

MINUTES



NOTICE OF MEETING UPPER TRINITY REGIONAL WATER DISTRICT BOARD OF DIRECTORS

JULY 11, 2019

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 1:01 P.M. on Thursday, July 11, 2019, 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
Mark Pape, Copper Canyon
Frank Pugsley, Denton
Kristina Clark, DCFWSD #1A
Dick Cook, Double Oak
Devon Kennedy, Krum
Alan Guard, Pilot Point
Frank Jaromin, Prosper

Mike Fairfield, Treasurer, Lake Cities MUA
Del Knowler, Bartonville
Bob Hart, Corinth
Gary Calmes, Denton County at Large
Kevin Mercer, DCFWSD #7
Clay Riggs, Flower Mound
Eric Ferris, Lewisville
Michael Anderson, Ponder
Tracy LaPiene, Sanger

Absent:

Ramiro Lopez, Treasurer, Irving*
James Burnham, Celina*
Virginia Blevins, Justin*
Lyle Drescher, Northlake*

Troy Norton, Argyle*
Johnny Harris, Denton County*
Chris Boyd, Mustang SUD*

* Excused Absence

Staff & Advisors in Attendance:

Larry N. Patterson, Executive Director
Thomas E. Taylor, Former Executive Director
Nancy Tam, Assistant to Executive Director
Jody Zabolio, Director of Operations & Water Resources
Kim Probasco, Budget Manager
Mark Skaggs, Manager / IT Services
Ed Motley, LRH Program Manager
Adam McKnight, Sr. Professional Engineer
Rae Langston, Executive Secretary

Matthew Boyle, Jr., Boyle & Lowry
Bill Greenleaf, Chief Financial Officer
Tom Snyder, Director Const. & Eng.
Lester Harris, Accounting Manager
Kurt Staller, Asst. Dir, Const. & Eng.
Ronna Hartt, Manager, Water Resources
Doug Janeway, Manager/Properties Services
Jan Morris, Assistant Director for Administration
Blake Alldredge, Water Education Coordinator

Others in Attendance:

Raj Mehta, Jacobs
Cleat Martin, Plummer
Jim Gallovich, Carollo

Gary Oradat, Half
Ryan Holloway, Sundt

3. Pledge of Allegiance and Invocation

Pledge: Kevin Mercer

Invocation: Blake Alldredge

4. Oath of Office

President Lubke administered the Oath of Office for the following:

- Mike Fairfield, Lake Cities MUA
- Mike Anderson, Ponder
- Gary Calmes, Denton County At Large

5. Opening Remarks:

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

- Preliminary Committee Assignments were included in the Board Packet for review. Lubke asked Board Members to notify him or staff for any suggestions or changes.
- In the Meeting packet, one of the informational item is the National Association of Clean Water Agencies (NACWA) Cost of Clean Water Index. The Index indicated the national average charge for Wastewater Services increased 3.9% in 2018. The Annual Average Wastewater Services Charge is \$504 per household - - with Texas being \$460.00 compared to Maine's cost being \$915.00.

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 provided an update regarding the Emergency Repair for the 36-inch Northeast Treated Pipeline, which is the primary feed to City of Celina. There were no visible signs of leaks, nothing reported. We verified a leak but the entire area was under water, access was only by boat. Our relationship with Mustang SUD was essential. We partnered with MSUD to utilize the joint system; they prepared an informative video for retail customers while the District kept members informed with periodic status reports. There was also coordination with the Corps of Engineers to expedite lower the lake level and secure approval to access site and perform repair work. Cost of repair is estimated at approximately \$600,000. Adam McKnight provided in-depth details of the Emergency Repair process.
- Regarding Taylor Plant, a High Service Pump was out of service. Motor repairs are to be completed by late August.

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

None.



6. 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. Kevin Mercer requested Item 14 be pulled for individual consideration. **Mercer made a motion to approve Consent Agenda Items 7 – 13. Seconded by Kristina Clark.** The vote was all Yes. Motion Carried. Items approved were:

7. Adopt minutes of June 6, 2019 Board Meeting.
8. Accept Monthly Management Report for the period ended May 31, 2019.
9. Authorize advertising for bids for Doe Branch Water Reclamation Plant Expansion.
10. Authorize Executive Director to execute a Non-Exclusive License and Facilities Installation and Maintenance Agreement (Agreement) with City of Lewisville for Parallel Pipeline from Taylor Water Treatment Plant to Stone Hill Pump Station.
11. Receive report of construction change orders approved by staff.
12. Authorize the Executive Director to enter into an agreement with Hach Company for annual service plans for Hach process control instrumentation and lab equipment at each District Plant.
13. At the request of the Upper Trinity Conservation Trust Board of Trustees, consider approval of amendment to UTCT Bylaws changing the Trust's address and Principal Office location.


ITEMS FOR INDIVIDUAL CONSIDERATION

14. Consider appointment of Trustees for Place 2 and Place 3 on the UTCT Board of Trustees for a three-year term beginning June 1, 2019.

Kevin Mercer made a motion to re-appoint Ms. Leslie Maynard (Place 3) to another three-year term on the UTCT Board with term expiring May 2022. In addition, to appoint Ms. Lissa Shepherd to fill the remaining unexpired term for Place 2 (May 2021). Seconded by Dick Cook. The vote was all Yes. Motion carried.

15. Consider authorizing pre-purchase contract with Suez Water Technologies & Solutions to supply certain associated equipment for membrane system as part of Harpool Water Treatment Plant phased expansion. (Weighted Capital Vote)

The Board authorized a limited Design Services Agreement with Suez Water Technologies & Solutions (SUEZ) and Task Order No. 3 with Carollo Engineers at the September 6, 2018 meeting. SUEZ is the sole membrane manufacture for the Zenon membrane system utilized at the Tom Harpool Regional Water Treatment Plant. During the design phase for this project, certain support equipment for the membrane systems was determined to have very long delivery times. The extended lead time items are stainless steel piping, special valves, pumps, variable frequency drives and computer control panels / devices. In order to achieve the current project schedule, a pre-purchase contract for these long delivery items is necessary and recommended.



Del Knowler made the motion authorizing pre-purchase contract with SUEZ Water Technologies & Solutions to supply certain associated equipment for membrane system as part of Harpool Water Treatment Plant phased expansion for the amount of \$2,072,818.00. Seconded by Bob Hart.
 The vote was 33 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		
FLOWER MOUND – Riggs	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – Lopez	2			2
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 - Guard	1	1		
PONDER - Anderson	1	1		
PROSPER - Jaromin	1	1		
SANGER – LaPiene	1	1		
TOTAL	43	33		10

16. Consider resolution authorizing acceptance of completed work, final payment and release of retainage for construction contract awarded to RKM General Contractors, LLC. for Vehicle and Equipment Storage Building and associated modifications. (Weighted Capital Vote)

For the Vehicle and Equipment Storage Building and associated modifications, all work has been completed in accordance with the plans, specifications and change orders. District’s architect, William Peck & Associates, Inc. and staff recommend that the Board approve and accept the project as complete, and authorize final payment, including release of retainage pending completion of minor punch list items.

Bob Hart made the motion authorizing acceptance of completed work and final payment of \$65,697.08 including release of retainage to RKM General Contractors, LLC, pending completion of minor punch list items. Seconded by Del Knowler. The vote was 33 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		
FLOWER MOUND – Riggs	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – Lopez	2			2
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 - Guard	1	1		
PONDER - Anderson	1	1		
PROSPER - Jaromin	1	1		
SANGER – LaPiene	1	1		
TOTAL	43	33		10

17. Consider Amendment of the July 5, 1990, Water Sale Contract with City of Commerce, Texas for water supply from Cooper (Chapman) Lake. (Weighted Capital Vote)

Larry Patterson provided the briefing to the Board. At the time (1990), the contract with Commerce for their water was styled as a sale “on a temporary, interim basis”, with Commerce retaining options to take all the water back in stages (at 50, 75, 100 years). The water from Chapman Lake, together with the right of reuse, has become a strategic source of water for UTRWD on a long-term basis.

The proposed amendment will make the Chapman Lake water supply a secure source for Upper Trinity for 100 years, subject to the Commerce option for water needs within the City. Instead of fixed options for Commerce to take raw water out of Chapman Lake at 50/75/100 years, convert to an on-going option after Lake Ralph Hall is in service to take only the amount needed. Current total retail sales in the City are about 1.5 mgd. UTRWD pays Commerce a 5.0% premium on debt service and O & M payments made to U.S. Army Corps of Engineers and to SRMWD. Under the proposed amendment, in lieu of annual payments, UTRWD will accelerate the 5.0% annual payments to a one-time, lump-sum payment of \$523,242. If the District were requested by Commerce to perform any services in the future, then we would be compensated at actual cost plus 5%. There will be no rate impact, as the funding source for the lump-sum payment will be the Future Water Reserve and FY2019 Raw Water savings.

Kevin Mercer made the motion to approve the proposed Amendment of the July 5, 1990 Water Sale Contract with City of Commerce, Texas for water supply from Cooper (Chapman) Lake and to authorize the one time, lump-sum payment of \$523,242 as recommended by staff. Seconded by Alan Guard. The vote was 33 Yes, 0 No. 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		
FLOWER MOUND – Riggs	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – Lopez	2			2
JUSTIN – Blevins	1			1
KRUM - Kennedy	1	1		
LAKE CITIES MUA – Fairfield	2	2		
LEWISVILLE – Ferris	2	2		
MUSTANG SUD - Boyd	3			3
NORTHLAKE - Drescher	1			1
PILOT POINT - Guard	1	1		
PONDER - Anderson	1	1		
PROSPER - Jaromin	1	1		
SANGER – LaPiene	1	1		
TOTAL	43	33		10

18. 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, 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 Director’s went into Executive Session at 1:55 P.M.
 The Board returned to open meeting at 2:12 P.M.

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

The Board discussed the following property items in Executive Session:

- A. **Parallel Pipeline Project:** To approve a resolution to authorize the Executive Director to execute a purchase contract for Parcel 25 Evelyn Hartwell, Parcel 36 FLSC, LTD, Parcel Lewisville ISD based on the agreed terms as stated and take the necessary steps to finalize and close the purchase of property necessary for the Parallel Pipeline Project.
- B. **FM 720 TxDOT Expansion Project:** Approve a Resolution to authorize the Executive Director to execute an agreement to settle Cause No. PR-2018-00115; Probate Court Denton County Texas; Upper Trinity Regional Water District v. Spritas Ranch Enterprises, L.L.P., etal. regarding acquisition of Parcel 1 – FM 720, Spritas Ranch based on the agreed terms as stated and take the necessary steps to finalize and close the purchase of easement necessary for the FM 720 Relocation Project.
- C. **Lake Ralph Hall:** Approve a Resolution to authorize the Executive Director to execute a purchase contract for Parcel P130-LRH (Johnson Family Limited 1) 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.

Frank Jaromin made a motion to approve the above property matters as discussed in Executive Session. Seconded by Mike Anderson. The vote was 30 Yes, 3 No (Corinth). Motion passed. 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 – Lopez	2			2
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 - Guard	1	1		
PONDER - Anderson	1	1		
PROSPER - Jaromln	1	1		
SANGER – LaPlene	1	1		
TOTAL	43	30	3	10

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

Alan Guard expressed his appreciation to City of Celina and Upper Trinity for the loan of their special equipment in a recent emergency for City of Pilot Point. Mike Anderson also thanked UTRWD for the use of District equipment for Town of Ponder.

President Lubke reminded the Board and Staff of the upcoming Rough Riders event on July 27.

21. Visitor Comments Concerning Non-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. To provide all visitors an opportunity to speak, the President may request speakers to avoid repetitious remarks. In accordance with the Texas Open Meetings Act, Members of the Board are not authorized to discuss items not on the posted agenda.)

None.

22. Adjournment.

There being no further business, President Lubke adjourned the meeting at 2:15 P.M.

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

Certified By: 
 Brian Roberson, Secretary, Board of Directors

