



MINUTES

UPPER TRINITY REGIONAL WATER DISTRICT
BOARD OF DIRECTORS
APRIL 14, 2022

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 12:50 P.M. on Thursday, April 14, 2022.

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
Stephen Moore, Denton
Dave Nelson, Double Oak
Greg Scott, Justin
Eric Ferris, Lewisville
Allen McCracken, Pilot Point
Frank Jaromin, Prosper

Bob Hart, Vice President, Corinth
Lyle Dresher, Secretary, Northlake
Del Knowler, Bartonville
Mark Pape, Copper Canyon
Kevin Mercer, DCFWSD #7
Richard Lubke, Highland Village
Nate Winchester, Krum
Chris Boyd, Mustang SUD
Michael Anderson, Ponder
Alina Ciocan, Sanger

Absent:

Orlando Sanchez, Irving *
Mike Fairfield, Lake Cities MUA *

* Excuse Absent

Vacant: Denton County

Denton County At-Large

Staff & Advisors in Attendance:

Larry N. Patterson, Executive Director
Nancy Tam, Assistant to Executive Director
Bill Greenleaf, Chief Financial Officer
Todd Williams, Mgr of Budget & Financial
Dustin Wright, Network System Administrator
Stephanie Noel, Senior Financial Analyst
Kurt Staller, Assistant Director, Eng & Const
Jody Zabolio, Director of Op. & Water Res
Jan Morris, Assistant Director for Admin
Rob Collins, Bond Counsel

Matthew Boyle, General Counsel
Jason Pierce, Mgr of Governmental Affairs
Lester Harris, Controller
Mark Skaggs, Manager of IT Services
Marcos Zepeda, IT Specialist
Tom Snyder, Director of Eng & Constr
Adam McKnight, Sr. Professional Engineer
Doug Janeway, Mgr of Property Services
Ben Hodges, Assistant Director Operations
Nick Bulaich, Financial Advisor

3. Pledge of Allegiance and Invocation.

Pledge of Allegiance was led by Brian Roberson. The invocation was delivered by Bob Hart.

4. Oath of Office.


None

5. Opening Remarks:

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

President Roberson thanked the Board of Directors for being here today. The communities that we serve are growing fast, many of us are very busy in keeping up with the growth.

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 thanked the Board of Directors for allowing us to meet one week later so staff could attend the Texas Water 2022 Conference. At the Conference, Staff was recognized for three Watermark Communication Awards:
 - Lake Ralph Hall Publications
 - Lake Ralph Hall Website
 - "Being Water Wise in North Texas" Story Map Website for School Education
 - On April 11, 2022, Staff attended an Agency Coordinating Meeting in Austin, TX.
 - TCEQ discussed about Implementation Senate 3, Water Availability Model Updates, and Water Rights Viewer Tool Demo.
 - TWDB discussed about Master Agreement Amendments, Funding Flexibility/Escrow Releases, Alternate Delivery Method (CMAR), and Document Processing/Review.
 - Our communities are using a good amount of water this time of the year, about 10% above last year.
 - With the recent rain, District's water supplies are up to 98% of storage.
 - Stephanie Noel, Sr. Financial Analyst was recognized and congratulated for her achievement of Certified Government Finance Officer from the Government Finance Officers of Texas.
 - A news article was distributed regarding the City of Gunter and its plans for rapid growth...adding thousands of homes soon.
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- C. Presentations about awards, recognitions, achievements, etc. of the District, Board Members, Member Entities and Staff.

According to District recognition guidelines, two Directors are well deserving of recognition for their extensive service and leadership on the Board of Directors. President Roberson presented special plaques to Richard Lubke and Kevin Mercer for their outstanding service and leadership as our esteemed Presidents of the Board.

6. Visitor Comments Concerning Agenda Topics.

None.

CONSENT AGENDA

Bob Hart made the motion to approve Consent Agenda No. 7 - 12 as presented by staff. Seconded by Clay Riggs. The *Roll Call Vote* was 19 Yes, 0 No, 2 Absent (Sanchez and Fairfield). Motion carried. The approved Consent Agenda items were:

7. Adopt Minutes of March 3, 2022 Board Meeting.
8. Accept Monthly Management Report for the period ended February 28, 2022.
9. Accept Annual Comprehensive Financial Report, Audit Report prepared by Deloitte & Touche, Independent Auditors, and related documents (including the Governance Letter to Management) for fiscal year ended September 30, 2021.
10. Authorize the Executive Director to enter into a Purchasing Agreement with Environmental Improvements, Inc. for the purchase and installation of chemical storage tanks.
11. Authorize Executive Director to enter into a purchasing agreement with Sigler Communications for media advertising related to the District's Water Conservation and Watershed Protection education and outreach programs.
12. Receive report of construction change orders approved by staff.

ITEMS FOR INDIVIDUAL CONSIDERATION

13. Consider adoption of a Resolution to approve proposed Mid-Year Budget Amendments.

Todd Williams, Manager of Budget and Financial Planning, presented a briefing on the FY 2022 Mid-Year Budget Amendments to the Operating and Capital / Project Development Fund Budgets. **Bob Hart made the motion to approve Agenda No. 13 as presented. Seconded by Richard Lubke.** The *Roll Call Vote* was 19 Yes, 0 No, 2 Absent (Sanchez and Fairfield). Motion carried.

14. Engineering Contracts, Task Orders and Construction Change Orders: (Weighted Capital Vote)
- A. Consider approval of Task Order No. 5 with HDR, Inc. for final design, bidding and construction services related to the Southwest Pump Station Project.

Task Order No. 5 with HDR, Inc. includes completing the Southwest Pump Station design, assistance with contractor prequalification and bidding, engineering services during



construction and providing record drawings and facility startup operational support for the Project. The total amount for the proposed Task Order No. 5 is \$2,645,486. Funding for this Project is included in the Regional Treated Water System Capital Budget. **Richard Lubke made the motion to approve Agenda No. 14A as presented by staff. Seconded by Kevin Mercer.** The *Weighted Capital Vote* was 37 Yes, 0 No, 4 Absent (Sanchez and Fairfield). 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 - (vacant 1 vote)				
DCFWSO #7 – Mercer	2	2		
DOUBLE OAK – Nelson	1	1		
FLOWER MOUND – Riggs	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – Sanchez	2			2
JUSTIN – Scott	1	1		
KRUM – Winchester	1	1		
LAKE CITIES MUA – Fairfield	2			2
LEWISVILLE – Ferris	3	3		
MUSTANG SUD – Boyd	3	3		
NORTHLAKE – Dresher	1	1		
PILOT POINT – McCracken	1	1		
PONDER – Anderson	1	1		
PROSPER – Jaromin	1	1		
SANGER – Ciocan	1	1		
TOTAL	41	37		4

- B. Consider approval of Task Order No. 6 with Plummer Associates, Inc. for engineering services related to final design and construction of electrical and HVAC improvements at Stone Hill Pump Station and Clearwell improvements at Taylor WTP.

Proposed Task Order No. 6 with Plummer Associates, Inc. includes final design of structural and piping modifications to Clearwell No. 1 to meet TECQ regulatory requirements.



Staff recommended to approve Task Order No. 6 with Plummer Associates, Inc. for engineering services related to final design and construction of electrical and HVAC improvements at Stone Hill Pump Station and Clearwell Improvements at Taylor WTP for a not-to-exceed amount of \$202,499. Funding for this Project is included in the FY 2022 Regional Treated Water System Capital Budget.

- C. Consider approval of Change Order No. 4 to the Riverbend Water Reclamation Plant Facility Improvements Project.

Proposed Change Order No. 4 includes the labor and material costs to repair the damaged aeration basin concrete floor under the aerator mixers with Sika 122 Plus. This Change Order to the Riverbend WRP Facility Improvements Project including Contract Management (Heritage Constructors, Inc., General Contractor) will increase the contract amount by \$86,902.05; adding no additional days to the contract time. Funding is included in the FY 2022 Riverbend WRP Capital Improvement Budget.

Richard Lubke made the motion to approve Agenda No. 14 B and C as presented. Seconded by Greg Scott. The *Weighted Capital Vote* was 37 Yes, 0 No, 4 Absent (Sanchez and Fairfield). Motion carried.

15. Receive briefing on emergency repair of District's 18-inch Treated Water Transmission Pipeline in the City of Justin and Staff plans to conduct an evaluation of District's critical component inventory.

On March 21st, a Butterfly Valve seized closed during scheduled valve maintenance. The valve was not repairable; the valve was cut to return service to City of Justin. Staff immediately began preparing for a long-term solution. Repair materials were not readily available. District had one section of 18-inch pipe in stock. Archer Western Construction, LLC engaged to assist with immediate repairs which supplied other materials (from other active projects). Repairs was successfully completed on March 25, 2022. The total emergency repair cost (Contractor Cost only) is \$24,026.26 which includes repair materials, excavation, installation of pipeline, backfill and testing.

There were lessons learned from our recent emergency repairs. We experienced materials are increasingly difficult to acquire and more expensive; local suppliers have little to no inventory; and District's inventory has been critical low due to recent emergency repairs. District needs to prepare for future emergencies and should increase stockage of critical components. Staff recommended the Board to receive update on emergency Justin Pipeline repair and authorize staff to conduct an Evaluation of the District's Critical Component Inventory needs.

This item is for informational briefing only. No action required. Greg Scott expressed thank you for Staff's hard work and good job for staying on top of this critical repair!

Chris Boyd left meeting at 2:00 P.M.

- 15A. Receive update on emergency repair of District's Six (6) Million Gallon (MG) Clearwell at the Taylor Regional Water Treatment Plant and ratify emergency purchase for repairs.

On April 5th, during an annual inspection of the 6 MG Clearwell at the Taylor Plant, divers reported the Board ratify emergency purchase for the replacement of District's 6 MG Clearwell Baffle Curtain at the Taylor RWTP for a not-to-exceed amount of \$330,000.



Bob Hart made the motion to approve Agenda No. 15A as presented by staff. Seconded by Del Knowler. The *Roll Call Vote* was 18 Yes, 0 No, 3 Absent (Boyd, Sanchez and Fairfield). Motion carried.

16. Approve slate of nominees for consideration by Denton County Commissioners Court in making a new appointment to the Board of Directors for the Denton County At – Large representative recently vacated by Gary Calmes.

In accordance with District's enabling legislation, and the agreement with the County, appointment of the At-Large Director will be made from a slate of nominees submitted by the Upper Trinity Board to the Commissioners Court. The Officers of the Board have met to develop a proposed slate of nominees for consideration by the Board. The proposed slate of nominees is being coordinated with Denton County.

Kevin Mercer made the motion to approve the slate of nominees to be submitted to Denton County for use by the Commissioners Court in appointment of a director to fill the At-Large seat on the Board of Directors. Seconded by **Greg Scott.** The *Roll Call Vote* was 18 Yes, 0 No, 3 Absent (Boyd, Sanchez and Fairfield). Motion carried.

17. 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, concerning personnel matters related to compensation for Executive Director pursuant to Texas Government Code Section 551.074, 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.

Mark Pape left the meeting.

The Board of Directors went into Executive Session at 2:12 P.M.
The Board returned to open meeting at 3:00 P.M.

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

None.

19. Approve Resolution(s) deeming necessity and authorizing acquisition of property including exercising the Power of Eminent Domain for the Lake Ralph Hall Project. (Weighted Capital Vote)

The Board of Directors discussed purchases of properties necessary for the Lake Ralph Hall Project in Executive Session. Staff recommended to approve individual Resolutions deeming necessity and authorizing acquisition of real property, including exercising the power of eminent domain for the following parcels and take the necessary steps to finalize and close the purchase of property necessary for the Lake Ralph Hall Project:

- Resolution # 2022- 10 – John Richard Smith
- Resolution # 2022- 11 – JMR Farms, Ltd.



Bob Hart made the motion to approve the Agenda No. 19 as presented by staff. Seconded by Corbett Howard. The Weighted Capital Vote was 34 Yes, 0 No, 7 Votes Absent (Boyd, Sanchez and Fairfield). 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 - (vacant 1 vote)				
DCFWS #7 – Mercer	2	2		
DOUBLE OAK – Nelson	1	1		
FLOWER MOUND – Riggs	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – Sanchez	2			2
JUSTIN – Scott	1	1		
KRUM – Winchester	1	1		
LAKE CITIES MUA – Fairfield	2			2
LEWISVILLE – Ferris	3	3		
MUSTANG SUD – Boyd	3			3
NORTHLAKE – Dresher	1	1		
PILOT POINT – McCracken	1	1		
PONDER – Anderson	1	1		
PROSPER – Jaromin	1	1		
SANGER – Ciocan	1	1		
TOTAL	41	34		7

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

Planning ahead for election of Officers at the May 5, 2022 meeting, President Roberson appointed the following Nominating Committee and to bring back recommendation to the Board for consideration:

Kevin Mercer (Chair)
 Allen McCracken

Corbett Howard
 Dave Nelson

Greg Scott



21. Visitor Comments Concerning Non-Agenda Topics.

None.

22. Adjournment.

There being no further business, President Roberson adjourned the meeting at 3:12 P.M.

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

Certified by: 
Lyle Drescher, Secretary, Board of Directors

