



# MINUTES

## UPPER TRINITY REGIONAL WATER DISTRICT BOARD OF DIRECTORS FEBRUARY 3, 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 12:40 P.M. on Thursday, February 3, 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  
Mark Pape, Copper Canyon  
Gary Calmes, Denton County at Large  
Dave Nelson, Double Oak  
Orlando Sanchez, Irving  
Eric Ferris, Lewisville  
Allen McCracken, Pilot Point  
Frank Jaromin, Prosper

Bob Hart, Vice President, Corinth  
Lyle Drescher, Secretary, Northlake  
Corbett Howard, Celina  
Stephen Moore, Denton  
Kevin Mercer, DCFWSD #7  
Richard Lubke, Highland Village  
Nate Winchester, Krum  
Chris Boyd, Mustang SUD  
Michael Anderson, Ponder

##### Absent:

Del Knowler, Bartonville \*  
Greg Scott, Justin \*

Johnny Harris, Denton County \*  
Mike Fairfield, Lake Cities MUA \*  
\* Excuse Absent

##### Vacant: Sanger

##### Staff & Advisors in Attendance:

Larry N. Patterson, Executive Director  
Nancy Tam, Assistant to Executive Director  
Bill Greenleaf, Chief Financial Officer  
Dustin Wright, Network System Administrator  
Tom Snyder, Director of Eng & Constr  
Adam McKnight, Sr. Professional Engineer  
Ed Motley, LRH Program Manager  
Jan Morris, Assistant Director for Administration

Matthew Boyle, General Counsel  
Jason Pierce, Manager of Governmental Affairs  
Lester Harris, Controller  
Marcos Zepeda, IT Specialist  
Kurt Staller, Assistant Director, Eng & Const  
Jody Zabolio, Director of Op. & Water Res  
Ronna Hart, Manager of Water Resources  
Mark Skaggs, Manager of IT Services

##### Absent:

Todd Williams, Mgr of Budget & Financial

Doug Janeway, Manager of Property Services

Others in Attendance:

Alan Tucker, Plummer  
Nick Hardwick, Enterprise Fleet Management

Andrew Beck, Garney Construction

3. Pledge of Allegiance and Invocation.

Pledge of Allegiance was led by Larry Patterson. The invocation was delivered by Bob Hart.

4. Oath of Office

City of Krum appointed Nate Winchester, Superintendent of Water and Wastewater, to serve the remainder of Devon Kennedy's term. President Roberson administered the Oath of Office and welcomed him to the Board.

5. Opening Remarks:

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

With the extreme cold and icy weather today, we thank many of you for taking the time to video into the meeting. For those that were able to make the meeting in-person, we also thank you for the dedicated support!

- 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.

- Regarding Lake Ralph Hall, staff provided an updated video regarding the construction status.
- Water Demand above average; January 2022 production 786.461 million gallons.
- Congratulation to Bill Greenleaf, Chief Financial Officer and his team. For 20<sup>th</sup> consecutive years, for receiving top honors for the District's annual Comprehensive Financial Report.
- District recently recognized as an "Exemplary Wholesale Utility" by the Alliance for Water Efficiency, a national leader in promoting water use efficiency and water conservation.

- 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**

**Richard Lubke made the motion to approve the Consent Agenda Items No. 7 - 13 as presented by staff. Seconded by Bob Hart.** The *Roll Call Vote* was unanimous, 17 Yes, 0 No; 5 Absent (Knowler, Harris, Riggs, Scott and Fairfield). Motion carried. The approved Consent Agenda items were:



7. Adopt Minutes of December 2, 2021 Board Meeting.
8. Accept Monthly Management Report for the period ended December 31, 2021.
9. Accept Quarterly Investment Report for the period ended December 31, 2021.
10. Authorize the Executive Director to enter into a Master Lease Agreement with Enterprise Fleet Management along with related documents for District vehicles.
11. Authorize the Executive Director to enter into purchasing agreements with:
  - A. Odessa Pumps and Equipment, Inc. for the repair of High Service Pump #5
  - B. Smith Pump Company, Inc. for the repair of High Service Pump #7
12. Received report of construction change orders approved by staff.
13. Authorize advertisement for bids for Pumping Improvements at the Taylor Regional Water Treatment Plant and Stone Hill Pump Station.

Clay Riggs joined the meeting.

#### ITEMS FOR INDIVIDUAL CONSIDERATION

14. Consider renewal of Wholesale Untreated Water Purchase Contract with City of Dallas, Texas to continue purchasing raw water out of Lewisville Lake and Lake Ray Roberts, as part of the Regional Treated Water System.

The original Contract with City of Dallas is set to expire February 22, 2022. The District plans to continue purchasing untreated water from Dallas as part of its long-range water supply portfolio to meet current and future water supply needs. Staff has coordinated with Dallas to renew the Contract.

Staff recommended that the Board approve the Wholesale Untreated Water Purchase Contract with City of Dallas, Texas and authorize Executive Director to execute said Contract subject to any non-substantive changes that may be mutually agreed by the parties. **Richard Lubke made the motion and a second by Eric Ferris.** The *Roll Call Vote* was unanimous, 18 Yes, 0 No, 4 votes Absent (Knowler, Harris, Scott and Fairfield); motion carried.

15. Consider approval of Contract and Task Order No. 1 with CP&Y, Inc. for professional services related to the preliminary design of Raw Water Intake improvements. (**Weighted Capital Vote**)

The existing joint Raw Water Intake and Pump Station at Lewisville Lake has been in service and providing reliable pumping since 1997. The facility is jointly owned with the City of Lewisville. Due to the importance of the facility, growing system demands and aging components within the Pump Station, it is time to evaluate the facility to determine any needed improvements to ensure reliability as well as to meet the District's future water supply demands.

Staff recommended that the Board approve Contract and Task Order No. 1 with CP&Y, Inc. for professional services related to the preliminary design of Raw Water Intake improvements in the not-to-exceed amount of \$273,647. **Kevin Mercer made the motion and a second by Bob Hart.** The *Weighted Capital Vote* was unanimous with 36 Yes, 0 No, 4 votes Absent (Knowler, Scott 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 - Calmes	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 – 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 – (vacant, 1 vote)				
<b>TOTAL</b>	<b>40</b>	<b>36</b>		<b>4</b>

16. Construction Contracts: (Weighted Capital Vote)

- A. Consider award of construction contract to S.J. Louis Construction of Texas, Ltd. for Replacement and Upsize of Section of Phase 1A Pipeline along Copper Canyon Rd.

The replacement and upsize of section of Phase 1A Pipeline along Copper Canyon Road will replace exposed pipeline, increase system capacity and provide system redundancy.

S.J. Louis Construction of Texas, Ltd. was the apparent low bidder of three qualified bidders. Staff and engineer, BGE, have evaluated the bids and qualifications and recommended the Board approve enclosed resolution awarding a construction contract to S.J. Louis Construction of Texas, Ltd. in the amount of \$7,887,024.30.



- B. Consider approval of Task Order No. 5 with Plummer Associates, Inc. for construction inspection services related to the Replacement and Upsize of Section of Phase 1A Pipeline Project.

Due to the number of active construction projects of the District, assistance is required for inspection during construction of the Replacement and Upsized Project. District staff interviewed qualifications of six individuals proposed by the three engineering firms and determined the most qualified was the proposed Representative from Plummer Associates, Inc.

Staff recommended the Board approve proposed Task Order No. 5 with Plummer Associates, Inc. for Resident Project Representative services for Replacement and Upsize of Phase 1A Project in the not-to-exceed amount of \$355,000.

**Kevin Mercer made the motion to approve Agenda No. 16 A & B as recommended by staff. Seconded by Corbett Howard.** The *Weighted Capital Vote* was 36 Yes, 0 No, 4 votes Absent (Knowler, Scott 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 - Calmes	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 – 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 –	(vacant, 1 vote)			
TOTAL		40	36	4

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

A. Consider approval of items related to the District’s Mitigation Plan for Lake Ralph Hall:

- (1) Contract with Texas Mitigation Solutions, LLC for the implementation of the Mitigation Plan for Lake Ralph Hall.

USACE Section 404 Permit requires mitigation of Lake Ralph Hall’s impacts to aquatic resources. A Full-Service Provider (FSP) is planned to implement the mitigation from design through construction and monitoring. Two qualified firms submitted proposals. Texas Mitigation Solutions, LLC’s proposal ranked highest and is recommended by staff in the amount of \$9,416,395.00.

- (2) Change Order No. 1 to the contract with Texas Mitigation Solutions, LLC for the implementation of the Mitigation Plan for Lake Ralph Hall.

Staff determined the scope of work for the Main Channel North Sulphur River (MCNSR) stabilization could be reduced because this work was included in both the dam contractor’s (Granite) and the FSP’s bids to increase competition. TMS submitted a proposed change order to incorporate the revised MCNSR Scope in the amount of \$9,983,460.00.

The funding for Agenda Item 17A is included in the Regional Treated Water System FY 2022 Capital Budget and will be funded by the Texas Water Development Board through its SWIFT Board Participation Program.

B. Consider approval of Task Order No. 6 to the existing contract with AR Consultants for services relating to relocation of the Merrill Cemetery in conjunction with the Lake Ralph Hall Project.

Merrill Cemetery is located near the 100-year flood elevation of Lake Ralph Hall. U.S. Army Corps of (USACE) and Texas Historical Commission (THC) are requiring the cemetery to be relocated. This small Cemetery will be relocated on District Property east of the existing cemetery.

The cemetery relocation work requires the services of a qualified archaeologist. AR Consultants (ARC) has agreed to relocate the cemetery for a not-to-exceed fee of \$667,560. Funding for this item is included in the Regional Treated Water System FY 2022 Capital Budget and will be funded by the District’s Commercial Paper Program.

C. Consider approval of a Contract and Task Order No. 1 with Garney Companies, Inc. for Preconstruction Services for the Lake Ralph Hall - Pipeline CMAR Project.

Three firms submitted proposals and all three firms interviewed. Garney Companies, Inc. ranked highest based on cost and technical review criteria for CMAR Preconstruction Services. Proposed fee not-to-exceed \$561,992.77. Funding is included in the Regional Treated Water System FY 2022 Capital Budget and will be funded by the Texas Water Development Board through its SWIFT Board Participation Program.



- D. Consider resolution authorizing Executive Director to release funding to the City of Irving to design improvements to the Princeton Booster Pump Station in accordance with the Lake Ralph Hall Water Transportation Agreement.

On September 2021, the Board approved an Amended and Restated Transportation Agreement with City of Irving to deliver water from Chapman Lake and Lake Ralph Hall to the District's treatment facilities. The Agreement requires the District to compensate Irving for the design and construction of certain improvements, to Irving's Princeton Booster Pump Station.

Irving retained Black and Veatch (B&V) to prepare the preliminary design improvements for the Princeton Booster Pump Station with a not-to-exceed fee of \$448,043. Funding for this Project is included in the Regional Treated Water System FY 2022 Capital Budget and will be funded utilizing the District's Commercial Paper Program.

- E. Consider approval of Task Order No. 2 to the existing contract with Jacobs Engineering Group, Inc. relating to final design services for the Lake Ralph Hall Reservoir Area Clearing and Demolition Project.

In April 2021, Jacobs Engineering Group, Inc. retained to conduct studies for clearing and demolition for the Lake Ralph Hall Project. Jacobs has completed its initial scope of work. It is timely and appropriate to prepare bid and construction documents for reservoir clearing and demolition. Jacobs has proposed a fee not-to-exceed \$473,562 to develop final clearing & demolition plans, design lake amenities, conduct water quality studies, and prepare bid and construction documents. Funding is included in the Regional Treated Water System FY 2022 Capital Budget and will be funded by the Texas Water Development Board through its SWIFT Deferred Interest Program.

- F. Consider approval of utility relocation agreements related to development of Lake Ralph Hall and authorize the Executive Director to execute the agreement with these utilities:

- (1) Fannin County Electrical Cooperative relating to power line relocations.
- (2) McCraw Chapel Water Supply Corporation relating to water line relocations.
- (3) Dial Water Supply Corporation relating to water line relocations.

The roadway relocations associated with the construction of Lake Ralph Hall conflicts with some existing water and power utilities. Fannin County Electrical Cooperative will relocate its power lines at an estimated cost of \$181,129.12 to be compensated by the District. District will relocate McCraw Chapel's and Dial's water lines which included in the Roadway Relocation Contractor's contract previously approved by the Board. This work will be funded by the Texas Water Development Board through its SWIFT Board Participation Program.

**Corbett Howard made the motion to approve Agenda Nos. 17 A, B, C, D, E & F as recommended by staff. Seconded by Allen McCracken.** The *Weighted Capital Vote* was 36 Yes, 0 No, 4 votes Absent (Knowler, Scott 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 - Calmes	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 – 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 – (vacant, 1 vote)			
TOTAL	40	36	4

18. Consider approval of proposed Work Program Guidelines for Calendar Year 2022 as recommended by Officers and Staff.

Each year staff develops guidelines to focus the District’s efforts for the coming year. The Officers have reviewed a draft copy of the proposed Guidelines and presented them to the Board for consideration. **Dave Nelson made the motion to approve the proposed Work Program Guidelines for year 2022. Seconded by Eric Ferris.** The *Roll Call Vote* was 18 Yes, 0 No, 4 Absent (Knowler, Harris, Scott and Fairfield). Motion carried.

19. 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.





The Board of Directors went into Executive Session at 1:34 P.M.  
 The Board returned to open meeting at 1:47 P.M.

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

None.

21. Consider a resolution authorizing Executive Director to execute an “Agreement to Initiate” with the U.S. Forest Service relative to a pending land exchange of real-estate for the Lake Ralph Hall Project. (Weighted Capital Vote)

The acquisition of real-estate for the Lake Ralph Hall Project includes securing approximately 990 acres of land from the U.S. Forest Service (USFS). Regulation 36 CFR 254 defines the process that USFS must follow in transferring Federal real-estate assets through a land exchange program. The proposed “Agreement to Initiate” details the steps necessary to allow the Federal government to exchange lands for other lands, including the requirement of UTRWD to deposit additional \$158,219 for US Forest Service personnel, tasks and travel expenses. This Agreement with the USFS will be funded by the Texas Water Development Board SWIFT Board Participation Program.

**Bob Hart made the motion to approve Agenda No. 21 as presented by staff. Seconded by Lyle Dresher.** The *Weighted Capital Vote* was 36 Yes, 0 No, 4 Absent (Knowler, Scott 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 - Calmes	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 – 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 – (vacant, 1 vote)			
TOTAL	40	36	4

22. Consider action on personnel and compensation matters for the Executive Director as discussed in Executive Session.

Due to severe icy weather today, the Executive Director requested this item be postponed until the March 3<sup>rd</sup> Board Meeting.

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

None.

24. Visitor Comments Concerning Non-Agenda Topics.

None.

25. Adjournment.

There being no further business, President Roberson adjourned the meeting at 1:49 P.M.

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

Certified by:   
 Lyle Dresher, Secretary, Board of Directors

