

# LONE STAR GROUNDWATER CONSERVATION DISTRICT

May 12, 2009

## MINUTES OF REGULAR MEETING

The Board of Directors of the Lone Star Groundwater Conservation District (“District”) met in regular session, open to the public, in the Lone Star GCD – Board Room located at 207 W. Phillips Street, Suite 300, Conroe, Texas, within the boundaries of the District on May 12, 2009.

President Tramm called to order the regular Board of Directors meeting at 10:07 a.m. announcing that it was now open to the public.

The roll was called of the members of the Board of Directors, to wit:

Sam W. Baker  
Reed Eichelberger, PE  
Orval R. Love, PE  
Roy McCoy, Jr.  
Jim Stinson, PE  
Richard J. Tramm  
Scott Weisinger, PG  
James B. Wesley  
W. B. Wood

All members of the Board were present thus constituting a quorum of the Board of Directors. Also, in attendance at said meeting were Kathy Turner Jones, District General Manager; Mark Lowry, District Consultant; District staff; and members of the public. *Copies of the public sign-in sheets are attached hereto as Exhibit “A”.*

### APPROVAL OF THE MINUTES:

President Tramm stated the Board would consider all four (4) meeting Minutes listed as one item. Upon review of the following:

- a) April 14, 2009, Continuation of Public Hearing on Proposed Changes to District Rules
- b) April 14, 2009, Special Board Meeting
- c) April 14, 2009, Public Hearing on Permit Applications
- d) April 14, 2009, Regular Board of Directors Meeting

a motion was made by Director Weisinger, seconded by Director Wesley and unanimously carried, to approve the meeting minutes as presented.

## **SJRA PROGRESS REPORT:**

Director Eichelberger, General Manager for SJRA, stated SJRA is waiting for the legislative session to conclude to determine how any bills passed would impact Montgomery County. Director Eichelberger further commented that SJRA is also waiting for the District to adopt further regulations regarding Phase 2B of the Regulatory Plan.

## **COMMITTEE REPORTS:**

**Rules and Bylaws Committee – Kathy Turner Jones, Coordinator.** Ms. Jones reported that the Rules and Bylaws Committee had not met since the last Board meeting. Ms. Jones stated staff would be sending out letters to permittees and drillers this week regarding rule changes. Ms. Jones stated she would schedule a Rules and Bylaws Committee meeting to address the issue of impoundment of groundwater.

**Policy and Personnel Development Committee – Sam W. Baker, Chair.** Director Baker stated that the committee met on May 5, 2009, to discuss the compensation package for the District's new Education/Public Awareness Coordinator, Marjorie Risk. General Manager, Kathy Turner Jones, stated that she had included a short biography in the Board packets. Ms. Risk has accepted the position and will begin July 1, 2009.

**Water Awareness and Conservation Committee – Billy Wood, Chair.** Director Wood stated that the committee had not met since the last Board meeting. Director Wood reported that, because of the inclement weather, Earth Day was cancelled. EnviroMedia had sent out press releases prior to that date to area media relations stating that Water IQ was launching at the Earth Day festival and details about the county's population increase would be available. EnviroMedia is updating the release, with slight changes, and will be re-releasing the information this week. Director Wood reported that all billboards are posted. A mall banner has been selected and should be up within 2-3 weeks at The Woodlands Mall, food court area. This will remain in place for the next three to four months. The District has an opportunity with the Woodlands Lifestyles and Homes Magazine to write a free article. General Manager, Kathy Turner Jones, stated the District is still working with the magazine on the specific details. Ms. Jones further stated the District had received three (3) applications to attend State Youth Water Camp this summer in Monahans, Texas. The deadline to submit applications was this past Friday. Two of the students are from the Academy of Science and Technology and one from Montgomery ISD.

**Budget and Finance Development Committee – Jim Stinson, Chair.** Director Stinson reported the committee had not met since the last Board meeting.

**Review of Monthly Financial Reports.** Director Stinson stated a review of the monthly financial reports showed that the District was \$789,000 over budget in income and \$350,000 under budget in expenses.

## **ENGINEERING REPORT:**

Mark Lowry, District Consultant, reported he had reviewed USGS presentation on water level mapping in Montgomery County; provided joint review of WRAPS for Conroe Country Club and Wedgewood Country Club and also prepared a draft review of comments to the

General Manager; prepared a draft letter for the General Manager to sign responding to the request for comments published by Region H relating to the population and water demand draft numbers for Montgomery County; and provided technical support to the District's General Manager in meeting with local senators in Austin concerning the SJRA bill for implementing the conversion to surface water in complying with the District's groundwater reduction mandates.

**DISCUSS QUALITY CONTROL ANALYSIS OF OUTSIDE CONSULTANT STUDIES:**

Director Weisinger raised concerns regarding the integrity of the water samples and wanted to insure our samples were not compromised during the relocation of the testing. Mike Turco, USGS, assured the Board that USGS takes every precaution to insure the samples are not compromised. Mr. Turco stated that the USGS Reston Chlorofluorocarbon Lab in Virginia, is the primary lab where all samples were shipped following preparation at the USGS office in The Woodlands. Mr. Turco also noted that not all tracers are analyzed at the above mentioned lab, but rather at another lab specializing in that field. The distribution of the samples and the links to background information on the labs will be provided to the Board. Director Wesley asked Mr. Turco if only one model or multiple models were used in the gathering of information. Mr. Turco assured Mr. Wesley that multiple models were used in order to gather more accurate information. President Tramm stated that he would appoint a committee to review analysis of consultant studies.

**GENERAL COUNSEL'S REPORT:** None

**GENERAL MANAGER'S REPORT:**

Kathy Turner Jones stated she had nothing further to report that wasn't included in the Board packets.

**PUBLIC COMMENT:** None

**CONSIDER ENFORCEMENT ACTION, INCLUDING WITHOUT LIMITATION LITIGATION, IMPOSITION OF CIVIL PENALTIES, AND/OR COMPROMISE AND SETTLEMENT AGREEMENTS FOR VIOLATIONS OF DISTRICT RULES FOR THE FOLLOWING:**

Upon a motion by Director Baker, second by Director Weisinger, and unanimously carried, the Board approved to authorize the General Manager to tender a Compromise Settlement Agreement, in lieu of court action by suit for violation of District Rules, in accordance with legal advice received in Executive Session, for overpumpage violations greater than 10% against:

**OVERPUMPAGE VIOLATIONS**

American Tree Farm	HUPAG1500009A
Outpost Venture	OP03-0013

Upon a motion by Director Stinson, seconded by Director Wood, and unanimously carried, the Board approved to authorize the General Manager to engage legal counsel to notify permit holder, by phone and letter, that failure to submit water use fee payments on or before date prescribed by District Staff, will result in an automatic suspension of their permit, subjecting them to civil action by the District through a Court of Law for nonpayment of water use fees against:

**NON PAYMENT OF WATER USE FEES**

Anthony Plew                      OP-09010701

**NEW BUSINESS:**

None

There being no further business, upon a motion by Director Wood, seconded by Director Baker, the meeting was adjourned at 10:35 a.m. The next regular meeting of the Board of Directors is scheduled for June 9, 2009, at 10:00 a.m.

**PASSED, APPROVED, AND ADOPTED THIS 9<sup>th</sup> DAY OF JUNE, 2009.**

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Sam W. Baker, Board Secretary

# LONE STAR GROUNDWATER CONSERVATION DISTRICT

MAY 12, 2009

## MINUTES OF PUBLIC HEARING ON PERMIT APPLICATIONS

The Board of Directors of the Lone Star Groundwater Conservation District (“District”) met in regular session, open to the public, in the Lone Star GCD – Board Room located at 207 W. Phillips Street, Suite 300, Conroe, Texas, within the boundaries of the District on May 12, 2009.

President Tramm called to order the Public Hearing on Permit Applications at 10:05 a.m., announcing that it was now open to the public.

The roll was called of the members of the Board of Directors, to wit:

Sam W. Baker  
Reed Eichelberger, PE  
Orval R. Love, PE  
Roy McCoy, Jr.  
Jim Stinson, PE  
Richard J. Tramm  
Scott Weisinger, PG  
James B. Wesley  
W. B. Wood

All members of the Board were present, thus constituting a quorum of the Board of Directors. Also, in attendance at said meeting were Kathy Turner Jones, District General Manager; Mark Lowry, District Consultant; District staff; and members of the public. *Copies of the public sign-in sheets are attached hereto as Exhibit “A”.*

Following the permit hearing report from General Manager, Kathy Turner Jones, stating that staff recommended reducing #11 from **4 mg annually to 3 mg annually**, a motion was made by Director Wood and seconded by Director Baker, to approve permits #1 through #14, with the reduction of #11 as recommended by staff, in accordance with the recommendations of the General Manager.

1. Robin Express, for a proposed well to be drilled at 29601 Robinson Rd., Spring, not to exceed 0.5 mg annually, Public Supply (PWS) use;
2. Sequoia Golf Woodlands LLC (Palmer), for a proposed operating permit not to exceed 20 mg annually, Palmer Course, The Woodlands, Irrigation use, Lake Replenishment;

3. Jim Glass, for a proposed well to be drilled at 2350 Security Forest Rd., Cleveland, not to exceed 0.312 mg annually, Commercial use;
4. Bentwater POA (Park in the Meadows), for a proposed operating permit not to exceed 4 mg annually, 17210 W. FM 1097, Montgomery, Irrigation use;
5. Forest Lane Food Mart, for a proposed well to be drilled at 17730 FM 1097 W., Montgomery, not to exceed 0.18 mg annually, Public Supply use;
6. Thomas Ball (DBA Ball Winch LLC), for a proposed amendment to OP, 15786 N. Hwy 78, Willis, increase of 0.927 mg annually, Commercial use;
7. North Water District Laboratory Services Inc., for a proposed operating permit not to exceed 0.1646 mg annually, 8725 Fawn Trail, Conroe, Public Supply use;
8. Infinity Texas Development, for a proposed well to be drilled at 431 Nursery, The Woodlands. not to exceed 0.5 mg annually, Commercial use;
9. Sam Business, Inc. (Riley Express), for a proposed amendment to OP, 1827 Riley Fuzzel Rd., Spring, increase of 0.22625 mg annually, Public Supply use;
10. Holderrieth Road Properties LLC, for a proposed well to be drilled at 19201 Circle Lake Dr., Pinehurst, not to exceed 0.5 mg annually, Commercial use;
11. Falls At Borough Park, for a proposed amendment to OP, 25455 Borough Park Dr., Spring, increase of 4 mg annually, Irrigation use, Lake Replenishment;
12. Kingwood Partners, for a proposed well to be drilled at 300 Forest Center Dr., Porter, not to exceed 3 mg annually, Irrigation use;
13. Texas American Water (Hidden Forest), for a proposed amendment to OP, well to be drilled at 15851 Forest St., Montgomery, Public Supply (PWS) use; and
14. Texas American Water (Enchanted Forest), for a proposed well to be drilled at Dogwood Trails, Magnolia, Public Supply (PWS) use.

The motion passed with Director Weisinger abstaining from item #3, #13 and #14.

President Tramm adjourned the Public Hearing on Permit Applications at 10:07 a.m.

**PASSED, APPROVED, AND ADOPTED THIS 9<sup>th</sup> DAY OF JUNE, 2009.**

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Sam W. Baker, Board Secretary

# LONE STAR GROUNDWATER CONSERVATION DISTRICT

**MAY 12, 2009**

## **MINUTES OF SPECIAL MEETING**

The Lone Star Groundwater Conservation District (“District”) held a “Special Meeting,” open to the public, at 207 W Phillips Street, Suite 300, Conroe, Texas, within the boundaries of the District on May 12, 2009.

President Tramm called the meeting to order at 9:00 a.m., announcing that it was now open to the public.

The roll was called of the members of the Board of Directors, to wit:

Sam W. Baker  
Reed Eichelberger, PE  
Orval R. Love, PE  
Roy McCoy, Jr.  
Jim Stinson, PE  
Richard J. Tramm  
Scott Weisinger, PG  
James B. Wesley  
W. B. Wood

All members of the Board were present, with the exception of Director Baker, thus constituting a quorum of the Board of Directors. Also, in attendance at said meeting were Kathy Turner Jones, District General Manager; Mark Lowry, District Consultant; District staff; and members of the public. *Copies of the public sign-in sheets are attached hereto as Exhibit “A”.*

After a proper and legally sufficient announcement to the public by President Tramm, the Board of Directors went into a Closed Executive Session at 9:02 a.m. as authorized by the Open Meetings Act, Section 551.071, Government Code, to consult with the District's attorney regarding pending or contemplated litigation, settlement offers, or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated.

Director Baker arrives at 9:15 a.m.

Following Executive Session, the Board reconvened in Open Session and declared it open to the public at 9:55 a.m.

No action was taken on matters discussed in Executive Session

Without further discussion and there being no further business, upon a motion by Director Weisinger, seconded by Director Love, and unanimously carried, President Tramm adjourned the Special Meeting at 9:55 a.m.

**PASSED, APPROVED, AND ADOPTED THIS 9<sup>th</sup> DAY OF JUNE, 2009.**

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Sam W. Baker, Board Secretary