

MINUTES



UPPER TRINITY REGIONAL WATER DISTRICT BOARD OF DIRECTORS

THURSDAY, DECEMBER 3, 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 1:15 PM on Thursday, December 3, 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
Del Knowler, Bartonville
Mark Pape, Copper Canyon
Johnny Harris, Denton County
Kristina Clark, DCFWSD #1A
Orlando Sanchez, Irving
Devon Kennedy, Krum
Eric Ferris, Lewisville
Allen McCracken, Pilot Point
Frank Jaromin, Prosper

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
Lyle Dresher, Northlake
Michael Anderson, Ponder
Tracy LaPiene, Sanger

Absent:

Troy Norton, Argyle*

Chris Boyd, Mustang SUD*

*Excuse Absent

Staff & Advisors in Attendance:

Larry N. Patterson, Executive Director
Matthew Boyle, General Counsel
Nancy Tam, Assistant to Executive Director
Tom Snyder, Director Eng. & Const.
Mark Skaggs, Manager / IT Services
Adam McKnight, Sr. Professional Engineer
Elizabeth Boddicker, Graduate Engineer II
Nick Bulaich, Financial Advisor*

Ed Motley, LRH Program Manager
Kurt Staller, Assistant Director, Eng. & Constr.
Doug Janeway, Manager of Property Services
Bill Greenleaf, Chief Financial Officer
Jody Zabolio, Director of Op. & Water Res
Jason Pierce, Mgr/Govern't Affairs
Jan Morris, Assistant Director, Admin & HR

3. Pledge of Allegiance and Invocation

The Pledge of Allegiance was led by Frank Jaromin. 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.

None.

- 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.

- COVID 19 Status – District is not immune to the current infection trends. We have four employees confirmed; two recovered and five under quarantine. All work areas and offices are being deep cleaned.
- Aubrey ETJ Wastewater Plant – New wastewater plant proposed near Aubrey Extraterritorial Jurisdiction FM 2931 and FM 428. According to news article, area neighbors and City were surprised with the location and timing of the proposed plant.
- Water Demand – The water demand continues to be above average; all water treatment and pumping systems are operating well.

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

None.

5. Visitor Comments Concerning Agenda Topics. (Residents who desire to address the Board must complete a Speaker's Request Form and return it to the Board Secretary. Each speaker will be limited to three (3) minutes per agenda topic. To enable the conduct of business and to allow all topics to be covered, the President may limit the number of speakers per agenda item.)

None.

CONSENT AGENDA

Gary Calmes made the motion to approve the Consent Agenda Items No. 6 - 14 as presented by staff. Seconded by Lyle Dresher. The Roll Call Vote was 22 Yes, 0 No, 2 Absent (Norton, Boyd). Motion carried. The approved Consent Agenda items were:

6. Adopt minutes of November 5, 2020 Board Meeting.
7. Accept "Annual Review" of the District's Investment Policy.
8. Authorize advertisement for bids for Harpool Water Treatment Plant North Transmission Pipeline.
9. Authorize advertisement for bids for Facility Improvements at Riverbend Water Reclamation Plant.
10. Authorize advertisement for bids for expansion of the Peninsula Water Reclamation Plant from 0.94 MGD to 2.0 MGD.
11. Authorize the Executive Director to enter into a pricing agreement with Garland/DBS, Inc. to repair basin leaks, clean, seal and paint the exterior basin walls at the Taylor Water Treatment Plant.

12. Authorize the Executive Director to enter into pricing agreements with SRH Landscapes, LLC as the primary vendor and Smith Lawn and Tree as the secondary or backup vendor for brush removal and tree trimming at all District facilities.
13. Authorize the Executive Director to enter into pricing agreements with primary and secondary / back-up vendors (Smith Lawn and Tree, Yellowstone Landscape, LLC, American Landscape Systems, Inc. and Happy Acres Ranch) to provide mowing and other grounds keeping services at all District facilities.
14. Consider appointment of Trustees for Places 1, 4 and 5 on the Board of Trustees for the Upper Trinity Conservation Trust.

ITEMS FOR INDIVIDUAL CONSIDERATION

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

- A. Consider approval of Contract and Task Order No. 1 with Kimley-Horn Associates, Inc. for engineering services related to finalizing pipeline alignment of the Harpool Water Treatment Plant Northeast Transmission Pipeline.

The northeast portion of the District's service area is experiencing rapid growth that is expected to continue for many more years. The proposed Contract and Task Order No. 1 with Kimley-Horn Associates, Inc. is for engineering services related to evaluating pipeline alignments, identifying key hydraulic parameters and recommending an alignment for the future Northeast Transmission Pipelines. Staff recommended approval of proposed Contract and Task Order No. 1 with Kimley-Horn and Associates, Inc. in the amount not to exceed \$180,464.00.

- B. Consider approval of Task Order No. 2 with HDR Engineering, Inc. related to Regional Treated Water System Operational Pumping Improvements and Enhancements Study.

District staff has been monitoring the Regional Treated Water System hydraulics and making strategic improvements as necessary to meet system-wide growth. In order to maintain reliable pumping and to optimize pump operations, it is necessary to evaluate our pumping station facilities' instrumentation and monitoring systems. Staff recommended approval of the proposed Task Order No. 2 with HDR Engineering, Inc. in the amount not to exceed \$165,587.00.

- C. Consider approval of Task Order No. 5 with Halff Associates, Inc. for Easement Acquisition Services to relocate District's 16-inch Water Transmission Pipeline as a result of TxDOT's IH35 Widening Project and related budget amendment.

At the November meeting, the Board has authorized Task Order No. 1 with Kimley-Horn Associates, Inc. for utility coordination, design and construction services related to TxDOT's IH35 North widening improvements. The authorized Task Order included surveying for needed easements, but it did not include easement acquisition services.

The proposed Task Order No. 5 with Halff Associates, Inc. includes appraisal services, negotiation services, title and closing services including condemnation support services, as required. Staff recommended the approval of Task Order No. 5 with Halff Associates, Inc. in the amount of \$321,775.00 for land agent services related to easement acquisition in conjunction with IH35 Improvements and related budget amendment.



Frank Jaromin made the motion to approve Items No. 15 A, B & C as recommended by staff. Seconded by Kristina Clark. The Weighted Capital Vote was 38 Yes, 0 No, 4 votes Absent (Norton, Boyd); 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) – Pugsley	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 - 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 – LaPiene	1	1		
TOTAL	42	38	0	4

16. Consider approval of Task Order No. 4 with AR Consultants, Inc. related to Cultural Resource Surveys for the Lake Ralph Hall Project. (Weighted Capital Vote)

Since 2005, AR Consultants, Inc. (ARC) has been retained to perform cultural resource surveys within the Lake Ralph Hall project area. Proposed Task Order 4 with ARC includes Phase II test excavations for three potentially significant sites; additional Phase I Surveys for remaining Reservoir Low Priority Areas, mitigation area includes trench excavations and pedestrian surveys. ARC to compile and analyze recovered artifacts and prepares the Phase I Study Report as required by the USACE and THC.

Staff recommended the Board to authorize proposed Task Order No. 4 with AR Consultants, Inc. for professional services related to Cultural Resource Surveys and Testing for Lake Ralph Hall for a fee not to exceed \$2,511,103. **Frank Jaromin made the motion to approve Item No. 16 as recommended by staff. Seconded by Kristina Clark.** The *Weighted Capital Vote* was 38 Yes, 0 No, 4 votes Absent (Norton, Boyd), motion carried.

Greg Scott left meeting at 2:00 P.M.

17. Consider Resolution authorizing acceptance of completed work, approval of final payment, execution of maintenance agreement and release of retainage for construction contract awarded to Archer Western Construction, LLC. for construction of Sidestream Ozone Rehabilitation at Taylor Water Treatment Plant. (**Weighted Capital Vote**)

The work has generally been completed in accordance with the plans, specifications and change orders, except for minor punch list items. The Ozone equipment meets design intent; however, unit is unable to meet specified upper limit of ozone dosage delivery rate at low feed pressure. In order to remedy this situation at no additional cost to the District, the manufacturer provided a service and maintenance agreement to run concurrently with the two-year warranty period. District's engineer Plummer Associates, Inc. and staff have reviewed the proposed Agreement and find it to be fair and reasonable.

Staff recommended approval of resolution authorizing acceptance of completed work, approval of final payment, execution of maintenance agreement and release of retainage to Archer Western Contractors, LLC pending completion of minor punch list items.

Kristina Clark made the motion to approve Item No. 17 including final payment in the amount of \$70,859.50 as recommended by staff. Seconded by Frank Jaromin. The *Weighted Capital Vote* was 37 Yes, 0 No, 5 votes Absent (Norton, Scott, Boyd), motion carried.

18. Consider change order to existing construction contract with Archer Western Construction, LLC to upgrade the traffic bearing capacity of sanitary sewer manholes along US 380 as part of TxDOT's widening project and related budget amendment. (**Weighted Capital Vote**)

TxDOT is finalizing their plans for improvements to US 380 from US 377 to the Denton County and Collin County line. However, District has facilities within their project limits. District has coordinated with TxDOT to minimize conflicts and relocations. As a result of these coordination efforts, TxDOT is allowing some wastewater manholes to remain within proposed paving, rather than forcing District to relocate the pipeline and manholes.

The proposed change order is \$121,923.86. District staff is currently coordinating with TxDOT to finalize Utility Agreement which will provide reimbursement for all eligible work. Staff anticipates that most of the work on this project will be reimbursable by TxDOT. Staff recommended the approval of Change Order No. 7 to Harpool Regional WTP Additional Membranes, Cleaning Waste Tank, Hypochlorite Tanks, and Electrical System Improvement Project with Archer Western Contractors, LLC and related budget Amendment, contingent upon TxDOT execution of Standard Utility Agreement.

Kristina Clark made the motion to approve Item No. 18 as recommended by staff. Seconded by Bob Hart. The *Weighted Capital Vote* was 36 Yes, 1 No (Jaromin), 5 votes Absent (Norton, Scott, Boyd); motion passed.

19. Consider changes in scope of work for Construction Manager at Risk (CMAR) contract awarded to Archer Western Construction, LLC for construction of Parallel Pipeline from Taylor WTP to Stone Hill Pump Station and take appropriate action which may include a change order to the contract and related budget amendment. (**Weighted Capital Vote**)

The construction of Parallel Pipeline Project is proceeding on schedule. However, during construction, District staff has continued to evaluate the regional water system to identify needed improvements to meet growing water demand. A hydraulic analysis conducted recently identified that a significant benefit can be achieved by connecting the Taylor WTP High Service Pump Stations to the new 72-inch Parallel Pipeline. This proposed improvement would provide a direct connection to both of the High Service Pump Stations, which offers greater operational flexibility by allowing for segregated or simultaneous pumping from the Taylor WTP into the system. In addition, it would increase system pumping capacity and provide redundancy.

Staff recommended approval of proposed Change Order with Archer Western, LLC in the amount not to exceed \$6,000,000 with 90 days additional time and related budget amendment. **Del Knowler made the motion to approve Item No. 19 as recommended by staff. Seconded by Allen McCracken.** The *Weighted Capital Vote* was 37 Yes, 0 No, 5 votes Absent (Norton, Scott, Boyd), motion carried.

20. Authorize the Executive Director to enter into purchasing agreements exceeding \$50,000 with the following vendors and approve associated budget amendment for equipment to support the Lake Ralph Hall Project: (**Weighted Capital Vote**)
- A. **Bobcat of North Texas** for the purchase of a Bobcat Compact Track Loader and attachments.
 - B. **Beard's Trailer Sales** for the purchase of a trailer to haul the Track Loader.

As part of the District's anticipated support activities for development of Lake Ralph Hall, in order to avoid having to transport equipment to the Field Office on a regular basis, it has been determined that a more efficient mode for operation would be to have some equipment on site to help support maintenance of over two dozen properties of the District. **Gary Calmes made the motion to approve Item No. 20 for the purchase of a Bobcat Compact Track Loader with attachments and a trailer as recommended by staff. Seconded by Lyle Dresher.** The *Weighted Capital Vote* was 37 Yes, 0 No, 5 votes Absent (Norton, Scott, Boyd), motion carried.

21. Authorize the Executive Director to enter into a purchasing agreement with Wunderlich-Malec Engineering for the completion of Part 4 (final) of the District's SCADA Upgrade Project. (**Weighted Capital Vote**)

The proposed Part 4 is the final phase of the District's SCADA Upgrade Project. Wunderlich-Malec Engineering is providing services to design the centralized server format and software including installation and testing the software for the Taylor, Doe Branch and Lakeview Plants. This final phase will also provide overall final testing of the completed SCADA network along with staff training.

Staff recommended the Board to authorize the Executive Director to enter into a purchasing agreement with Wunderlich-Malec Engineering in the amount of \$628,250.00 for services to complete Part 4 (final) of the District's SCADA Upgrade Project. **Frank Jaromin made the motion to approve Item No. 21 as recommended by staff. Seconded by Devon Kennedy.** The *Weighted Capital Vote* was 37 Yes, 0 No, 5 votes Absent (Norton, Scott, Boyd), motion carried.

22. 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 2:40 P.M. The Board returned to open meeting at 3:25 P.M.

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

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

- Parcel 201- LRH (Cox)
- Parcel 202- LRH (Campbell)
- Parcel 203- LRH (Prentice)
- Parcel 205-LRH (Hardin)
- Parcel 204-LRH (DRESCO) exchange UTRWD Surplus (Multiple Tracts)
- USFS Exchange Parcel 51 Option (Snodgrass/Windham Trust)
- USFS Exchange Parcel 35 Option (Windham Trust)
- USFS Exchange Parcel 37 Option (Windham/Windham Trust)

B. The Board discussed Acquisition Policy Guidelines in Execution Session. Staff recommended the Board to authorize the Executive Director to execute contracts to purchase necessary property and easements for District purposes according to the guidelines discussed in Executive Session.

Bob Hart made the motion to approve Item No. 23 A & B as recommended by staff. Seconded by Mike Fairfield. The *Weighted Capital Vote* was 37 Yes, 0 No, 5 votes Absent (Norton, Scott, Boyd), motion carried.

24. Approve Resolution deeming necessity and authorizing acquisition of property including exercising the Power of Eminent Domain for construction of IH35 water pipeline relocations needed to facilitate the TxDOT IH35 improvements. (Weighted Capital Vote)

The Board discussed the easement acquisitions related to the TxDOT IH35 Project in Executive Session. **Bob Hart made the motion to approve Item No. 24 as recommended by staff. Seconded by Lyle Dresher.** The *Weighted Capital Vote* was 37 Yes, 0 No, 5 votes Absent (Norton, Scott, Boyd), motion carried.

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

None.

26. Visitor Comments Concerning Non-Agenda Topics.

None.

27. Adjournment.

There being no further business, President Lubke adjourned the meeting at 3:30 P.M.

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

Certified by: 
Clay Riggs, Secretary, Board of Directors

