

**MINUTES
HARRIS-GALVESTON SUBSIDENCE DISTRICT
REGULAR MEETING
OF THE BOARD OF DIRECTORS
JUNE 13, 2018
10:00 A.M.**

MEMBERS OF THE BOARD PRESENT: Susan Baird, Chris Canonico, Pete Côte, James Edwards, Joe Goins, Alberto Gonzalez, Ken Hufstetler, Don Johnson, Bill Latimer, Shannon Lucas, Lindy Murff, Katherine Ostroff, Alan Petrov, Pam Puckett, Kathy Rogers, Kyle Sears, Linn Smyth

MEMBERS OF THE BOARD ABSENT: Edgar Barlow and Shaun Theriot-Smith

PRESIDING: Alan Petrov, Chairman

Chairman Petrov called the meeting to order at 10:04 a.m. in the Boardroom of the District office and announced the presence of a quorum.

PUBLIC COMMENTS

1. None

APPROVAL OF THE MINUTES OF THE REGULAR BOARD MEETING OF MAY 9, 2018

2. Mr. Latimer moved that the minutes of the regular meeting of May 9, 2018, be approved; it was seconded by Ms. Rogers. Chairman Petrov put the question and, after the vote, announced the motion carried.

HEARING EXAMINERS REPORT

3. Ms. Helen Stewart Truscott presented the Hearing Examiner's Report for May 2018, including the testimony and findings for Kingwood Garden Center, Margarita Rivera, A&L Financial Corp. and Terry Strahan.
 - 3.1. Ms. Smyth asked a question regarding well number #8433, Golf Club of Houston, and the request for an increase in pumpage.
 - 3.2. Mr. Johnny Bellamy was present, representing Parkway Municipal Utility District and Greenwood Utility District, requesting a waiver of the disincentive fees, for the over pumpage of groundwater caused by Hurricane Harvey flood damage to their water treatment equipment. The flood damage required them to utilize groundwater instead of their normal surface water supply from the City of Houston. Bellamy further stated that the utility districts have enough groundwater conservation credits to cover the overage, but that they would like to reserve those credits for future increased demand.
 - 3.3. Mr. Theriot-Smith is present.
 - 3.4. After discussion, Mr. Murff made a motion to remand Parkway Municipal Utility District and Greenwood Utility District to the Hearing Examiner to received additional information related to

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the flood damage and the period of time the treatment plant was out of service. Ms. Smyth seconded the motion. Chairman Petrov put the question, and after the vote, announced the motion carried. YES – 14 / NO – 4 (Mr. Canonico, Ms. Baird, Mr. Hufstetler, and Ms. Ostroff).

- 3.5. Mr. Latimer moved to accept the Hearing Examiner's recommendations, excluding Well #8433, Golf Club of Houston, which will be continued to a future Board meeting; it was seconded by Ms. Smyth. Chairman Petrov put the question, and after the vote, announced the motion carried. Chairman Petrov asked if there were any abstentions. No abstentions.

EMERGENCY PERMITS

4. The Board considered the General Manager's action in granting emergency permits to American Crushed Concrete, Fireworks City, Four Winns Partnership, Ltd., Huffman DTP, L.L.C., Anthony Jammer, Chance Kamp, Steve Langner, Power Plumbing, Lionel Rodriguez, Vincent Saldana, T/H Land Holdings, Jesus Trevino, Urban RV Park and Resort, and Walton Feed Supply. No appeals were filed and no motions were made to reconsider the actions taken by the General Manager.

CONSIDER A RESOLUTION ADOPTING THE DISTRICT ANNUAL GROUNDWATER REPORT FOR THE PERIOD JANUARY 1, 2017 TO DECEMBER 31, 2017.

5. Mr. Turco stated that the District enabling act requires an annual groundwater report and that the effort to develop it starts in November of every year, with a compilation of well reports provided by permittees. Mr. Robert Thompson, HGSD Deputy GM for Permitting, is responsible for producing this report.
 - 5.1. Mr. Thompson presented the 2017 Annual Groundwater Report for the period January 1, 2017 to December 31, 2017, as presented at the public hearing. The Report shows precipitation data, groundwater usage data, aquifer water-level data, and subsidence data, as well as, the USGS data detailing water-level altitude maps. The Report is produced as part of a cooperative agreement amongst the Harris-Galveston Subsidence District, the Fort Bend Subsidence District, the Lone Star Groundwater Conservation District, the Brazoria County Groundwater Conservation District, and the City of Houston.
 - 5.2. Ms. Rogers moved to approve Resolution No. 2018-1015, adopting the 2017 Annual Groundwater Report; it was seconded by Ms. Puckett. Chairman Petrov put the question and, after the vote, announced the motion carried.

RESOLUTION ADOPTING THE 2017 ANNUAL GROUNDWATER REPORT

(This resolution is in full in the official records of the Harris-Galveston Subsidence District being Resolution No. 2018-1015.)

GENERAL MANAGERS REPORT

9. Mr. Turco submitted the General Manager's Report.

(The General Manager's Report is in full in the official records of the Harris-Galveston Subsidence District as part of the Board's Agenda Packet for this meeting.)

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LEGAL MATTERS

10. Mr. Ellis updated the Board on recent litigation on groundwater issues.

10.1. Ms. Angel Toj and her mother, Ms. Olga Alvarez, were present to present a Compromise and Settlement counter offer. Ms. Toj spoke for her mother, explaining the counter offer.

EXECUTIVE SESSION

11. The Board of Directors went into executive session at 11:35 a.m., as authorized by the Open Meetings Act, Section 551.071, Government Code, to confer with legal counsel on pending or contemplated litigation, settlement offers, or on a matter 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 Chapter 551, Government Code.

11.1. Following the Executive Session, the Board resumed the open meeting at 11:50 a.m.

11.2. Chairman Petrov asked if there was a motion on the Alvarez Compromise and Settlement counter offer. Mr. Sears moved to offer a settlement to Ms. Alvarez of \$6,849.23 and a payment plan of no longer than 6 months. Mr. Goins seconded the motion. Following discussion, Chairman Petrov put the question and, after the vote, announced the motion carried. None opposed.

11.3. Chairman Petrov asked if there was a motion relating to Aqua Texas, Inc. Mr. Sears moved to approve Resolution and Order No. 2018-1016, requiring Aqua Texas, Inc., to pay application fees, permit fees and disincentive fees. Ms. Puckett seconded the motion. Chairman Petrov put the question and, after the vote, announced the motion carried. Ms. Ostroff abstained.

RESOLUTION AND ORDER REQUIRING THE PAYMENT OF APPLICATION FEES, PERMIT FEES, AND DISINCENTIVE FEES BY AQUA TEXAS, INC.

(This resolution is in full in the official records of the Harris-Galveston Subsidence District being Resolution No. 2018-1016.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 11:51 A.M.

BY: 

Chairman

ATTEST:


Secretary