (Driller) and The Springs Events LLC, (Owner) have committed a first major violation of District Rules and hereby accept the payment of the penalty assessed, pursuant to District Rules, in the settlement offer as appropriate settlement, in lieu of litigation, for this violation. Director English seconded the motion. The motion passed unanimously.
 - B. Director Massey moved that the UTGCD finds Jared Hampton of Zack Burkett Company (Driller) and Mike James (Owner), have committed a first major violation of District Rules and hereby accept the payment of the penalty assessed, pursuant to District Rules, in the settlement offer as appropriate settlement, in lieu of litigation, for this violation. Director Majka seconded the motion. The motion passed unanimously.
 - C. Director Massey moved to authorize GM Shaw to offer a settlement to Robert Wilson of Alpha Omega Water Well, for drilling a water well at County Road 3591, Springtown, TX (Wise County) without approval. The settlement included a second major violation of District Rules (Rule 3.5), and a \$500 penalty. President Mesler seconded the motion. Director Berkley and Director Majka opposed. Aye-5 Nay-2; the motion passed.
7. Director Massey provided an update on the January 31, 2017 GMA 8 Meeting. President Mesler appointed GM Shaw as the primary District Representative for the upcoming round of joint planning; Director Massey will be the alternate District Representative.
8. No budget amendments were necessary.

9. The next Regular Board meeting is scheduled for Monday, March 20 at the District's office at 5:00 p.m.
10. Aside from topics already mentioned, no new business was placed on the next meeting agenda.
11. President Mesler adjourned the Regular Board meeting at 6:20 p.m.

SHOW CAUSE HEARING

At 6:47 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 meeting back into open session at 7:14 p.m. and announced no action would be taken as a result of the executive session.

1. Rick Kienle spoke on behalf of Rio Brazos WSC. Director Massey moved to grant an exception to District Rules for Rio Brazos WSC until August 31, 2017. By that date, Rio Brazos WSC must either plug or submit, for approval, a new well application for Well ID 1095 (Well #2). The motion also found Rio Brazos WSC committed a first major violation of District Rule District Rule 3.11 (b) (3) which includes a \$250 penalty. President Mesler seconded the motion. Director Caudle abstained. The motion carried.
2. President Mesler adjourned the Show Cause Hearing for Rio Brazos WSC at 7:16 p.m.

PASSED, APPROVED, AND ADOPTED BY THE BOARD OF DIRECTORS this

20 day of March, 2017.

Attest:



Tracy Mesler, President



Richard English, Secretary/Treasurer