

MINUTES



UPPER TRINITY REGIONAL WATER DISTRICT BOARD OF DIRECTORS

THURSDAY, NOVEMBER 5, 2020

REGULAR & TELECONFERENCE 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 in person and by teleconference, with President Richard Lubke presiding at 1:05 PM on Thursday, November 5, 2020.

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:

Richard Lubke, President, Highland Village
Bob Hart, Treasurer, Corinth
Troy Norton, Argyle
Mark Pape, Copper Canyon
Johnny Harris, Denton County
Kristina Clark, DCFWSD #1A
Orlando Sanchez, Irving
Devon Kennedy, Krum
Eric Ferris, Lewisville
Lyle Dresher, Northlake
Michael Anderson, Ponder
Tracy LaPiene, Sanger

Brian Roberson, Vice President, Aubrey
Clay Riggs, Secretary, Flower Mound
James Burnham, Celina
Stephen Moore, Denton
Gary Calmes, Denton County at Large
Kevin Mercer, DCFWSD #7
Greg Scott, Justin
Mike Fairfield, Lake Cities MUA
Chris Boyd, Mustang SUD
Allen McCracken, Pilot Point
Frank Jaromin, Prosper

Absent:

Del Knowler, Bartonville*

* Excuse Absent

Vacant: Double Oak

Staff & Advisors in Attendance:

Larry N. Patterson, Executive Director
Nancy Tam, Assistant to Executive Director
Tom Snyder, Director Const. & Eng.
Mark Skaggs, Manager / IT Services
Kurt Staller, Assistant Director, Eng. & Constr.
Doug Janeway, Manager of Property Services

Matthew Boyle, General Counsel
Bill Greenleaf, Chief Financial Officer
Jody Zabolio, Director of Op. & Water Res
Ed Motley, LRH Program Manager
Jan Morris, Assistant Director, Admin & HR
Nick Bulaich, Financial Advisor

3. Pledge of Allegiance and Invocation

Kevin Mercer led the Pledge of Allegiance. 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.

City of Denton appointed Mr. Stephen Moore to serve the remainder of Frank Pugsley's term. Moore is Senior Engineer for the City overseeing all water and wastewater projects. President Lubke administered the Oath of Office and welcomed him to the Board.

- 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.

- We attended a retirement farewell luncheon for Randall Davis, long time General Manager for Argyle Water Supply Corporation. Board Members Lyle Dresher, Kevin Mercer and Troy Norton attended as well. Randall will be missed for his continued support of the regional programs.
- All water treatment and pumping systems are operating well. Reservoirs are in good shape.

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

The National Association of Clean Water Agencies (NACWA) awarded the Upper Trinity with this year's Platinum level Excellence in Management Recognition. This award recognizes the valiant efforts of the entire District staff. Patterson thanked the Board of Directors for their continued support.

5. Visitor Comments Concerning Agenda Topics.

None.

CONSENT AGENDA

For the Consent Agenda, Gary Calmes requested Item 9 for individual consideration. **Bob Hart made the motion to approve Items 6 - 8 as recommended by staff. Seconded by Lyle Dresher.** The *Roll Call Vote* was 21 Yes, 0 No, 2 Absent (Boyd, Knowler). Motion carried. The approved Consent Agenda items were:

6. Adopt minutes of October 1, 2020 Board Meeting.
7. Accept Monthly Management Report for the period ended August 31, 2020.
8. Accept Quarterly Investment Report for the period ended September 30, 2020.

ITEMS FOR INDIVIDUAL CONSIDERATION

9. Receive report of construction change orders approved by staff.

Staff provided answer to Calmes' question. **Gary Calmes made the motion to approve Item No. 9 as presented. Seconded by Bob Hart.** The *Roll Call Vote* was 21 Yes, 0 No, 2 Absent (Boyd, Knowler). Motion carried.



10. Adopt proclamation in honor of **Veterans Day** on November 11, 2020.

Larry Patterson briefed the Board on the 75th Anniversary of the End of the World War II and read the Proclamation as presented. **Gary Calmes made the motion to approve the Proclamation in honor of Veterans Day. Seconded by Greg Scott.** The *Roll Call Vote* was 21 Yes, 0 No, 2 Absent (Boyd, Knowler). Motion carried.

11. Consider adoption of Resolution of Appreciation and Commendation for Dick Cook regarding his service as a member of the Upper Trinity Regional Water District Board of Directors.

Upper Trinity is grateful to Mr. Dick Cook for his faithful participation and able leadership as a Member of the Board. President Lubke read the Resolution. **Kevin Mercer made the motion to approve the Resolution of Appreciation. Seconded by Bob Hart.** The *Roll Call Vote* was 21 Yes, 0 No, 2 Absent (Boyd, Knowler). Motion carried.

Chris Boyd joined the meeting at 1:28 P.M.

12. Consider approval of an agreement with Voltus, Inc. to provide Demand Response/Peak Saving services for electric load shedding at certain District facilities.

The District has been participating in an electric demand reduction program established by the State of Texas via the Energy Reliability Council of Texas (ERCOT). Since 2008, UTRWD has enrolled and contracted with Enel X (formerly EnerNoc). However, Voltus will bring more savings potential to the District since they offer participation with CoServ, who provides electricity for all of District’s facilities in the Northeast service area.

Bob Hart made the motion to approve the proposed contract with Voltus, Inc. to allow management of the District’s participation in available emergency interruptible load service programs. Seconded by Johnny Harris. The *Roll Call Vote* was 22 Yes, 0 No, 1 Absent (Knowler). Motion carried.

13. Consider approval of Task Order 2 with Lockwood Andrews and Newnam, Inc. (LAN) for services relating to the Lake Ralph Hall Conveyance System. **(Weighted Capital Vote)**

The Board awarded a General Engineering Consultant (GEC) contract and Task Order 1 to LAN in February 2020. LAN has performed well in completing Task Order 1, therefore, Staff recommends LAN continue to provide the professional engineering services relating to the Lake Ralph Hall Conveyance System GEC.

Proposed Task Order 2 includes: preparing easements for 32-mile pipeline (approx. 115 parcels); developing an operations plan for the conveyance system; completing the conveyance system hydraulic design; establishment of design criteria and specifications, including technical support, design reviews and coordination of the final design for the Conveyance System Components. **Kristina Clark made the motion for approval of a Contract and Task Order No. 2 with Lockwood, Andrews & Newnam, Inc. in the amount not to exceed \$3,429,760 as recommended by staff. Seconded by Bob Hart.** The *Weighted Capital Vote* was 41 Yes, 0 No, 1 Absent (Knowler); motion carried:

| ENTITY | ELIGIBLE WEIGHTED VOTE | YES | NO | ABSENT |
|-----------------------|------------------------|-----|----|--------|
| ARGYLE – Norton | 1 | 1 | | |
| AUBREY - Roberson | 1 | 1 | | |
| BARTONVILLE – Knowler | 1 | | | 1 |

| | | | | |
|-------------------------------|----|----|---|---|
| CELINA – Burnham | 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 - Kennedy | 1 | 1 | | |
| 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 – LaPlene | 1 | 1 | | |
| TOTAL | 42 | 41 | 0 | 1 |

14. Engineering Contracts and Task Orders: **(Weighted Capital Vote)**

- A. Consider approval of Contract and Task Order No. 1 with Kimley-Horn Associates, Inc. related to utility coordination, design and construction services for TxDOT IH35 North widening improvements and related budget amendment.

Texas Department of Transportation (TxDOT) is finalizing design of IH35 expansion from the IH35W and IH35E split north to Sanger, Texas. District has a 16-inch treated water transmission pipeline in expansion corridor (comprised of two sections): the first section is jointly owned with City of Denton and second section is District owned to Sanger Delivery Point. City of Denton will take the lead on the joint pipeline relocation.

Proposed Contract and Task Order No. 1 with Kimley-Horn and Associates, Inc. is specifically related to TxDOT roadway improvements. The total amount for Task Order No. 1 is \$585,953. However, a Budget Amendment is required to fund the project which includes Task Order No. 1 and District staff time; the total Budget Amendment is \$650,000. The relocation costs should be reimbursable by TxDOT.

- B. Consider approval of Task Order No. 3 with Plummer Associates, Inc. for engineering services related to final design and construction services for general piping, pumping and treatment improvements at the Taylor Water Treatment Plant and related budget amendment.

District's 72-Inch Parallel Pipeline from the Taylor Plant to Stone Hill Pump Station is anticipated to be completed by the summer of 2021. Considering the operational advantages of this new pipeline, District's engineer, Plummer Associates, Inc. evaluated the operational capabilities of TWTP in order to prioritize any additional improvements that might be needed at the Plant. To provide greater operational flexibility and pumping efficiency, it was recommended that an additional 1,400-ft of the 72-inch parallel pipeline be installed on the TWTP site. Staff recommends the Board authorize proposed Task Order No. 3 with Plummer Associates, Inc. for professional services related to design and construction of piping, pumping and treatment improvements at the Taylor WTP for \$489,663.00 and associated budget amendment.

Gary Calmes made the motion to approve Item No. 14 A & B as recommended by staff. Seconded by Troy Norton. The *Weighted Capital Vote* was 41 Yes, 0 No, 1 Absent (Knowler); motion carried.

15. Construction Contracts: (Weighted Capital Vote)

- A. Consider award of construction contract to Denali Water Solutions, LLC. for Taylor Water Treatment Plant Dredging Project and related budget amendment.

The Dredging Project was bid with three schedules of cleaning options. Bid Schedule A provides the best value to the District to remove the most amount of sludge with the least impact on operations while the recycle pond remains in service during dredging. Staff and Engineer (Plummer Associates, Inc.) have evaluated the bids and recommend award of the construction contract to Denali Water Solutions, LLC as the lowest responsible bidder. Staff recommends the approval of the Resolution awarding a construction contract to Denali Water Solutions, LLC in the amount of \$1,107,500.00 and related budget amendment.

- B. Consider award of construction contract for Taylor Water Treatment Plant Filter Improvements Project.

The Taylor Water Treatment Plant Filter Improvements Project includes removing and replacing the filter underdrains in filters 7-10, replacing a portion of media in all 10 filters, replacing two 36-inch valves in the filter gallery, and repairing leaking joints in the filter basins. All filter related improvements are time sensitive and need to be completed before summer 2021. Staff and Engineer (Carollo Engineers, Inc.) have evaluated the bids and recommend award of the construction contract to Red River Construction as the lowest responsible bidder in the amount of \$2,573,185.00.

Kevin Mercer made the motion to approve Items No. 15 A and B as recommended by staff. Seconded by Lyle Dresher. The *Weighted Capital Vote* was 41 Yes, 0 No, 1 Absent (Knowler); motion carried.

16. Executive Session concerning granting or acquisition of easements, rights-of-way and other property 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 2:05 P.M.
The Board returned to open meeting at 2:23 P.M.



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

The Board discussed the acquisition of the following property items in Executive Session necessary for the Lake Ralph Hall Project:

- Parcel P199-LRH (City of Ladonia)
- Parcel P 85-LRH (UTRWD)
- Parcel P200-LRH (Gary Craddock)

Mike Fairfield made the motion to approve Item No. 17 as recommended by staff. Seconded by Lyle Dresher. The *Weighted Capital Vote* was 41 Yes, 0 No, 1 Absent (Knowler); motion carried.

18. Consider approval of Addendum No. 1 to the Water Supply Development Contract with the City of Ladonia related to the purchase of city-owned property and lease of city-owned property for Lake Ralph Hall.
(Weighted Capital Vote)

The City of Ladonia has been the District's partner in the development of Lake Ralph Hall since the project's inception. In December of 2004, the District formalized its partnership with Ladonia by executing a Water Supply Development Contract. Now that the Lake Ralph Hall Project is moving toward construction, there is a need to amend the said Contract to address two items that were not anticipated when the original contract was drafted:

- Since the Ladonia Fossil Park will be inundated by the proposed Lake Ralph Hall, District will purchase the existing Park at its appraised value. The amendment specifies that the District will provide a temporary fossil park near FM 2990 for the duration of construction and a permanent park near FM 904, downstream of the Leon Hurse Dam, after construction is complete.
- City of Ladonia owns a tract of land, known as the 100 Acre Tract, on State Highway 50. The District has determined that this tract will be a convenient site for field offices for the District and its contractors during the construction of Lake Ralph Hall. The amendment provides for the District to lease the 100 Acre Tract from the City for an initial term of one year beginning in January of 2021 with optional annual renewals for up to ten years at a rate of \$4,000 per year.

Troy Norton made the motion for approval of Addendum No. 1 to the Water Supply Development Contract with City of Ladonia as recommended by staff. Seconded by Greg Scott. The *Weighted Capital Vote* was 41 Yes, 0 No, 1 Absent (Knowler); Motion carried.

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

None.

20. Visitor Comments Concerning Non-Agenda Topics

None.

21. Adjournment.

There being no further business, President Lubke adjourned the meeting at 2:26 P.M.

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

Certified by: Clay Riggs
Clay Riggs, Secretary, Board of Directors