



# MINUTES

## UPPER TRINITY REGIONAL WATER DISTRICT BOARD OF DIRECTORS February 9, 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 12:39 P.M. on Thursday, February 9, 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 Drescher, Treasurer, Denton County At Large  
Troy Norton, Argyle  
George Marshall, Corinth  
Dave Nelson, Double Oak  
Nate Winchester, Krum  
Kelly Rouse, Lewisville  
Allen McCracken, Pilot Point  
Frank Jaromin, Prosper

Clay Riggs, Vice President, Flower Mound  
Greg Scott, Secretary, Justin  
Del Knowler, Bartonville  
Kevin Mercer, DCFWSD #7  
Richard Lubke, Highland Village  
Mike Fairfield, Lake Cities MUA  
Drew Corn, Northlake  
Michael Anderson, Ponder  
Alina Ciocan, Sanger

##### Absent:

Mark Pape, Copper Canyon \*  
Orlando Sanchez, Irving \*

Chris Boyd, Mustang SUD \*

\* Excuse Absent

Vacant: Celina, Denton, Denton County

##### Staff & Advisors in Attendance:

Larry N. Patterson, Executive Director  
Nancy Tam, Assistant to Executive Director  
Bill Greenleaf, Chief Financial Officer  
Tom Snyder, Director of Engineer & Construction  
Dustin Wright, Manager of IT  
Ed Motley, LRH Program Manager  
Jan Morris, Chief Administrative Officer  
Nick Bulaich, Financial Advisor

Matthew Boyle, General Counsel  
Jason Pierce, Manager of Governmental Affairs  
Todd Williams, Mgr of Budget & Financial  
Marcos Zepeda, IT Specialist  
Jody Zabolio, Director Op. & Water Resources  
Doug Janeway, Manager of Property Services  
Ronna Hartt, Manager of Water Resources

##### Others in Attendance:

Luke Nolan, citizen  
Chris Young, Plummer  
Scott Hoff, Carollo  
Anthony Samarripas, Kimley-Horn

Alan Tucker, Plummer  
Jim Gallovich, Carollo  
Troy Laman, Carollo  
Heather Wootton, Kimley-Horn

3. Pledge of Allegiance and Invocation.

Pledge of Allegiance was led by Troy Norton. Invocation by Greg Scott.

4. Oath of Office.

The City of Lewisville appointed Kelly Rouse, Assistant Director of Public Services as their new representative to serve the remainder term of Eric Ferris. President Roberson administered the Oath of Office and welcome 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.

Roberson welcome everyone back from the Holidays and wished everyone a Happy New Year!

- 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.

- Water Demand is consistent for this time of the year. The recent rainfall has improved District's water supply in Chapman Lake, up by 1.92 feet. However, Lewisville Lake is still down by 0.92 feet.
- The Texas 88th Legislative Session began on January 10<sup>th</sup>. Over 2,300 Bills has been filed to date. March 10, 2023 is the filing deadline.
- A House Water Caucus has been created; the Coalition was formed to promote Water Infrastructure Investment.


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

6. Visitor Comments Concerning Agenda Topics.

None.

**CONSENT AGENDA**

**Troy Norton made the motion to approve the Consent Agenda Items 7-12 as presented. Seconded by Drew Corn. The Roll Call Vote was 19 Yes, 0 No. Motion carried.** The approved Consent Agenda items were:

7. Adopt Minutes of December 1, 2022 Board Meeting.
  8. Accept Monthly Management Report for the period ended December 31, 2022.
  9. Accept Quarterly Investment Report for the period ended December 31, 2022.
  10. Authorize the Executive Director to enter into a purchasing agreement with Shermco Industries for the inspection and motor reconditioning services for one of the Taylor Water Treatment Plant's 2000 HP motors.
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- 10A. Authorize the Executive Director to enter into a purchasing agreement with Smith Pump Company, Inc., for the repair of the Taylor Water Treatment Plant High Service Pump #6.
11. Authorize the Executive Director to enter into an Interlocal Agreement with the City of Celina for the purchase of Residential Irrigation System Evaluations.
12. Receive report of construction change orders approved by staff.

### ITEMS FOR INDIVIDUAL CONSIDERATION

13. Consider adoption of Resolution of Appreciation and Commendation for Eric Ferris and his distinguished service as a member of the Upper Trinity Regional Water District Board of Directors.

Kevin Mercer read the Resolution to honor Eric Ferris's contributions to the Board of Directors. The District appreciates Eric's dedication and faithful services to the Board. Roberson presented him a special appreciation plaque.

14. Consider adoption of Resolution of Appreciation and Commendation for Corbett Howard and his distinguished service as a member of the Upper Trinity Regional Water District Board of Directors.

Rich Lubke read the Resolution honoring Corbett Howard and his distinguished service as a member of the Board of Directors. The District appreciates Corbett's dedication and faithful services to the Board. Roberson presented Corbett a special appreciation plaque.

**Rich Lubke made the motion to approve Agenda Items 13 and 14 as presented. Seconded by Kevin Mercer. The Roll Call Votes was unanimous with 19 Yes. Motion carried.**

15. Construction Contracts: (Weighted Capital Vote)
  - A. Consider authorizing staff to proceed with Construction Manager at Risk (CMAR) procurement method for assistance in finalizing design and for construction of the Doe Branch WRP Phase 3 Expansion.  
  
Current capacity of Doe Branch Plant is 4.0 MGD. Based on participants' growth projections, the proposed expansion capacity is determined to be 8 MGD. Preliminary Design is completed; CMAR Delivery Method recommended.
  - B. Consider authorizing staff to proceed with Construction Manager at Risk (CMAR) procurement method for assistance in finalizing design and for construction of the Doe Branch Phase 1 Parallel Interceptor.  
  
Final Design is underway. Staff is acquiring additional easements and obtaining necessary Permits for the Project. CMAR Delivery Method is recommended.
  - C. Consider authorizing staff to proceed with Construction Manager at Risk (CMAR) procurement method for assistance in finalizing design and for construction of the Riverbend West Influent Lift Station Improvements.  
  
Project Design is underway; staff is pursuing Property Acquisition. CMAR Delivery Method is recommended.



**Frank Jaromin made the motion to approve Agenda Items 15 A, B, C as recommended by staff, that the Board make a finding that the Construction Manager at Risk process for the Doe Branch Water Reclamation Plant Expansion (PH3), Doe Branch Parallel Interceptor Phase 1 and Riverbend West Lift Station Projects will achieve best value for the District, and that the Board authorize staff to proceed with the CMAR process for these projects. Seconded by Kevin Mercer. The Weighted Capital Vote was unanimous with 34 Yes, 0 No. 7 Absent (Sanchez, Boyd). Motion carried.**

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSTAIN	ABSENT
ARGYLE – Norton	1	1			
AUBREY - Roberson	1	1			
BARTONVILLE – Knowler	1	1			
CELINA – (vacant, 3 votes)					
CORINTH – Marshall	3	3			
DENTON (city) – (vacant, 2 votes)					
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	41	34			7

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

- A. Consider approval of Task Order No. 4 with Carollo Engineers, Inc. for engineering services related to final design, CMAR delivery and construction of the Doe Branch Water Reclamation Plant’s Phase 3 Expansion Project.



The current Doe Branch Plant capacity is 4.0 MGD. Based on Participants growth projections and hydraulic modeling analysis, Members concurred with 8 MGD expansion, which bring the total plant capacity of 12 MGD. The ultimate plant permitted capacity is 20 MGD.

Staff recommended approval of proposed Task Order No. 4 with Carollo Engineers, Inc. in the not-to-exceed amount of \$9,984,370.00. **Frank Jaromin made the motion to approve Agenda Items 16 A as recommended by staff. Seconded by Kevin Mercer. The Weighted Capital Vote was unanimous with 34 Yes, 0 No. 7 Absent (Sanchez, Boyd). Motion carried.**

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSTAIN	ABSENT
ARGYLE – Norton	1	1			
AUBREY - Roberson	1	1			
BARTONVILLE – Knowler	1	1			
CELINA – (vacant, 3 votes)					
CORINTH – Marshall	3	3			
DENTON (city) – (vacant, 2 votes)					
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	41	34			7

B. Consider approval of Task Order No. 9 with Carollo Engineers, Inc. for engineering services related to Harpool Regional Water Treatment Plant Membrane Pilot Testing.





Growth projection indicates that next expansion for Harpool Plant could be necessary within the next five years. Staff recommended that the District to proceed with evaluation of open platform (pressurized and vacuum membrane systems) that can be used for competitively bidding.

Staff recommended approval of proposed Task Order No. 9 to existing Contract with Carollo Engineers, Inc. for Harpool WTP Membrane Pilot Testing in the not-to-exceed amount of \$459,841.00. **Drew Corn made the motion to approve Agenda Items 16B as recommended by staff. Seconded by Allen McCracken.** *The Weighted Capital Vote was 34 Yes, 0 No. 7 Absent (Sanchez, Boyd). Motion carried.*

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSTAIN	ABSENT
ARGYLE – Norton	1	1			
AUBREY - Roberson	1	1			
BARTONVILLE – Knowler	1	1			
CELINA – (vacant, 3 votes)					
CORINTH – Marshall	3	3			
DENTON (city) – (vacant, 2 votes)					
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	41	34			7

Frank Jaromin (Prosper) inadvertently voted No for Item 16B; he confirmed that it should be a Yes vote.



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

- A. Consider approval of a contract with Fannin County Electrical Cooperative (FCEC) for relocation of power lines for Lake Ralph Hall.

This contract addresses FCEC power lines that will be inundated by Lake Ralph Hall. Staff recommended approval of a Contract with Fannin County Electric Cooperative in the amount not to exceed \$848,124 for relocation of power lines for Lake Ralph Hall.

- B. Consider approval of a Contract and Task Order No. 1 with Kimley-Horn Engineers, Inc. for a Water and Wastewater Services Planning Study for the Lake Ralph Hall Watershed.

Lake Ralph Hall is anticipated to attract new residential and commercial development. Currently the Fannin County Comprehensive Land Use and Zoning Plan did not outline a strategy to provide for potable water supply and wastewater services for the projected developments.

Staff solicited a proposal from Kimley-Horn Engineer, Inc. to develop a Water and Wastewater Services Planning Study for the Lake Ralph Hall Watershed. Kimley-Horn has experience and expertise in preparing utility master plans for future land developments on the scale of the Lake Ralph Hall Watershed. Staff recommended approval a Contract and Task Order No. 1 with Kimley-Horn Associates, Inc. in the amount not to exceed \$325,000 for a Water and Wastewater Services Planning Study

**Clay Riggs made the motion to approve Agenda Items 17 A & B as recommended by staff. Seconded by Alina Ciocan. The Weighted Capital Vote was 34 Yes, 0 No. 7 Absent (Sanchez, Boyd). Motion carried.**

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSTAIN	ABSENT
ARGYLE – Norton	1	1			
AUBREY - Roberson	1	1			
BARTONVILLE – Knowler	1	1			
CELINA – (vacant, 3 votes)					
CORINTH – Marshall	3	3			
DENTON (city) – (vacant, 2 votes)					
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	41	34		7

Frank Jaromin (Prosper) inadvertently voted Abstain for Item 17 A and B; he confirmed that it should be a Yes vote.

18. Consider approval of proposed Work Program Guidelines for Calendar Year 2023 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. **Frank Jaromin made the motion to approve the proposed Work Program Guidelines for year 2023. Seconded by Greg Scott.** The Roll Call Vote was 19 Yes. 0 No. 2 Absent (Sanchez, Boyd). Motion passed.

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 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.

The Board of Directors went into Executive Session at 2:13 P.M.  
 The Board returned to open meeting at 2:57 P.M.

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

None.

21. 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 acquisition of properties necessary for the Lake Ralph Hall Project in Executive Session. Staff recommended to approve 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 #2023-03: Michael Edward Duncan and wife, Treina Jay Duncan
- Resolution #2023-04: Epley Family Partnership, L.P., a Texas Limited Partnership
- Resolution #2023-05: Kenneth Wayne Howard
- Resolution #2023-06: Loyd D. Johnson Family Limited Partnership No. One., A Texas Limited Partnership
- Resolution #2023-07: Loyd D. Johnson Family Limited Partnership No. One., A Texas Limited Partnership
- Resolution #2023-08: Loyd D. Johnson Family Limited Partnership No. One., A Texas Limited Partnership
- Resolution #2023-09: Loyd D. Johnson Family Limited Partnership No. One., A Texas Limited Partnership
- Resolution #2023-10: LCCO Properties & Investments, LLC
- Resolution #2023-11: James E. Stewart
- Resolution #2023-12: Sylvia A. Wishard, Trustee, and her successor in trust, of the Wishard Living Trust
- Resolution #2023-13: Sylvia A. Wishard, Trustee, and her successor in trust, of the Wishard Living Trust

**Drew Corn made the motion to approve Agenda Item 21 as presented. Seconded by Lyle Dresher.** The *Weighted Capital Vote* was unanimous; 34 Yes, 0 No, 7 Absent (*Sanchez, Boyd*). Motion carried.

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSTAIN	ABSENT
ARGYLE – Norton	1	1			
AUBREY - Roberson	1	1			
BARTONVILLE – Knowler	1	1			
CELINA – (vacant, 3 votes)					
CORINTH – Marshall	3	3			
DENTON (city) – (vacant, 2 votes)					
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	41	34			7

22. Authorize Executive Director to execute an engagement agreement with Baker Moran Doggett Ma & Dobbs LLP for Eminent Domain legal support.

The District is engaged in multiple capital improvement projects and relocation projects which requiring legal assistance related to acquiring property and easements. Due to the expanded legal load and the need to expeditiously address property acquisitions, it is to the District’s advantage to add additional resources to the legal team.

Staff recommended authorizing the Executive Director to execute an engagement agreement with Baker Moran Doggett Ma & Dobbs LLP for Eminent Domain legal support. **Clay Riggs made the motion to approve Agenda Item 22 as recommended. Seconded by Greg Scott.** The *Weighted Capital Vote* was unanimous, 34 Yes, 0 No, 7 Absent (Sanchez, Boyd). Motion carried.

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSTAIN	ABSENT
ARGYLE – Norton	1	1			
AUBREY - Roberson	1	1			
BARTONVILLE – Knowler	1	1			
CELINA – (vacant, 3 votes)					
CORINTH – Marshall	3	3			
DENTON (city) – (vacant, 2 votes)					
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	41	34		7

23. Consider action on personnel matters, including employment contract and compensation for the Executive Director as discussed in Executive Session.

The Officers reviewed and evaluated the performance of the Executive Director during 2022 and shared their evaluation with the entire Board in Executive Session.

In open session, **Frank Jaromin made the motion to accept the Officers’ evaluation of the Executive Director’s performance, and to approve the amended Employment Contract with the Executive Director consistent with the discussion in Executive Session.** Rich Lubke seconded the motion. Motion passed unanimously.

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

None.

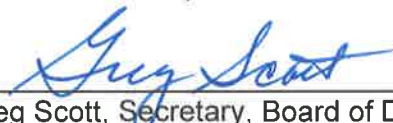
25. Visitor Comments Concerning Non-Agenda Topics.

None.

26. Adjournment.

There being no further business, President Roberson adjourned the meeting at 3:01 P.M.

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

Certified by:   
 Greg Scott, Secretary, Board of Directors

