

# LONE STAR GROUNDWATER CONSERVATION DISTRICT

May 14, 2013

## **AMENDED 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 655 Conroe Park North Drive, Conroe, Texas, within the boundaries of the District on May 14, 2013.

President Tramm called to order the Public Hearing on Permit Applications at 10:06 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  
John D. Bleyl, PE  
Reed Eichelberger, PE  
Roy McCoy, Jr.  
Rick J. Moffatt  
Jim Stinson, PE  
Richard J. Tramm  
M. Scott Weisinger, PG  
W. B. Wood

All members of the Board were present with the exception of Director Stinson and Director Weisinger, thus constituting a quorum of the Board of Directors. Also, in attendance at said meeting were Kathy Turner Jones, General Manager; Paul R. Nelson, Assistant 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”.*

Item #1, **Leader Trading LLC** – Applicant currently holds a Historic Use Permit. Applicant is requesting the issuance of an Operating Permit for an increase in production authorization in the amount of 365,060 gallons for 2013 and annually thereafter. Based on technical review of information supplied, it is the General Manager’s recommendation to approve that which is being requested.

Item #2, **Harpers Preserve CA** – This is an existing well that staff found in non-compliance. Applicant is requesting registration of the well and production authorization in the

amount of 5,000,000 gallons for 2013 and annually thereafter. Based on technical review of the information supplied, it is the General Manager's recommendation to approve the registration of the well and authorize a reduced amount of 1,500,000 gallons for 2013 and annually thereafter.

Item #3, **TDC-DS Company/Valero** – Applicant is requesting an amendment to an Operating Permit for an increase in production authorization in the amount of 150,000 gallons for 2013 and annually thereafter. Based on technical review of information supplied, it is the General Manager's recommendation to approve that which is being requested.

Item #4, **Sultanali Maknojia** – Applicant is requesting an amendment to an Operating Permit for an increase in production authorization in the amount of 700,000 gallons for 2013 and annually thereafter. Based on technical review of information supplied, it is the General Manager's recommendation to approve that which is being requested.

Item #5, **Protective Concepts, Inc.** – Applicant is requesting an amendment to an Operating Permit for an increase in production authorization in the amount of 375,000 gallons for 2013 and annually thereafter. Based on technical review of information supplied, it is the General Manager's recommendation to approve that which is being requested.

Item #6, **Nerro Supply, LLC (Allendale)** – Applicant is requesting an amendment to an Operating Permit for an increase in production authorization in the amount of 3,873,750 gallons for 2013 and annually thereafter. Based on technical review of information supplied, it is the General Manager's recommendation to approve that which is being requested.

Item #7, **Kingwood Service Association (Soccer Club)** – This is an existing well that staff found in non-compliance. Applicant is requesting registration of the well and production authorization in the amount of 9,000,000 gallons for 2013 and annually thereafter. Based on technical review of the information supplied, it is the General Manager's recommendation to approve the registration of the well and authorize a reduced amount of 3,100,000 gallons for 2013 and annually thereafter.

Item #8, **Jerry Walker (Carraway Lane)** - This is an existing well that staff found in non-compliance. Applicant is requesting registration of the well and production authorization in the amount of 365,000 gallons for 2013 and annually thereafter. Based on technical review of the information supplied, it is the General Manager's recommendation to approve that which is being requested.

Item #9, **Encino Car Wash** - Applicant is requesting an amendment to an Operating Permit for an increase in production authorization in the amount of 2,500,000 gallons for 2013 and annually thereafter. Based on technical review of information supplied, it is the General Manager's recommendation to approve that which is being requested.

President Tramm noted that no action would be taken at this time regarding item #10, **Oakhurst Community Association.**

A motion was made by Director Baker, seconded by Director Moffatt, item #2 was approved in accordance with the General Manager's recommendations and the motion passed.

Next, a motion was made by Director Wood, seconded by Director Eichelberger, item #7 was approved in accordance with the General Manager's recommendation and the motion passed.

Lastly, upon a motion made by Director Bleyl, seconded by Director Moffatt, items #1, #3, #4, #5, #6, #8, and #9 were approved in accordance with the General Manager's recommendations. Motion passed.

President Tramm adjourned the public hearing on permit applications at **10:13 a.m.**

**PASSED, APPROVED, AND ADOPTED THIS 11<sup>TH</sup> DAY OF JUNE, 2013.**

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Samantha Reiter, Assistant Secretary for  
M. Scott Weisinger, PG, Board Secretary

# LONE STAR GROUNDWATER CONSERVATION DISTRICT

May 14, 2013

## MINUTES OF SHOW CAUSE HEARING

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**The audio recording will serve as the official record for the Show Cause Hearing. The summary below is provided for convenience**

President Tramm called to order the Show Cause Hearing at 10:13 a.m.

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

Sam W. Baker  
John D. Bleyl, PE  
Reed Eichelberger, PE  
Roy McCoy, Jr.  
Rick J. Moffatt  
Jim Stinson, PE  
Richard J. Tramm  
M. Scott Weisinger, PG  
W. B. Wood

All members of the Board were present with the exception of Director Stinson and Director Weisinger, thus constituting a quorum of the Board of Directors. Also, in attendance at said meeting were Kathy Turner Jones, District General Manager; Paul R. Nelson, Assistant 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”.*

President Tramm asked if anyone was in attendance for the Show Cause Hearing. President Tramm asked that the record show there was no one in attendance.

Kathy Turner Jones, General Manager stated that Item #3, **INRI**; Item #4, **Juan E. & Gabina Jimenez**; Item #6, **VNR Brock**; Item #8, **Alice Flores**; and Item #9, **Joaquin Labora** had been resolved prior to today’s Board of Directors Meeting and no action will be taken on those items.

Kathy Turner Jones stated this was a Show Cause Hearing directing **Quality Car Care**, and **Affordable Self Storage**, (“Respondents”), pursuant to District Rule 2.5, to appear before the Lone Star GCD Board of Directors and show cause why the District should not issue a cease and desist order pursuant to District Rule 2.6(c) for failure to remit 2013 annual water use fees and/or failure to submit 2012 production report and/or fines associated with timely submission; file a civil suit in this matter against Respondents and take all other enforcement action that is necessary and appropriate under the laws of the State of Texas.

It is the General Manager’s recommendation that we follow previous procedures and turn the above matters over to our attorneys to move forward with suit in accordance with District Rules. A motion was made by Director Baker, seconded by Director Bleyl and unanimously passed to proceed with the recommendation of the General Manager.

President Tramm adjourned the Show Cause Hearing at 10:17 a.m.

**PASSED, APPROVED, AND ADOPTED THIS 11<sup>th</sup> DAY OF JUNE, 2013.**

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Samantha Reiter, Assistant Secretary for  
M. Scott Weisinger, PG, Board Secretary

# LONE STAR GROUNDWATER CONSERVATION DISTRICT

May 14, 2013

## AMENDED 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 May 14, 2013.

President Tramm called to order the regular Board of Directors meeting at 10:17 a.m. announcing that it was open to the public.

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

Sam W. Baker  
John D. Bleyl, PE  
Reed Eichelberger, PE  
Roy McCoy, Jr.  
Rick J. Moffatt  
Jim Stinson, PE  
Richard J. Tramm  
M. Scott Weisinger, PG  
W. B. Wood

All members of the Board were present except Director Stinson and Director Weisinger, thus constituting a quorum of the Board of Directors. Also, in attendance at said meeting were; Kathy Turner Jones, General Manager, Paul R. Nelson, Assistant 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 meeting minutes listed as one item. Upon review of the following, a motion was made by Director Bleyl, seconded by Director Eichelberger, and unanimously carried, to approve the meeting minutes:

- a) April 9, 2013, Public Hearing on Permit Applications
- b) April 9, 2013, Regular Board of Directors Meeting

## COMMITTEE REPORTS:

**Water Awareness and Conservation Committee – Billy Wood, Chair.** Director Wood reported that the committee had not met since the last board meeting. He asked Paul Nelson to update the Board on conservation activities since the last Board meeting.

Briefing on conservation efforts. Mr. Nelson advised the Board that on April 10<sup>th</sup>, he made a presentation on the activities and functions of the District to a class at Lone Star Junior College. The meeting was well attended and well received.

Mr. Nelson then informed the Board that he had met again with Micheal Kirkwood, head of Building Permits at the City of Conroe. The purpose of the meeting was to encourage the City of Conroe to approve the collection and use of rainwater for plumbing toilets in houses and businesses within the city limits and EJT of the city. Mr. Nelson reported that Mr. Kirkwood had been receptive to the idea and that he (Mr. Nelson) would continue his communications on the subject with the city officials.

Mr. Nelson then reported that on Saturday, April 27<sup>th</sup>, he, Kathy Jones, and Rod Hailey had hosted the mobile lab at the annual Kidz Fest in downtown Conroe. The festival was very well attended and there were over 300 sets of conservation stickers, coloring books and kid's conservation brochures handed out over the course of the day. In addition, many of the kids and their parents toured the trailer as well.

On Monday, May 6, 2013, Mr. Nelson read a proclamation declaring May 5-11 as National Drinking Water Week at the monthly meeting of the Montgomery County Commissioners Court. The proclamation was unanimously approved by the Court. *A copy of the proclamation is attached hereto as Exhibit "B".*

Mr. Nelson then announced that the May meeting of the Water Efficiency Network would be held on the 30<sup>th</sup>, at 1:30 pm at the offices of the Woodlands Township and would focus on the various conservation efforts being considered and pursued by the Township and the Woodlands Joint Powers. Mr. Bob Dailey will be the key-note speaker.

Director Wood and Kathy Jones then introduced David Danielson, a first-year graduate student at the Texas A&M Landscape Architecture and Planning Department. Ms. Jones gave an overview of the project between Lone Star and the Department whereby the graduate class visited our facilities and were charged with envisioning and incorporating any and all new and innovative water conserving and low impact modifications that could be incorporated into our building and grounds. Mr. Danielson then provided a PowerPoint presentation of the summary of the various amenities, additions and improvements that the class had derived over the past few months. Mr. Danielson's presentation was followed by a question and answer session with the

Board. Ms. Jones completed the discussion by emphasizing that these features could be incorporated into our landscape over time and didn't need to be done all at once.

**Rules Development Committee – Kathy Turner Jones, Coordinator.** Kathy Jones reported that the Rules and Development Committee had not met since the April 9<sup>th</sup> Board meeting and there was no report. Meetings will resume once the legislative session is completed and schedules are back to normal.

**Policy and Personnel Development Committee – Sam W. Baker, Chair.** Director Baker stated that the committee met on May 9<sup>th</sup> to discuss the general manager's role in the legislative process and staffing needs. Ms. Jones followed with a brief summary of current legislation being considered and the effects, if any, to LSGCD and its current processes. In addition, the Board was apprised of bills filed targeting brackish water and the regulation of or non-regulation of the resource and impacts to the District and its regulatory structure.

**Findings and Review Committee – Paul R. Nelson, Coordinator.** Mr. Nelson reported that the committee had not met since the last Board meeting.

**Update and status project report related to Regional Groundwater Update Project w/HGSD and the FBSD – Mark Lowry.** Mr. Lowry told the Board that the project with the two subsidence districts was essentially complete and that we are awaiting a final report.

**Budget and Finance Development Committee - Jim Stinson, Chair.** In Director Stinson's absence, the General Manager reported that a committee meeting of the Budget and Finance Development Committee was held on April 19<sup>th</sup>, to review the District's existing reserves and debt service. Ms. Jones noted for the Board's information that the District's three (3) Certificates of Deposit coming due and that the renewal rate for those certificates was less than the interest on the District's money market account. The District also has a debt service on its facility of approximately \$800,000, with an interest rate of 4.2%. Based on these facts, it was the Committee's recommendation to present to the Board a proposal to move \$400,000 out of reserve funds and pay down the note on the building. A motion to accept the proposal was made by Director Eichelberger and seconded by Director Bleyl. The motion carried unanimously with Director Baker and Director Wood abstaining.

**Review of monthly financial reports.** In Director Stinson's absence, President Tramm informed the Board that the monthly financials had been reviewed and approved by Director Stinson and were included in the Board packet.

**Building and Facilities Committee - Kathy Turner Jones, Coordinator.** Ms. Jones stated the committee has not met since the last Board meeting.

**Update and possible action regarding construction of onsite storage facility for mobile lab at District office, relocation of sewer line, and detention pond design.** The General Manager reported that the new sewer has been completed and is ready to be transferred over to the new owners after the interconnect is made. We are waiting on receipt of the signed easement which is in transit. Upon filing of the easement, we can give notice and complete the interconnect. Ms.

Jones also told the Board that the new building to house the mobile lab has been completed and the trailer is now being stored on site. The last issue discussed was the detention pond. Action will be taken when the opportunity to obtain dirt arises, probably later this summer. Ms. Jones stated that there will be a committee meeting prior to that time so that there can be discussion and consideration of some of the improvements that were presented by Mr. Danielson earlier.

#### **ENGINEERING REPORT:**

Mark Lowry, District Consultant, reported that most of his activity during the prior month was focused on permit applications and GMA 14 support. A copy of his report was included in the Board packets.

#### **GENERAL MANAGER'S REPORT:**

Ms. Jones stated that the District had been selected to be part of a pre-audit handled by the State Auditor's Office. Ms. Jones continued that State Auditor's Office audits are preformed to ensure that the conservation districts are complying with their charge and their management plans. Ms. Jones indicated that the District has provided all items requested. A substantial amount of data and information has been submitted.

**PUBLIC COMMENT:** Mr. Jackie W. Chance, General Manager of Montgomery County WCID#1, commented on the LID presentation stating that it was very impressive and he hopes that similar features can be utilized throughout the county.

**NEW BUSINESS:** None

There being no further business, upon a motion by Director Baker, seconded by **Director Moffatt**, President Tramm adjourned the meeting at 11:21 a.m.

**PASSED, APPROVED, AND ADOPTED THIS 11<sup>TH</sup> DAY OF JUNE, 2013.**

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Samantha Reiter, Assistant Secretary for  
M. Scott Weisinger, PG, Board Secretary

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