



# MINUTES

Revised to: \_\_\_\_\_  
Date: 11/8/19  
Version: \_\_\_\_\_ Date: \_\_\_\_\_

## UPPER TRINITY REGIONAL WATER DISTRICT BOARD OF DIRECTORS MEETING

December 5, 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 12:45 P.M. on Thursday, December 5, 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	Mike Fairfield, Treasurer, Lake Cities MUA
Brian Roberson, Secretary, Aubrey	Troy Norton, Argyle
Del Knowler, Bartonville	James Burnham, Celina
Mark Pape, Copper Canyon	Bob Hart, Corinth
Frank Pugsley, Denton	Johnny Harris, Denton County
Gary Calmes, Denton County at Large	Kristina Clark, DCFWSD #1A
Kevin Mercer, DCFWSD #7	Dick Cook, Double Oak
Clay Riggs, Flower Mound	Virginia Blevins, Justin
Devon Kennedy, Krum	Eric Ferris, Lewisville
Lyle Drescher, Northlake	Michael Anderson, Ponder
Tracy LaPiene, Sanger	

#### Absent:

Ramiro Lopez, Vice President, Irving*	Chris Boyd, Mustang SUD*
Allen McCracken, Pilot Point*	Frank Jaromin, Prosper*

\*Excused Absence

#### Staff & Advisors in Attendance:

Larry N. Patterson, Executive Director	Matthew Boyle, General Counsel
Thomas E. Taylor, Former Executive Director	Bill Greenleaf, Chief Financial Officer
Nancy Tam, Assistant to Executive Director	Tom Snyder, Director Const. & Eng.
Jody Zabolio, Director of Op/Water Rscs	Lester Harris, Controller
Kim Probasco, Budget Manager	Kurt Staller, Asst. Dir, Const. & Eng.
Mark Skaggs, Manager / IT Services	Ed Motley, LRH Program Manager
Jason Pierce, Mgr/Gov Affairs & Comm	Doug Janeway, Manager/Property Svcs
Ronna Hartt, Manager/Water Rscs	Adam McKnight, Sr. Professional Engineer
Elizabeth Boddicker, Graduate Engineer	Jan Morris, Asst Director for Administration
Jeremy Sanders, Procurement Supervisor	Nick Bulach, Financial Advisor

Others in Attendance:  
Alan Tucker, Plummer

Terry Stewart, RJN

3. Pledge of Allegiance and Invocation

Pledge: Frank Pugsley

Invocation: Bob Hart

4. Opening Remarks:

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

Lubke expressed appreciation for good participation for recent meetings. Regarding Lake Ralph Hall, he is glad that we are on target for the project.

- 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 commended the Business Services Department for being awarded another Excellence of Financial Reporting Award from the GFOA.
- As a regional partner with member agencies, when in times of need, we help. There was a catastrophic failure in a wastewater pump station in Denton, near the District's Lantana Lift Station, and UTRWD was able to assist by transferring wastewater for treatment at the Lakeview Water Reclamation Plant while Denton made the repairs. Frank Pugsley (Denton's Director of Water Utilities) spoke on this subject more in depth and expressed his gratitude on behalf of the City.

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


None.

5. Visitor Comments Concerning Agenda Topics.

None.

**CONSENT AGENDA**

President Lubke asked for a motion to approve items on Consent Agenda. **Bob Hart made a motion to approve Consent Agenda Items 6 – 11.** **Seconded by Frank Pugsley.** The vote was all Yes. Motion Carried. Items approved were:

6. Adopt minutes of November 7, 2019 Board Meeting.
  7. Accept Quarterly Investment Report for the period ended September 30, 2019.
  8. Accept "Annual Review" of the District's Investment Policy.
  9. Receive report of construction change orders approved by staff.
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11. Consider adoption of policies concerning:
- A. Catastrophic Leave Donation Policy
  - B. Smoke and Tobacco-Free Workplace Policy

**ITEMS FOR INDIVIDUAL CONSIDERATION**

12. Consider a Resolution authorizing Executive Director to accept and execute a Permit issued by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act for the Lake Ralph Hall Project. **(Weighted Capital Vote)**

Ronna Hartt provided the background briefing and recommends approval of Resolution authorizing the Executive Director to accept and execute a Permit issued by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act for the Lake Ralph Hall Project.

**Virginia Blevins made the motion to approve Item #12 as recommended by staff. Seconded by Lyle Dresher.** The vote was 36 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 – 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 - McCracken	1			1

PILOT POINT - McCracken	1			1
PONDER - Anderson	1	1		
PROSPER - Jaromin	1			1
SANGER – LaPiene	1	1		
TOTAL	43	36	0	7

13. Consider approval of professional services contracts for the development of Lake Ralph Hall: **(Weighted Capital Vote)**

- A. Task Order 2 for an existing contract with CH2MHILL Engineers Inc. (Jacobs) for engineering services to support the procurement of a Design-Builder for the Lake Ralph Hall Roadway Relocations.

Record of Decision on the Lake Ralph Hall application for a permit under Section 404 of the Clean Water Act is expected to be issued in January 2020; it is timely and appropriate to move forward with roadway relocations planning and engineering activities. Staff recommends approval of Task Order No. 2 with CH2MHILL Engineers, Inc., DBA Jacobs, for engineering services to support the procurement of a Design-Builder for the Lake Ralph Hall Roadway Relocations in the amount of \$399,965.

- B. Contract and Task Order 1 with HDR Engineering, Inc. (HDR) for design and construction phase services relating to groundwater well construction to support the construction of Lake Ralph Hall.

A significant amount of water will be required for the construction of Lake Ralph Hall. Staff, with the assistance of its consulting engineering team, has reviewed the water requirements for the project and determined that completing at least two supplemental wells will be necessary to provide the volume of water required for construction of the dam and roadways.

Staff recommends approval of Contract and Task Order #1 with HDR Engineering, Inc. for Design, Permitting and Construction Phase Services for two groundwater wells, providing construction water for the Lake Ralph Hall project in the amount of \$492,228.

**Devon Kennedy made the motion to approve Item #13A & #13B as recommended by staff. Seconded by Kevin Mercer. The vote was 36 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		

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 - McCracken	1			1
PONDER - Anderson	1	1		
PROSPER - Jaromin	1			1
SANGER – LaPiene	1	1		
TOTAL	43	36	0	7

14. Consider Resolution authorizing acceptance of completed work, approval of final change order, final payment and release of retainage for Construction Manager at Risk Contract awarded to Archer Western Construction, LLC for Riverbend Water Reclamation Plant Expansion. **(Weighted Capital Vote)**

All work has been completed in accordance with the plans, specifications and change order except for minor punch list items. Staff recommends approval of resolution authorizing acceptance of completed work, Change Order No. 1 and final payment (\$3,085,341.51) including release of retainage to Archer Western Construction LLC, pending completion of minor punch list items.

**Del Knowler made the motion to approve Item #14 as recommended by staff. Seconded by Dick Cook.** The vote was 35 Yes. 1 No (Ponder). 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		

DCFWSO #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 - McCracken	1			1
PONDER - Anderson	1		1	
PROSPER - Jaromin	1			1
SANGER – LaPiene	1	1		
TOTAL	43	35	1	7

15. Authorize the Executive Director to enter into pricing agreements for Materials Testing with the following firms: (Weighted Capital Vote)

- A. Alpha Testing, Inc.
- B. East Texas Testing Laboratory, Inc.
- C. Fugro USA Land, Inc.
- D. Giles Engineering Associates, Inc.

The District utilizes materials testing services for various construction projects. The services that will most commonly be used are confirming the strength and integrity of concrete and moisture and compaction of soil (sub-grade area). Staff recommends to authorize the Executive Director to enter into pricing agreements for materials testing with Alpha Test, Inc., East Texas Testing Laboratory, Inc., Fugro USA Land, Inc., and Giles Engineering Associates, Inc.

**Troy Norton made the motion to approve Item #15 as recommended by staff. Seconded by Kristina Clark.** The vote was 36 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 - McCracken	1			1
PONDER - Anderson	1	1		
PROSPER - Jaromin	1			1
SANGER – LaPlene	1	1		
TOTAL	43	36	0	7

16. Consider authorizing Staff to file an “Abridged Application” with the Texas Water Development Board (TWDB) for financial assistance for the Lake Ralph Hall Project.

For the Lake Ralph Hall project, Texas Water Development Board's offer of favorable funding options for District will enable orderly development of the Lake. Staff recommends that the Board authorize staff to continue to apply for least-cost financing for the Lake Ralph Hall project, including the filing of an abridged application with TWDB for financial assistance under the SWIFT program.

**Bob Hart made the motion to approve Item #16 as recommended by staff. Seconded by Lyle Dresher.** The roll call vote was all Yes. 0 No. Motion carried.

17. 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, 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 1:30pm.  
 The Board returned to open meeting at 1:45pm.

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

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

- Parcel P149-LRH (Lilliana Perez Gonzalez)

**Tracy LaPiene made a motion to approve the purchase of property listed above necessary for the Lake Ralph Hall Project. Seconded by Virginia Blevins.** The vote was 36 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 – 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 - McCracken	1			1
PONDER - Anderson	1	1		
PROSPER - Jaromin	1			1
SANGER – LaPiene	1	1		
<b>TOTAL</b>	<b>43</b>	<b>36</b>	<b>0</b>	<b>7</b>



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

There will not be a Board Meeting scheduled for January 2020.  
The next Board Meeting is scheduled for February 6, 2020.

20. Visitor Comments Concerning Non-Agenda Topics.

None.

21. Adjournment.

There being no further business, President Lubke adjourned the meeting at 1:54 P.M.

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

Certified By:   
Brian Roberson, Secretary, Board of Directors

