

**MINUTES OF THE BOARD OF DIRECTORS' BOARD MEETING AND PUBLIC HEARING
NORTH TEXAS GROUNDWATER CONSERVATION DISTRICT**

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Tuesday, April 14, 2020 – 10:00 a.m.

Notice is hereby given that, in accordance with Governor Abbott's March 16, 2020, action to temporarily suspend certain provisions of the Texas Open Meetings Act, a quorum of the Board of Directors of the North Texas Groundwater Conservation District ("District") will hold a permit hearing and Board meeting via telephone and video conference call beginning at 10:00 a.m. on Tuesday, April 14, 2020. Any member of the public who wishes to participate remotely may do so through the remote access options provided above.

Members Present: Thomas Smith, Evan Groeschel, Ronny Young, Allen Knight, Joe Helmberger, Ron Sellman, David Flusche, Ryan Henderson, and Lee K. Allison

Members Absent:

Staff: Drew Satterwhite, Carolyn Bennett, Paul Sigle, Allen Burks, Wayne Parkman, and Velma Starks

Visitors: Kristen Fancher, Fancher Legal
Kenneth Cook, Matercentric representing MM Princeton 854 LLC
Aaron Redder, Freese and Nichols, Inc.
James Beach, WSP
Mark Kaiser, City of Aubrey
Dale Chepulis, Double D Drilling
Andrew Matta
Michelle Carte, Upper Trinity Regional Water District
Devon Kennedy, City of Kaufman
Pete Schulmeyer, Collier Consulting

Permit Hearing

Agenda:

1. Call to Order; establish quorum; declare hearing open to the public; introduction of Board.

President Thomas Smith called the permit hearing to order at 10:01 a.m.

2. Review the Production Permit Applications of:

Applicant: City of Aubrey, 107 S. Main St., Aubrey, Texas 76227

Location of Well: Wilson MHP, Aubrey, TX 76227; Latitude: 33.308478°N, Longitude: 96.990112°W; About 150 feet north of Dane Street and 400 feet west of the intersection of Dane Street and Union Street

Purpose of Use: Public Water Supply

Requested Amount of Use: 34,400,000 gallons per year

Production Capacity of Well: 500 gallons per minute

Aquifer: Trinity (Antlers) Aquifer

General Manager Drew Satterwhite reviewed the City of Aubrey permit.

Applicant: City of Krum, 410 N. First Street, Krum, TX 76249

Location of Well: 4910 Masch Branch RD, Krum, TX 76249; Latitude: 33.257833°N, Longitude: 97.208028°W; About 125 feet west of Masch Branch Road and 900 feet south of the intersection of Masch Branch Road and FM 1173

Purpose of Use: Public Water Supply

Requested Amount of Use: 35,011,000 gallons per year

Production Capacity of Well: 200 gallons per minute

Aquifer: Trinity (Antlers) Aquifer

General Manager Drew Satterwhite reviewed City of Krum permit with the board.

Applicant: MM Princeton 854 LLC, 1800 Valley View Lane, Ste 300, Farmers Branch, Texas 75234

Location of Well: 2052 Longneck Road, Princeton, Texas 75407; Latitude: 33.1971889°N, Longitude: 96.5059861°W; About 160 feet west of Longneck Road and ½ mile north of the intersection of Longneck Road and Old Hwy 24

Purpose of Use: Landscape Irrigation and Filling Pond(s)/Other Impoundment

Requested Amount of Use: 42,100,000 gallons per year

Production Capacity of Well: 175 gallons per minute

Aquifer: Woodbine Aquifer

General Manager Drew Satterwhite reviewed MM Princeton permit with the Board. Board members questioned the amount of water used. A discussion was held and it was decided to pull this application aside rather than vote on it as a part of the group.

Applicant: Sunshine Dev Grp LTD, 2104 Old Country Road, Allen, Texas 75013

Location of Well: 3155 E Frontier Pkwy, Prosper, Texas 75078; Latitude: 33.266667°N, Longitude: 96.739444°W; About 350 feet north of the intersection of Meadow Green Street and Amberwood Lane

Purpose of Use: Landscape Irrigation and Filling Pond(s)/Other Impoundment

Requested Amount of Use: 7,750,000 gallons per year

Production Capacity of Well: 150 gallons per minute

Aquifer: Woodbine Aquifer

General Manager Drew Satterwhite reviewed Sunshine Dev Grp permit with the Board.

3. Public Comment on the Production Permit Applications.

Kenneth Cook with Watercentric, MM Princeton representative, explained the water usage to the Board. Kristen Fancher explained that a certain amount of green area is a requirement of city, county or development. Kenneth Cook explained all landscape required by development is native landscape. The landscape along the boulevard is according to City of Princeton requirements. Brief discussion was held.

4. Consider and act upon the Production Permit Applications, including designation of parties and/or granting or denying the Production Permit Applications in whole or in part, as applicable.

The City of Aubrey, City of Krum, and Sunshine Dev. Grp were to be considered under one motion. Board Member Lee Allison made motion and Board Member Ronny Young seconded motion. Brief discussion was held. Board Member Lee Allison requested that Sunshine Dev. Grp be pulled out and that the motion and the second be amended to vote on City of Aubrey and City Krum. The Board was polled individually to amend the motion and second. The poll resulted in the amended motion and second for approving City of Aubrey and City of Krum permits passed unanimously.

Board Member Joe Helmberger questioned, due to his representation for the City of Princeton, if he should be recused from Princeton application. Kristen Fancher, Legal Counsel, advised that any Board Member having a relationship with a City or entity who is an applicant should be recused from discussion and voting on the permit as a precaution.

Board Member Ronny Young made the motion to approve the MM Princeton 854 permit. Board Member Allen Knight seconded the motion. The Board was polled individually, David Flusche voted no, Joe Helmberger abstained from voting on advice from legal counsel, and 7 Board members voted yes.

Board Member Allen Knight made the motion to approve the Sunshine Dev Grp LTD permit. Board Member Ronny Young seconded the motion. The Board was polled individually, David Flusche voted no, and 8 Board Members voted yes.

5. Adjourn or continue permit hearing.

President Thomas Smith adjourned the permit hearing at 10:41 a.m.

Board Meeting

1. Pledge of Allegiance and Invocation

President Thomas Smith asked Ronny Young lead the group in the Pledge of Allegiance and to provide the invocation.

2. Call to order, establish quorum; declare meeting open to the public

President Thomas Smith called the meeting to order 10:42 a.m., established a quorum was present, and declared the meeting open to the public.

3. Public Comment

There were no public comments.

4. Consider and act upon approval of the minutes from the February 11, 2020, Board meeting.

President Thomas Smith asked for approval of the minutes from the February 11, 2020 meeting. Board Member Allen Knight made the motion to approve the minutes. Board Member Ron Sellman seconded the motion. The Board was polled individually. Motion passed unanimously.

5. Consider and act upon approval of invoices and reimbursements, Resolution No. 2020-04-14-01.

General Manager Drew Satterwhite reviewed the liabilities with the Board. Board Member Allen Knight made the motion to approve Resolution No. 2020-04-14-01. Board Member Ronny Young seconded the motion. The Board was polled individually. Motion passed unanimously.

6. Receive reports from the following Committees*:

- a. Budget and Finance Committee
 - 1) Receive Monthly Financial Information

General Manager Drew Satterwhite reviewed the monthly financial information with the Board.

- b. Management Plan Committee
 - 1) Receive Quarterly Report

General Manager Drew Satterwhite reviewed report with Board.

7. Update and possible action regarding the process for the development of Desired Future Conditions (DFCs).

General Manager Drew Satterwhite informed the Board that the physical May 15 GMA 8 meeting will be held using video and telephone conference technology. One district needs to send in their survey in order to finish up the initial survey. We are getting ready to send out inherit differences survey which is basically the characteristics of each district, population density, what usage look like, average depth of the wells, etc.

8. Presentation and discussion regarding Socioeconomic Impacts, Feasibility of Desired Future Conditions (DFCs), and Other Relevant Information factors as they relate to Desired Future Conditions (DFCs) adoption pursuant to Texas Water Code Section 36.108(d) – presentation by District hydrogeologist, James Beach.

James Beach reminded the Board what had been previously covered and then presented

Socioeconomic impacts and Feasibility of Desired Future Conditions (DFCs) and Other Relevant Information factors. The District has now covered all 9 factors. Kristen Fancher informed the Board that Upper Trinity provided changes that made some impacts. James Beach, WSP, will summarize changes to GAM run.

9. Discussion and Possible action regarding a temporary suspension of late fees levied by the District pursuant to District rules.

The Board held a discussion on this topic. Board Member Joe Helmberger made the motion not to take any action. Board Member David Flusche seconded the motion. The Board was polled individually. The motion passed unanimously not to take any action.

10. Discussion and Possible action regarding a temporary suspension of certain provisions in the District's Bylaws Section 7.9.

General Manager Drew Satterwhite provided background information to the Board. Typically, 2 of 3 Officers of the Board would sign certain checks at the meeting following the Board's approval of the liabilities resolution. After brief discussion, Board Member Allen Knight made the motion to allow Staff to process the checks to pay the billings, allowing that Drew Satterwhite, General Manager or Debi Atkins, Finance Officer sign checks, along with a stamped signature temporarily until Governor Abbott lifts the stay in place order and the District meets physically again. Board Member Evan Groeschel seconded the motion. The Board was polled individually. The motion passed unanimously.

11. General Manager's Report: The General Manager will update the board on operational, educational and other activities of the District.

- a. District's Disposal/Injection Well Program

General Manager Drew Satterwhite that there are no active protests with the Railroad Commission at this time.

- b. Well Registration Summary

General Manager Drew Satterwhite reported that there were 16 new well registrations.

12. Consider and act upon accepting resignation of a District Board Member, Evan Groeschel.

Board President Thomas Smith expressed appreciation to Evan Groeschel for his service on the Board and wished him well in his future endeavors. Board Member Ronny Young made the motion to accept Evan Groeschel's resignation. Board Member Allen Knight seconded the motion. The Board was polled individually. The motion passed unanimously

13. Consider and act upon Resolution of Appreciation for Evan Groeschel.

Board Member Joe Helmberger made the motion to approve the resolution. Board Member Ron Sellman seconded the motion. The Board was polled individually. The motion passed unanimously.

14. Open forum/discussion of new business for future meeting agendas.

Board Member Joe Helmberger requested clarification on why as a representative for the City of Princeton he was advised to abstain from voting on the permit. Kristen Fancher informed the board she would create a memo and that when we are able to meet in person this issue would be placed on the agenda and discussed in executive session. General Manager Drew Satterwhite was thanked for setting up this meeting.

15. Adjourn public meeting

Board President Thomas Smith declared the meeting adjourned at 11:41 p.m.

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Velma Starks
Recording Secretary

RK Shuf
Secretary-Treasurer