

Minutes

for

July 23, 2020 at 2:00 PM

PERMIT HEARING on GRANDFATHERED and OPERATING PERMITS

and

REGULAR MEETING

OF THE

BOARD OF DIRECTORS

for

NORTHERN TRINITY GROUNDWATER CONSERVATION DISTRICT

1100 Circle Drive, Suite 300 Fort Worth, Texas 76119

In accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act, the Northern Trinity Groundwater Conservation District (NTGCD) will hold public hearings on proposed Grandfathered and Operating Permits Thursday, July 23 at 2:00 p.m. by telephonic conference call. The public may call in to this meeting by calling 1-888-599-1357 and entering the following code: 8529.

All interested parties are encouraged to provide input, and members of the public wishing to make public comment during the meeting must register by emailing lauraschumacher@ntgcd.com prior to 2:00 p.m. on July 23, 2020. This meeting will be recorded and the audio recording will be made available upon request after the meeting by sending an email to lauraschumacher@ntgcd.com.

Notice is hereby given that the Board of Directors of the Northern Trinity Groundwater Conservation District (District) will hold a Permit Hearing and may discuss, consider, and take all necessary action regarding the subject matters of the hearing, including but not limited to approving the applications listed below.

AGENDA:

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

President Laughlin called the Permit Hearing to order and opened the Hearing to the Public at 2:04 P.M. A quorum was established.

Members Present: President Laughlin, Vice President Cozart, Secretary Merritt, Director Petterson

Members Absent: Director Haster

Staff: Bob Patterson, Corey Jones, Laura Schumacher

Visitors: Ty Embrey, Legal Counsel
Wade Oliver, Hydrologist
William Gamblin, with WSP Engineer for City of Sansom Park
Ron Douglas, Director of Community Development for City of Sansom Park
Chris Browning, Sr. Engineer for U. S. Lime

2. Review the Grandfathered Permit Application of:

General Manager introduced and reviewed each permit individually.

Applicant: City of Southlake
Location of Well: 450 W. Southlake Blvd. Southlake, TX 76092 located at Bicentennial Park
Latitude: 32° 56.74908' N Longitude: -97° 9.0786' W
Purpose of Use: Fill pond and irrigation
Maximum Grandfathered Use Verified: 3,019,900 2018.(Jan-Dec) Water Production Reports
Requested Amount of Use Annually: 2,920,000 gallons
Production Capacity of Well: 65 gallons per minute

Applicant: City of Southlake
Location of Well: 400 N. White Chapel Road Southlake, TX 76092 located at Bicentennial Park
Latitude: 32° 56.5167' N Longitude: -97° 9.45006' W
Purpose of Use: Fill storage tank for irrigation
Maximum Grandfathered Use Verified: 18,196,000 2018.(Jan-Dec) Water Production Reports
Requested Amount of Use Annually: 17,885,000 gallons
Production Capacity of Well: 65 gallons per minute

Applicant: City of Southlake
Location of Well: 200 E Dove Road Southlake, TX 76092 located at North Park
Latitude: 32° 58.30002' N Longitude: -97° 8.7666' W
Purpose of Use: Fill pond for irrigation
Maximum Grandfathered Use Verified: 9,312,700 2018.(Jan-Dec) Water Production Reports
Requested Amount of Use Annually: 9,125,000 gallons
Production Capacity of Well: 110 gallons per minute

Applicant: City of Southlake
Location of Well: 3901 N White Southlake, TX 76092 located at Bob Jones Park
Latitude: 32° 59.1912' N Longitude: -97° 9.3984' W
Purpose of Use: Irrigation
Maximum Grandfathered Use Verified: 7,659,900 2017.(Jan-Dec) Water Production Reports

Requested Amount of Use Annually: 7,073,700 gallons

Production Capacity of Well: 65 gallons per minute

The Board had a general discussion on Grandfathered Usage.

After Board discussion, Ty Embrey, attorney clarified the discussion of regulating pumping groundwater into a surface pond and the evaporation being considered waste. Chapter 36 definition of waste does not address high evaporation rate.

A brief Board discussion was held for the submitted Grandfathered Use Permits.

No public comment.

President Laughlin made the motion to approve as submitted each Grandfathered Use Permit Application for the City of Southlake.

Director Petterson seconded the motion. Motion passed unanimously.

3. Review the Operating Permit Application of:

GM introduced and reviewed the two (2) car wash Operating Permit Applications.

Applicant: Q Wash 1, LLC

Location of Well: 9521 Clifford Street Fort Worth, TX 76108

Latitude: 32° 45.770' N Longitude: -97° 28.878' W

Purpose of Use: Commercial / Small Business

Requested Amount of Use Annually: 5,256,000 gallons

Production Capacity of Well: 50 gallons per minute

Applicant: QW Collins Wash 3950, LLC

Location of Well: 3950 S. Collins Street Arlington, TX 76014

Latitude: 32° 40.898' N Longitude: -97° 5.720' W

Purpose of Use: Commercial / Small Business

Requested Amount of Use Annually: 5,256,000 gallons

Production Capacity of Well: 50 gallons per minute

Board discussion addressed the question of public water being available to supply the car wash entities.

Ty Embrey addressed the question of production limitations for the District to have regulatory incentives to force people to move over to a different source of water such as a huge drop in the water table which would be a demonstrated need to limit the production of groundwater in a particular area.

The Board President requested District staff to have a working knowledge of permitted groundwater's usages by commercial businesses.

President Laughlin called for further discussion on the car wash permit applications. There was none. He called for a motion to approve the Operating Permit Applications for Q Wash 1, LLC and QW Collins Wash 3950, LLC.

Vice President Cozart made the motion to approve the Operating Permit Applications for Q Wash 1, LLC and QW Collins Wash 3950, LLC. Secretary Merritt seconded the motion. Motion passed unanimously.

Applicant: City of Sansom Park
Location of Well: 5700 Graham Street Sansom Park, Texas 76114
Latitude: 32° 48.5475' N Longitude: -97° 24.3148'W
Purpose of Use: Public Water Supply
Requested Amount of Use Annually: 52,560,000 gallons
Production Capacity of Well: 200 gallons per minute

General Manager reviewed the Operating Permit for the City of Sansom Park.

The City of Sansom Park is a 100% groundwater public water supply provider. The President suggested that the City of Sansom Park investigate a surface water connection option for their public water supply.

Ron Douglas with the City of Sansom Park explained that the City has an emergency connection to the City of Fort Worth, but the surface water connection is cost prohibitive to the City of Sansom Park.

President Laughlin suggested resources to help with the cost of connecting to surface water in the future.

President called for additional discussion. There was none. President called for a motion to approve the Operating Permit Application for the City of Sansom Park.

Director Petterson made the motion to approve the Operating Permit Application for the City of Sansom Park. Secretary Merritt seconded the motion. Motion passed unanimously.

Applicant: Aqua Texas, Inc.
Location of Well: Chisholm Springs Subdivision_Well 8 Twin Mountains
Latitude: 32° 59.5337' N Longitude: -97° 26.5112'W
Purpose of Use: Public Water Supply
Requested Amount of Use Annually: 77,745,000 gallons
Production Capacity of Well: 180 gallons per minute

Applicant: Aqua Texas, Inc.
Location of Well: Chisholm Springs Subdivision_Well 9 Paluxy
Latitude: 32° 59.5370' N Longitude: -97° 26.5112'W
Purpose of Use: Public Water Supply
Requested Amount of Use Annually: 31,010,400 gallons
Production Capacity of Well: 59 gallons per minute

General Manager reviewed and discussed the two (2) Aqua, TX Operating Permit Applications.

Board discussion on the proximity of the two (2) wells. Wells will be in different aquifers.

President called for further discussion. There was none. President called for a motion to approve the two (2) Aqua, TX Inc. Operating Permit Applications.

Vice President Cozart made the motion to approve the two (2) Aqua, TX Inc. Operating Permit Applications. President Laughlin seconded the motion. Motion passed unanimously.

President Laughlin addressed the production approved at the meeting added to the 2019 production.

Requested Wade Oliver, hydrologist to discuss the modeling usage for current usage. The crossing of the curve for groundwater is approaching. Mr. Oliver stated the authorized and actual production should be compared.

President called for additional discussion on the Public Hearing for Grandfathered and Operating Permits. There was none.

4. Public Comment on the Operating Permit Applications.

Public comment was taken during individual discussion for the Operating Permit Applications.

Chris Browning with U. S. Lime inquired about verified Grandfathered use. Can a user request an increase from usage? Ty Embrey addressed his question. U. S. Lime would request verified usage and possible increase usage with an Operating Permit.

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

All Operating Permit Applications were considered and acted upon at the time of discussion.

6. Adjourn or continue permit hearing.

President Laughlin adjourned Permit hearing at 3:13 P.M.

Regular Board Meeting

The Regular Board Meeting will begin upon adjournment of the above noticed Public Hearing.

All interested parties are invited to attend.

The Board may consider, discuss and take action, including expending funds, on any of the following agenda items:

AGENDA:

1. Call to order; establish a quorum; and declare meeting open to the public.

Board President Laughlin called the meeting to order at 3:13 P.M., established a quorum was present, and declared the meeting open to the public.

2. Public Comment.

There was no public comment.

3. **Consent Agenda:** Each of these items is recommended by the Staff and approval thereof will be strictly on the basis of the Staff recommendations. Approval for the Consent Agenda authorizes the General Manager or his designee to implement each item in accordance with the Staff recommendations. The Consent Agenda will be approved as a block. Any Board member that has questions regarding any item on the Consent Agenda may have the item pulled and considered as a regular item on the agenda. Any items so pulled for separate discussion will be considered as the first items following approval of the Consent Agenda.
 - A. Approval of minutes from Board meeting on May 20, 2020.
 - B. Approval of Current Budget Performance - Operating and Investment account statements.
 - C. Payment of bills/invoices received.
 - D. Reimburse General Manager, Field Tech, and/or Office Manager for invoices/bills paid on behalf of the District.

President Laughlin ask for a motion to approve the Consent Agenda as presented.

Vice President Cozart made the motion to approve the Consent Agenda as presented. Director Petterson seconded the motion. Vote was unanimous.

4. Any items from Consent Agenda that were pulled for further discussion.

No items were pulled for future review.

5. Resolution # 020-002 – Resolution Adopting District Groundwater Management Plan.

General Manager informed the Board the new Management Plan has been approved by TWDB.

The Board previously approved the District Management Plan and Resolution #020-002 at the May 20, 2020 Board meeting. Resolution will be signed and presented to TWDB.

6. Board will consider and possibly act upon the 2021 Operating Budget and Adopt Fee Rate Schedule for January 1 through December 31, 2021.

- Adopt Resolution # 020-003 (Adopting 2021 Operating Budget)
- Adopt Resolution # 020-004 (Ratifying adoption of Water Use Fee)

Board President requested GM to present budget details. GM reported speaking to most major water users in Tarrant County and discussing their future groundwater usage plans.

Board discussion relating to District water usage fees in relation to the operating budget.

The Board President requested legal to recommend a policy for District assets in excess of the operating budget.

Board President recommended the water use fee remain the same at 12.5 cents per thousand and adopt the 2021 budget as presented with a projected \$70,000.00 deficiency with the understanding that several budget items will be managed.

Board discussed the 2021 projected budget. Director Petterson presented an option to develop a fee schedule for users that optimize groundwater usage. President Laughlin requested this option to be presented at a future Board workshop including a policy discussion for District investable assets and money management.

President Laughlin called for a motion to adopt the 2021 Budget as proposed and the Resolution of Water Use Fee at 12.5 cents.

Vice President Cozart made the motion to maintain the water use fee at 12.5 cents per thousand.

Director Petterson seconded the motion.

President Laughlin recognized the motion and second that shall include both the adoption of the 2021 proposed budget and Adoption of the Resolutions.

President Laughlin called for a vote on the motion. Vote was unanimous.

7. G M Report

GM reported to the Board the various webinars he has attended.

GM reported the Management Plan was shared digitally with the surface water providers in the county as required by TWDB.

GM completed Certification for Public Funds Act Training.

NTGCD has updated the Recycling Program for our offices as required by TCEQ.

Ty Embrey reviewed an article as presented in the Texas and Southwestern Cattle Raisers relating to Brazos Valley GCD's permit issued to the City of Bryan and Mr. Fazzino lawsuit against the GCD in Federal Court claiming a taking of his property and the groundwater under his property would be drained by the City of Bryan. A Federal judge ruled in favor of the GCD on every count. Mr. Fazzino appealed his suit in the Fifth Circuit Court in New Orleans. This court sent it back to the Federal Court where the "takings claim" is at this time waiting a hearing on the merits of the suit. Attorney will keep Board updated.

8. Upcoming Groundwater Conferences

No action

9. Other Business / Setting of next meeting

President Laughlin discussed the science and technology of extraction of water from the moisture in the air.

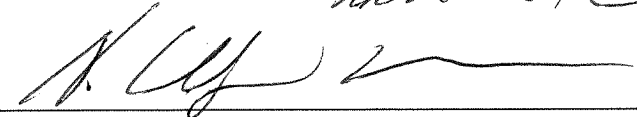
The next Board meeting was not set.

10. Adjourn.

President Laughlin adjourned the meeting at 4:10 pm.

PASSED, APPROVED AND ADOPTED BY THE BOARD OF DIRECTORS this

^{19th} ~~20th~~ day of ~~JANUARY~~ NOVEMBER, 2020. WR LUM

Attest: , Secretary of NTGCD Board