

MINUTES



UPPER TRINITY REGIONAL WATER DISTRICT BOARD OF DIRECTORS

THURSDAY, AUGUST 6, 2020

REGULAR SESSION BOARD MEETING (BY TELECONFERENCE)

1. Call to Order

The Board of Directors of the Upper Trinity Regional Water District convened in Regular Session Board Meeting by teleconference, with President Richard Lubke presiding at 1:20 PM on Thursday, August 6, 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
Mark Pape, Copper Canyon
Gary Calmes, Denton County at Large
Kevin Mercer, DCFWSD #7
Devon Kennedy, Krum
Chris Boyd, Mustang SUD
Allen McCracken, Pilot Point
Tracy LaPiene, Sanger

Brian Roberson, Vice President, Aubrey
Clay Riggs, Secretary, Flower Mound
Del Knowler, Bartonville
Johnny Harris, Denton County
Kristina Clark, DCFWSD #1A
Greg Scott, Justin
Eric Ferris, Lewisville
Lyle Dresher, Northlake
Frank Jaromin, Prosper

(Vacant), Irving

Absent:

James Burnham, Celina*
Dick Cook, Double Oak*
Michael Anderson, Ponder*

Frank Pugsley, Denton*
Mike Fairfield, Lake Cities MUA*

* 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. Director for 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

The Pledge of Allegiance was led by President Rich Lubke. He also delivered the Invocation.

4. Opening Remarks:

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

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.

- For the month of June, Patterson reported that water sales had increased significantly.
- 50 Years ago, August 1970, the Denton Record Chronicle posted a news article regarding "Water crisis faced by three county cities." And now, 50 years later, we are glad that our Member cities and towns had been working together in planning ahead for their water needs; we are in a much better situation than then.
- On August 5, 2020, the Texas Water Development Board (TWDB) approved by resolution financial assistance in the amount of \$413,000,000 from the State Water Implementation Fund for Texas (SWIFT) program to the Upper Trinity Regional Water District. The District will use the assistance to finance the remaining design and construction for Lake Ralph Hall.

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

None.

5. Public Comments Concerning Agenda Topics.

None.

CONSENT AGENDA

For the Consent Agenda, **Lyle Drescher made a motion to approve Items 6 – 10. Seconded by Kevin Mercer.** The vote was approved unanimously. 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		
TOTAL	23	18	0	5

The Consent Agenda items approved were:

6. Adopt minutes of July 9, 2020 Board Meeting.
7. Accept Monthly Management Report for the period ended June 30, 2020.
8. Accept Quarterly Investment Report for the period ended June 30, 2020.
9. Review report of construction change orders approved by staff.
10. Authorize the Executive Director to enter into purchasing agreement with Fin-Tek Corporation for Ozone Generator Preventative Maintenance Services.

ITEMS FOR INDIVIDUAL CONSIDERATION

11. Consider adoption of Resolution of Appreciation and Commendation for John F. Boyle, Jr., General Counsel for his service to the Upper Trinity Regional Water District.



Upper Trinity has been greatly enriched by and will always be grateful to Mr. John Boyle for his vision, leadership and counsel. Patterson read the Resolution of Appreciation for Mr. Boyle and commented that the District flag was lowered half-staff to honor him today.

President Lubke noted a few comments received from Board Members regarding Mr. Boyle:

- “John Boyle was a true believer in Upper Trinity and its mission, steadfast supporter of its goals. He took pride in being part of the team.”
- “Both the Board and Staff were able to rely on John’s astute legal advice. He never tried to run the show; rather, he always made himself available whenever needed. I give Mr. Boyle much credit for Upper Trinity’s successful regional programs.”
- “John was a great guy - - very personable and humorous. He will be truly missed.”

Patterson expressed his appreciation for the guidance from Mr. Boyle and Matthew Boyle for all these years and will appreciate the continued good service for Upper Trinity.

Kevin Mercer made a motion to approve the Resolution of Appreciation for Mr. John F. Boyle, Jr., General Counsel for his service to the District. Seconded by Lyle Dresher. The vote was approved unanimously. 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		
DCFWSO #1A – Clark	1	1		
DCFWSO #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 - Jaromin	1	1		
SANGER – LaPlene	1	1		
TOTAL	23	18	0	5

12. Receive update and consider action to ratify emergency purchase and associated budget amendment for the repair of District’s 20-inch Treated Water Transmission Pipeline in Corinth.

Adam McKnight, Sr. Professional Engineer reported that on Saturday, July 25th, City of Corinth notified District about a suspected leak. Staff verified an active leak and secured a utility contractor to assist with the repair under an emergency repair agreement.

Monday morning, July 27th, the pipe was excavated and a hole was discovered in the bottom of the pipe. The compromised section of the pipe was cut out and replaced with a new section of ductile iron pipe. The contractor crew, District operations and maintenance staff worked throughout the night to complete the repair. On Tuesday morning at approximately 8:30 A.M., July 28, the pipeline was disinfected, flushed and placed back in service.

Staff was commended for their prompt response and diligence in making the repair. **Bob Hart made a motion for the Board to ratify the emergency purchase for the repair of District’s 20-inch Treated Water Transmission Pipeline and approve associated Budget Amendment for a not exceed amount of \$75,000.00. Seconded by Gary Calmes. The vote was 18 Yes. 0 No. 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 – LaPiene	1	1		
TOTAL	23	18	0	5

13. Consider Resolution authorizing acceptance of completed work, approval of final change order, final payment and release of retainage for construction contract awarded to Crescent Constructors, Inc. for installation of pumps and associated improvements at the Harpool Water Treatment Plant. **(Weighted Capital Vote)**

Due to system growth, on June 2017, the Board approved Pre-Purchased of long lead items such as pumps, motors and transformers. On December 2017, a construction contract was awarded to Cresnet Constructors, Inc. for Phase 1B improvements also included upgrading the existing pump stations electrical system, adding variable frequency drives, upsizing piping, customer meter vault improvements, and other modifications related to the new pumps.

All work has been completed in accordance with the plans, specifications and change orders. Some minor punch list items and project documentation remain. District’s consultant, Carollo Engineers, Inc. and staff recommended approval of resolution authorizing acceptance of completed work, Final Change Order No. 5, and final payment of \$104,441.48 including release of retainage to Cresnet Constructors, Inc. pending completion of minor punch list items and project documentation.

Kristina Clark made a motion to approve Agenda Item #13 as recommended. 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		
DCFWSO #1A – Clark	2	2		
DCFWSO #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	33	0	8

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

- A. Consider approval of Contract and Task Order No. 1 with Flatiron Constructors Inc. for Lake Ralph Hall - Roadway Relocation Progressive Design-Build Project: - Phase 1A (Design Services).

Ed Motley provided the briefing to the Board. One element of the Lake Ralph Hall project is the relocation of Texas Department of Transportation (TxDOT) and Fannin County roadways; and that both parties indicated that the District will be responsible for funding and managing the design and construction of these roadway relocations.

In October 2019, the Board approved using a Progressive Design-Build delivery model for the Lake Ralph Hall Roadway Relocations.

Regarding the Design-Builder Selection, three firms were short-listed and invited to submit proposals. Formal interviews were conducted. Staff selected Flatiron Constructors, Inc. with supporting design firm Huitt Zollars, Inc. which both have significant TxDOT experience. Staff recommended approval of Contract and Task Order No. 1 with Flatiron Constructors, Inc. for a not to exceed amount of \$5,109,929.86.

- B. Consider approval of Task Order No. 3 with CH2M Hill (Jacobs) for - Lake Ralph Hall - Roadway Relocations Owner Engineer Services for the Progressive Design-Build Project and Technical Support for the Program Management Information Support System.

The District retained CH2M Hill (Jacobs) in December 2019 to provide Owner's Engineering Services related to the procurement of a Progressive Design-Builder for the Lake Ralph Hall Roadway Relocation Project. The District with Jacobs' support, completed the procurement of the Progressive Design-Builder. The District will require continued Owner's Engineer support

during Phase 1 (Design) Services of the Progressive Design – Builder Contract to assist in managing and administering the Contract.

Jacobs has extensive TxDOT experience on roadway design-build projects across the State. This experience will be valuable to staff as a technical resource in the management and administration of the Progressive Design-Build Contract.

Staff recommended approval of Task Order No. 3 with CH2M Hill (Jacobs) for the not to exceed amount of \$ 749,265.00.

Kevin Mercer made a motion to approve both Agenda Items #14A and #14B as recommended by staff. Seconded by Troy Norton. The vote was 32 Yes. 1 No (Prosper). 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 – (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	32	1	8

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 pipelines 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 2:02pm.

The Board returned to open meeting at 2:24pm.

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-180-LRH (Eric Jarrell)
- Parcel P-181-LRH (Mary Pittman)
- Parcel P-182-LRH (Herbold Trust)
- Parcel P-183-LRH (Varnan Trust)
- Parcel P-184-LRH (Plamkoodathil Mathew)
- Parcel P-185-LRH (Boone Trust)
- Parcel P-186-LRH (Johnny Uhl/Shelton Boone) – exchange for UTRWD Surplus (LRH 89 - Scott)
- Parcel P-187-LRH (Charles and Mary Fields)
- Parcel P-188-LRH (Ophima Investments) – exchange for UTRWD Surplus (LRH 001 - Wright) and (LRH 176 – Stout)
- Parcel P-189-LRH (Ophima Investments)

Kristina Clark made a motion to approve the acquisition of properties listed above necessary for the Lake Ralph Hall Project. Seconded by Allen McCracken. 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 – (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	33	0	8

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

The Board discussed the acquisition of the following property items including exercising the Power of Eminent Domain in Executive Session related to Lake Ralph Hall Project:

- Joseph and Jesse Wang (250.972 Acres --Total)
- Gary Don Erwin (209.307 Acres – Total)
- Lois Jean Grant (262.896 Acres – Total)
- Clyde Waters (246 Acres – Parent Tract)
- Daniel and Kristin Lelsz (Parent Tract – 100 Acres)
- Grabowske etal. (33.047 Acres-Fee Tract -- Parent Tract-100 Acres)
- Kenneth and Evelyn Flesher (85.196 – Fee Tract)

Lyle Dresher made a motion to approve the Resolutions deeming necessity and authorizing acquisition of the listed property items including exercising the Power of Eminent Domain for the Lake Ralph Hall Project. Seconded by Greg Scott. 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		

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	33	0	8

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 email.

19. Public Comments Concerning Non-Agenda Topics.

None.

20. Adjournment.

There being no further business, President Lubke adjourned the meeting at 2:30 P.M.

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

Certified By: 
 Clay Riggs, Secretary, Board of Directors

