



MINUTES

UPPER TRINITY REGIONAL WATER DISTRICT BOARD OF DIRECTORS MEETING

March 5, 2020

REGULAR SESSION BOARD MEETING

1. Call to Order

The Board of Directors of the Upper Trinity Regional Water District convened, with President Richard Lubke presiding at 1:07 P.M. on Thursday, March 5, 2020, at the UTRWD Board Meeting Room, 900 N. Kealy, Lewisville, TX 75057.

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
Brian Roberson, Secretary, Aubrey
Del Knowler, Bartonville
Bob Hart, Corinth
Gary Calmes, Denton County at Large
Kevin Mercer, DCFWSD #7
Virginia Blevins, Justin
Eric Ferris, Lewisville
Lyle Dresher, Northlake
Michael Anderson, Ponder
Tracy LaPiene, Sanger

Mike Fairfield, Treasurer, Lake Cities MUA
Troy Norton, Argyle
James Burnham, Celina
Frank Pugsley, Denton
Kristina Clark, DCFWSD #1A
Clay Riggs, Flower Mound
Devon Kennedy, Krum
Chris Boyd, Mustang SUD
Allen McCracken, Pilot Point
Frank Jaromin, Prosper

Absent:

Mark Pape, Copper Canyon*
Dick Cook, Double Oak*

Johnny Harris, Denton County*

*Excused Absence

Vacant: Irving

Staff & Advisors in Attendance:

Larry N. Patterson, Executive Director
Nancy Tam, Assistant to Executive Director
Tom Snyder, Director Const. & Eng.
Ed Motley, LRH Program Manager
Doug Janeway, Manager/Property Svcs
Mark Skaggs, Manager / IT Services
Jan Morris, Asst Director for Administration
Nick Bulaich, Financial Advisor

Matthew Boyle, General Counsel
Bill Greenleaf, Chief Financial Officer
Jody Zabolio, Director of Operations
Lester Harris, Controller
Kurt Staller, Asst. Dir, Const. & Eng.
Adam McKnight, Sr. Professional Engineer
Tim Brazile, Taylor Plant Water Ops. Mgr.

Others in Attendance:

Matthew Lopez, Lopez Family
Reem Samra, Deloitte
Alan Tucker, Plummer
Anthony Samarripas, Kimley-Horn
Troy Laman, Carollo

Stephanie Lopez, Lopez Family
Melanie Hanna, Deloitte
Todd Reck, Irving
Sean Flaherty, CP&Y
Chad Simmons, Freese and Nichols

3. Pledge of Allegiance and Invocation

Lyle Drescher led the Pledge of Allegiance. Mike Anderson offered the invocation.

4. Opening Remarks:

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

- President Lubke informed the Board that he, Nancy Tam, Jody Zabolio and Kevin Mercer attended the funeral service for Ramiro Lopez -- our Vice President of the Board of Directors for 11 years. He passed away on Sunday, February 16th.
- Regarding the Vice President position of the Board, since the election is coming up soon, Lubke recommends that it will remain vacant at this time.

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.

- Patterson gave a presentation showing the "Demand Chart" which indicated an increase of above 15% over the five year average water sales; that is significant growth. Further he reported that with recent rains, the lakes are in good shape.
- There is an article regarding the Coronavirus (COVID-19) with your handouts. We are diligently monitoring this outbreak and will keep you up-to-date with any new developments.

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

President Lubke asked for a motion to approve items on Consent Agenda. **Bob Hart made a motion to approve Consent Agenda Items 6 - 10. Seconded by Frank Jaromin.** The vote was all Yes. Motion Carried. Items approved were:



6. Adopt minutes of February 6, 2020 Board Meeting.
7. Accept Monthly Management Report for the period ended January 31, 2020.
8. Accept Comprehensive Annual Financial Report (CAFR), Audit Report prepared by Deloitte & Touché, Independent Auditors, and related documents (including the Governance Letter to Management) for fiscal year ended September 30, 2019.
9. Receive report of construction change orders approved by staff.
10. Authorize advertisements for the Lake Ralph Hall Project:
 - A. Qualifications for Program Quality Assurance Laboratory Services.
 - B. Qualifications and Bids for the Mitigation Full Service Provider Contract.

ITEMS FOR INDIVIDUAL CONSIDERATION

11. Consider adoption of Resolution of Appreciation and Commendation for Ramiro Lopez and his service as a Member and Officer of the Upper Trinity Regional Water District Board of Directors.

President Lubke recognized Matthew Lopez and Stephanie Lopez, son and daughter of Ramiro Lopez for being here. On behalf of the Board of Directors, President Lubke offered condolences to the Lopez family and noted that Ramiro will be missed deeply by everyone on this Board.

All Board members rose up and remained standing as Executive Director Larry Patterson read the special Resolution which expressed heartfelt gratitude and sincere sympathy. **Kristina Clark made a motion for the adoption of the Resolution of appreciation and service. Seconded by Kevin Mercer.** Motion passed unanimously.

12. Ratify Emergency Purchase Order with Odessa Pumps and Equipment, Inc. for repair of High Service Pump No. 7 at the Taylor Water Treatment Plant in the amount of \$169,273.00.

In November 2019, due to excess vibration, the High Service Pump No. 7 at the Taylor Plant was removed for evaluation. After evaluation, it was determined that a complete rebuild of the pump was needed. Time frame for repairs is expected to be 8 to 10 weeks. Staff issued an Emergency Purchase Order to rebuild the pump so it would be available to meet summer peak loads.

Tracy LaPiene made a motion to ratify the emergency purchase for repair of District's 2,000 horsepower High Service Pump No. 7 at the Taylor Water Treatment Plant in the amount of \$169,273.00. Seconded by Kevin Mercer. The vote was all Yes. Motion Carried.

13. Consider award of contract to Acadia Services, LLC for construction of UTRWD Raw Water Pipeline Repairs and Treated Water Pipeline Valve Installation Project. (Weighted Capital Vote)

In February 2019, the Board authorized leak detection evaluation on the 48-Harpool raw water line. The inline inspection identified two leaks and one anomaly on the pipeline. The repair project was advertised and bids were received on Feb. 18, 2020. There were 7 bidders, with the lowest, responsible bid being Acadia Services, LLC.

Lyle Dresher made the motion to award contract for construction of UTRWD Raw Water Pipeline Repairs and Treated Water Pipeline Valve Installation to Acadia Services, LLC in the amount of \$338,000.00. Seconded by Virginia Blevins. The vote was 40 Yes. 0 No. Motion Carried. The Weighted Capital Vote proceeded as follows:

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 – Cook	1			1
FLOWER MOUND – Riggs	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – (vacant, 2 votes)				
JUSTIN – Blevins	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	41	40	0	1

- Consider authorizing Executive Director to enter into purchase agreement with Pure Technologies U.S., Inc., to use in-line leak detection technology for inspection of the Harpool 36-inch treated water pipeline.

Adam McKnight briefed the Board regarding the need to utilize inline leak detection technology to inspect the Harpool 36-inch treated water pipeline supplying Celina. A “condition assessment” is necessary to identify and locate any leaks and air pockets. If leaks are found, results of the inspection will determine the best method of repair.

Gary Calmes made a motion to authorize the Executive Director to execute a purchase order with Pure Technologies U.S., Inc. to inspect the Harpool 36-inch treated water pipeline for \$128,000.00. Seconded by Frank Jaromin. The vote was all Yes. Motion Carried.

15. Consider change order to existing construction contract with Eagle Contracting, L.P. for modifications to secondary clarifier foundation for the Doe Branch WRP Phase 2 Plant Expansion. (Weighted Capital Vote)

Kurt Staller provided the briefing to the Board. During the construction of the secondary clarifier, it was discovered that modifications to the foundation design were required. Staff recommended the proposed Change Order No. 2 to increase the thickness of the foundation slab, adding nine additional piers, and to increase the depth of each pier into the shale.

Kristina Clark made a motion to approve Change Order No. 2 to existing construction contract with Eagle Contracting, L.P. in the amount of \$81,453.53 and 21 days time extension. Seconded by Bob Hart. The vote was 40 Yes. 0 No. Motion Carried. The Weighted Capital Vote proceeded as follows:

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 – Cook	1			1
FLOWER MOUND – Riggs	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – (vacant, 2 votes)				
JUSTIN – Blevins	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	41	40	0	1

16. Consider approval of Task Order No. 4 to existing contract with CP&Y, Inc. for services related to surveying and mapping for the Lake Ralph Hall Project. (Weighted Capital Vote)

Ed Motley provided a briefing to the Board. In May 2019, the District approved Task Order No. 3 with CP&Y, Inc. for land acquisition surveying and baseline mapping for the Lake Ralph Hall Project. As the project continues to move forward, additional mapping and surveying support are needed to complete land acquisition. Staff recommended approval of Task Order 4 and funding is included in the FY 2020 Capital Budget.

Virginia Blevins made a motion for the approval of Task Order No. 4 with CP&Y, Inc. in the amount of \$648,254 for surveying and mapping services for the Lake Ralph Hall Project. Seconded by Lyle Dresher. The vote was 40 Yes. 0 No. Motion Carried. The *Weighted Capital Vote* proceeded as follows:

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 – Cook	1			1
FLOWER MOUND – Riggs	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – (vacant, 2 votes)				
JUSTIN – Blevins	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	41	40	0	1

17. Consider authorizing staff to proceed with prequalification of construction contractors for the Lake Ralph Hall - Leon Hurse Dam. (Weighted Capital Vote)

The construction of a large project such as the Leon Hurse Dam requires unique experience and expertise. After staff reviewed alternative procurement methods allowed by the State of Texas, it was determined that the best path forward would be a design, bid, build delivery method with a pre-qualification of bidders. This allows the opportunity for better control of the project, specifically in the selection of a highly qualified contractor. This method has been used successfully by the District on the Doe Branch Plant Phase 2 Expansion Project.

Staff recommends that the Board make a Finding that the Pre-qualification of Bidders procurement will achieve the Best Value for the District. In addition, staff recommends that the Board authorize staff to proceed with the advertising for Statements of Qualifications for potential contractors for the Lake Ralph Hall – Leon Hurse Dam Project. Funding is not required for this Board action. After Pre-qualification of contractors, staff will solicit Bid proposals from Pre-qualified dam contractors and will bring a recommendation to the Board for a Construction contract award at a later date.

Frank Jaromin made the motion to approve Item #17 as recommended by staff. Seconded by Lyle Dresher. The vote was 40 Yes. 0 No. Motion Carried. The *Weighted Capital Vote* proceeded as follows:

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 – Cook	1			1
FLOWER MOUND – Riggs	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – (vacant, 2 votes)				
JUSTIN – Blevins	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	41	40	0	1

18. Consider Resolutions authorizing the Executive Director to file applications with the Texas Commission on Environmental Quality for water rights associated with Lake Ralph Hall. (Weighted Capital Vote)

A. Resolution supporting application for Temporary Construction Water for the Lake Ralph Hall Project.

Planning ahead, regarding Lake Ralph Hall Project, the existing Water Right permit does not allow for construction water. Therefore, Temporary Water is needed to construct the project in the most efficient and cost effective manner. Therefore, an Application with the TCEQ seeking a Temporary Water Use Permit is required.

Staff recommends approval of the Resolution authorizing the filing and prosecution of a temporary water use permit with the Texas Commission on Environmental Quality for use in construction of Lake Ralph Hall.

B. Resolution supporting application for Reuse of Lake Ralph Hall water.

For the Lake Ralph Hall Project, in February 2017, the District secured a Section 408 Authorization from the U.S. Army Corps of Engineers allowing Lake Ralph Hall water to pass through Lewisville Lake to a facility for treatment and use by the District. Recently, in January 2020, the USACE issued the Clean Water Act Section 404 Permit authorizing construction of the Project. To fully develop the District's Water Rights, it is recommended an Application be filed for Reuse of LRH Water.

Staff recommends approval of Resolution authorizing the filing and prosecution of an Application with the Texas Commission on Environmental Quality for Reuse of Lake Ralph Hall Water.

Kristina Clark made a motion for the approval of Item # 18A and 18B as recommended by staff. Seconded by Allen McCracken. The vote was 40 Yes. 0 No. Motion Carried. The *Weighted Capital Vote* proceeded as follows:

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		
DCFWSO #1A – Clark	2	2		
DCFWSO #7 – Mercer	2	2		
DOUBLE OAK – Cook	1			1
FLOWER MOUND – Riggs	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – (vacant, 2 votes)				
JUSTIN – Blevins	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	41	40	0	1

19. 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 2:00pm.
 The Board returned to open meeting at 2:35pm.



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

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

- Parcel P155-LRH (Bobby Clanton)
- Parcel P156-LRH (Kerry Don Overton)
- Parcel P157-LRH (Larry and Cheryl Fanning)
- Parcel P158-LRH (Jeffrey Jandran)

Mike Fairfield made a motion to approve the acquisition of properties listed above necessary for the Lake Ralph Hall Project. Seconded by Kristina Clark. The vote was 40 Yes. 0 No. Motion carried. The Weighted Capital Vote proceeded as follows:

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		
DCFWSO #1A – Clark	2	2		
DCFWSO #7 – Mercer	2	2		
DOUBLE OAK – Cook	1			1
FLOWER MOUND – Riggs	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – (vacant, 2 votes)				
JUSTIN – Blevins	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	41	40	0	1

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

- Regarding the next Board Meeting which is normally scheduled for April 2nd. However, due to conflicting schedules with the Texas Water 2020 Conference, it has been rescheduled for April 9, 2020. It will be a regular meeting, not an all-day retreat or field trip.
- The Officers Meeting has been rescheduled accordingly for March 26th.

22. Adjournment.

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

Recorded By: 
Nancy Tam, Assistant Secretary, Board of Directors

Certified By: 
Brian Roberson, Secretary, Board of Directors

