

# LONE STAR GROUNDWATER CONSERVATION DISTRICT

**December 18, 2018**

## MINUTES OF SPECIAL MEETING

The Board of Directors of the Lone Star Groundwater Conservation District (“District”) held a “Special Meeting,” open to the public, in the Lone Star GCD – James B. “Jim” Wesley Board Room located at 655 Conroe Park North Drive, Conroe, Texas, within the boundaries of the District on December 18, 2018.

### **CALL TO ORDER:**

President Melder called the meeting to order at 2:00 PM, announcing that it was now open to the public.

### **ROLL CALL:**

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

Jon Paul Bouché  
Harry Hardman  
Webb Melder  
Jonathan Prykryl  
Larry A. Rogers  
Jim Spigener  
Stuart Traylor

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; Samantha Reiter, Assistant General Manager; District staff and members of the public. *Copies of the public sign-in sheets and comment cards received are attached hereto as Exhibit "A".*

### **PRAYER AND PLEDGES OF ALLEGIANCE:**

President Melder called on Director Bouché, for the opening prayer. Vice President Hardman led the United States Pledge of Allegiance and the Pledge of Allegiance to the State Flag - Texas.

### **DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY TO AUTHORIZE ENGAGEMENT LETTER FOR GENERAL COUNSEL SERVICES:**

Upon a motion by Director Hardman, seconded by Director Spigener, the Board approved the hiring of Stacey V. Reese and the firm of Stacey Reese Law PLLC, as the District's General Counsel by a vote of 7 for and 0 against.

After a proper and legally sufficient announcement to the public by President Melder, the Board of Directors went into a Closed Executive Session at 2:03 PM pursuant to Texas Government Code, Sections 551.071, to consult with the District's attorney regarding pending or contemplated litigation, settlement offers, personnel matters, 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.

Stacey V. Reese, District Counsel, joined the Executive Session at 2:03 PM. Others in attendance included James Stilwell. In attendance by phone, Brian L. Sledge.

Following Executive Session, the Board reconvened in Open Session and President Melder declared it open to the public at 3:30 PM.

No additional action was taken on matters discussed in Executive Session and President Melder adjourned the meeting at 3:30 PM.

**PASSED, APPROVED, AND ADOPTED THIS 8<sup>th</sup> DAY OF JANUARY 2019.**



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Stuart Traylor, Board Secretary



# SIGN IN SHEET

December 18, 2018  
Board Meeting

| Do you wish to speak on an agenda item? | NAME           | CITY, STATE, ZIP        | E-Mail                      | Would you like to receive LSGCD updates & information? |
|---|----------------|-------------------------|-----------------------------|--|
| No                                      | Dale W Smith   | The Woodland TX 77382   | dsmith.thc215@gmail.com     | yes  |
| No                                      | Kenny Erickson | Stevanoch               | -                           | -  |
|   | Doug Miller    | Pinehurst TX 77362      | dmilsh@gmail.com            | Yes  |
|   | Sue Custer     | The Woodlands, TX 77382 | -                           | -  |
| N                                       | TINA FELICIAI  | CONROE TX               | ON FILE                     |  |
|   | Jordan Furnans | Round Rock TX 78665     | Jordan.Furnans@LREwater.com | Yes  |
|   | Mike Keester   | " "                     | Mike.Keester@LREwater.com   | Yes  |
|   | PAUL R Nelson  | WOODLANDS               | on file                     | Do   |
| No                                      | Jan Polley     | Houston, TX             | jpolley@baptist.com         | .y   |
|   | BOB HARDEN     | AUSTIN, TX              | bob@harderhydrology.com     | -  |
|   | Bill BERAN     | MONTGOMERY              |                             |  |
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December 18, 2018  
Board Meeting

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|---|-------------|------------------|--------|--|
|   | Bill Kotlan |                  |        |  |
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Exhibit "A"



655 Conroe Park North, Conroe, TX 77303  
Ph: (936) 494-3436 Metro: (936) 441-3437  
www.lonestargcd.org

### Speaker Request Form

Those wanting to comment or register support for or against a specific agenda item are asked to fill out the Speaker Request Form.

Date of Meeting: 12/18/18  
Name: Doug Miller  
Address: 718 Kiplin  
City: Pinehurst State: TX Zip: 77362  
Email: dmiller@gmail.com

IF SPEAKING FOR AN ORGANIZATION:

Name of Organization HMW SUD HMW SUD  
Speaker's Official Capacity President

Agenda Item No.: \_\_\_\_\_

- FOR (If applicable)
- AGAINST (If applicable)

Registering Position, NOT Testifying \_\_\_\_\_

To speak on an item not listed on the agenda, please indicate area of interest: Board Meeting times \*

Please remember to step to the lectern as soon as you are recognized by the chair; state your name before beginning your presentation. If you have written notes you wish to present to the Board, PLEASE FURNISH AN EXTRA COPY FOR DISTRICT FILES.

The Board will appreciate each speaker limiting an address on any one item to three (3) minutes \* Thank you for your cooperation

\* Only three speakers will be recognized speaking for and three speakers speaking against any one issue.

# LONE STAR GROUNDWATER CONSERVATION DISTRICT

December 18, 2018

## 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 - James B. "Jim" Wesley Board Room located at 655 Conroe Park North Drive, Conroe, Texas, within the boundaries of the District on December 18, 2018.

### CALL TO ORDER:

President Melder presided and called to order the regular Board of Directors meeting at 3:32 PM, announcing that it was open to the public.

### ROLL CALL:

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

Jon Paul Bouché  
Harry Hardman  
Webb Melder  
Jonathan Prykryl  
Larry A. Rogers  
Jim Spigener  
Stuart Traylor

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, General Manager; Samantha Reiter, Assistant General Manager; Stacey V. Reese, District Counsel; District staff; and members of the public. *Copies of the public sign-in sheets and comment cards received are attached hereto as Exhibit "A".*

### PLEDGES OF ALLEGIANCE AND PRAYER:

Director Bouché gave the opening prayer. Director Spigener led the United States Pledge of Allegiance and the Pledge of Allegiance to the State Flag - Texas.

**PUBLIC COMMENTS:**

Mr. Doug Miller, president of HMW SUD, commended Board Members for their desire to run and serve on the board of the Lone Star Groundwater Conservation District. Mr. Miller concluded by asking the Board to consider scheduling future board meetings at a time convenient after regular business hours.

**CONSIDER, AND/OR TAKE ACTION RELATING TO DEADLINES AND/OR EXTENSIONS FOR THE APPEAL IN CAUSE No. 09-18-00383-CV:**

Director Spigener made a motion to authorize litigation counsel, James Stilwell, to work with District Counsel Stacey Reese in efforts related to filing an extension on the Appeal in Cause No. 09-18-00383-CV. Director Traylor seconded. The motion passed.

**DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING PENDING LITIGATION AND/OR SETTLEMENT NEGOTIATIONS AND/OR OFFERS:**

Director Prykryl motioned to authorize Ms. Stacey Reese, District Counsel, to continue negotiations for the potential settlement while Director Hardman amended the motion adding that James Stilwell be authorized to join District Counsel to work on litigation settlement. Director Prykryl accepted Director Hardman's amendment. Director Bouché seconded. Motion carried.

**REVIEW AND INTERVIEW OF FIRMS SUBMITTING STATEMENT OF QUALIFICATION IN RESPONSE TO THE REQUEST FOR QUALIFICATIONS - #02-2018:**

President Melder opened the floor for interviews of the following four consulting firms.

- a) LRE Water, LLC – Jordan Furnans, licensed engineer and hydrogeologist, described his company as a small Texas firm with additional support from 40 people in the Arizona office. Mike Keester, hydrogeologist, has worked within the groundwater world for 17 years including installing wells, permitting and the Strategic Plan study LBG-Guyton produced for LSGCD.
- b) Thornhill Group, Inc. – due to a scheduling conflict, a representative from Thornhill Group, Inc was not available.
- c) Harden Hydrology, LLC – Bob Harden, Texas professional engineer, specialized in engineering wells and well fields. The 30-year old company has been involved in groundwater hydrology. Incidentally, Mr. Harden was an expert witness in the DFC petition for City of Conroe and affirmed that this would not be a conflict of interest since his testimony has not changed.

- d) Bleyl Engineering - John Bleyl, licensed engineer, discussed his firm's desire to serve the LSGCD's Board as engineering consulting firm only. The firm is experienced in writing Groundwater Reduction Plans and providing audits for such plans. Mr. Bleyl served 7 ½ years as a Director and was active on several committees.

**CONSIDER, AND TAKE ANY NECESSARY ACTION REGARDING STATEMENT OF QUALIFICATIONS IN RESPONSE TO REQUEST - #02-2018:**

- a) Hydrogeologist and/or  
b) Engineering

President Melder recused himself from the Board's discussion regarding professional services for both hydrogeologists and engineering. He announced open disclosure regarding Harden Hydrology, LLC, Thornhill Group, Inc. and Bleyl Engineering. Therefore, Vice President Hardman presided over this discussion.

Following the discussion, Director Spigener motioned to hire Harden Hydrology, LLC and Thornhill Group, Inc. for hydrogeological services and to accept LRE Water, LLC as an approved vendor. Director Prykryl seconded. Motion carried with President Melder in abstention.

Director Traylor motioned to hire Bleyl Engineering as the District's engineering firm. Director Spigener seconded. Motion carried with President Melder in abstention.

**REVIEW AND ACTION AS NECESSARY AMENDING AND REAPPROVING VENDORS LIST FOR OUTSIDE COUNSEL TO THE DISTRICT:**

President Melder asked Ms. Jones to summarize the District's current list for outside legal counsel including their respective engagement of scope of service. After discussion, Director Spigener motioned to approve the current vendor list for outside legal counsel. Director Traylor seconded. Motion carried.

**DISCUSS AND CONSIDER BOARD AUTHORIZATION FOR DIRECTORS TO ATTEND "WATER LAW SEMINAR – TEXAS WATER: PAST, PRESENT & FUTURE" PRESENTED BY THE TWCA/TRWA IN AUSTIN, JANUARY 10-11, 2019:**

Following brief discussion, President Melder encouraged the Board to educate themselves on groundwater matters. Director Traylor voiced his desire to attend the January 10-11, 2019 water law conference.

**NEW BUSINESS:**

President Melder called for future agenda items to be considered. Director Hardman suggested Ms. Reese update the Board on the status of the litigation settlement. President Melder requested an update on issues related to K & K Construction.



**ADJOURN:**

There being no further business, upon a motion made by Director Rogers and seconded by Director Traylor, the meeting was adjourned at 4:16 PM.

**PASSED, APPROVED, AND ADOPTED THIS 8<sup>th</sup> DAY OF JANUARY 2019.**



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Stuart Traylor, Board Secretary



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Board Meeting

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| NO                                      | Kenrick Kelby  | Stevanoch               | -                           | -  |
|   | Doug Miller    | Pinehurst TX 77362      | dmw@gsail.com               | Yes  |
|   | Scott Custer   | The Woodlands, TX 77382 | -                           | -  |
| N                                       | TINA FELKAI    | CONROE TX               | ON FILE                     |  |
|   | Jordan Furnans | Round Rock TX 78664     | Jordan.Furnans@LREwater.com | Yes  |
|   | Mike Keester   | " "                     | Mike.Keester@LREwater.com   | Yes  |
|   | PAUL R Nelson  | WOODLANDS               | on file                     | Do   |
| No                                      | Jon Polley     | Houston, TX             | jpolley@bcplwd.com          | .y   |
|   | BOB HARDEN     | AUSTIN, TX              | bob@harderhydrology.com     | -  |
|   | Bill BERAN     | MONTGOMERY              |                             |  |
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Date of Meeting: 12/18/18  
Name: Doug Miller  
Address: 718 Kiplin  
City: Dunkhurst State: TX Zip: 77362  
Email: dfjosh@gmail.com

IF SPEAKING FOR AN ORGANIZATION:

Name of Organization HMW SUD **HMW SUD**  
Speaker's Official Capacity President

Agenda Item No.: \_\_\_\_\_

- FOR (If applicable)
- AGAINST (If applicable)

Registering Position, NOT Testifying \_\_\_\_\_

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