

UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT
THURSDAY, JANUARY 26, 2023
MINUTES OF MEETINGS
OF THE
BOARD OF DIRECTORS

INTRODUCTORY MATTERS

The Board may discuss, consider, and take appropriate action, including expenditure of funds as necessary or appropriate, on any item listed on this agenda:

1. Welcome guests and members of the public. The meeting convened at 5:00 p.m.
2. Roll call, establish a quorum, call Public Hearing and Regular Board Meeting to order; declare the Hearing and Meeting open to the public.

Directors Present: Tracy Mesler, Shannon Nave, Mike Berkley, Jarrod Reynolds, Brent Wilson, and Don Majka
Director Absent: Tim Watts
3. Pledges of allegiance to the flags.
4. Public comments were made where noted below.

REGULAR BOARD MEETING

President Mesler took agenda item 1 out of order.

1. Hood County Commissioner Dave Eagle, Christy Massey, and Mike Scott participated in the discussion regarding the appointment of a person to fill the vacancy on the Board of Directors for an unexpired term representing Hood County created by the resignation of Richard English. Director Berkley moved to appoint Mike Massey as Director. Director Majka seconded the motion.

At 5:12 p.m., the Board went into executive session, in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, concerning attorney-client matters (§551.071) and personnel matters (§551.074).

President Mesler called the Public Hearing back into open session at 5:38 p.m.

Director Berkley withdrew his motion to accept the nomination of Mike Massey as Director. Director Majka withdrew his second.

Director Nave moved to continue the discussion in the next Regular Board meeting. Director Reynolds seconded the motion. Motion passed unanimously.

PUBLIC HEARING

The Public Hearing convened at 5:40 p.m.

1. General Manager Shaw presented a report and recommendations to the Board regarding the following applications for permits, permit amendments, and/or requests for exceptions to the District's water well spacing or minimum tract size requirements.

A. Applicant/Owner: Karl Klement Properties, Inc. — PO Box 55, Decatur, TX, 76234

Type of Application: Operating Permit

Permit ID: 194-W-OP

Well ID(s): 18966

Location of well or proposed well: 3520 Hwy 287 S, Decatur, TX 76234

Requested Permit Volume: 2,003,000 gallons/year

General Manager's Recommendation: 2,003,000 gallons/year

Description of Request: Karl Klement Properties, Inc. is seeking an operating permit in order to drill and operate one new public water supply well to supply water for a new car dealership on the property.

- B. Applicant/Owner:** PMB Rhome Developer West, LLC — 4001 Maple Ave., Suite 270, Dallas, TX 75219
Type of Application: Operating Permit
Permit ID: 195-W-OP
Well ID(s): 18925 and 18926
Location of well or proposed well: FM 3433, Rhome, TX, 76078
Requested Permit Volume: 8,900,000 gallons/year
General Manager's Recommendation: 8,900,000 gallons/year
Description of Request: PMB Rhome Developer West, LLC is seeking an operating permit in order to operate 2 existing commercial wells to supply water for a pond and irrigation of a subdivision.
- C. Applicant/Owner:** PMB Rolling V Land LP — 4001 Maple Ave., Suite 270, Dallas, TX 75219
Type of Application: Operating Permit
Permit ID: 196-W-OP
Well ID(s): 18927, 18928, 18929, 18930, 18931, and 18932
Location of well or proposed well: FM 3433, Rhome, TX, 76078
Requested Permit Volume: 27,000,000 gallons/year
General Manager's Recommendation: 27,000,000 gallons
Description of Request: PMB Rolling V Land LP is seeking an operating permit in order to operate 6 existing commercial wells to supply water for a pond and irrigation of a subdivision.
- D. Applicant/Owner:** Texas Water Utilities L.P.— 1620 Grand Ave Pkwy, Ste 140, Pflugerville, TX 78660
- 1) **Type of Application:** Operating Permit
Permit ID: 018-W-OP
Well ID(s): 965 and 966
Location of well or proposed well: Near the intersection of Sky Way and Skyview Ct., New Fairview, TX, 76078
Requested Permit Volume: 3,000,000 gallons/year
General Manager's Recommendation: 3,000,000 gallons/year
Description of Request: Texas Water Utilities, L.P. is seeking an operating permit in order to increase the annual allocation for two existing public water supply wells in the Sky View Ranch subdivision.
- 2) **Type of Application:** Operating Permit
Permit ID: 019-W-OP
Well ID(s): 971, 972, 973, and 974
Location of well or proposed well: Near the intersection of Lange Way and Layfield Ln, New Fairview, TX 76078
Requested Permit Volume: 1,000,000 gallons/year
General Manager's Recommendation: 1,000,000 gallons/year
Description of Request: Texas Water Utilities L.P. is seeking an operating permit in order to increase the annual allocation for four existing public water supply wells in the Chisolm Hills subdivision.
- 3) **Type of Application:** Operating Permit
Permit ID: 028-W-OP
Well ID(s): 970
Location of well or proposed well: Near the end of Windmill Trail, Paradise, TX 76073
Requested Permit Volume: 750,000 gallons/year
General Manager's Recommendation: 750,000 gallons/year
Description of Request: Texas Water Utilities L.P. is seeking an operating permit in order to increase the annual allocation for the existing public water supply well in the Windmill Trails subdivision.

4) **Type of Application:** Operating Permit

Permit ID: 056-P-OP

Well ID(s): 975 and 996

Location of well or proposed well: 105 Paige Street, Weatherford, TX 76088

Requested Permit Volume: 500,000 gallons/year

General Manager's Recommendation: 500,000 gallons/year

Description of Request: Texas Water Utilities, L.P. is seeking an operating permit in order to increase the annual allocation for two existing public water supply wells in the Green Acres subdivision.

5) **Type of Application:** Operating Permit

Permit ID: 059-P-OP

Well ID(s): 995

Location of well or proposed well: 100 Echo Valley Rd., Weatherford, TX 76088

Requested Permit Volume: 1,000,000 gallons/year

General Manager's Recommendation: 1,000,000 gallons/year

Description of Request: Texas Water Utilities, L.P. is seeking an operating permit in order to increase the annual allocation for the existing public water supply well in the Westview subdivision.

E. **Applicant/Owner:** Kristen Turner — 1433 Sweet Springs Rd, Weatherford, TX 76088

Type of Application: Application for Exception to minimum tract size requirements

Permit ID: N/A

Well ID(s): 18961

Location of well or proposed well: 1433 Sweet Springs Rd, Weatherford, TX 76088

Requested Permit Volume: N/A

General Manager's Recommendation: N/A

Description of Request: Kristen Turner is seeking an exception to the minimum tract size requirement in order to drill a well for domestic purposes.

F. **Applicant/Owner:** Marc Pearson — 200 Twin Creek Dr, Azle, TX 76020

Type of Application: Application for Exception to minimum spacing requirements

Well ID(s): 12671

Location of well or proposed well: 200 Twin Creek Drive, Azle, TX 76020

Requested Permit Volume: N/A

General Manager's Recommendation: N/A

Description of Request: Marc Pearson is seeking an exception to the minimum well spacing requirement for an existing water well, which the property was found to be subdivided in violation of District Rules, to be located within 50 feet of a property line.

G. **Applicant/Owner:** William E. Viering — 1024 Meadow Hill Rd., Fort Worth, TX 76108

Type of Application: Application for exception to minimum spacing requirements

Permit ID: N/A

Well ID(s): 19030

Location of well or proposed well: 1032 Meadow Hill Rd., Fort Worth, TX 76108

Requested Permit Volume: N/A

General Manager's Recommendation: N/A

Description of Request: William E. Viering is seeking an exception to the minimum well spacing requirement in order to drill a well for domestic purposes.

2. Discuss, consider, and possible action by the Board to approve or deny, in whole or in part, the applications for permits, permit amendments, and/or requests for exceptions to the District's water well spacing or minimum tract size requirements set forth above in this agenda.

GM Shaw presented his recommendations for the following projects:

- A. Application for Operating Permit 194-W-OP proposed by Karl Klement Properties, Inc., in the amount of 2,003,000 gallons per year.

- B. Application for Operating Permit 195-W-OP proposed by PMB Rhome Developer West, LLC., in the amount of 8,900,000 gallons per year.
- C. Application for Operating Permit 196-W-OP proposed by PMB Rolling V Land LP., in the amount of 27,000,000 gallons per year.

Director Nave made a motion to approve Operating Permits 194-W-OP, 195-W-OP, and 196-W-OP as proposed. Director Berkley seconded the motion. Aye-6 Nay-1. Motion passed.

- D. GM Shaw presented his recommendations for the projects proposed by Texas Water Utilities L.P. Director Reynolds recused himself from the discussion and submitted a Conflict Disclosure Affidavit. Director Majka made a motion to approve the following:

- 1) Operating Permit 018-W-OP, as presented, in the amount of 3,000,000 gallons per year;
- 2) Operating Permit 019-W-OP, as presented, in the amount of 1,000,000 gallons per year;
- 3) Operating Permit 028-W-OP, as presented, in the amount of 750,000 gallons per year;
- 4) Operating Permit 056-P-OP, as presented, in the amount of 500,000 gallons per year;
- 5) Operating Permit 059-P-OP, as presented, in the amount of 1,000,000 gallons per year;

Director Nave seconded the motion. Director Reynolds abstained. Motion passed.

- E. Kristen Turner participated in the discussion regarding her Application for Exception. Director Nave made a motion to approve the application for well ID 18961 with the following stipulations: 1) the applicant is required to enter into an agreement with the District for the ongoing measurement of water levels in the well and complete the well in such a way that the District could install a device to take constant water level readings; 2) the filter pack/screen be no closer to the surface than 250 ft. (seal off any portion of the aquifer less than 250 ft.); and 3) the well is limited to a production capacity of no greater than 8 gallons per minute. Director Berkley requested that the applicant provide documentation to the District related to any transfer of ownership related to the adjacent 2-acre lot. President Mesler seconded the motion. Aye-6 Nay-1. Motion passed.

President Mesler called for a brief recess at 6:47 p.m. The Board returned at 7:01 p.m.

- F. GM Shaw presented his recommendation for the Application for Exception submitted by Marc Pearson. Director Nave made a motion to deny the application for well ID 12671. Furthermore, the motion directed Mr. Pearson and Mr. Burgess to bring the well in question into compliance with District Rules within 60 days or the District will submit to Legal Counsel for enforcement. Director Wilson seconded the motion. Motion passed unanimously.

- G. Larry Smith participated in the discussion regarding the Application for Exception submitted by William E. Viering. Director Nave made a motion to continue the discussion for well ID 19030 in the next Regular Board Meeting, if necessary. Director Berkley seconded the motion. Motion passed unanimously.

- 3. President Mesler adjourned the Public Hearing at 7:23 p.m.

REGULAR BOARD MEETING

- 2. Director Reynolds moved to approve the Consent Agenda, including:
 - A. Approval of minutes from Special Called Meeting, Regular Board Meeting and Public Hearing on December 15, 2022.
 - B. Approval of bank statement ending December 31, 2022, and current financial reports of the District.
 - C. Payment of bills/invoices received through January 26, 2023.
 - D. Reimbursements for expenses incurred on behalf of the District through January 26, 2023.
 - E. Approval of Request for an Extension Applications submitted through January 26, 2023.

Director Majka seconded the motion. Motion passed unanimously.

3. No items were pulled from consent agenda for further discussion.
4. Director Majka moved to approve the quarterly Investment Report as presented and to authorize the General Manager to take necessary action to open a Certificate of Deposit Account Registry Service (CDARS), and Insured Cash Sweep (ICS) accounts at First National Bank in Bridgeport. Director Wilson seconded the motion. Motion passed unanimously.
5. Director Berkley moved to approve GM Shaw's recommended updates to the District's Personnel Policy Manual. Director Nave seconded the motion. Motion passed unanimously.
6. Director Nave moved to authorize President Mesler or General Manager Shaw to execute the contract with RMBJ Geo, INC. for professional services related to Groundwater Management Area 6 (GMA 6), on behalf of the District. Director Reynolds seconded the motion. Motion passed unanimously.
7. Director Berkley moved to approve the application for replacement well (Well ID 18496) further than 100 ft. from the well being replaced. Director Nave seconded the motion. Motion passed unanimously.
8. No action was taken in the discussion regarding the violations and settlement offer related to Well IDs 15204 and 17740. The settlement offer has been accepted.
9. Director Nave moved to offer a settlement to Cann-Weatherford Ltd, in lieu of litigation, which would include the following: 1) a 1st major violation of District Rules for removing a water meter from Well IDs 12104 and 12105; 2) a \$500 penalty for each well (\$1,000 total); 3) a 1st major violation of District Rules for removing a water meter from Well IDs 12106 and 12107; 4) a \$500 penalty for each well (\$1,000 total); 5) well owner is to provide a suitable estimate of groundwater pumped in July-December 2022 by February 10, 2023; and 6) well owner is to provide a suitable estimate of groundwater pumped in January 2023. Director Majka seconded the motion. Motion passed unanimously.
10. **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.
 - B. Discussion regarding 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.
11. District General Counsel from SledgeLaw Group gave no updates regarding activities related to the District.
12. The next Regular Board meeting is scheduled for Thursday, February 16 2023, at 5:00 p.m. at the District's office.
13. New business to place on the next meeting agenda was mentioned above.
14. President Mesler adjourned the meeting at 7:53 p.m.

PASSED, APPROVED, AND ADOPTED BY THE BOARD OF DIRECTORS this 16 day of February 2023.

Attest:

Tracy L. Mesler
Tracy Mesler, President

[Signature]
Secretary