

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

Tuesday, February 9, 2021 at 10:00 a.m.

**Pilot Point ISD Administration Office
829 S. Harrison St.
Pilot Point, TX 76258**

Please note for in-person attendance that the Board meeting location can only accommodate a limited number of attendees in order to comply with state requirements related to in-person gatherings. In the event in-person attendance exceeds any state or local requirements, the District may provide an option for virtual participation for any overflow attendees as necessary and authorized by law.

Members Present: Thomas Smith, Ronny Young, Allen Knight, Lee K. Allison, Ron Sellman, and Joe Helmberger

Members Absent: David Flusche

Staff: Drew Satterwhite, Paul Sigle

Visitors: Kristen Fancher, Legal Counsel
Michelle Carte, Upper Trinity Regional Water District
James Beach, Advanced Groundwater Solutions
Peter Schulmeyer, Collier Consulting, Inc.
Jason Flynt, Barco Well Service
Amanda Rodriguez, Barco Well Service
Matt Hesse, CoServ Property Holdings
Tim Long, Billingsley Company

Permit Hearing

Agenda:

1. Call to Order; establish quorum; declare hearing open to the public; introduction of Board.
Board President Thomas Smith called the permit hearing to order at 10:00 a.m.
2. Review the Production Permit Applications of:

Request for Exception to Spacing Requirements

1. Applicant: CoServ Property Holdings, LLC; 7701 S. Stemmons, Corinth, TX 76210

Location of Well: West US 380, Krum, TX 76259 (Denton County); Latitude: 33.232667°N, Longitude: 97.284833°W; About one half-mile east on US 380 from the intersection of George Owens Rd and US 380, and about 1400 feet south of US 380 near Westfield Lane.

Purpose of Use: Fire Suppression System

Requested Amount of Use: 100,000 gallons per year

Production Capacity of Well: 175 gallons per minute

Aquifer: Trinity (Antlers) Aquifer

Request for Exception to Spacing Requirements: CoServ is requesting an exception to the spacing requirements for an existing well located about 675 feet to the east of the proposed well. The spacing requirement for a 175 gallon per minute well is 1,385 feet.

General Manager Drew Satterwhite reviewed the permit application with the Board. Discussion was held. Board Member Ronny Young made the motion to approve the permit application and Conserve the request for exception to spacing requirements. Board Member Joe Helmberger seconded the motion. Motion passed unanimously.

New Production Permit Applications

2. Applicant: CADG Hurricane Creek LLC; 1800 Valley View Ln., #300, Farmer Branch, TX 75234

Location of Well: Hurricane Creek South Development, Anna, TX; South shore of Collin Co. SWCD Pond #45; Latitude: 33.351506°N, Longitude: 96.598092°W; About 2,000 feet west on FM 455 from the intersection of FM 455 and County Road 368 and about 2,175 feet north of FM 455.

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

Requested Amount of Use: 28,122,455 gallons for 2021, 42,180,182 gallons for 2022, and 35,692,000 gallons per year after 2022

Production Capacity of Well: 180 gallons per minute

Aquifer: Trinity (Paluxy) Aquifer

General Manager Drew Satterwhite reviewed the permit application with the Board. Discussion was held. Board Member Joe Helmberger made the motion to approve the permit application. Board Member Ron Sellman seconded the motion. Motion failed upon vote. The item was tabled.

Permit Amendment Applications

3. 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: 425 gallons per minute (Increased from 200 gallons per minute); request to increase production capacity only

Aquifer: Trinity (Antlers) Aquifer

General Manager Drew Satterwhite reviewed the permit application with the Board. Board Member Ronny Young made the motion to approve the permit application. Board Member Lee Allison seconded

the motion. Motion passed unanimously.

4. Applicant: City of Gainesville; 200 S Rusk, Gainesville, TX 76240

Location of Well: 1511 Rice Ave. Gainesville, TX 76240; Latitude: 33.6083°N, Longitude: 97.13961°W;

About 225 feet west of the Rice Ave and Anthony Street

Purpose of Use: Public Water Supply

Historic Use Permit Amount: 672,191,000 gallons per year

Production Capacity of Well: 650 gallons per minute (Increased from 500 gallons per minute); request to increase production capacity only

Aquifer: Trinity (Antlers) Aquifer

General Manager Drew Satterwhite reviewed the permit application with the Board. Board Member Ron Sellman was required to abstain from participation in any discussion of the permit application due to a conflict of interest. Attorney Kristen Fancher updated the Board that Board Member Sellman had followed all of the procedures required by law regarding abstention. Board Member Ronny Young made the motion to approve the permit application. Board Member Joe Helmberger seconded the motion. Motion passed.

3. Public Comment on the Production Permit Applications.

There were no public comments

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.

Applications were voted on individually.

5. Adjourn or continue permit hearing.

President Thomas Smith adjourned the permit hearing at 10:38 a.m.

Public Meeting on Proposed Desired Future Conditions

Agenda

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

President Thomas Smith called the public meeting to order at 10:38 a.m.

2. Review of Desired Future Conditions applicable to the District.

James Beach provided an in-depth presentation on the proposed DFC which was proposed by GMA 8.

3. Public Comment on District's proposed Desired Future Conditions (verbal comments limited to three (3) minutes each).

There were no public comments.

4. Consider and act upon moving forward with the proposed Desired Future Conditions applicable to the District, including preparing the summary report and coordinating with Groundwater Management Area 8 as required by the Chapter 36 of the Texas Water Code.

Board Member Ronny Young made the motion to move forward with the proposed DFCs, including preparing the summary report and coordinating with GMA 8 as required by Chapter 36 of the Texas Water Code. Board Member Allen Knight seconded the motion. Motion passed unanimously.

Board Meeting

Agenda:

1. Pledge of Allegiance and Invocation

Board Member Ronny Young led the Pledge of Allegiance and provided the invocation.

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

Board President Thomas Smith called the meeting to order at 11:13 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 January 12, 2021, Board meeting.

Board President Thomas Smith asked for approval of the minutes from the January 12, 2021 meeting. Board Member Joe Helmsberger made the motion to approve the minutes. Board Member Allen Knight seconded the motion. Motion passed unanimously.

5. Consider and act upon approval of invoices and reimbursements, Resolution No. 2021-02-09-01.

General Manager Drew Satterwhite reviewed the liabilities with the Board. Board Member Joe Helmsberger made the motion to approve Resolution No. 2021-02-09-01. Board Member Ronny Young seconded the motion. 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 Financial Report.

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

General Manager Drew Satterwhite reviewed the quarterly report.

7. Discussion and possible action on District's Drought Contingency Plan.

General Manager Drew Satterwhite provided background information for the Board. Section 6.2 of the District's Rules call for the District to adopt a Drought Contingency Plan. This plan is consistent with the District rules and uses/references the Texas Water Development Board's publishing of the U.S. Drought Monitor. The plan lays out the process for how the District's Board would declare drought and notify permit holders. If a drought is declared, it is in effect for the entire year. The plan provides the District's Board with flexibility to implement a drought stage on a county-by-county basis. If the District were to declare a drought, permittees are then allowed a 15% increase in their permitted volumes for that year. Discussion was held. Board Member Ronny Young made the motion to adopt the plan. Board Member Ron Sellman seconded the motion. Board President Thomas Smith abstained. Motion passed.

8. Discussion and possible action on authorizing the execution of a Master Technical Services Agreement with INTERA for continued maintenance and development of the District's database.

General Manager Drew Satterwhite provided background information for the Board. The database is complete and now we need to enter into a service contract to continue to maintain and make improvements to the system. North Texas GCD and Red River GCD have budgeted for improvements and the staff intends to manage these funds prudently by continuously evaluating priority improvements to the system. Discussion was held. Board Member Joe Helmberger made the motion to authorize the execution of the agreement with INTERA. Board Member Ronny Young seconded the motion. Motion passed unanimously.

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

General Manager Drew Satterwhite informed the Board that GMA 8 will be meeting in June. With James Beach leaving WSP, GMA 8 may want to discuss how to proceed. If the GMA 8 decides to amend or change consultants, a pre-approval from the Board would be beneficial for Ronny and Drew at the upcoming GMA 8 meeting. General Manager Drew Satterwhite's signature would be on contract on behalf of NTGCD. Ronny Young will vote at GMA 8 meeting. Board Member Joe Helmberger made the motion to approve the General manager Drew Satterwhite's signature on a new or amended contract, contingent upon Ronny Young's vote at GMA 8 to approve any such action. Board Member Ron Sellman seconded the motion. Motion passed.

10. Consider and act upon compliance and enforcement activities for violations of District rules.

- a. Madewell

General Manager Drew Satterwhite provided background information for the Board.

Numerous attempts were made to get Madewell to send in the Well Completion Reports, however; they were sent in late. The Board decided to assess a major violation in the amount of \$500. Board Member Joe Helmberger made the motion to assess the major violation in the amount of \$500. Board Member Ronny Young seconded the motion. 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
 - b. Well Registration Summary
 - c. Legislative Update
 - d. Update on Texas Water Development Board draft rules and District comments
 - e. Staff's permit review procedures and criteria for consideration of permits
 - f. Conflict of interest requirements

Pursuant to Texas Open Meetings Act, Chapter 551.071, Government Code, Vernon's Texas Codes, Annotated, the Board convened into Executive Session at 11:46 a.m. for discussion concerning attorney-client matters (§551.071).

The Board reconvened into regular session at 12:04 p.m. The Board reconvened the permit hearing under item No. 2. Board Member Joe Helmberger made the motion to approve the CADG Hurricane Creek permit application. Board Member Ronny Young seconded the motion. Motion passed unanimously. The Board adjourned the permit hearing at 12:05 p.m.

Pursuant to Texas Open Meetings Act, Chapter 551.071, Government Code, Vernon's Texas Codes, Annotated, the Board convened into Executive Session at 12:05 p.m. for discussion concerning attorney-client matters (§551.071).

The Board reconvened into regular session at 1:03 p.m. No action was taken.

12. Open forum/discussion of new business for future meeting agendas.
13. Adjourn public meeting

Board President Thomas Smith declared the meeting adjourned at 1:04 p.m.



Recording Secretary



Secretary-Treasurer