

Minutes

for

April 1, 2021

3:00 PM

NORTHERN TRINITY GROUNDWATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

PERMIT HEARING on GRANDFATHERED and OPERATING PERMITS

and

Regular Board Meeting

PERMIT HEARING on GRANDFATHERED and OPERATING PERMITS

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, April 1, 2021 at 3:00 PM. by telephonic conference call. The public may call in to this meeting by calling [1-888-599-1357](tel: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 3:00 PM. on April 1, 2021. 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.

Vice President Cozart established a quorum for the Northern Trinity GCD Public Meeting. Called the Public Meeting to order and opened the Grandfathered and Operating Permit Hearing to the Public at 3:00 P.M.

Members Present: Secretary Merritt and Director Petterson

Members Absent: President Laughlin and Director Haster

Staff: Bob Patterson, Corey Jones, Laura Schumacher

Visitors: Ty Embrey, Legal Counsel
Ron Douglas, representative for City of Sansom Park
Chase Thomas, Central Texas Water Well
Laura Robinson, Barco Well Service
Pete Schulmeyer, Collier Consulting

2. Review the Grandfathered Permit Application of:

Vice President called for the GM to introduce the Grandfathered Permit Application for the City of Sansom Park.

GM addressed the City's proposed use is for Public Water Supply and reviewed the submitted well information and annual gallons as well as the need to meet TCEQ's compliance for storage, capacity, and distribution requirements of 6/10 gallons per minute per connections.

GM has no issues with permit and recommends approval. He stated usage would be tracked and permit revised at renewal time according to reported usage.

Applicant: City of Sansom Park

Location of Well: 5401 Cowden-Well 2 City of Sansom Park, TX 76114
Latitude: 32°48'24.2844" N Longitude: -97°24'03.2407" W

District Registration Number: N-2016-1447

Purpose of Use: Public Water Supply

Maximum Grandfathered Use Verified: 8,267,000
[2019.(July-Dec) Water Production Reports]

Requested Amount of Use Annually: 39,420,000 gallons

Production Capacity of Well: 75 gallons per minute

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3. Public Comment on the Grandfathered Use Permit Application

There was no public comment on the Grandfathered Use Permit Application for City of Sansom Park.

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

Vice President Cozart ask if there were any questions concerning this Grandfathered Use Permit for City of Sansom Park. There were none.

Vice President Cozart called for a motion to approve the Grandfathered Use Permit Application for the City of Sansom Park.

Secretary Merritt made the motion to approve the Grandfathered Use Permit Application for the City of Sansom Park. Motion was seconded by Director Petterson. Board vote was unanimous.

5. Review the Operating Permit Application of:

Applicant: Q W Eastchase F.W., L.L.C.

Location of Well: 1800 Eastchase Parkway Fort Worth, TX 76120

Latitude: 32° 45.200' N Longitude: -97° 10.317' W

District Registration Number: N-2021-0032

Purpose of Use: Commercial / Small Business (automated car wash)

Requested Amount of Use Annually: 11,860,000 gallons

Production Capacity of Well: 50 gallons per minute

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Vice President called for an introduction to the Operating Permit Application for Q W Eastchase F.W., L.L.C.

GM reviewed the usage and well information for the Operating Permit application for Q W Eastchase F.W., L.L.C.

GM recommended approval of the Operating Permit Application for Q W Eastchase F.W., L.L.C.

Secretary Merritt expressed concern from previous Board of Directors' discussions dealing with usage of groundwater to supply water to commercial car washes. Secretary Merritt questioned the availability of City provided water and sewer to the commercial car wash. GM has been meeting with the City of Fort Worth Water Department concerning the sewer usage. His contact is Wendy Chi-Babulal, Assistant Director-Strategic Operations. GM has a meeting on Monday (April 5th) to discuss car wash water usage.

Vice President called for additional questions. Director Petterson echoed Secretary Merritt's concern of using groundwater when City water is available.

Vice President Cozart called for a motion to approve the Operating Permit application for Q W Eastchase F.W., L.L.C.

Director Petterson made the motion to approve the Operating Permit application for Q W Eastchase F.W., L.L.C. Secretary Merritt seconded the motion to approve. Director Petterson requested the Board concern be noted of using groundwater for commercial car washes. Unanimous Board vote to approve.

Ron Douglas with the City of Sansom Park was recognized to comment on this Agenda Item. He stated the City of Sansom Park is limiting the amount of water used by commercial car washes.

GM commented that the car wash wells are metered and required to report usage to the District. Mr. Douglas speculated that the City of Fort Worth will request the District to report car wash groundwater usage to them to assess sewer fees.

Applicant: Basswood I-35

Location of Well: 3180 Basswood Blvd Fort Worth, TX 76137

Latitude: 32° 52.311' N Longitude: -97° 18.6239' W

District Registration Number: N-2021-0033

Purpose of Use: Commercial / Small Business (automated car wash)

Requested Amount of Use Annually: 11,860,000 gallons

Production Capacity of Well: 50 gallons per minute

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Vice President called for GM to introduce the Operating Permit Application for Basswood I-35.

GM recommended approval of the Operating Permit Application for Basswood I-35 same Owner as previous permit application.

Secretary Merritt expressed the same concern dealing with usage for future commercial applications.

Discussion regarding limiting groundwater to commercial usages as car washes.

Vice President Cozart called for motion to approve the Operating Permit application for Basswood I-35.

Secretary Merritt made the motion to approve the Operating Permit application for Basswood I-35. Director Petterson seconded the motion to approve. Unanimous Board vote to approve.

Applicant: Milestone Church

Location of Well: 201 Mt. Gilead Road Keller, TX 76248

Latitude: 32° 57.4547' N Longitude: -97° 14.8705' W

District Registration Number: N-2021-0048

Purpose of Use: Pond fill and Landscape Irrigation

Requested Amount of Use Annually: 4,500,000 gallons

Production Capacity of Well: 55 gallons per minute

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Vice President called for the GM to make an introduction to the Operating Permit Application for Milestone Church.

GM recommended approval of the Operating Permit Application for Milestone Church.

Jason Flynt, driller with Barco Well Service submitted an apology for not being available for the meeting in an additional information sheet which is included with Board Packet with usage information for the groundwater well being proposed for Milestone Church.

Director Petterson inquired about the size of the proposed pond to be supplied by groundwater. Application includes groundwater usage for irrigation and pond filling.

Vice President Cozart ask for additional questions. No additional questions.

Director Petterson made the motion that the Operating Permit application for Milestone Church be approved with groundwater being used only as to the information in the application. Secretary Merritt seconded the motion. Vote was unanimous.

6. Public Comment on the Operating Permit Applications.

Laura Robinson with Barco Well Service commented on the groundwater usage being proposed for the Milestone Church Operating Permit application.

7. 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.

Each Operating Permit was acted on at the time of presentation and Board discussion.

8. Adjourn or continue permit hearing.

Vice President Cozart adjourned the Permit Hearing at 3:25 PM.

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.

Vice President Cozart established a quorum and opened the Regular Board meeting for the Directors of the Northern Trinity GCD to the Public at 3:25 PM.

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 January 26, 2021.
 - 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.

Vice President Cozart asked for Board comments on the Consent Agenda. No comments.

Vice President Cozart called for a motion and second to approve the Consent Agenda as presented.

Secretary Merritt made the motion to accept the Consent Agenda as presented. Director Petterson seconded the motion. Unanimous vote.

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

No items were pulled from the Consent Agenda for further discussion.

5. Discussion regarding potential violations of District Rules by the following. Take action as necessary.
 - Mr. Nelson Thomas of Central Texas Water Well

Vice President Cozart called for the GM to introduce the potential violation by Mr. Nelson Thomas.

GM introduced the potential violations for Mr. Nelson Thomas. GM reported previous unapproved well drilling by Mr. Thomas in 2016. After receiving notice from the District, Mr. Thomas acted quickly to register the wells and pay the violation penalty as authorized by District Rules.

Mr. Thomas has again drilled two (2) unapproved wells for Viridian Municipal Management District. These wells were brought to the attention of NTGCD through 2020.Semi Annual 2 (July-December) Water Production Reports from Viridian Municipal Management District.

NTGCD has communicated with Viridian representatives concerning the drilling of the two (2) wells without District approval. Viridian representatives have cooperated fully with the District in registering the wells and paying the fees. The permits and permit fees have not been submitted.

GM reported a site investigation by Corey Jones found one of the wells subject to potential violation was used to partially fill a 280+ acre lake on the development.

Director Petterson inquired if the applications had been submitted to NTGCD on the two (2) subject wells.

Corey Jones reported that permit applications and fees have not been submitted by the Owner operator for Well 4 and Well 5 located at the Viridian development . The potential violation for Mr. Nelson Thomas and Central Texas Water Well as the driller is separate from Viridian Municipal Management District as the Owner operator.

Vice President Cozart ask the GM if the Board should act now or delay until everything is completed. GM requested a delay until the next board meeting.

Vice President Cozart called for motion to table the discussion for Agenda Item 5 until the next meeting when more information can be presented to the Board.

Secretary Merritt inquired if the two (2) subject wells are currently operating. GM reported the wells have been metered but are turned off.

Secretary Merritt asked where Viridian development is located. Corey Jones reported the development is in Arlington north of I-30.

Director Petterson inquired about the amount of water being pumped from the five (5) in place wells. GM reported the District has information for three (3) wells and gathering information on the two (2) subject wells. Director Petterson ask about separation of the wells. Corey Jones reported the wells meet District spacing but the actual requested water production amount will be shown on the permit application. The District does have historical data for the previous three (3) wells. Director Petterson ask about the performance of the three (3) wells that have been reporting. Staff will need to review WPRs. Permits for the two (2) subject wells will require a hydrogeological study because of the GPM of each well.

Director Petterson made the motion to table the action for Agenda Item 5 until the next meeting when more information can be presented to the Board. The motion was seconded by Secretary Merritt. Unanimous Board vote to table Agenda Item 5 until next meeting of the Board of Directors.

Vice President Cozart inquired whether the first three (3) wells were drilled in compliance with District Rules. Corey Jones reported the first three (3) wells were approved before drilling.

The letter received by the GM from Mr. Nelson Thomas was received after the Board Packet was delivered therefore, his letter was delivered in a separate message to the Board.

6. Legal Update – Ty Embrey

- 87th Session of Texas Legislature

Vice Present Cozart ask Ty Embrey, Attorney, to present his 87th Session of Texas Legislature update.

The scheduled Session started early January ends May 31st.

Filing deadline ended March 12.

Attorney Embrey reported Senator Perry has an omnibus bill (SB 152 / HB 668) . This bill has four (4) components.

- Creates a formalized petition for rulemaking process.
- Notice of permit application language added to Chapter 36 relating to posting the Permit Application locations. NTGCD is currently doing more than required by the bill.
- Language relating to DFC challenge.
- Attorney's fees language protecting GCD changing from "shall" to "may" basically changing from required to discretionary by the Judge as requested by the Farm Bureau.

Mostly, GCDs are being left alone this session.

Vice President ask for additional questions. No additional questions.

7. G M Report

Vice President called for GM Report.

GM reported discussing car wash issues with the City of Fort Worth.

Viridian developments.

FDIC letter and Federal Reserve communication to the District regarding "pass-through accounts" prompted a contact with Chase Bank. GM visited with Mike Wilson, the District's Chase Bank contact, in person and has regular contact with him.

Basically, the letter is a move by the Federal Reserve to register "pass-through accounts". A "pass-through account" is a situation that has particular beneficiaries. The FDIC wants to see the list of beneficiaries and regulate those "pass-through accounts". Northern Trinity GCD is not a "pass-through account".

NTGCD monies are in the Federal Reserve Bank of New York. The money is loaned out through Collateral Management Company. GM reported that NTGCD accounts are more than adequately covered. District monies are loaned mostly to Texas cities.

GM reviewed the District reports (number of drilled wells-fees paid-reported pumped gallons).

8. Other Business / Setting of next meeting

Vice President Cozart requested the next Board Meeting in person to be within two (2) to three (3) weeks and preferably around April 15th.

Vice President Cozart requested a poll sent to the Board for a date and time for the next meeting preferably a date and time so that all board members are present.

Director Petterson offered his facility to avoid the parking at Resource Connection due to Covid shots being administered on campus.

Vice President Cozart talked through the logistics of the in-person and offering teleconference option.

Vice President requested the attorney prepare to facilitate an Executive Session and to contact him with the set-up information.

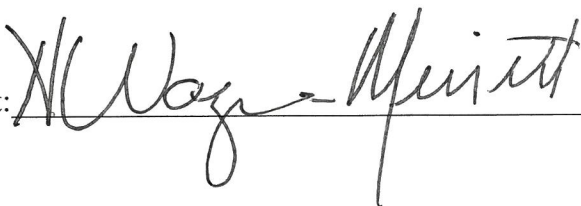
Vice President called for additional questions. No questions.

9. Adjourn.

Vice President Cozart ask for a motion to adjourn. Director Petterson made the motion to adjourn the meeting. Secretary Merritt seconded the motion. Unanimous vote to adjourn the meeting. The meeting was adjourned at 4:02 PM.

PASSED, APPROVED AND ADOPTED BY THE BOARD OF DIRECTORS this

_____ 5th _____ day of _____ May _____, 2021.

Attest:  _____, Secretary of NTGCD Board