

# MINUTES



## UPPER TRINITY REGIONAL WATER DISTRICT BOARD OF DIRECTORS

THURSDAY, JULY 9, 2020

### REGULAR SESSION BOARD MEETING (BY TELECONFERENCE)

#### 1. Call to Order

The Board of Directors of the Upper Trinity Regional Water District (UTRWD) convened in Regular Session Board Meeting by teleconference, with President Richard Lubke presiding at 1:21 PM on Thursday, July 9, 2020.

#### 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  
Bob Hart, Treasurer, Corinth  
Troy Norton, Argyle  
James Burnham, Celina  
Frank Pugsley, Denton  
Gary Calmes, Denton County at Large  
Kevin Mercer, DCFWSD #7  
Devon Kennedy, Krum  
Eric Ferris, Lewisville  
Lyle Drescher, Northlake  
Michael Anderson, Ponder  
Tracy LaPiene, Sanger

Brian Roberson, Vice President, Aubrey  
Clay Riggs, Secretary, Flower Mound  
Del Knowler, Bartonville  
Mark Pape, Copper Canyon  
Johnny Harris, Denton County  
Kristina Clark, DCFWSD #1A  
Greg Scott, Justin  
Mike Fairfield, Lake Cities MUA  
Chris Boyd, Mustang SUD  
Allen McCracken, Pilot Point  
Frank Jaromin, Prosper

(Vacant), Irving

##### Absent:

Dick Cook, Double Oak\*

\* Excuse Absent

##### Staff & Advisors in Attendance:

Larry N. Patterson, Executive Director  
Nancy Tam, Assistant to Executive Director  
Tom Snyder, Director Const. & Eng.  
Jan Morris, Asst Director for Administration  
Kurt Staller, Asst. Dir, Const. & Eng.  
Adam McKnight, Sr. Professional Engineer

Matthew Boyle, General Counsel  
Bill Greenleaf, Chief Financial Officer  
Jody Zabolio, Director of Op. & Water Res  
Mark Skaggs, Manager / IT Services  
Ed Motley, LRH Program Manager

#### 3. Pledge of Allegiance and Invocation

President Lubke led the Pledge of Allegiance. Johnny Harris offered the invocation.

4. Oath of Office

City of Justin appointed Mr. Greg Scott, former Mayor, to serve the remainder of Virginia Blevins' term. President Lubke 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.

President Lubke expressed appreciation to staff for a super job during this challenging COVID-19 time. He is thankful for the new Officers and their willingness to serve the Board.

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.

- The water demand for the month of June is at a normal cycle. We are entering the heat of summer; so far, our water supply lakes are in good shape, water treatment and pumping systems are fully operational.
- The Water Environment Association of Texas (WEAT) announced the 2020 Awards:
  - Northeast Water Reclamation Plants -- Doe Branch and Riverbend received the top safety award for the State, the "**George E. Burke Facility Safety Award**".
  - The Executive Director announced that he recently was notified as the recipient of this year's "**Pillars of the Profession Award**."
- Congratulations to Flower Mound: The Town was named "#9 Best Cities in the Nation" for cities of 65,000 -100,000 by Smart Asset.
- Mark Pape brought to District staff attention the 'CBS News' article regarding the Dakota Access Pipeline which has been shut down until more environmental review is done.

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

None.

6. Public Comments Concerning Agenda Topics.

None.

**CONSENT AGENDA**

For the Consent Agenda, **Kristina Clark made a motion to approve Items 7 – 11. Seconded by Frank Jaromin.** The vote was 22 yes. Motion Carried. The *Roll Call 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	1	1		
CORINTH – Hart	1	1		
DENTON (CITY) – Pugsley	1	1		
DENTON COUNTY – Harris	1	1		
DC AT-LARGE - Calmes	1	1		
DCFWS #1A – Clark	1	1		
DCFWS #7 – Mercer	1	1		
DOUBLE OAK – Cook	1			1
FLOWER MOUND – Riggs	1	1		
HIGHLAND VILLAGE – Lubke	1	1		
IRVING – (vacant, 1 vote)				
JUSTIN – Scott	1	1		
KRUM - Kennedy	1	1		
LAKE CITIES MUA – Fairfield	1	1		
LEWISVILLE – Ferris	1	1		
MUSTANG SUD - Boyd	1	1		
NORTHLAKE - Dresher	1	1		
PILOT POINT - McCracken	1	1		
PONDER - Anderson	1	1		
PROSPER - Jaromln	1	1		
SANGER – LaPlene	1	1		
<b>TOTAL</b>	<b>23</b>	<b>22</b>	<b>0</b>	<b>1</b>

The Consent Agenda items approved were:

7. Adopt minutes of June 4, 2020 Board Meeting.
8. Accept Monthly Management Report for the period ended May 31, 2020.
9. Authorization to Advertise a Request for Qualifications to Develop the Lake Support Facility Plan for the Lake Ralph Hall Project.
10. Authorize the Executive Director to enter into a pricing agreement with Hach Company for annual service plans for process control instrumentation and lab equipment at District Treatment Plants.
11. Receive report of construction change order approved by staff.

**ITEMS FOR INDIVIDUAL CONSIDERATION**

12. Consider approval of resolution which allows for the “PRICING COMMITTEE” (Executive Director and Treasurer or other Board Officer) to award the sale thereof in accordance with specified parameters; authorizing the issuance and sale of Upper Trinity Regional Water District Lakeview Regional Water Reclamation System Revenue Refunding Bonds, SERIES 2020, in an aggregate principal amount not to exceed \$4,500,000; providing for the authorizing and execution and delivery of a Purchase Contract, an Escrow Agreement, and a Paying Agent / Registrar Agreement; approving the Official Statement with respect to the bonds; and enacting other provisions relating thereto. (Weighted Capital Vote)

The Finance & Investment Committee concurs with the recommendation of our Financial Advisor to proceed with the proposed refunding of Lakeview Bonds as outlined. The Refunding Bonds could enable the District to save on average about \$46,000 per year from the currently established debt service payments. Staff and Financial Advisor recommended approval of the Bond Resolution to authorize the proposed Bond Sale in an aggregate amount not to exceed \$4,500,000. **Del Knowler made a motion to approve Agenda Item #12 as presented. Seconded by Kevin Mercer.** 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 – Scott	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

13. Consider approval of resolution which allows for the “PRICING COMMITTEE” (Executive Director and Treasurer or other Board Officer) to award the sale thereof in accordance with specified parameters; authorizing the issuance and sale of Upper Trinity Regional Water District Regional Treated Water System Revenue Refunding Bonds, SERIES 2020, in an aggregate principal amount not to exceed \$14,500,000; providing for the authorizing and execution and delivery of a Purchase Contract, an Escrow Agreement, and a Paying Agent / Registrar Agreement; approving the Official Statement with respect to the bonds; and enacting other provisions relating thereto. (Weighted Capital Vote)

The Finance & Investment Committee concurs with the recommendation of our Financial Advisor to proceed with the proposed refunding of Regional Treated Water System Bonds as outlined. The Refunding Bonds could enable the District to save on average about \$116,000 per year from the currently established debt service payments. Staff and Financial Advisor recommended approval of the Bond Resolution to authorize the proposed Bond Sale in an aggregate amount not to exceed \$14,500,000. **Del Knowler made a motion to approve Agenda Item #13 as presented. 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		
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 – Scott	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

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

- A. Consider approval of Professional Services Contract and Task Order No. 1 with BGE, Inc. for design and construction phase services to remove and up size a segment of Phase 1A treated water transmission pipeline.

The Phase 1A pipeline was District’s first pipeline project built in 1993-94. It provided service during 2019 emergency 54-inch pipeline repairs. This pipeline is currently out of service due to channel erosion which damaged the existing pipeline. With recent analysis, the replacement and upsizing of the pipeline can provide benefits such as: dual feed water supply to western customers; enhanced system operating flexibility; hydraulic efficiency; and improved ability to meet customer growth demands.

Funding for the Phase 1A Pipeline Removal and Up-size Project was included in the FY 2020 Mid-Year Budget Adjustment to the Regional Treated Water System CIP Budget. Staff recommends approval of Contract and Task Order No. 1 with BGE, Inc. for the total amount not to exceed \$578,614.

- B. Consider approval of Task Order No. 2 with Freese and Nichols, Inc. related to Permitting Support Services for the Lake Ralph Hall Project.

On January 30, 2020, District received the Section 404 Permit for Lake Ralph Hall Project from the U.S. Army Corps of Engineers. The Permit includes a special condition requiring the District to complete cultural resource surveys of the site and mitigate any significant cultural resources identified by those surveys.

Back in March 2019, the District contracted with Freese & Nichols, Inc. (FNI) to support staff with Cultural Resources issues and has completed the scope of services specified in Task Order 1.

For additional work related with Lake Ralph Hall 404 Permit Compliance and Support including Cultural Resources Permitting and Compliance Assistance, staff has negotiated a proposed Task Order No. 2 with FNI to continue providing engineering and technical services to the District. The proposed Task Order No. 2 includes a total budget amount not to exceed \$70,000.00; funding is included in the FY 2020 Capital Budget.

**Kevin Mercer made a motion to approve both Agenda Items #14A and #14B 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		
DCFWSD #1A – Clark	2	2		
DCFWSD #7 – Mercer	2	2		
DOUBLE OAK – Cook	1	1		1
FLOWER MOUND – Riggs	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – (vacant, 2 votes)				
JUSTIN – Scott	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

15. 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 District water and wastewater pipelines; 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 1:54pm.  
 The Board returned to open meeting at 2:10pm.

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

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

- Parcel P-178-LRH (Robert Lynn Milton) – to exchange UTRWD Surplus (LRH 113 - Hewitt)
- Parcel P-179-LRH (Aston Trust)

**Bob Hart made a motion to approve the acquisition of properties listed above necessary 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		1
FLOWER MOUND – Riggs	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – (vacant, 2 votes)				
JUSTIN – Scott	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. Approve Resolution deeming necessity and authorizing acquisition of property including exercising the Power of Eminent Domain for construction of water and wastewater pipeline relocations for TxDOT US 380 widening project. (Weighted Capital Vote)

The Board discussed the acquisition of property including exercising the Power of Eminent Domain in Executive Session related to water and wastewater facilities relocations for TxDOT US 380 Highway Improvements.

**Kevin Mercer made a motion to approve the Resolution deeming necessity and authorizing acquisition of property including exercising the Power of Eminent Domain for water and**



**wastewater facilities relocations for TxDOT US 380 Highway Improvements. 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		
DCFWS #1A – Clark	2	2		
DCFWS #7 – Mercer	2	2		
DOUBLE OAK – Cook	1	1		1
FLOWER MOUND – Riggs	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – (vacant, 2 votes)				
JUSTIN – Scott	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. Review potential agenda items, activities and announcements for future Board meetings.

Patterson informed the Board that the PowerPoint presentations shown in today's meeting will be distributed by emailed.

19. Public Comments Concerning Non-Agenda Topics.

None.



20. Adjournment.

There being no further business, President Lubke adjourned the meeting at 2:17 P.M.

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

Certified By:   
Clay Riggs, Secretary, Board of Directors

