

# MINUTES



## UPPER TRINITY REGIONAL WATER DISTRICT BOARD OF DIRECTORS August 5, 2021

### REGULAR SESSION BOARD MEETING

#### 1. Call to Order

The Board of Directors of the Upper Trinity Regional Water District (UTRWD) convened in Regular Session Board Meeting with President Brian Roberson presiding at 1:00 PM on Thursday, August 5, 2021.

#### 2. Roll Call and confirm Quorum

The attendance of the Board of Directors was taken. A quorum was present for the meeting.

#### Board Members in Attendance:

Brian Roberson, President, Aubrey  
Clay Riggs, Treasurer, Flower Mound  
Troy Norton, Argyle  
Corbett Howard, Celina  
Johnny Harris, Denton County  
Kevin Mercer, DCFWSD #7  
Orlando Sanchez, Irving  
Mike Fairfield, Lake Cities MUA  
Michael Anderson, Ponder

Bob Hart, Vice President, Corinth  
Lyle Drescher, Secretary, Northlake  
Del Knowler, Bartonville  
Stephen Moore, Denton  
Kristina Clark, DCFWSD #1A  
Richard Lubke, Highland Village  
Greg Scott, Justin  
Allen McCracken, Pilot Point  
Frank Jaromin, Prosper

#### Absent:

Mark Pape, Copper Canyon\*  
Eric Ferris, Lewisville\*  
Tracy LaPiene, Sanger\*

Gary Calmes, Denton County at Large\*  
Chris Boyd, Mustang SUD\*

\* Excuse Absent

#### Vacant: Double Oak, Krum

#### Staff & Advisors in Attendance:

Larry N. Patterson, Executive Director  
Nancy Tam, Assistant to Executive Director  
Tom Snyder, Director of Eng & Constr  
Jody Zabolio, Director of Op. & Water Res  
Ronna Hart, Manager of Water Resources  
Adam McKnight, Sr. Professional Engineer  
Jan Morris, Assistant Director for Administration  
Doug Janeway, Manager of Property Services  
Dustin Wright, Network System Administrator

Matthew Boyle, Boyle & Lowry LLP  
Bill Greenleaf, Chief Financial Officer  
Kurt Staller, Assistant Director, Eng & Const  
Ed Motley, LRH Program Manager  
Jason Pierce, Manager of Governmental Affairs  
Todd Williams, Mgr of Budget & Financial  
Lester Harris, Controller  
Mark Skaggs, Manager of IT Services  
Marcos Zepeda, IT Specialist

#### Others in Attendance:

Ross Standifer, Arcadis  
Scott Hoff, Carollo Engineers

Sam Barraco, Carollo Engineers  
Josh Pfungst, Flatiron Construction

Bill Pembroke, Halff Associates, Inc.  
Clete Martin, Plummer Associates Inc.

Anthony Samarripas, Kimley-Horn & Assoc.

3. Pledge of Allegiance and Invocation

Pledge of Allegiance was led by Kevin Mercer. The Invocation was delivered by Bob Hart.

4. Opening Remarks:

- A. President's Remarks concerning current events, conduct of the meeting, posted agenda items, committee assignments, and related matters.

President Roberson expressed his appreciation to Staff regarding the special planning for the groundbreaking celebration for Lake Ralph Hall. It was well executed and attended by many Members and local officials!

- B. Executive Director's Status Report about legislation and regulatory matters, about budgets, current projects and on-going programs of the District, including: the Regional Water System, Water Resource Development, Regional Water Reclamation Systems, Watershed Protection and Water Conservation.

Larry Patterson presented a short video regarding the Lake Ralph Hall Project activities.

- C. Presentations about awards, recognitions, achievements, etc. of the District, Board Members, Member Entities and Staff.

None.

5. Visitor Comments Concerning Agenda Topics.

None.

**CONSENT AGENDA**

**Greg Scott made the motion to approve the Consent Agenda Items No. 6 – 12 as presented by staff. Seconded by Richard Lubke.** The *Roll Call Vote* was 18 Yes, 0 No, 4 absent (Calmes, Ferris, Boyd, Lapiene); motion carried. The approved Consent Agenda items were:

6. Adopt minutes of June 3, 2021 Board Meeting.
7. Accept Monthly Management Report for the period ended June 30, 2021.
8. Accept Quarterly Investment Report for the period ended June 30, 2021.
9. Authorize the Executive Director to enter into a 3-year Software as a Service (SaaS) Agreement with Tyler Technologies, Inc. for Incode Financial and Personnel Management programs, and hosting services.
10. Authorize the Executive Director to enter into a purchasing agreement with Hach Company for annual service plans for process control instrumentation and lab equipment at District Treatment Plants.
11. Receive report of construction change orders approved by staff.



12. Receive report prepared by RJN Group, Inc. related to the Lakeview Force Main Hydraulic Model and Valve Assessment.

### ITEMS FOR INDIVIDUAL CONSIDERATION

#### 13. Engineering Contracts and Tasks Orders: (Weighted Capital Vote)

- A. Consider approval of Task Order No. 2 with Kimley-Horn Associates, Inc. for engineering services related to design, easement assistance, bidding and construction services for the Harpool Water Treatment Plant Northeast Transmission Pipeline Phase 1 and preliminary design of Phase 2.

Proposed Task Order No. 2 with Kimley-Horn and Associates, Inc. is for engineering services related to the first two phases of the proposed Harpool Northeast Transmission Pipeline. The proposed task order includes engineering services for final design, bid and construction of Phase 1 (approx. 8,000-ft). It also includes preliminary design services for Phase 2 (approx. 25,000-ft). Both phases include easement acquisition assistance.

Staff recommended approval of Task Order No. 2 with Kimley-Horn and Associates, Inc. for engineering services related to design, easement assistance, bidding and construction services for the Regional Treated Water System Northeast Transmission Pipeline Phase 1 and preliminary design of Phase 2 for a not-to-exceed amount of \$1,239,452.

Funding for this Project is included in the Regional Treated Water System FY21 Capital Budget as the Harpool RWTP Northeast Transmission Pipeline Project.

- B. Consider approval of Task Order No. 4 with Plummer Associates, Inc. for engineering services for final design and construction of pumping and related improvements at Taylor WTP and Stone Hill Pump Station.

Proposed Task Order No. 4 with Plummer includes final design, bidding, and construction services for improvements at the Taylor WTP High Service and Stone Hill pump Stations. Improvements include pump modifications, selective replacement, electrical upgrades, and other hydraulic enhancements to increase pumping efficiency, provide redundancy, and insure greater reliability. Funding for this Project is included in the FY 2021 Regional Treated Water System Capital Budget Project.

Staff recommended for approval of Task Order No. 4 with Plummer Associates, Inc. for engineering services related to final design and construction of pumping and related improvements at Taylor WTP and Stone Hill Pump Station for a not to exceed amount of \$689,909.

- C. Consider approval of Task Order No. 2 with Carollo Engineers, Inc. for engineering services related to the final design, bidding, and construction of Lakeview Water Reclamation Plant Expansion from 5.5 MGD to 7.5 MGD and collection system improvements.

The Lakeview Plant capacity is 5.5 MGD and it is average at 4.5 MGD. The flows are reaching TCEQ limit requiring expansion.

Staff recommended for approval of Task Order No. 2 with Carollo Engineers, Inc. for engineering services related to the final design, bidding and construction of Lakeview Water Reclamation Plant Expansion from 5.5 MGD to 7.5 MGD and collection system improvements for a not to



exceed amount of \$3,525,045. Funding is included in the Lakeview Regional Water Reclamation System FY21 Capital Budget as the Plant Expansion, Phase 3 and System Interceptor and Odor Control Improvements.

- D. Consider approval of Task Order No. 3 with Freese and Nichols, Inc. for engineering services related to the preliminary design of Doe Branch Water Reclamation System Parallel Interceptor, Phase 1.

Extensive development continues within the Doe Branch Water Reclamation System service area. As a result of the increasing wastewater flows and growth projections, Doe Branch Water Reclamation System is reaching design capacities. Staff recommended for approval of Task Order No. 3 with Freese and Nichols, Inc. for engineering services related to the preliminary design of Doe Branch Water Reclamation System Parallel Interceptor, Phase 1 for a not to exceed amount of \$278,100. Funding for Task Order No. 3 is included in the FY21 Capital Budget.

**Frank Jaromin made the motion to approve Item Nos. 13 A, B, C and D as recommended by staff. Seconded by Kevin Mercer. The Weighted Capital Vote was 34 Yes, 0 No, 7 votes Absent (Calmes, Ferris, Boyd and Lapiene); motion carried.**

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSENT
ARGYLE – Norton	1	1		
AUBREY - Roberson	1	1		
BARTONVILLE – Knowler	1	1		
CELINA – Howard	2	2		
CORINTH – Hart	3	3		
DENTON (CITY) – Moore	2	2		
DC AT-LARGE - Calmes	1			1
DCFWS #1A – Clark	2	2		
DCFWS #7 – Mercer	2	2		
DOUBLE OAK – (vacant 1 vote)				
FLOWER MOUND – Riggs	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – Sanchez	2	2		
JUSTIN – Scott	1	1		
KRUM - (vacant 1 vote)				
LAKE CITIES MUA – Fairfield	2	2		
LEWISVILLE – Ferris	2			2
MUSTANG SUD – Boyd	3			3
NORTHLAKE – Dresher	1	1		
PILOT POINT – McCracken	1	1		

PONDER – Anderson	1	1		
PROSPER – Jaromin	1	1		
SANGER – LaPiene	1			1
TOTAL	41	34	0	7

14. Construction Contracts: (Weighted Capital Vote)

- A. Consider approval of Change Order No. 2 to existing Construction Manager at Risk (CMAR) contract with Archer Western Construction, LLC. for construction of Parallel Pipeline from Taylor WTP to Stone Hill Pump Station to include Clearwell, Disinfection and other Operational Improvements at the Taylor WTP.

Since Archer Western is onsite finalizing construction of the Parallel Pipeline and can complete construction of the proposed clearwell and disinfection improvements during late 2021 and early 2022. The benefits to using onsite CMAR contractor include reduced consultant design services cost and lower contractor mobilization expenses.

Staff recommended for approval of Change Order No. 2 with Archer Western, LLC to authorize use of existing contract contingencies in the amount of \$1,055,793 to construct chemical feed improvements, clearwell modifications, clearwell roof coating, associated piping and change substantial and final completion to February 28, 2022 and March 31, 2022, respectively.

- B. Resolution authorizing acceptance of completed work, final payment and release of retainage for construction contract awarded to Red River Construction Co. for Taylor Water Treatment Plant Filter Improvements.

All work performed has been completed in accordance with the plans, specifications, and change orders, except for minor punch list items. Staff recommended for approval of resolution authorizing acceptance of completed work, final payment in the amount of \$131,119.25, and release of retainage to Red River Construction Company pending completion of minor punch list items.

**Del Knowler made the motion to approve Item Nos. 14 A and B as recommended by staff. Seconded by Frank Jaromin. The Weighted Capital Vote was 34 Yes, 0 No, 7 votes Absent (Calmes, Ferris, Boyd and Lapiene); motion carried.**

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSENT
ARGYLE – Norton	1	1		
AUBREY - Roberson	1	1		
BARTONVILLE – Knowler	1	1		
CELINA – Howard	2	2		
CORINTH – Hart	3	3		
DENTON (CITY) – Moore	2	2		
DC AT-LARGE - Calmes	1			1





DCFWSD #1A – Clark	2	2		
DCFWSD #7 – Mercer	2	2		
DOUBLE OAK – (vacant 1 vote)				
FLOWER MOUND – Riggs	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – Sanchez	2	2		
JUSTIN – Scott	1	1		
KRUM - (vacant 1 vote)				
LAKE CITIES MUA – Fairfield	2	2		
LEWISVILLE – Ferris	2			2
MUSTANG SUD – Boyd	3			3
NORTHLAKE – Dresher	1	1		
PILOT POINT – McCracken	1	1		
PONDER – Anderson	1	1		
PROSPER – Jaromin	1	1		
SANGER – LaPiene	1			1
TOTAL	41	34	0	7

Chris Boyd joined the meeting at 1:39 P.M.

15. Lake Ralph Hall Agenda Items: **(Weighted Capital Vote)**

- A. Consider approval of Task Order No. 4 to Flatiron Constructors, Inc. and accepting the Guaranteed Maximum Price Proposal and amendments to the Progressive Design-Build Agreement for the construction of Roadway Relocation Improvements for Lake Ralph Hall.

Ed Motley recognized the following team members for the Lake Ralph Hall Project:

- Jeffrey Curry, Capital Projects Control Analyst, Upper Trinity
- Josh Pfingst, Project Manager, Flatiron Constructors

Flatiron Constructors, Inc. submitted a Guaranteed Maximum Price (GMP) Proposal to complete the roadway improvements described in the 90 Percent Plans completed and reviewed by TxDOT. Staff recommended for approval of Task Order No. 4 with Flatiron Constructors, Inc. for Lake Ralph Hall Roadway Relocation in the not to exceed amount of \$49,857,056. This Task Order will be funded by the Texas Water Development Board through its SWIFT Board Participation Program.

- B. Authorize Staff to proceed with a Construction Management at Risk procurement method for the construction of the Lake Ralph Hall Raw Water Pipeline.

Staff is proposing the Construction Management at Risk (CMAR) delivery model to construct the proposed 32-mile-long Raw Water Pipeline. The CMAR model offers the District significant benefits for this project including valuable input during the design relating to constructability



issues, along with support to develop more accurate estimates of costs and schedule. Additionally, the CMAR model is expected to reduce the time frame for design and construction.

Staff recommended the Board make a finding that the CMAR delivery model for the Lake Ralph Hall Raw Water Pipeline will achieve best value for the District, and that the Board authorize staff to proceed with the CMAR procurement process. No capital expenditures are authorized by this Board action.

**Corbett Howard made the motion to approve Item Nos. 15 A and B as recommended by staff. Seconded by Lyle Dresher.** The *Weighted Capital Vote* was 37 Yes, 0 No, 4 votes Absent (Calmes, Ferris and Lapiene); motion carried.

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSENT
ARGYLE – Norton	1	1		
AUBREY - Roberson	1	1		
BARTONVILLE – Knowler	1	1		
CELINA – Howard	2	2		
CORINTH – Hart	3	3		
DENTON (CITY) – Moore	2	2		
DC AT-LARGE - Calmes	1			1
DCFWS #1A – Clark	2	2		
DCFWS #7 – Mercer	2	2		
DOUBLE OAK – (vacant 1 vote)				
FLOWER MOUND – Riggs	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – Sanchez	2	2		
JUSTIN – Scott	1	1		
KRUM - (vacant 1 vote)				
LAKE CITIES MUA – Fairfield	2	2		
LEWISVILLE – Ferris	2			2
MUSTANG SUD – Boyd	3	3		
NORTHLAKE – Dresher	1	1		
PILOT POINT – McCracken	1	1		
PONDER – Anderson	1	1		
PROSPER – Jaromin	1	1		
SANGER – LaPiene	1			1
TOTAL	41	37	0	4

A five-minute break was called.



16. Executive Session concerning granting or acquisition of easements, rights-of-way and other property including leases for Water Resource Development or for Regional Treated Water System, pursuant to Texas Government Code, Section 551.072, according to location maps of the projects available in the District Office; and regarding water rights and related permits; for discussion of security matters pursuant to Texas Government Code, Section 551.076, and, regarding General Counsel and Executive Director’s review of legal implications for the relocation of a District water pipeline; and, regarding potential lawsuit related to construction projects; and, meeting with legal counsel pursuant to Texas Government Code, Section 551.071, relative to a matter in which the attorney is required under the Texas Disciplinary Rules of Professional Conduct to convey advice in Executive Session.

The Board of Directors went into Executive Session at 1:55 P.M.  
 The Board returned to open meeting at 2:32 P.M.

17. Consider action on property matters, some of which may have been discussed in Executive Session. (Weighted Capital Vote)

None.

18. Consider action on Water Rights matters some of which may have been discussed in Executive Session. (Weighted Capital Vote)

- A. Consider approval of a resolution authorizing the Executive Director to submit an application to amend Water Use Permit No. 5821 with the Texas Commission on Environmental Quality.
- B. Consider approval of a resolution of the Upper Trinity Regional Water District Contesting the Issuance of City of Texarkana’s Water Rights Permit Application No. 13642 by Texas Commission on Environmental Quality and requesting a Contested Case Hearing Thereon.

The Board of Directors discussed Water Rights matters in Executive Session. **Mike Fairfield made the motion to approve Item Nos. 18 A and B as recommended by staff. Seconded by Allen McCracken.** The *Weighted Capital Vote* was 37 Yes, 0 No, 4 votes Absent (Calmes, Ferris and Lapiene); motion carried.

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSENT
ARGYLE – Norton	1	1		
AUBREY - Roberson	1	1		
BARTONVILLE – Knowler	1	1		
CELINA – Howard	2	2		
CORINTH – Hart	3	3		
DENTON (CITY) – Moore	2	2		
DC AT-LARGE - Calmes	1			1
DCFWS #1A – Clark	2	2		
DCFWS #7 – Mercer	2	2		
DOUBLE OAK – (vacant 1 vote)				
FLOWER MOUND – Riggs	9	9		
HIGHLAND VILLAGE – Lubke	2	2		





IRVING – Sanchez	2	2		
JUSTIN – Scott	1	1		
KRUM - (vacant 1 vote)				
LAKE CITIES MUA – Fairfield	2	2		
LEWISVILLE – Ferris	2			2
MUSTANG SUD – Boyd	3	3		
NORTHLAKE – Dresher	1	1		
PILOT POINT – McCracken	1	1		
PONDER – Anderson	1	1		
PROSPER – Jaromin	1	1		
SANGER – LaPiene	1			1
TOTAL	41	37	0	4

19. Review potential agenda items, activities and announcements for future Board meetings.

Patterson reminded the Board that the September 2, 2021 Board Meeting will be an in person meeting.

20. Visitor Comments Concerning Non-Agenda Topics.

None.

21. Adjournment.

There being no further business, President Roberson adjourned the meeting at 2:35 P.M.

Recorded by: Nancy T. Tam  
 Nancy T. Tam, Assistant Secretary, Board of Directors

Certified by: Lyle Dresher  
 Lyle Dresher, Secretary, Board of Directors

