



MINUTES

UPPER TRINITY REGIONAL WATER DISTRICT BOARD OF DIRECTORS

June 1, 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 Clay Riggs presiding at 1:05 P.M. on Thursday, June 1, 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:

Clay Riggs, President, Flower Mound
Greg Scott, Treasurer, Justin
Troy Norton, Argyle
Del Knowler, Bartonville
Mark Pape, Copper Canyon
Stephen Gay, Denton
Dave Nelson, Double Oak
Orlando Sanchez, Irving
Mike Fairfield, Lake Cities MUA
Michael Anderson, Ponder
Frank Jaromin, Prosper

Lyle Dresher, VP, Denton County At Large
Allen McCracken, Secretary, Pilot Point
Brian Roberson, Aubrey
Kimberly Brawner, Celina
George Marshall, Corinth
Kevin Mercer, DCFWSD #7
Richard Lubke, Highland Village
Nate Winchester, Krum
Kelly Rouse, Lewisville
Drew Corn, Northlake
Alina Ciocan, Sanger

Absent:

Chris Boyd, Mustang SUD

Vacant: Denton County

Staff & Advisors in Attendance:

Larry N. Patterson, Executive Director
Nancy Tam, Assistant to Executive Director
Dustin Wright, Manager of IT Services
Adam McKnight, Chief Engineer
Tom Snyder, Director of Special Projects
James Roger, Maintenance Manager
Ed Motley, LRH Program Manager
Doug Janeway, Manager of Property Services
Kaylee Waldo, Project Engineer
Luke Sullivan, LRH Field Services Coordinator

Matthew Boyle, General Counsel
Jason Pierce, Mgr of Gov Affairs & Comm
Marcos Zepeda, IT Specialist
Lester Harris, Controller
Kurt Staller, Director of Eng and Construction
Ronna Hartt, Manager of Water Resources
Jan Morris, Chief Administrative Officer
Todd Williams, Mgr of Budget & Financial
Stephanie Noel, Sr. Financial Analyst

Others in Attendance:

Tyler Bolen, American Pipe

Brett Isbell, Jacobs Engineering Group

Troy Laman, Carollo Engineers
Jeff Polak, Archer Western
Michael Suarez, Archer Western
Heather Harward, Harward Consulting

Charley Mock, Freese and Nichols
Chad Simmons, Freese and Nichols
Anthony Samarripas, Kimley-Horn

3. Pledge of Allegiance and Invocation.

Pledge of Allegiance was led by Brian Roberson. The invocation was delivered by Rich Lubke.

4. Oath of Office.

Past President Lance Vanzant administered the Oath of Office for the following Term-A Members of the Board:

Brian Roberson, Aubrey
Clay Riggs, Flower Mound
Nate Winchester, Krum
Allen McCracken, Pilot Point
Frank Jaromin, Prosper

Kevin Mercer, DCFWSD #7
Richard Lubke, Highland Village
Mike Fairfield, Lake Cities MUA
Mike Anderson, Ponder
Alina Ciocan, Sanger

5. Opening Remarks:

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

President Clay Riggs thanked the Board for the opportunity to serve as President of the Board. He also thanked the newly elected Officers for stepping up to serve as Officers. The newly elected Officers officially begin their terms:

President: Clay Riggs
Treasurer: Greg Scott

Vice President: Lyle Dresher
Secretary: Allen McCracken

President also noted that June 16th will be UTRWD's Birthday of 34 years.

- 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.

(1) 88th Legislature just ended its Session on May 29.

(a) Ice Cream Social Reception held at the Capitol (May 16, 2023) for UTRWD Delegation was a great success with almost 200 people attending.

(b) Various Bills got approved:

- HB 1565(Canales) relating to the function of the Texas Water Development Board (Sunset Bill).
- HB 2460 (King) relating to updating Water Availability Models (WAM) for certain basins, including Trinity River Basin.



- HB1485 (Metcalf) relating to the licensing requirements for certain operators of wastewater systems & public water systems.
- SB 28 & SJR 75 (Perry) relating to financial assistance provided & programs administered by TWDB – Water for Texas Fund (\$1Billion appropriated for water infrastructure).
- SB 1397 (Schwertner) relating to the continuation & functions of Texas Commission on Environmental Quality (Sunset Bill).

(c) UTRWD Bills left pending:

- HB2369 (Kitzman) relating to publishing on internet website notices concerning certain NPDES permits.
- HB2515 (Rogers) relating to repeal of the Junior priority of a water.
- HB5279 (Wilson) relating to prohibition on inter-basin transfers of state water.
- SB175 (Middleton) relating to restricting political subdivisions from spending public money on lobbying.

(2) Ribbon Cutting for the Northeast Texas Children Museum Fossil Exhibit sponsored by the district was a success.

(3) Current Water Demand Chart is trending slightly higher as we move into the month of June.

(4) Town of Northlake requested a subscription increase from 5.8 MGD to 8.2 MGD, effective June 1, 2023.

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


None

6. Visitor Comments Concerning Agenda Topics.

None

CONSENT AGENDA

Rich Lubke made the motion to approve Consent Agenda Items No. 7 - 10 as presented by staff. Seconded by Frank Jaromin. The Roll Call Vote was 21 Yes, 0 No, 1 Absent. Motion carried. The approved Consent Agenda items were:

7. Adopt Minutes of May 4, 2023 Board Meeting.
 8. Accept Monthly Management Report for the period ended April 30, 2023.
 9. Authorize staff to transmit preliminary estimates of Rates and Charges for next fiscal year (FY 2024) to Members and Customers for budget planning purposes.
 10. Receive report of construction change orders approved by staff.
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ITEMS FOR INDIVIDUAL CONSIDERATION

11. Construction Contracts: (Weighted Capital Vote)

- A. Consider award of construction contract to Acadia Services, LLC for Regional Treated Water System Hydraulic and Resiliency Improvements Project related to upsizing piping in system meter vaults and installation of permanent meter vault for Town of Providence Village.

Staff recommended that the Board approve the enclosed Resolution awarding a construction contract in the amount of \$4,175,000.00 to Acadia Services, LLC for the Regional Treated Water System Hydraulic and Resiliency Improvements Project. The Project includes the upsize of piping, meters and other required improvements at four meter vaults: Lewisville, Celina, LCMUA and Northlake. Also includes the construction of a permanent Point of Delivery for the Town of Providence Village, the cost for design and construction will be reimbursed to the District by Providence Village.

- B. Consider Resolution authorizing acceptance of completed work, approval of final change order, final payment and release of retainage for construction contract awarded to S.J. Louis Construction of Texas, Ltd. for Harpool RWTP North Transmission Main, Phase 1 from the Harpool RWTP to Mustang Special Utility District Point of Delivery No. 3.

Phase 1 of this Project delivers treated water from the Harpool RWTP to the Mustang SUD POD #3 in the Silverado Development. The final Change Order No. 6 resulted in a credit of \$25,308.77, added 96 days for substantial completion, and 308 days for total completion.

Staff recommended approval of Resolution authorizing acceptance of completed work, final change order, and final payment including release of retainage to S.J. Louis Construction of Texas, Ltd., pending completion of minor punch list items. **Brian Roberson made the motion to approve Agenda Items 11A & 11B as presented by staff. Seconded by Dave Nelson.** The *Weighted Capital Vote* was 42 Yes, 0 No, 5 Absent (Boyd). Motion carried.

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSTAIN	ABSENT
ARGYLE – Norton	1	1			
AUBREY - Roberson	1	1			
BARTONVILLE – Knowler	1	1			
CELINA – Brawner	3	3			
CORINTH – Marshall	3	3			
DENTON (city) – Gay	2	2			
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	3	3		
PILOT POINT – McCracken	1	1		
PONDER – Anderson	1	1		
PROSPER – Jaromin	1	1		
SANGER – Ciocan	1	1		
TOTAL	47	42		5

- C. Consider authorizing contract with Archer Western Construction, LLC for pre-construction services related to Construction Manager at Risk for Northeast Water Reclamation System Expansion Project, which includes Doe Branch Water Reclamation Plant Expansion, Doe Branch Phase 1 Parallel Interceptor and Riverbend West Lift Station and Force Main.

In February 2023, the Board authorized to proceed with CMAR for the projects as listed. Bids were received from Archer Western Construction, LLC and Oscar Renda Contracting, Inc. The staff recommendation is that the Board authorize Construction Manager at Risk Contract and Part 1 - Preconstruction Services with Archer Western Construction, LLC for a fee not to exceed \$1,507,194. **Frank Jaromin made the motion to approve Agenda Item 11C as presented by staff. Seconded by Troy Norton.** The *Weighted Capital Vote* was 42 Yes, 0 No, 5 Absent. Motion carried.

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSTAIN	ABSENT
ARGYLE – Norton	1	1			
AUBREY - Roberson	1	1			
BARTONVILLE – Knowler	1	1			
CELINA – Brawner	3	3			
CORINTH – Marshall	3	3			
DENTON (city) – Gay	2	2			
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	3	3		
PILOT POINT – McCracken	1	1		
PONDER – Anderson	1	1		
PROSPER – Jaromin	1	1		
SANGER – Ciocan	1	1		
TOTAL	47	42		5

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

- A. Consider approval of a Contract and Task Order No. 1 with Freese and Nichols, Inc. to prepare a Shoreline Management Plan and a Reservoir Area Operations and Maintenance Plan for Lake Ralph Hall.

The District acquired a buffer, minimum 100 feet wide, around Lake Ralph Hall to protect water quality, mitigate future shoreline erosion, and regulate private use and activities. Additionally, Lake Ralph Hall will require continual monitoring and maintenance to protect this valuable asset.

Staff recommended approval of a Contract and Task Order No. 1 with Freese and Nichols, Inc. to prepare a Shoreline Management Plan and a Reservoir Area Operations and Maintenance Plan for Lake Ralph Hall.

- B. Consider approval of Amendment No. 4 to an existing Construction Manager at Risk (CMAR) contract with Archer Western Construction, LLC to establish a Progressive Guaranteed Maximum Price No. 3 for Lake Ralph Hall Raw Water Pump Station.

Archer Western publicly solicited Bid Packages 4 and 9 in April, evaluated the received bids and recommend the following awards:

- Bid Package (BP) 4: Raw Water Discharge Pipeline Construction (2 bids received) - - North Texas Contracting for \$ 7,031,793.00.
- Bid Package (BP) 9: Surge tank procurement (2 bids received) - - WWaterTech (Pulsco) for \$1,155,000.00.



Staff recommended approval of Amendment No. 4 to the Archer Western Construction, LLC CMAR contract for Lake Ralph Hall Raw Water Pump Station - - Progressive GMP No. 3 in the not to exceed amount of \$9,747,441.35.

- C. Consider approval of Amendment No. 3 to an existing Construction Manager at Risk (CMAR) contract with Garney Companies, Inc. to establish a Progressive Guaranteed Maximum Price No. 3 for Lake Ralph Hall Conveyance System.

Garney publicly solicited requests for Bid Package 3 for pipeline construction in the Lake Ralph Hall Conveyance System Project in four sections, received 5 bids, and recommend the following awards:

- Series 20 (72-inch gravity line) -- Garney Construction
- Series 40 (66-inch) -- Mckee Construction
- Series 50 (66-inch) -- Carstensen Contracting
- Series 60/70 (66-inch) -- Garney Construction

Staff recommended approval of Amendment No. 3 to the Garney Companies, Inc. CMAR contract for Lake Ralph Hall Pipeline Conveyance Progressive GMP No. 3 in the not to exceed amount of \$120,066,431.27.

Del Knowler left the meeting at 1:38 p.m.

- D. Consider approval of Task Order No. 2 to an existing contract with Black and Veatch Corporation for the construction phase services for the Lake Ralph Hall Raw Water Pipeline.


Staff recommended approval of Task Order No. 2 with Black and Veatch Corporation for a fee not-to-exceed \$946,225. This Project includes construction phase services for the Lake Ralph Hall Raw Water Pipeline Segment 1, as well as additional design scope.

- E. Consider approval of Task Order No. 3 with Jacobs Engineering Group, Inc. for the construction phase services of the Lake Ralph Hall – Raw Water Pipeline Segment 2, Balancing Reservoir, and Lake Ralph Hall Delivery Point.

Staff recommended approval of Task Order No. 3 with Jacobs Engineering Group, Inc. for a fee not-to-exceed \$2,348,305. This Project includes construction phase services for Raw Water Pipeline Segment 2, balancing reservoir, and delivery point. Construction management and inspection for the Balancing Reservoir is also included.

- F. Consider approval of Task Order No. 9 to the existing contract with AR Consultants, Inc. for cultural resource consulting services for continued cultural resource studies required by the Section 404 Permit for Lake Ralph Hall.

Section 106 National Historic Preservation Act Obligates Federal Agencies to consider impacts of actions on cultural resources. Lake Ralph Hall Section 404 Permit, Special Condition 17 requires the District “to abide by and implement the Programmatic Agreement Regarding Compliance With Section 106.” Programmatic Agreement stipulates that the District:

- Identify any Eligible Historic (and Prehistoric) Sites (Phase I),
 - Determine the impacts to Eligible Properties (Phase II), and
 - Mitigate any adverse impacts to Eligible Properties (Phase III).
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Phase I was reported as 100% complete, and 20% of Phase II has been completed. Task Order 9 includes continue Phase II test excavations; analyze artifacts and compiling data from Phase II test excavations; prepare Phase II Reports for Regulatory Review and provide archaeological monitoring services to comply with USACE/Texas Historic Commission requirements.

Staff recommended that the Board authorize proposed Task Order No. 9 with AR Consultants, Inc. for professional services related to Cultural Resource Surveys and Testing for the Lake Ralph Hall Project for a fee not to exceed \$4,445,678.

- G. Consider approval of a payment to Fannin County for improvements to County Roads around Lake Ralph Hall.

In March 24, 2008, the District executed an agreement with Fannin County that, among other things, provided for adjustments to the county road system to accommodate Lake Ralph Hall development. Fannin County has a program whereby if an adjacent landowner purchases materials (gravel and base material), the County will take actions to place the material and maintain the road going forward.

Staff and Fannin County have identified seven specific roads (total length of 7 miles) that require improvements. Staff recommended approval of a payment to Fannin County in the amount of \$333,095 to purchase materials for improvements to the seven county roads adjacent to Lake Ralph Hall.

Kevin Mercer made the motion to approve Agenda Items 12A - 12G as presented by staff. Seconded by Greg Scott. The *Weighted Capital Vote* was unanimous with 41 Yes, 0 No, 6 Absent (Knowler, Boyd). Motion carried.

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSTAIN	ABSENT
ARGYLE – Norton	1	1			
AUBREY - Roberson	1	1			
BARTONVILLE – Knowler	1				1
CELINA – Brawner	3	3			
CORINTH – Marshall	3	3			
DENTON (city) – Gay	2	2			
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	3	3		
PILOT POINT – McCracken	1	1		
PONDER – Anderson	1	1		
PROSPER – Jaromin	1	1		
SANGER – Ciocan	1	1		
TOTAL	47	41		6

13. 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 including but not limited to construction contracts and projects related to Lake Ralph Hall and the Peninsula Water Reclamation Plant Expansion Projects.

The Board of Directors went into Executive Session at 2:10 P.M.
 The Board returned to open meeting at 2:51 P.M.

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

None.

15. Consider action on Lake Ralph Hall construction change orders, some of which may have been discussed in Executive Session. (Weighted Capital Vote)

Brian Roberson made the motion to approve Change Order No. 14 and the Site 60 Change Order with Granite Construction Company consistent with the Board’s discussion in Executive Session. Seconded by Lyle Dresher. The Weighted Capital Vote was 41 Yes, 0 No, 6 Absent (Knowler, Boyd). Motion carried.

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSTAIN	ABSENT
ARGYLE – Norton	1	1			
AUBREY - Roberson	1	1			
BARTONVILLE – Knowler	1				1



CELINA – Brawner	3	3	
CORINTH – Marshall	3	3	
DENTON (city) – Gay	2	2	
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	3	3	
PILOT POINT – McCracken	1	1	
PONDER – Anderson	1	1	
PROSPER – Jaromin	1	1	
SANGER – Ciocan	1	1	
TOTAL	47	41	6

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

None.

24. Visitor Comments Concerning Non-Agenda Topics.

None.

25. Adjournment.

There being no further business, President Riggs adjourned the meeting at 2:53 P.M.

Recorded by:


 Nancy T. Tam, Assistant Secretary, Board of Directors

Certified by:


 Allen McCracken, Secretary, Board of Directors

