

# Minutes

for  
the

3:00 PM  
May 5, 2021

## **PERMIT HEARING on OPERATING PERMITS and Regular Board Meeting**

of the  
**BOARD OF DIRECTORS**  
of the

**NORTHERN TRINITY GROUNDWATER CONSERVATION DISTRICT**  
1100 Circle Drive, Suite 300 Fort Worth, Texas 76119

**IN-PERSON MEETING LOCATION:**  
**Board Room located at 1100 Circle Drive, Fort Worth, TX 76119**

**REMOTE ACCESS AVAILABLE AT:**  
The public may call in to this meeting by calling 1-888-599-1357 and entering the following code: 8529.

### **PERMIT HEARING on OPERATING PERMITS**

Notice is hereby given that, 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, a quorum of the Board of Directors of the Northern Trinity Groundwater Conservation District (District) will hold a public hearing on proposed Operating Permits and a regular Board meeting in-person and via telephone conference call beginning at 3:00 PM Wednesday, May 5, 2021. The public may call in to this meeting by calling 1-888-599-1357 and entering the following code: 8529.

If you attend in person, please note the Board Room can only accommodate eight (8) in person attendees while still maintaining six feet distance between attendees. If you are not comfortable attending the meeting in person (and/or due to limited social distancing

capacity), please participate via the telephone conference call. Remote access may be required in the event the capacity limitations are reached. A remote access space will be provided at the 1100 Circle Drive, Fort Worth, Texas location.

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](mailto:lauraschumacher@ntgcd.com) prior to 3:00 PM. on May 5, 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](mailto: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 called the Permit Hearing to order and opened the Hearing to the Public at 3:03 P.M. A quorum was established.

Directors Present: Vice President Cozart, Secretary Merritt, Director Haster

Directors Absent: President Laughlin and Director Petterson

Staff Present: General Manager Bob Patterson; Corey Jones and Laura Schumacher

Ty Embrey, Attorney representing the District was present on teleconference call.

Pete Schulmeyer with Collier’s Consulting was present on teleconference call.

2. Review the Operating Permit Application of:

**Applicant:** City of Sansom Park

**Location of Well:** 5909 Ridge Lane Sansom Park, TX 76114

Latitude: 32°48' 05.8309" N Longitude: -97°24' 42.01407" W

**District Registration Number:** N-2021-0078

**Purpose of Use:** Public Water Supply

**Requested Amount of Use Annually:** 84,100,000 gallons

**Production Capacity of Well:** 200 gallons per minute

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VP Cozart called for the General Manager to introduce the City of Sansom Park’s Operating Permit Application.

GM introduced the application and recommended approval as submitted.

Board discussed the location of the proposed new well in relationship to the existing wells in the area.

Ron Douglas with the City of Sansom Park was recognized as a remote attendee.

Greg Saunders with Teague Nall and Perkins, Engineers for the City of Sansom Park advised the Board that the existing City wells at the proposed new well site will remain in use.

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

Director Haster made the motion to approve the Operating Permit Application for the City of Sansom Park. Secretary Merritt seconded the motion. VP Cozart called for a vote. The vote was unanimous to approve the Operating Permit Application for the City of Sansom Park.

**Applicant:** City of Everman

**Location of Well:** 304 Southway Drive Everman, TX 76140

Latitude: 32°38' 06.157" N Longitude: -97°15' 57.778" W

**District Registration Number:** N-2021-0082

**Purpose of Use:** Public Water Supply

**Requested Amount of Use Annually:** 78,800,000 gallons

**Production Capacity of Well:** 200 gallons per minute

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VP Cozart called for the GM to introduce the Operating Permit Application for the City of Everman.

GM introduced the Operating Permit for the City of Everman and recommended approval.

Craig Spencer, City Manager representing the City of Everman was on the teleconference call.

Greg Saunders, Engineer with Teague Nall and Perkins responded to VP Cozart's question relating to existing wells on the site. There is an existing Paluxy well on the site that will remain in service.

Vice President Cozart called for a motion to approve the Operating Permit Application for the City of Everman.

Director Haster made the motion to approve the Operating Permit Application for the City of Everman. Secretary Merritt seconded the motion. VP Cozart called for a Board vote. The vote was unanimous to approve the Operating Permit Application for the City of Everman.

### 3. Public Comment on the Operating Permit Application

Public comment was taken during the introduction and discussion of each Operating Permit application.

No additional public comment. Public comment was closed.

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

Vice President Cozart called for a motion to approve the Operating Permit Applications for the City of Sansom Park and the City of Everman.

Director Haster made the motion to approve the Operating Permit Application for the City of Sansom Park and the Operating Permit Application for the City of Everman. Secretary Merritt seconded the motion. VP Cozart called for a Board vote to accept the motion and second. Unanimous Board vote to approve the Operating Permit for the City of Sansom Park and for the City of Everman.

5. Adjourn or continue permit hearing.

Vice President Cozart adjourned the Permit Hearing at 3:16 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.

Vice President Cozart called the Regular Board Meeting to order at 3:16 P.M. A quorum was established with the following directors present.

Vice President Cozart  
Secretary Merritt  
Director Haster

Directors Absent:

President Laughlin  
Director Petterson

Staff Present: GM Bob Patterson, Corey Jones, and Laura Schumacher

Ty Embrey, Attorney representing the District was present on teleconference call.

2. Public Comment.

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 April 1, 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 ask if anyone wanted to pull an item from the Consent Agenda.

No items were pulled.

Vice President Cozart called for a motion to accept the Consent Agenda as presented.

Director Haster made the motion to accept the Consent Agenda as presented. The motion was seconded by Secretary Merritt.

VP Cozart called for a vote. Vote was unanimous to accept the Consent Agenda as presented.

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 called for the GM to introduce Agenda Item 5 that was tabled from the previous Board of Directors' Regular Meeting on April 1, 2021.

VP Cozart ask if Mr. Nelson Thomas or a representative was on the teleconference line with no response.

GM Introduced the potential violation for Nelson Thomas. Mr. Thomas is the driller of record for two (2) wells drilled in Tarrant County that were not registered with the District prior to drilling. Failure to comply with District Rule 8.7 (c)(1).

The driller has subsequently submitted a new well application for the two (2) well sites and paid registration fees and driller's deposit for both wells.

GM recommended a major violation for each "failed to register" well site with fines according to the District Rules Civil Penalty schedule.

- Violation 1 \$ 500.00
- Violation 2 \$ 1000.00

Corey Jones contacted the driller with respect to drilling the two (2) subject wells . Driller did not have an approval for the drilling of the two (2) wells. A formal "Notice of Violation" was mailed by certified mail to the driller.

Vice President called for a motion to assess Mr. Nelson Thomas of Central Texas Water Well with Major Violation 1 and Major Violation 2 resulting in a Civil Penalty fine of \$1500.00.

Director Haster made the motion to assess Mr. Nelson Thomas of Central Texas Water Well with Major Violation 1 and Major Violation 2 resulting in a Civil Penalty fine of \$1500.00.

Secretary Merritt seconded the motion.

Vice President Cozart called for a vote to assess Mr. Nelson Thomas of Central Texas Water Well with Major Violation 1 and Major Violation 2 resulting in a Civil Penalty fine of \$1500.00.

Vote was unanimous to assess Major Violation 1 and Major Violation 2 to Mr. Nelson Thomas.

6. Discussion regarding potential violations of District Rules by the following. Take action as necessary.
  - Viridian Municipal Management District

Vice President Cozart called for the General Manager to introduce the potential violation of District Rules by Viridian MMD.

GM introduced the potential violation of Viridian MMD as the landowner of the two (2) unregistered wells drilled by Mr. Nelson Thomas and potentially violating District Rule 8.7 (c)(1).

Ty Embrey iterated this is the first time Viridian MMD has been called before the Board.

Mr. Clay Crawford with the law firm of Crawford and Jordan is the General Counsel for Viridian MMD and Mr. Chris Connors with Graham & Associates, Engineers (both on teleconference call)

for Viridian MMD spoke on behalf of Viridian MMD. The Board was given assurance that this infraction of the District rules would not happen again by Viridian MMD.

VP Cozart ask for the General Manager's recommendation.

GM recommended a major violation for each "failed to register" well site with fines according to the District Rules Civil Penalty schedule.

- Violation 1 \$ 500.00
- Violation 2 \$ 1000.00

Representatives from Viridian MMD worked quickly and closely with the District to bring all District Rules infractions into compliance. Additionally, Viridian has submitted the Operating Permit Applications for the two (2) wells drilled without a registration.

VP Cozart reminded the Board that in previous first-time offenders' violations the Board brought the offenders in compliance with a reminder to not commit the offense again and in the future to comply with all District Rules.

Board discussed the existing wells currently being operated by Viridian MMD. As to the District staff's knowledge, all existing wells owned and operated by Viridian MMD are following District Rules.

Vice President Cozart asked for additional Board questions. There was none.

VP Cozart called for Board recommendation for Viridian MMD.

Secretary Merritt made the motion to impose Major Violation 1 for \$500.00 and Major Violation 2 for \$1000.0 on Viridian MMD.

Director Haster seconded the motion.

Attorney Ty Embrey reminded the Board of previous first-time rule offenders' violations and the Board actions taken for those violations.

Vice President Cozart called for a Board Vote. The Board voted 2 for the motion and 1 against the motion due to previous Board actions for first-time offenders. Motion passed.

**7. Board will consider and possibly approve the District's 2019 Annual Report.**

Vice President Cozart called for the GM to introduce the 2019 Annual Report.

GM clarified the finalization and the content of the 2019 report.

VP called for a motion to approve the 2019 Annual Report.

Secretary Merritt made the motion for the Board to approve the 2019 Annual Report as presented.

Director Haster seconded the motion.

Vice President Cozart called for a Board vote. Vote was unanimous to approve the District's 2019 Annual Report as presented.

8. Discussion of District Fee Structure and Budget Issues. Take action as necessary.

GM discussed with the Board the possibility of increasing the water use fee to increase budget funds. He recommended increasing nonexempt water use fee rate to fifteen (15) cents per thousand gallons up from 12.5 cents per thousand gallons. GM suggested a Board appointed committee to review the water use fee. The current water use fee was approved beginning October 1, 2012. GM proposed additional staff to focus on the website and public relations; and purchasing a new pick up for the field tech.

Vice President Cozart called for a full Board work session to discuss the water use fee. Director Haster requested budget projections for specific increases listed with additional fees considered for the 2022 projected budget. Additionally, the Board requested a report that shows the cost differences in surface water and groundwater.

9. Discussion of Board Resolution to Adopt Summary Report for GMA 8 related to Proposed Desired Future Conditions of aquifers. Take action as necessary.

GM introduced the Board Resolution to Adopt the District's Summary Report for GMA 8 related to Proposed Desired Future Conditions of aquifers.

Ty Embrey, attorney discussed the need for action so that the GMA 8 can remain on schedule for the DFC process. District Resolutions are due back to GMA 8 by June 1<sup>st</sup>.

Vice President Cozart called for a motion to adopt the Resolution for GMA 8 related to Proposed Desired Future Conditions of the aquifer with the attached Summary Report stating that the District received no public comment and no suggestions for a different proposed DFC for Tarrant County.

Secretary Merritt made the motion to adopt the Resolution and Summary Report as presented and Director Haster seconded the motion. Unanimous Board vote to adopt.

10. Legal Update – Ty Embrey

- 87<sup>th</sup> Session of Texas Legislature

Ty Embrey, attorney with Lloyd Gosselink updated the Board on the activities of the 87<sup>th</sup> Session of the Texas Legislature. The 87<sup>th</sup> Session is due to end on May 31<sup>st</sup>.

Attorney Embrey reported a few bills have been filed that would amend Chapter 36 of the Water Code but not many will pass. The Legislature for the most part is leaving groundwater districts alone for this session. This is great news.



Mr. Embrey discussed omnibus bill 152 and attorney's fees.

He discussed Districts maintaining transparency in relation to meeting in person or tele meetings.

No questions from the Board for Attorney Embrey. No action taken.

11. G M Report

- TCDRS Report
- Combined Report from efforts with Fort Worth City Water Department / Car Wash
- Rainwater Harvesting

GM updated the Board on the District's increased contribution for TCDRS in 2022.

GM has been in contact with the City of Fort Worth on Car Wash issues.

GM discussed District involvement in providing public information and sources for barrels and rainwater collection systems for Rainwater Harvesting.

No action taken.

12. Other Business / Setting of next meeting

No other business.

Board set June 16<sup>th</sup> for the next Board Meeting date and requested a poll be sent to the Board of Directors to select either 10:00 A.M. or an afternoon time.

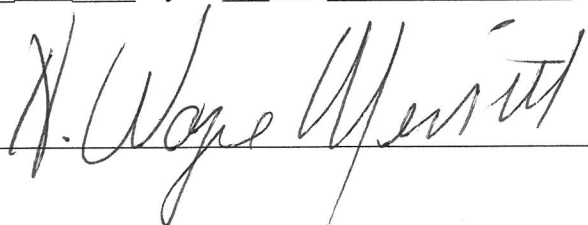
13. Adjourn.

Vice President called for a motion to adjourn. Secretary Merritt made the motion to adjourn, and Director Haster seconded the motion.

Vice President Cozart adjourned the meeting at 4:34 P.M.

PASSED, APPROVED AND ADOPTED BY THE BOARD OF DIRECTORS this

\_\_\_\_\_ 16th \_\_\_\_\_ day of \_\_\_\_\_ June \_\_\_\_\_, 2021.

Attest:  \_\_\_\_\_, Secretary of NTGCD Board