

MINUTES
FORT BEND SUBSIDENCE DISTRICT
REGULAR MEETING
OF THE BOARD OF DIRECTORS
July 25, 2018
3:00 P.M.

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

MEMBERS OF THE BOARD ABSENT: Clifton Aldrich and Jay Anderson.

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

PRESIDING: Marvin Marcell, Chairman.

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.

PLEDGE OF ALLEGIANCE

2. Ms. Tucker led the Pledges of Allegiance.

OATH OF OFFICE

3. Wanda Sebesta administered the Oath of Office to Donna Tucker.

APPROVAL OF THE MINUTES OF THE REGULAR BOARD MEETING

4. Mr. Williams moved that the minutes of the regular meeting, May 23, 2018, 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 JUNE 7, 2018, AND JULY 5, 2018, HEARINGS

5. Robert Thompson presented the Hearing Examiner's Report from the June 7, 2018, and July 5, 2018, Hearings. (Exhibit #1)
 - 5.1 Mr. Strange moved to approve the Hearing Examiner's Report from the June 7, 2018, and July 5, 2018, Hearings; it was seconded by Mr. Wallace. Chairman Marcell put the question and, after the vote, announced the motion carried unanimously.

EMERGENCY APPROVAL

6. Robert Thompson stated that Emergency Approval had been granted by the General Manager for Brazos Town Center.
 - 6.1 Mr. Wleczyk moved to ratify the action taken by the General Manager granting Emergency Approval to Brazos Town Center; it was seconded by Mr. Mitchell. Chairman Marcell put the question and, after the vote, announced the motion carried unanimously.
 - 6.2 Mr. DeForest now present.

RESOLUTION FOR AN ENGAGEMENT LETTER WITH GM ELLIS LAW FIRM, PC, TO REPRESENT THE DISTRICT AS GENERAL COUNSEL

7. Mr. Marcell and Greg Ellis presented the resolution for an engagement letter with GM Ellis Law Firm, PC, to represent the District as General Counsel, and discussion followed.

CAPTION

RESOLUTION FOR AN ENGAGEMENT LETTER WITH GM ELLIS LAW FIRM, PC, TO REPRESENT THE DISTRICT AS GENERAL COUNSEL

(This Resolution is of record in Resolution Book V of the Fort Bend Subsidence District being Resolution 18-399.)

- 7.1 Mr. Wine moved to approve Resolution 18-399 for an engagement letter with GM Ellis Law Firm, PC, to represent the District as General Counsel; it was seconded by Mr. Strange. Chairman Marcell put the question and, after the vote, announced the motion carried unanimously.

COMMENTS FROM MEMBERS OF THE PUBLIC

8. Members of the public present were Christina Miller, with the North Fort Bend Water Authority, Katy Clayton, with the City of Sugar Land, Rigo Calzoncin, with the City of Rosenberg, Daniel McGraw, with the City of Missouri City, Brent Cosner, with Waterbrook HOA, and Randy Carter.

GENERAL MANAGER'S REPORT

9. 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.

CONSULTATION WITH THE GENERAL COUNSEL ON RECENT LITIGATION ON GROUNDWATER ISSUES

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

EXECUTIVE SESSION

11. The Board of Directors went into Executive Session at 4:00 p.m. as authorized under the Open Meetings Act, Section 551.071, Government Code, to discuss Item L of the Agenda.

- 11.1 Following the Executive Session, the Board then resumed the open meeting at 4:30 p.m.

COMPROMISE AND SETTLEMENT AGREEMENTS

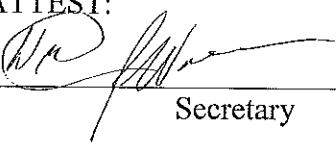
12. Kevin Ebrom reviewed the circumstances regarding the violations for Almeda Water Well Service, Capital Turf Farms, Macario C. Hernandez, Jr., Islamic Society of Greater Houston-ISGH, Scott Drilling, Waterbrook HOA, and White Lion Holdings, LLC.

- 12.1 Mr. Wallace moved to authorize the General Manager to 1) accept the counter offers from Capitol Turf Farms and Macario C. Hernandez, Jr., 2) offer Compromise and Settlement Agreements on behalf of the Board to Almeda Water Well Service, Islamic Society of Greater Houston-ISGH, Scott Drilling and Waterbrook HOA and 3) take no action on White Lion Holdings, LLC; it was seconded by Mr. Strange. Chairman Marcell put the question and, after the vote, announced the motion carried unanimously.

12.2 Brent Cosner addressed the Board regarding his options for permitting the water well for Waterbrook HOA.

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

BY: 
Chairman

ATTEST:

Secretary