



# MINUTES

## UPPER TRINITY REGIONAL WATER DISTRICT BOARD OF DIRECTORS MAY 4, 2023

### 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 12:58 P.M. on Thursday, May 4, 2023.

#### 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  
Lyle Dresher, Treasurer, Denton County At Large  
Del Knowler, Bartonville  
Mark Pape, Copper Canyon  
Kevin Mercer, DCFWSD #7  
Stephen Gay, Denton  
Nate Winchester, Krum  
Kelly Rouse, Lewisville  
Drew Corn, Northlake  
Frank Jaromin, Prosper

Clay Riggs, Vice President, Flower Mound  
Greg Scott, Secretary, Justin  
Kimberly Brawner, Celina  
George Marshall, Corinth  
Dave Nelson, Double Oak  
Richard Lubke, Highland Village  
Mike Fairfield, Lake Cities MUA  
Chris Boyd, Mustang SUD  
Allen McCracken, Pilot Point  
Alina Ciocan, Sanger

##### Absent:

Troy Norton, Argyle  
Michael Anderson, Ponder

Orlando Sanchez, Irving

##### Vacant: Denton County

##### Staff & Advisors in Attendance:

Larry N. Patterson, Executive Director  
Nancy Tam, Assistant to Executive Director  
Dustin Wright, Manager of IT Services  
Adam McKnight, Chief Engineer  
Tom Snyder, Director of Special Projects  
Jody Zabolio, Director of Operations  
Ed Motley, LRH Program Manager  
Doug Janeway, Manager of Property Services

Matthew Boyle, General Counsel  
Jason Pierce, Mgr of Gov Affairs & Comm  
Marcos Zepeda, IT Specialist  
Lester Harris, Controller  
Kurt Staller, Director of Eng and Construction  
Ronna Hartt, Manager of Water Resources  
Jan Morris, Chief Administrative Officer  
Todd Williams, Mgr of Budget & Financial

##### Others in Attendance:

Andre Garces, Plummer Associates, Inc.  
Jason Voight, Topographic Co.

Anthony Samarripas, Kimley Horn  
Charley Mock, Freese and Nichols

3. Pledge of Allegiance and Invocation.

Pledge of Allegiance was led by Del Knowler. The invocation was delivered by Dave Nelson.

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.

Former County Judge Mary Horn's funeral will be held on Friday, May 12<sup>th</sup>. It will begin at 2 p.m. at the First Baptist Church in Denton. Both Mary Horn and her husband, former State Representative Jim Horn were very supportive of the District. Please keep their family in your thoughts and prayers, and attend the funeral if you are able.

- 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.

- 88<sup>th</sup> Legislature - - still in session until May 29. UTRWD Watch List:
  - **SB 28** and **SJR 75** (Perry), relating to financial assistance provided & programs administered by TWDB – Water for Texas Fund.
  - **HB 1565** – relating to the function of the Texas Water Development Board (TWDB).
  - **HB 2460** – relating to updating Water Availability Models (WAM) for certain basins, including the Trinity River Basin.
  - **SB 1397** – relating to the continuation & functions of Texas Commission on Environmental Quality (TCEQ).
  - **HB 1486** – relating to licensing requirement for certain operators of wastewater systems & public water systems.
  - **HB 2369** – relating to publishing on internet website notices concerning certain NPDES permits.
  - **HB 2515** (Rogers) – relating to repeal of the junior priority of a water right authorizing a transfer of water from one river basin to another.
  - **HB 5279** (Wilson) – relating to a prohibition on inter-basin transfers of state water.
  - **SB 175** (Middleton) – relating to restricting political subdivisions from spending public money on lobbying.
- Current Water Demand is trending slightly higher for this time of the year.



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

None.

6. Visitor Comments Concerning Agenda Topics.

None.

### CONSENT AGENDA

**Lyle Dresher made the motion to approve the Consent Agenda Items 7 - 14 as presented. Seconded by Rich Lubke.** The *Roll Call Vote* was 18 Yes, 0 No, 4 Absent (Norton, Gay, Sanchez and Anderson). Motion carried. The approved Consent Agenda items were:

7. Adopt Minutes of April 6, 2023 Board Meeting.
8. Accept Monthly Management Report for the period ended March 31, 2023.
9. Accept Quarterly Investment Report for the period ended March 31, 2023.
10. Consider renewal of the agreement with Hilltop Securities Asset Management, LLC (Hilltop) to provide Arbitrage Rebate Services related to District Revenue Bonds, Commercial Paper Program and Direct Purchase Program.
11. Authorize the Executive Director to enter into a purchasing agreement with Hach Company for annual service and preventative maintenance agreement for process control instrumentation and lab equipment at District Treatment Plants.
12. Authorize the Executive Director to enter into pricing agreements with:
  - A. Polydyne, Inc. and Solenis LLC for the purchase of Cationic Polyacrylamide Emulsion (Wastewater Polymer).
  - B. Bio-Aquatic Testing for the purchase of Whole Effluent Toxicity (WET) Testing Services.
13. Receive report of construction change orders approved by staff.
14. Consider A Resolution of the Board of Directors Proclaiming the Week of May 7-13, 2023, as Drinking Water Week in the District's Service Area.

### ITEMS FOR INDIVIDUAL CONSIDERATION

15. Consider adoption of resolution authorizing Staff to file an application with Texas Water Development Board for financial assistance in support of the proposed Taylor Regional Water Treatment Plant Expansion Project.

The District submitted an "abridged" application in January 2023 for the State Water Implementation Fund for Texas (SWIFT) administered by the Texas Water Development Board (TWDB). The abridged application was for approximately \$76.3 million in Board Participation for the expansion of the Taylor Plant in the Regional Treated Water System. On April 6, the TWDB approved the District to proceed to the "full" application process.



Staff recommended adoption of a Resolution authorizing staff to file an application with the Texas Water Development Board for financial assistance in support of the expansion of the Taylor Plant. **Kevin Mercer made the motion to approve Agenda Item 15 as presented.** **Seconded by Lyle Dresher.** The *Roll Call Vote* was 18 Yes, 0 No, 4 Absent (Norton, Gay, Sanchez and Anderson). Motion carried.

16. Consider adoption of resolution authorizing Staff to file an application with Texas Water Development Board for financial assistance in support of the proposed Northeast Treated Water Transmission Pipeline Project for the Regional Treated Water System – Phase 3.

The District submitted an “abridged” application in January 2023 for the State Water Implementation Fund for Texas (SWIFT) administered by the Texas Water Development Board (TWDB). The abridged application was for approximately \$40.8 million in Board Participation for Phase 3 of the Northeast Pipeline Project in the Regional Treated Water System. On April 6<sup>th</sup> the TWDB approved the District to proceed to the “full” application process.

Staff recommended the adoption of a Resolution authorizing staff to file an application with the Texas Water Development Board for financial assistance in support of Phase 3 of the Northeast Pipeline Project. **Greg Scott made the motion to approve Agenda Item 16 as presented.** **Seconded by George Marshall.** The *Roll Call Vote* was unanimous with 18 Yes, 0 No, 4 Absent (Norton, Gay, Sanchez and Anderson). Motion carried.

Stephen Gay arrived meeting at 1:24 p.m.

17. Receive update and consider action to ratify Emergency Purchase and associated budget amendment for the repair of District's pumps at the Southwest Booster Pump Station located in Argyle.

On February 24, 2023, Pump #1 of 3 stopped working at the Southwest Booster Pump Station. The cause of the failure was evaluated and determined to be caused by dezincification. Investigation revealed that all three pump impellers needed to be replaced.

Staff recommended that the Board ratify an Emergency Purchase for repair of District's pumps at the Southwest Booster Pump Station and approve associated Budget Amendment for a not to exceed amount of \$65,000.00. **Drew Corn made the motion to approve Agenda Item 17 as presented.** **Seconded by Alina Ciocan.** The *Roll Call Vote* was 19 Yes, 0 No, 3 Absent (Norton, Sanchez, Anderson). Motion carried.

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

- A. Consider approval of Amendment No. 2 to the existing Construction Manager at Risk contract with Garney Companies, Inc. to establish a Progressive Guaranteed Maximum Price No. 2 for the Lake Ralph Hall Conveyance System.

Garney publicly solicited bids for Bid Package 2 for the work items. The total amount bid for Bid Package No. 2 is \$13,774,524. The awarded items in Bid Package No. 2 will be included in Progressive GMP 2 for this Project. In addition, GMP 2 will include allowances for Fannin County Road Maintenance and Access and Traffic Control.

Staff recommended approval of Amendment No. 2 to the Garney Companies, Inc. CMAR contract for Lake Ralph Hall Pipeline Conveyance - - Progressive GMP No. 2 in the not to exceed amount of \$18,137,676.25.



- B. Consider approval of Task Order No. 1 to contract with Topographic, Co. for environmental reports supporting a Land Exchange with the U.S. Forest Service (USFS) for the Lake Ralph Hall Project.

In February of 2022 the Board approved an Agreement to Initiate with the U.S. Forest Service (USFS) to exchange certain parcels in the Caddo Grasslands required for the Lake Ralph Hall Project with certain parcels owned by the District. The USFS exchange process requires specific environmental documentation of the USFS parcels and District parcels, including: Wetland and Floodplain Report; Biological Evaluation; NEPA Environmental Assessment and Phase I Environmental Site Assessment.

Staff recommended approval of Contract and Task Order No. 1 with Topographic Co. for Environmental Reports supporting the USFS Land Exchange for Lake Ralph Hall. **George Marshall made the motion to approve Agenda Items 18A & 18B as presented by staff. Seconded by Dave Nelson.** The *Weighted Capital Vote* was unanimous with 42 Yes, 0 No, 4 Absent (Norton-1, Sanchez-2 and Anderson-1); motion carried.

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSTAIN	ABSENT
ARGYLE – Norton	1				1
AUBREY - Roberson	1	1			
BARTONVILLE – Knowler	1	1			
CELINA – Brawner	3	3			
CORINTH – Marshall	3	3			
DENTON (city) – Gay	2	2			
DC AT-LARGE – Dresher	1	1			
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 – Rouse	3	3			
MUSTANG SUD – Boyd	5	5			
NORTHLAKE – Corn	2	2			
PILOT POINT – McCracken	1	1			
PONDER – Anderson	1				1
PROSPER – Jaromin	1	1			
SANGER – Ciocan	1	1			
TOTAL	46	42			4





19. Receive report of Nominating Committee and conduct election of Officers for the year beginning June 1, 2023.

At the last Board Meeting (April 6<sup>th</sup>), President Brian Roberson appointed the following Board Members to serve on the Nominating Committee: Kevin Mercer (FWSD #7) – Chair, Allen McCracken (Pilot Point), Dave Nelson (Double Oak), Troy Norton (Argyle) and George Marshall (Corinth).

The Committee has deliberated and recommended the following Directors be elected as Officers:

- President – Clay Riggs, Flower Mound
- Vice President – Lyle Dresher, Denton County At-Large
- Treasurer – Greg Scott, Justin
- Secretary – Allen McCracken, Pilot Point

**Kevin Mercer made the motion to approve the new Officers as recommended by the Nominating Committee. Seconded by Dave Nelson.** The Roll Call Vote was unanimous, 19 Yes, 0 No, 3 votes Absent (Norton, Sanchez and Anderson). Motion carried.

20. 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 relating to employment contract and compensation for Executive Director 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 including but not limited to construction contracts and projects related to Lake Ralph Hall.

The Board of Directors went into Executive Session at 1:44 P.M.  
 The Board returned to open meeting at 2:19 P.M.

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

None.

22. Consider action on Peninsula Water Reclamation Plant Expansion construction change order, some of which may have been discussed in Executive Session. (Weighted Capital Vote)

**Frank Jaromin made the motion to approve Change Order No. 9 to the Peninsula WRP Expansion, Phase 3 Project to lower the RAS/WAS Pump Station for \$215,604.41 and 126 additional days consistent with the Board’s discussion in Executive Session. Seconded by Greg Scott.** The Weighted Capital Vote was unanimous with 42 Yes, 0 No, 4 Absent. Motion carried.

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



CELINA – Brawner	3	3		
CORINTH – Marshall	3	3		
DENTON (city) – Gay	2	2		
DC AT-LARGE Dresher	1	1		
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 – Rouse	3	3		
MUSTANG SUD – Boyd	5	5		
NORTHLAKE – Corn	2	2		
PILOT POINT – McCracken	1	1		
PONDER – Anderson	1			1
PROSPER – Jaromin	1	1		
SANGER – Ciocan	1	1		
TOTAL	46	42		4

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

- Overview for Preliminary Rates and Charges will be presented at the June meeting.
- July Board meeting is not programmed at this time.

24. Visitor Comments Concerning Non-Agenda Topics.

None.

25. Adjournment.

There being no further business, President Roberson adjourned the meeting at 2:23 P.M.

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

Certified by:   
 Greg Scott, Secretary, Board of Directors

