



MINUTES

UPPER TRINITY REGIONAL WATER DISTRICT BOARD OF DIRECTORS November 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 12:50 P.M. on Thursday, November 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
Lyle Dresher, Treasurer, Denton County At Large
Del Knowler, Bartonville
George Marshall, Corinth
Kevin Mercer, DCFWSD #7
Richard Lubke, Highland Village
Mike Fairfield, Lake Cities MUA
Drew Corn, Northlake
Frank Jaromin, Prosper

Clay Riggs, Vice President, Flower Mound
Greg Scott, Secretary, Justin
Corbett Howard, Celina
Stephen Moore, Denton
Dave Nelson, Double Oak
Nate Winchester, Krum
Chris Boyd, Mustang SUD
Michael Anderson, Ponder
Alina Ciocan, Sanger

Absent:

Troy Norton, Argyle *
Eric Ferris, Lewisville *
Orlando Sanchez, Irving *

Mark Pape, Copper Canyon *
Allen McCracken, Pilot Point *

* Excused Absence

Vacant: Denton County

Staff & Advisors in Attendance:

Larry N. Patterson, Executive Director
Nancy Tam, Assistant to Executive Director
Bill Greenleaf, Chief Financial Officer
Todd Williams, Mgr of Budget & Financial
Marcos Zepeda, IT Specialist
Kurt Staller, Assistant Director, Eng & Const
Ben Hodges, Assistant Director of Operations
Doug Janeway, Manager of Property Services
Nick Bulaich, Financial Advisor
Mark Skaggs, Manager of IT Services

Matthew Butler, Boyle & Lowry
Jason Pierce, Manager of Governmental Affairs
Lester Harris, Controller
Ronna Hartt, Asst. Director Oper. & Water Resources
Tom Snyder, Director of Eng & Constr
Adam McKnight, Sr. Professional Engineer
Ed Motley, LRH Program Manager
Jan Morris, Assistant Director for Administration
Blake Alldredge, Water Education Coordinator

Others in Attendance:

Alan Tucker, Plummer
Jim Gallovich, Carollo

Heather Harward, Heather Harward Consulting

3. Pledge of Allegiance and Invocation.

Pledge of Allegiance was led by Mike Fairfield. Invocation was delivered by Jason Pierce.

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.

We are grateful for all of you for attending the Board meeting. I know some of you are actually traveling during the meeting; we thank you for taking the time to call/video in.

- 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.

- Due to lack of rainfall in recent months, District's water supply storage levels are significantly lower.
- Joint meeting of the Board Conservation Committee and Water CAC was held on October 19th to discuss drought conditions, water supply and to coordinate an unified approach promoting/enforcing water conservation restrictions.
- This Fall/Winter, the Water Conservation Campaign will be focused on drought conditions.
- Effective Nov. 7th, Stage 2 UTRWD Watering Restrictions -- once weekly water restrictions may be initiated – staff will continue to monitor.

- 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 7 - 11 as presented. Seconded by Frank Jaromin. The *Roll Call Vote* was 18 Yes, 0 No, 4 Absent (Norton, Ferris, Sanchez and McCracken). Motion carried. The approved Consent Agenda items were:

7. Adopt Minutes of October 6, 2022 Board Meeting.



8. Accept Quarterly Investment Report for the period ended September 30, 2022.
9. Accept “Annual Review” of the District’s Investment Policy.
10. Receive report of construction change orders approved by staff.
11. Authorize advertisement for bids using the prequalification process for Southwest Pump Station and Ground Storage Tanks.

ITEMS FOR INDIVIDUAL CONSIDERATION

12. Adopt Proclamation in honor of **Veterans Day** on November 11, 2022.

Larry Patterson recognized all District Veterans (including Board of Directors and Staff), expressed his appreciation for their service for our Country. **Corbett Howard made the motion to approve the Proclamation in honor of Veterans Day. Seconded by Greg Scott.** The *Roll Call Vote* was 19 Yes, 0 No, 4 Absent (Norton, Sanchez, Ferris and McCracken). Motion carried.

13. Texas Water Development Board (TWDB) Funding Agreement items: (Weighted Capital Vote)

- A) Consider approval of the proposed Resolution and Master Agreement providing for Texas Water Development Board “Board Participation” funding of Lake Ralph Hall in the amount of \$110,000,000.

At the September 2022 Board Meeting, the Finance Agreement with the Texas Water Development Board (TWDB) was approved which provides funding of \$110,000,000 for the Lake Ralph Hall Project. Associated Master Agreement approval this meeting with Term of Financing of 34 years with True Interest Cost (effective) of 4.21%. Estimated savings by using SWIFT Programs is over \$24.3 million (present value savings of \$20.8 million).

- B) Consider approval of the proposed Resolution and Master Agreement providing for Texas Water Development Board “Board Participation” funding of the Regional Treated Water System Northeast Pipeline Project in the amount of \$9,100,000.

At the September 2022 Board Meeting, the Finance Agreement with the Texas Water Development Board (TWDB) was approved which provides funding of \$9.1 million for the Northeast Pipeline Project. Associated Master Agreement approval this meeting with Term of Financing of 34 years with True Interest Cost (effective) of 4.21%. Estimated savings by using SWIFT Programs is over \$2.1 million (present value savings of \$1.8 million).

Staff recommended that the Board approve the enclosed Resolutions and Master Agreements as companion documents to the previously approved Financing Agreements, subject to any non-substantive changes prior to final execution. **Drew Corn made the motion to approve Agenda Items 13 A & B as presented. Seconded by Del Knowler.** The *Weighted Capital Vote* was 39 Yes, 0 No, 7 Absent (Norton, Sanchez, Ferris and McCracken). Motion carried.

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSTAIN	ABSENT
ARGYLE – Norton	1				1



AUBREY - Roberson	1	1	
BARTONVILLE – Knowler	1	1	
CELINA – Howard	3	3	
CORINTH – Marshall	3	3	
DENTON (city) – Moore	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 – Ferris	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	39	7

14. Consider approval of a Contract with City of Sulphur Springs, Texas regarding the District's purchase of Jim Chapman Lake untreated water.

City of Sulphur Springs currently has surplus untreated water available in Jim Chapman Lake. Sulphur Springs has offered to sell Upper Trinity a portion of its surplus untreated water.

Key provisions of the contract include the initial term of the contract is 30 years with automatic renewal provisions. Sulphur Springs will make available a minimum of 2.0 MGD annually, up to 6.0 MGD if the additional water is available. Both parties will work together to support the District's efforts to obtain required permits from the TCEQ.

Staff recommended the approval of the proposed contract for purchase of a portion of the City of Sulphur Springs' share of untreated water from Jim Chapman Lake.

Richard Lubke made the motion to approve Agenda Item 14 as recommended by staff. Seconded by Kevin Mercer. The *Roll Call Vote* was 19 Yes, 0 No, 4 Absent (Norton, Sanchez, Ferris and McCracken). Motion carried.

15. Ratify Emergency Purchase Order with Smith Pump Company, Inc. for repair of Stone Hill Pump No. 4 in the amount of \$63,200.00.

In August 2022, Pump No. 3 and No. 4 at the Stone Hill Pump Station shut down due to mechanical failure. Smith Pump Company, Inc. completed emergency repairs to Pump No. 3 and it was placed back in service within 24 hours of Pump No. 4 failure.

Smith analysis of Pump No. 4 revealed that due to damage incurred and overall age, a full rebuild was necessary. Smith also recommended a full rebuild of Pump No. 3 for the same reasons after Pump No. 4 is placed back in service. Staff recommended that the Board of Directors ratify the emergency purchase for the repair of District’s Pump No. 4 at the Stone Hill Pump Station in the amount of \$63,200.

Richard Lubke made the motion to approve Agenda Item 15 as recommended by staff. Seconded by Kevin Mercer. The *Roll Call Vote* was 19 Yes, 0 No, 4 Absent (Norton, Sanchez, Ferris and McCracken). Motion carried.

16. Consider approval of Task Order No. 8 with Carollo Engineers, Inc. for Dam Inspection Services During Construction of the Harpool Diurnal Pond Project. (Weighted Capital Vote)

Regarding the Harpool WTP Diurnal Pond Project, TCEQ designated the Diurnal Pond as high or significant hazard dam. Texas Administrative Code Chapter 299 requires direct construction oversight from Engineer of Record to provide notifications, project records, record drawings including submit Emergency Action Plan for approval. Carollo Engineers, Inc. is the Engineer of Record.

Staff recommended approval of Task Order No. 8 with Carollo Engineers, Inc. for Dam Inspection Services during construction of the Harpool Diurnal Pond Project for a not to exceed amount of \$587,310. **George Marshall made the motion to approve Agenda Item 16 as presented. Seconded Corbett Howard.** The *Weighted Capital Vote* was 39 Yes, 0 No, 7 Absent (Norton, Sanchez, Ferris and McCracken). Motion carried.

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSTAIN	ABSENT
ARGYLE – Norton	1				1
AUBREY - Roberson	1	1			
BARTONVILLE – Knowler	1	1			
CELINA – Howard	3	3			
CORINTH – Marshall	3	3			
DENTON (city) – Moore	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 – Ferris	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	39		7

Stephen Moore left meeting at 1:49 P.M.

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

- A. Consider approval of Resolution awarding a contract with RES Environmental Operating Co., LLC. for Clearing and Demolition of the Lake Ralph Hall Reservoir Area East of State Highway 34 Bridge.

There are selected areas of Lake Ralph Hall that require removal of potential boating hazards such as tall trees and structures. Area east of the SH 34 Bridge is the highest priority for clearing. These areas could be partially inundated next year as dam construction progresses. Staff recommended approval of a Resolution awarding a construction contract to RES Environmental Operating Company, LLC. in the amount not-to-exceed \$2,517,280 for Clearing and Demolition of the Lake Ralph Hall Reservoir Area East of SH 34 Bridge.

- B. Consider approval of Task Order No. 2 to an existing contract with HDR Engineering, Inc. for the Design and Construction Support of a Groundwater Well at the Proposed Lake Ralph Hall Balancing Reservoir.

To support the construction of the Conveyance System Balancing Reservoir, it is required that an additional groundwater well be provided for construction water. Staff recommended approval of Task Order No. 2 with HDR Engineering, Inc. not-to-exceed \$388,640 for planning, design and construction phase services for a new groundwater well at the Lake Ralph Hall Conveyance System Balancing Reservoir.

- C. In cooperation with the Texas Parks and Wildlife Department, consider approval of an agreement with Beyond the Pond to construct a fishing jetty for the Lake Ralph Hall Project.

The Texas Parks and Wildlife Department received a grant of \$250,000 from Bass Pro Shop (*Beyond the Pond*) to construct and install fish habitat structures (\$90,000) and a fishing jetty (\$160,000) for Lake Ralph Hall. TPWD requested UTRWD to facilitate construction of the fishing jetty with the understanding that *Beyond the Pond* would reimburse UTRWD for

up to \$160,000. Staff recommended approval of proposed draft agreement with *Beyond the Pond* to construct the fishing jetty in Lake Ralph Hall.

Richard Lubke made the motion to approve Agenda Items 17 A, B & C as presented. Seconded by Greg Scott. The *Weighted Capital Vote* was 37 Yes, 0 No, 9 Absent (Norton, Denton, Sanchez, Ferris and McCracken). Motion carried.

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSTAIN	ABSENT
ARGYLE – Norton	1				1
AUBREY - Roberson	1	1			
BARTONVILLE – Knowler	1	1			
CELINA – Howard	3	3			
CORINTH – Marshall	3	3			
DENTON (city) – Moore	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 – Ferris	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 – Clocan	1	1			
TOTAL	46	37			9

18. 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, 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 meeting went into Executive Session at 2:05 P.M.

Dave Nelson left meeting at 2:19 P.M.

Drew Corn left meeting at 2:41 P.M.

The Board returned to open meeting at 2:50 P.M.

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

The Board of Directors discussed purchases of property in Executive Session necessary for Lake Ralph Hall. Staff recommended approval of Resolutions to authorize the Executive Director to execute a purchase contract for Lake Ralph Hall Pipeline based on the agreed terms as stated and take the necessary steps to finalize and close the purchase of property necessary for the Lake Ralph Hall Project:

- Resolution #2022 - 68 -- Parcel 1200 -- Robert Glen Ellis
- Resolution #2022 - 64 -- Parcel 1370 – Joyce Taylor

Alina Ciocan made the motion to approve Agenda Item 19 as presented. Seconded by Nate Winchester. The *Weighted Capital Vote* was 34 Yes, 0 No, 12 Absent (Norton, Moore, Nelson, Sanchez, Ferris, Corn and McCracken). Motion carried.

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSTAIN	ABSENT
ARGYLE – Norton	1				1
AUBREY - Roberson	1	1			
BARTONVILLE – Knowler	1	1			
CELINA – Howard	3	3			
CORINTH – Marshall	3	3			
DENTON (city) – Moore	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 – Ferris	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	34		12

20. Approve Resolution(s) deeming necessity and authorizing acquisition of property including exercising the Power of Eminent Domain for the Lake Ralph Hall Project. (Weighted Capital Vote)

The Board of Directors discussed purchases of properties necessary for the Lake Ralph Hall Project in Executive Session. Staff recommended to approve individual Resolutions deeming necessity and authorizing acquisition of real property, including exercising the power of eminent domain for the following parcels and take the necessary steps to finalize and close the purchase of property necessary for construction of the Lake Ralph Hall Project:

- Resolution #2022-65: Parcel 1520 – Venkat Annam
- Resolution #2022-66: Parcel 1490-1491 -- Clay Potter and wife Kimberly Potter
- Resolution #2022-67: Parcel 1470 – Michael E. Walker and Patricia H. Walker, Trustees for the Walker Revocable Trust

George Marshall made the motion to approve Agenda Item 20 as presented. Seconded by Kevin Mercer. The *Weighted Capital Vote* was 34 Yes, 0 No, 12 Absent (Norton, Moore, Nelson, Sanchez, Ferris, Corn and McCracken). Motion carried.

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSTAIN	ABSENT
ARGYLE – Norton	1				1
AUBREY - Roberson	1	1			
BARTONVILLE – Knowler	1	1			
CELINA – Howard	3	3			
CORINTH – Marshall	3	3			
DENTON (city) – Moore	2				2
DC AT-LARGE Dresher	1	1			
DCFWSD #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	3			3
MUSTANG SUD – Boyd	5	5		
NORTHLAKE – Corn	2			2
PILOT POINT – McCracken	1			1
PONDER – Anderson	1	1		
PROSPER – Jaromln	1	1		
SANGER – Ciocan	1	1		
TOTAL	46	34		12

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

None.

22. Visitor Comments Concerning Non-Agenda Topics.

None.

23. Adjournment.

There being no further business, President Roberson adjourned the meeting at 2:53 P.M.

Recorded by:

Nancy T. Tam
 Nancy T. Tam, Assistant Secretary, Board of Directors

Certified by:

Greg Scott
 Greg Scott, Secretary, Board of Directors

