

**MINUTES OF THE MEETING  
OF THE BOARD OF DIRECTORS OF THE  
BRAZORIA COUNTY GROUNDWATER CONSERVATION  
DISTRICT**

December 11, 2009

The Board of Directors of the Brazoria County Groundwater Conservation District met Thursday, the 10<sup>th</sup> day of December, 2009, at 4:00 p.m. in the Brazoria County Groundwater Conservation District Office, 451 N. Velasco Street, 1<sup>st</sup> Floor, Suite 140, Angleton, Texas, within the boundaries of the District and the roll was called of the duly constituted members of the Board, to wit:

John Pyburn	President
Donald R. Mudd	Vice President
Raymond Felder	Secretary
Patrick O'Day	Assistant Secretary
Alan Mueller	Director

All of said Directors were present with the exception of Directors O'Day and Director Mudd and, thus constituting a quorum. Director Mudd joined the meeting at 4:05 p.m.

Also present for all or part of the meeting were the following: Kent Burkett, Administrative Consultant for the District, Sherry Plentl, Administrative Assistant for the District, Thomas Sbrusch, Jimmy Hutchings, Bill Coleman, Jim Grayson, Liz Montoya, R.E. Dixon and Robert Buffett of the Bar X Ranch Subdivision and C.K. Evans-Millsap of the Pct. 4 Commissioner's office.

The meeting was called to order by Director Pyburn at 4:00 p.m.

The meeting was opened to receive public comments. There were no persons present wishing to speak at this time.

**ORDER 09-12-01 APPROVE MINUTES:**

Motion by Director Felder Seconded by Director Pyburn that the Minutes from the meeting on November 12, 2009 be approved as presented. Motion approved with all present voting aye.

**FORMAL REPORTS:**

General Manager Kent Burkett presented the 2009 Annual Report . Groundwater Management Plan Management Goals which was prepared by Robert Balcells of the URS Corporation.

## **FINANCIAL REPORT:**

A financial status report as of December 8, 2009 was reviewed. No action was taken.

## **ORDER 09-12-02 APPROVE INVOICES FOR PAYMENT:**

Motion by Director Felder; Seconded by Director Pyburn that the invoices presented be approved for payment. Motion approved with all present voting aye.

## **ORDER 09-12-03 OPEN PUBLIC HEARING REGARDING PERMIT AND RENEWAL APPLICATIONS:**

Motion by Director Mueller; Seconded by Director Pyburn that the Board **OPEN** a public hearing regarding applications for permits / renewals.

Motion approved with all present voting aye.

A spokesperson for the Bar X Property Owners Association addressed the Board, and comments and information were offered by other Association members present.

## **ORDER 09-12-04 CLOSE PUBLIC HEARING REGARDING PERMIT AND RENEWAL APPLICATIONS:**

Motion by Director Mudd; Seconded by Director Mueller that the public hearing regarding applications for permits/renewals received be **CLOSED**. Motion approved with all present voting aye.

## **ORDER 09-12-05 APPROVE PERMIT AND RENEWAL APPLICATIONS:**

Motion by Director Mueller; Seconded by Director Mudd that the permit applications recommended for approval by staff as presented (to exclude applications #4, #5, #6, #7, #26 & #30) be approved.

Motion approved with all present voting aye.

## **ORDER 09-12-06 APPROVE PERMIT AND RENEWAL APPLICATIONS:**

Motion by Director Felder, Seconded by Director Mudd to approve permit applications # 5, 6 & 7 contingent upon receipt of check for all fees due.

Motion approved with all present voting aye.

**ORDER 09-12-07 APPROVE PERMIT AND RENEWAL APPLICATIONS:**

Motion by Director Pyburn, Seconded by Director Felder that permit application #26 be approved contingent upon receipt of application and fees in full for the existing well on site.

Motion approved with all present voting aye.

**ORDER 09-12-08 APPROVE PERMIT AND RENEWAL APPLICATIONS:**

Motion by Director Mudd, Seconded by Director Felder to table any action regarding permit application #30 pending resolution of inconsistencies in application information and payment of all fees and penalties owed the District.

Motion approved with all present voting aye.

**ORDER 09-12-09 SET HEARING DATE FOR PERMIT APPLICATIONS:**

Motion by Director Pyburn; Seconded by Director Mudd that a public hearing to consider approval of permit and renewal applications be set for the next meeting of the Board of Directors on **Thursday, January 14, 2010 at 4:00 p.m.** in the District Office and that the applicants be duly notified. Motion approved with all present voting aye.

At 4:45 p.m. the Board recessed the public meeting and went into closed session to discuss the following matters:

- A. Dan Raybion / Texas Tumbleweeds
- B. Bar X Ranch Property Owners Association

At 5:31 p.m. the Board reconvened in open session and entered the following orders:

**ORDER 09-12-10: BAR X RANCH SUBDIVISION:**

Motion by Director Felder, Seconded by Director Mudd to table the current permit application and authorize the attorney to negotiate a settlement on existing wells for the Board's consideration at a later date. All present voting aye.

**ORDER 09-12-11: DAN RAYBION / TEXAS TUMBLEWEEDS:**

Motion by Director Felder, Seconded by Director Mudd to authorize the attorney to negotiate a settlement for the Board's consideration at a future meeting and if unsuccessful, authorize the attorney to file suit at the appropriate time.

**ORDER 09-12-12 ADJOURN:**

As no further matters were to be had, the motion to adjourn was made by Director Felder and seconded by Director Mudd. All present voting aye. The meeting was adjourned at 5:35 p.m.

Approved this 14<sup>th</sup> day of January, 2010

*/s/ Raymond D. Felder*  
Raymond D. Felder, Secretary  
Board of Directors