

AGENDA

FORT BEND SUBSIDENCE DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS
TRAVIS BUILDING, SIXTH FLOOR MEETING ROOM
301 JACKSON STREET
RICHMOND, TEXAS 77469
February 24, 2016
3:00 P.M.

- A. Call to Order.
- B. Pledge of Allegiance.
- C. Oath of Office.
- D. Election of Officers.
- E. Approval of the Minutes of the Regular Meeting, January 27, 2016.
- F. Receive Hearing Examiner's Report and Consider Granting, Denying or Amending Applications for Water Well Permits Heard at the February 4, 2016, Hearing.
- G. Consider Emergency Approval Granted or Denied by the General Manager:
 - 1. Rosenberg DTP XII, LLC
- H. Consider a Resolution Calling a Public Hearing for the Purpose of Hearing Testimony Regarding the Determination of Effects of Groundwater Withdrawal on Land Subsidence During the Year Ending December 31, 2015.
- I. General Manager's Report – The General Manager will Brief the Board on Pertinent Operational and Management Issues that the District, its Employees, or Consultants have Encountered Since the Last Regular Board Meeting.
- J. Accept Comments from Members of the Public.
- K. Consultation with the General Counsel on Recent Litigation on Groundwater Issues.
 - 1. City of Conroe, et al v. Lone Star Groundwater District, et al (284th District Court Montgomery County)

If, during the course of the meeting covered by this Agenda, the Board shall determine that an executive session of the Board, should be held or is required in relation to any item included in this Agenda, then such executive session, as authorized by the Texas Open Meetings Act, will be held by the Board at the date, hour, and place given in this Agenda concerning any and all subjects and for any and all purposes permitted by Sections 551.071-551.084 of the Texas

Government Code, including, but not limited to, Section 551.071 – for the purpose of a private consultation with the Board’s attorney on any or all subjects or matters authorized by law.

A handwritten signature in black ink, appearing to read "Michael Turco". The signature is fluid and cursive, with a large initial "M" and "T".

Michael Turco, General Manager
Fort Bend Subsidence District
P. O. Box 427
Richmond, Texas 77469
281-342-3273

PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE SUBSIDENCE DISTRICT BOARD MEETING AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE, ARE REQUESTED TO CONTACT WANDA SEBESTA AT (281)342-3273 AT LEAST TWO (2) BUSINESS DAYS PRIOR TO THE MEETING, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.

The Pledge of Allegiance to the Texas flag:

**"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God,
one and indivisible."**

The Pledge of Allegiance to the American flag:

**"I pledge allegiance to the Flag
of the United States of America,
and to the Republic for which it stands:
one Nation under God, indivisible,
With Liberty and Justice for all."**

MINUTES
FORT BEND SUBSIDENCE DISTRICT
REGULAR MEETING
OF THE BOARD OF DIRECTORS
January 27, 2016
3:00 P.M.

MEMBERS OF THE BOARD PRESENT: Karl Baumgartner, Bob DeForest, Mark Gehringer, Bobby Kunz, Marvin Marcell, Morris Mitchell, Jon Strange, Lisa Stasney, Lawrence Vaccaro, William Wallace, B. T. Williams, Greg Wine and Benny Wleczyk.

MEMBERS OF THE BOARD ABSENT: Clifton Aldrich and James Clark.

STAFF PRESENT: Mike Turco, Robert Thompson, Kevin Ebrom, Greg Ellis, and Wanda Sebesta.

PRESIDING: Chairman, Marvin Marcell.

Chairman Marcell called the meeting to order in the sixth floor meeting room of the Wm. B. Travis Building, in Richmond, Texas, and announced the presence of a quorum.

THE PLEDGE OF ALLEGIANCE

2. Mr. Wleczyk led the pledge of allegiance to the United States and Texas flags.

APPROVAL OF THE MINUTES

3. Mr. Williams moved that the minutes of the regular meeting, November 24, 2015, be approved; it was seconded by Mr. Strange. Chairman Marcell put the question and, after the vote, announced the motion carried unanimously.

RECEIVE HEARING EXAMINER'S REPORT AND CONSIDER GRANTING, DENYING OR AMENDING APPLICATIONS FOR WATER WELL PERMITS HEARD AT THE DECEMBER 3, 2015, AND JANUARY 7, 2016, HEARINGS

- 4.1 Robert Thompson presented the Hearing Examiner's Report from the December 3, 2015, and January 7, 2016, Hearings (Exhibit #1).
- 4.2 Mr. Strange moved to approve the Hearing Examiner's Report from the December 3, 2015, and January 7, 2016, Hearings; it was seconded by Mr.

Wallace. Chairman Marcell put the question and, after the vote, announced the motion carried unanimously.

EMERGENCY APPROVALS

5. Robert Thompson reviewed the Emergency applications and stated that the Emergency Requests for Roland Adamson, Gulf Coast Stabilized, Victor Solis and Williams Brothers Construction had been approved by the General Manager.

5.1 Mr. DeForest moved to ratify the action taken by the General Manager granting Emergency Approvals for Roland Adamson, Gulf Coast Stabilized, Victor Solis and Williams Brothers Construction; it was seconded by Mr. Gehringer. Chairman Marcell put the question and, after the vote, announced the motion carried unanimously.

RESOLUTION CERTIFYING THE INVESTMENT POLICY AND INVESTMENT STRATEGIES

6. Chairman Marcell introduced the resolution certifying the Investment Policy and investment strategies

CAPTION

RESOLUTION CERTIFYING THE INVESTMENT POLICY AND INVESTMENT STRATEGIES

(This Resolution is of record in Resolution Book V of the Fort Bend Subsidence District being Resolution 16-368).

6.1 Mr. Baumgartner moved to approve Resolution 16-368 certifying the Investment Policy and investment strategies; it was seconded by Mr. Wine. Chairman Marcell put the question and, after the vote, announced the motion carried unanimously.

GENERAL MANAGER'S REPORT

7. Mr. Turco updated the Board on pertinent operational and management issues that the District, its employees, or consultants have encountered since the last regular Board meeting.

MEMBERS OF THE PUBLIC

- 8. Members of the public present were John Maresh, with the City of Rosenberg, Colleen Spencer, with the City of Sugar Land, Christina Miller and Janice Hayes, with the North Fort Bend Water Authority, and Robert Upton, with the City of Missouri City, and Janice Hayes, with Brown & Gay. There were no comments from the members of the public.

CONSULTATION WITH THE GENERAL COUNSEL ON RECENT LITIGATION ON GROUNDWATER ISSUES

- 9. Greg Ellis updated the Board on recent litigation on groundwater issues.

EXECUTIVE SESSION

- 10. The Board of Directors went into Executive Session at 3:32 p.m. as authorized under the Open Meetings Act, Section 551.071, Government Code, to discuss Item J of the Agenda.
 - 10.1 Following the Executive Session, the Board then resumed the open meeting at 3:40 p.m.

COMPROMISE AND SETTLEMENT AGREEMENTS

- 11. Kevin Ebrom reviewed the circumstances regarding the violations for Rotary Drilling Tools and Scott Drilling.
 - 11.1 Mr. Strange moved to make the standard offer and authorize the General Manager to offer Compromise and Settlement Agreements on behalf of the Board, to Rotary Drilling Tools and Scott Drilling; it was seconded by Mr. Wine. Chairman Marcell put the question and, after the vote, announced the motion carried unanimously.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED.

BY: _____
Chairman

ATTEST:

Secretary

Item G

Emergency Applications

2/10/2016

Applicant	Well	Casing Inches	Amount Requested	Reg Area	Comments	Status
Rosenberg DTP XII, LLC	1595	5	0.1	R	No alternate water available. Owner unaware of need for permit. Well is needed to provide water for a Dollar General Store under construction to open in the spring. Final review of the well by TCEQ will take a substantial amount of time.	Approved



Fort Bend Subsidence District
301 Jackson Street, Suite 639
Richmond, Texas 77469
281-342-3273

EMERGENCY PERMIT APPLICATION REPORT

Well Information	
Permittee Name: Rosenberg DTP XII, LLC	Date Applied: Feb. 1, 2016
Alternative Water: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	District: Fort Bend Area RR Well No. 1595
Notes: For the construction of a Dollar General Store just outside of Pleak, unaware of the need for a permit from the Subsidence District. Would delay construction and opening of the store and cause financial loss to developer and builder.	
email John Maresh 2/1/2016	
Reviewed By: Wanda Sebesta Robert Thompson	Date Reviewed: 2/1/2016

Approved	Approved/Disapproved by:	Date
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Robert Thompson/ws	2-1-2016
Additional Notes:		



JNM TECHNOLOGIES, INC.
WATER RESOURCE SOLUTIONS

January 31, 2016

Ms. Wanda Sebesta
Fort Bend Subsidence District
P.O. Box 427
Richmond, TX 77469-0427
Subject: Fort Bend Subsidence District Permit for PWS ID No. 0790563

Dear Wanda,

Thank you for taking my call this yesterday. This letter is to affirm our request for an emergency review and award of a drilling permit for a well to serve a new Dollar General Retail Store currently under construction at 6807 State 36 South, Rosenberg TX 77471. The location is just outside of Pleak and south on State Road 36. I am the engineer of record for the water supply portion of this project. Our original application for a Public Water System, (PWS) was submitted on July 28, 2015 to TCEQ. We received our PWS designation in November and were given our drilling permit from TCEQ to construct our well, install the water management equipment and test the well. No mention was made by TCEQ at that time that we would be required to pursue another permit from a local jurisdiction. The purchase of the property was finalized and the general contractor began the process of identifying a drilling contractor to drill the well and install the equipment specified in the plans submitted to TCEQ and approved by TCEQ.

I regret that we did not make application to your district office on July 28, 2015. We were unfortunately not aware of the need for an additional permit. This was not revealed during the Title Search and documents review either. We respectfully request that you consider and evaluate our request for a well permit for PWS ID No. 0790563 through your Emergency Permit process. The construction on the project has begun and will be complete and ready for opening in the spring. The developer and builder will face substantial financial penalties if the new store does not open on time. The well drilling, equipping, testing and final review by TCEQ will take a substantial amount of time beyond the expected opening date if the process is delayed substantially. The potential 75 days for review by your agency would put the store's opening outside of the scheduled opening date.

Please do not hesitate to contact me directly if you require additional information to complete your review of our application. Standard forms are being submitted through your website.

Sincerely,

James F Prochaska, MS-PE
President



Fort Bend Subsidence District
 301 Jackson, Ste. 639/P.O. Box 427
 Richmond, Texas 77469-0427
 www.fbsubsidence.org
 Phone: (281) 342-3273 Fax: (281) 232-3355

Submitted from Web
 Application Date: 1/31/2016
 Well No: 1595

Rule 5.1 Registration of New Wells:

A) All new wells must be registered by the well owner, well operator, or water well driller prior to being drilled. Registration may be by mail or telephonic document transfer, using a form provided by the District. The District staff shall review the registration and make a preliminary determination on whether the well meets the exclusions or exemptions provided in Rule 5.7, and shall inform the registrant of their determination within five business days. If the preliminary determination is that the well is excluded or exempt, the registrant may begin drilling immediately upon receiving the approved registration.

B) It shall be a violation of these rules for a well owner, well operator, or water well driller to drill any well without the approved registration form filed with the District.

Well Owner: Rosenberg DTP, LLC

Correspondent: _____ Phone: 615-370-0670
 Mailing Address: 9010 Overlook Boulevard Ext: _____
 City/State/Zip Brentwood, Tennessee 37027 Fax: 615-373-3111
 Attention: Jason Horowitz

Drilling Company: Almeda Water Well Service Phone: 281-489-9355
 Contact: Michael Pyburn (owner) Fax: _____
 License: 2843W1

Proposed well size: 5 Drill 2/4/2016 Purpose: Dollar General Retail Sales Store restroom, drinking fountain and general cleaning.

Address of proposed site: 6807 State 36 South, Rosenberg, Texas 77471

Latitude: 0-0-0 Longitude: 0-0-0

Well Use: Domestic/Commercial

Other: _____

Does the "well owner" own any other well in Fort Bend County? No

Explain: _____

Replacing Existing Well: No Well No: 0 Time Owned/Leased: _____

If this well is a replacement well, what will be the status of the old well? N/A

Explain: _____

Signature: Rosenberg DTP, LLC
 Email: jhorowitz@gbtrealty.com

The use of the well may be limited some time in the future if some other source of water becomes available.

District Use Only	Emergency	Meter Required
<input type="checkbox"/> Drilling Approved	<input checked="" type="checkbox"/> Permit required before drilling	Well No: <u>1595</u>
		Date: <u>2/1/2016</u>
<p><i>Nanda Szebesta</i></p> <p>This approval is good for 90 days from the date of the approval.</p>		

Wanda Sebesta

From: John Maresh <johnm@ci.rosenberg.tx.us>
Sent: Monday, February 01, 2016 2:01 PM
To: Wanda Sebesta
Subject: RE: New Well in the Rosenberg GRP area

Good Morning,

Thank you for the information. You are correct, the nearest City of Rosenberg water line is about 1.3 miles away from this location. FBC MUD No. 5 would probably be the closest utility.

Thanks,

John Maresh
Assistant City Manager of Public Services
City of Rosenberg
832-595-3310 -- Phone
832-595-3311 - Fax

From: wsebesta@subsidence.org [mailto:wsebesta@subsidence.org]
Sent: Monday, February 01, 2016 8:38 AM
To: John Maresh <johnm@ci.rosenberg.tx.us>
Subject: New Well in the Rosenberg GRP area

John,
Rosenberg DTP has applied for a new well application in the Rosenberg GRP area.
The address is 6807 Highway 6 South, just north of Pleak, and it will be for a Dollar General Store.
I don't believe you furnish water to this address, but just making sure you are aware.
Thanks,
Wanda

Wanda Sebesta
Executive Assistant
Fort Bend Subsidence District
281-342-3273
wsebesta@subsidence.org



"Be advised that emails are subject to the Texas Public Information Act. City emails should not be considered confidential."

ELECTED OFFICIALS, BOARD AND COMMITTEE MEMBERS:
Be advised that email communications could lead to violations of the Texas Open Meetings Act.

RESOLUTION NO. 16-369

RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF HEARING TESTIMONY REGARDING THE DETERMINATION OF EFFECTS OF GROUNDWATER WITHDRAWAL ON LAND SUBSIDENCE DURING THE YEAR ENDING DECEMBER 31, 2015

WHEREAS, the Fort Bend Subsidence District (the "District") authorized by Section 8834.104, Special District Local Laws Code, (the "Act") provides that the Board shall hold a hearing in the manner provided in Section 114 of the Act to determine the effects of groundwater withdrawal during the preceding groundwater withdrawal year on the subsidence of land within the District; and

WHEREAS, Section 114 of the Act provides that, at a Regular Meeting, the Board of Directors shall set the time, date and location of hearings to be held under the Act;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FORT BEND SUBSIDENCE DISTRICT THAT:

1. A public hearing shall be held at the Travis Building, Sixth Floor Meeting Room, 301 Jackson St., Richmond, Fort Bend County, Texas, at 2:30 p.m. on Tuesday, April 26, 2016.
2. The purpose of the hearing shall be to consider testimony, evidence, exhibits, and other information presented by any person concerning the effects of groundwater withdrawal on subsidence of land within the District during the preceding groundwater withdrawal year.
3. The General Manager is hereby authorized and instructed to execute and cause to be posted and published the notice of said public hearing.
4. Said public hearing shall be conducted by the General Manager or Hearing Examiner designated by the General Manager in accordance with the Rules of the District.

AND IT IS SO ORDERED.

PASSED AND ADOPTED ON THIS THE 24th DAY OF FEBRUARY, 2016.

FORT BEND SUBSIDENCE DISTRICT

BY: _____
Chairman

ATTEST:

Secretary

Fort Bend Subsidence District

Board Monthly Check Report

February, 2016

Chk. Date	Chk. No.	Board Member	Amount	Per Diem Acct. 40.1	Fed With. Acct. 23	SS Exp. * Acct. 40.2	Misc. & Travel Acct. 40.3
1/28/2016	20858	Karl Baumgartner	\$138.52	\$150.00	\$11.48	\$11.48	\$0.00
1/28/2016	20856	Bob DeForest	\$156.88	\$150.00	\$11.48	\$11.48	\$18.36
1/28/2016	20857	Mark Gehringer	\$155.80	\$150.00	\$11.48	\$11.48	\$17.28
1/28/2016	20848	Bobby Kunz	\$138.52	\$150.00	\$11.48	\$11.48	\$0.00
1/28/2016	20849	Marvin Marcell	\$309.45	\$300.00	\$22.95	\$22.95	\$32.40
1/28/2016	20958	Lisa Stasney	\$160.12	\$150.00	\$11.48	\$11.48	\$21.60
1/28/2016	20850	Jon Strange	\$885.17	\$450.00	\$34.43	\$34.43	\$472.30
1/28/2016	20854	Lawrence Vaccaro	\$138.52	\$150.00	\$11.48	\$11.48	\$0.00
1/28/2016	20851	William Wallace	\$138.52	\$150.00	\$11.48	\$11.48	\$0.00
1/28/2016	20852	B. T. Williams	\$138.52	\$150.00	\$11.48	\$11.48	\$0.00
1/28/2016	20855	Greg Wine	\$138.52	\$150.00	\$11.48	\$11.48	\$0.00
1/28/2016	20853	Benny Wleczyk	\$138.52	\$150.00	\$11.48	\$11.48	\$0.00
Total			\$2,637.06	\$2,250.00	\$172.18	\$172.18	\$561.94

Total Board Expense (Acct. 521) \$2,984.12
Total Fed. Withholding (Acct. 223) \$344.36

* Amt. Added to Fed With until
Quarterly Payment

Chk. Date	Chk. No.	Payee	Amount	Sub Amt.	Acct. No.	Acct. Name
2/11/2016	7077	AT&T	\$442.08		535	Telephone
2/11/2016	7078	Ft. Bend County	\$250.00		551	Lease & Utilities
2/11/2016	7079	Ft. Bend Herald	\$441.39	\$141.78	536	Legal Notices
				\$299.61	575	Job Ad-Mgmt. Services
2/11/2016	7080	Ft. Bend SW Star	\$198.00		575	Job Ad-Mgmt. Services
1/28/2016	7076	GM Services, Inc.	\$6,142.20		573	Legal Services
2/11/2016	7081	HGSD	\$27,985.78	\$22,283.33	510	InterLocal Agreement
				\$5,702.45	511	Employee Salary/Benefits
2/11/2016	7082	Ricoh USA	\$205.00		533	Copy Machine
2/11/2016	7083	Petty Cash	\$121.75	\$15.00	522	Board Expense
				\$96.75	532	Postage
				\$0.00	575	Management Services
				\$10.00	536	Legal Notices
2/11/2016	7084	TWCA	\$358.00		541	Membership Dues
2/11/2016	7085	USGS	\$3,012.50		572	USGS Data Collection
Total Non-Board Expense			\$39,156.70			

Total Monthly Expenditures \$41,793.76

FBSD WCP Expenses						
2/11/2016	345	Resource Action	\$4,578.75		51	WaterWise Program

Total WCP Monthly Expenditures \$4,578.75

**The Financials will be available
after the audit is complete.**



FORT BEND SUBSIDENCE DISTRICT

301 JACKSON STREET – SUITE 638, RICHMOND TEXAS, 77469

February 24, 2016

MEMORANDUM

To: Board of Directors

From: Michael J. Turco, General Manager

Re: General Managers Report: Regular Board Meeting to be held January 24, 2016

District operations have remained fairly steady over the month. We continue to receive permits requests but overall the rules changes of last year have not resulted in an increase of complaints and issues as may have been expected.

At the beginning of this calendar year, we began the search for a field representative to address the increased need for additional inspections, enforcement activities, and office work required due to the change in our District Rules. We received many qualified applicants and conducted interviews this past January. After a competitive process we were able to hire a new employee that will be dedicated to the Fort Bend Subsidence District, Mr. David Agatha. David brings field experience from the oil and gas industry as well as practical business experience. He has the skill sets required to perform the required field work while also having the practical business experiences to manage customer service related issues as well.

The Region H water planning group met earlier this month and began finalizing the plan to wrap up the 2014 regional plan and began the planning for the next regional water plan. It is certainly an on-going process.

MARK YOUR CALENDARS: we have some planned special attendees to board meetings in the coming months:

- Sen. Lois Kohlkorst is tentatively scheduled to attend our March Regular Board Meeting.
- David Collinsworth – Regional Manager of the Brazos River Authority will be presenting an overview and current activities of the BRA at the April Board Meeting.

RECENT MEETINGS AND OTHER ACTIVITIES:

Over the last month I or staff attended several specific meetings regarding the business of the District or the business of the Fort Bend Subsidence District. I have listed below a selected list of meetings of broader scope (click on the not-links if you would like to see the content):

02/02/2016: House Natural Resources Committee – Austin, TX

02/03/2016: Region H Water Planning Group – Conroe, TX

02/10/2016: HGSD Regular Board Meeting

02/10/2016: HGSD Board Workshop – Panel Discussion: "Securing the Water Future of the Greater Houston Region: A collaborative effort to meet the region's projected growth and future water demand while reducing rates of subsidence" – Jun Chang, City of Houston, North Harris County Regional Water Authority; Alia Vinson, Allen Boone Humphries Robinson LLP

ANNOUNCEMENTS

Upcoming meetings of interest for your information:

02/25/2016: Gulf Coast Water Efficiency Network – Conroe, TX

03/01/2016: Lake Make-up Wells BMP Training

03/02-04/2016: Texas Water Conservation Association Annual Meeting – The Woodlands, TX

03/23/2016: FBSD Regular Board Meeting

04/26/2016: FBSD Annual Groundwater Report – Public Hearing

04/27/2016: FBSD Regular Board Meeting

03/09/2016: Water Conservation Network Symposium – Houston, TX

03/10/2016: Texas Leadership Roundtable on Water Policy Briefing – Austin, TX

06/15-17/2016: Texas Water Conservation Association Mid-Year Meeting – Horseshoe Bay, TX

06/23-26/2016: AWBD Annual Conference – Fort Worth, TX

06/20/2016: Senate Agriculture, Water, and Rural Affairs Committee Meeting – Austin, TX

I look forward to speaking to all of you soon, please feel free to give me a call anytime at 832-463-7170 if you need anything.

Sincerely,



Michael J. Turco, General Manager