



MINUTES

P.O. Drawer 305 • Lewisville, TX 75067

(972) 219-1228 • Fax: (972) 221-9896

UPPER TRINITY REGIONAL WATER DISTRICT BOARD OF DIRECTORS

MARCH 4, 2021

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 Richard Lubke presiding at 1:37 PM on Thursday, March 4, 2021.

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
Johnny Harris, Denton County
Kevin Mercer, DCFWSD #7
Greg Scott, Justin
Eric Ferris, Lewisville
Allen McCracken, Pilot Point
James Burnham, Celina
Kristina Clark, DCFWSD #1A
Chris Boyd, Mustang SUD

Brian Roberson, Vice President, Aubrey
Clay Riggs, Secretary, Flower Mound
Del Knowler, Bartonville
Stephen Moore, Denton
Gary Calmes, Denton County at Large
Orlando Sanchez, Irving
Mike Fairfield, Lake Cities MUA
Lyle Dresher, Northlake
Michael Anderson, Ponder
Tracy LaPiene, Sanger
Devon Kennedy, Krum

Absent:

Frank Jaromin, Prosper*

* Excuse Absent

Staff & Advisors in Attendance:

Larry N. Patterson, Executive Director
Tom Snyder, Director Engineering & Constr.
Kurt Staller, Assistant Director, Eng. & Constr.
Ed Motley, LRH Program Manager
Jason Pierce, Mgr. of Governmental Affairs
Mark Skaggs, Manager of IT Services
Marcos Zepeda, IT Specialist
Jalal Saleh, Professional Engineer

Matthew Boyle, General Counsel
Jody Zabolio, Director of Op. & Water Res
Bill Greenleaf, Chief Financial Officer
Nancy Tam, Assistant to Executive Director
Doug Janeway, Manager of Property Services
Adam McKnight, Sr. Professional Engineer
Ben Hodges, Assistant Director of Operations

3. Pledge of Allegiance and Invocation

The Pledge of Allegiance was led by Lyle Dresher. The Invocation was delivered by Gary Calmes.

4. Opening Remarks:

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

President Lubke commented that he is very proud of District staff; especially the way they managed District facilities as well as helping with Members' urgent water issues during the recent extreme Winter Storm.

- 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.

- During the Winter Storm, on February 18, Water Demand reached a new peak of 49.64 MGD. It was certainly a challenging time for ALL of us in the region. Patterson firmly believed that the Members, Customers along with the District had successfully weathered the storm was because of the **Three C: Character, Competency and Commitment** which was demonstrated by all our employees.
- Patterson recognized the following Staff Members:
 - Employees with recent promotions:
 - Brad Rebhan, Operations Supervisor, Harpool Plant
 - Jeff Mlak, Sr. Water Operator, Harpool Plant
 - Jason Lucero, Sr. Wastewater Operator, Peninsula/Lakeview Plants
 - Steven McHenry, Sr. Wastewater Operator, Doe Branch/Riverbend Plants
 - Todd Williams, Manager of Budget / Financial Planning
 - Stephanie Noel, Senior Financial Analyst
 - Employees newly hired:
 - Jalal Saleh, Professional Engineer
 - Nathan Young, Budget Analyst

- 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

Bob Hart made the motion to approve the Consent Agenda Items No. 6 - 9 as presented by staff. Seconded by Troy Norton. The Roll Call Vote was 22 Yes, 0 No, 1 Absent (Jaromin). Motion carried. The approved Consent Agenda items were:

6. Adopt minutes of February 4, 2021 Board Meeting.
 7. Accept Monthly Management Report for the period ended January 31, 2021.
 8. Receive report of construction change orders approved by staff.
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9. Authorize the Executive Director to enter into a pricing agreement with Shannon Chemical Corp. for the purchase of Sodium Permanganate for use in the treatment of raw water.

ITEMS FOR INDIVIDUAL CONSIDERATION

10. Construction Contracts: (Weighted Capital Vote)

- A. Consider award of construction contract to S.J. Louis Construction of Texas, Ltd. for construction of Harpool RWTP North Transmission Main, Phase 1 from the Harpool WTP to Mustang SUD Point of Delivery No. 3.

In February 2017, the Board authorized Task Order No. 4 with Plummer Associates, Inc. for design and construction services. This is a multi-phase pipeline that is anticipated to serve several members in the future. Phase 1 Pipeline will transport treated water to Mustang SUD new Point of Delivery (POD) No. 3 in the Silverado Development. Design and construction of POD No. 3 metering facility will be funded by Mustang SUD.

The project was advertised and bids were received on February 22, 2021. S.J. Louis Construction of Texas, Ltd. bid in the amount of \$7,286,593.00 was the lowest responsible bid of three bidders. Staff and engineer (Plummer Associates, Inc.) reviewed the bids and recommend awarding the construction contract to S.J. Louis Construction of Texas, Ltd.

Staff recommends approval of Resolution awarding a construction contract to S.J. Louis Construction of Texas Ltd. In the amount of \$7,286,593.00 for Phase 1 Harpool RWTP North Transmission Main.

- B. Resolution authorizing acceptance of completed work, approval of final change order, final payment and release of retainage for construction contract awarded to Acadia Services, LLC for Regional Treated Water System FM 2181 Water Main Upsize from Hickory Creek Rd. to Montecito Dr. in the City of Denton and related budget amendment.

On February 6, 2020, the Board authorized award of a construction contract to Acadia Services, LLC. This included installing approximately 1,300 feet of 24-inch ductile iron pipeline, associated cathodic protection, a meter vault and abandonment of approximately \$1,300 feet of 18-inch pipeline.

All work performed has been completed in accordance with the plans, specifications and change orders. Staff recommends approval of resolution authorizing acceptance of completed work, final Change Order No. 3, and final payment of \$1,304,248.96 including release of retainage to Acadia Services, LLC pending completion of minor punch list items and approval of related budget amendment.

- C. Resolution authorizing acceptance of completed work, approval of final change order, final payment and release of retainage for construction contract awarded to Acadia Services, LLC for Raw Water Pipeline Repairs and Treated Water Pipeline Valve Installation Project.

On March 5, 2020, the Board authorized award of a construction contract to Acadia Services, LLC in the amount of \$338,000. This included time sensitive repairs to two leaks on the 48-inch Harpool Raw Water Pipeline and installation of a 36-inch gate valve with vault to replace a leaking valve on the 36-inch Treated Water Pipeline.

All work performed has been completed in accordance with the plans, specifications and change order. Staff recommends approval of resolution authorizing acceptance of completed work, final Change Order No. 1, and final payment in the amount of \$339,348.95 including release of retainage to Acadia Services, LLC pending completion of minor punch list items.

Chris Boyd made the motion to approve Item No. 10 A, B, C as recommended by staff. Seconded by Gary Calmes. The *Weighted Capital Vote* was 41 Yes, 0 No, 1 vote Absent (Jaromin); motion carried.

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) – Moore	2	2		
DC AT-LARGE - Calmes	1	1		
DCFWSO #1A – Clark	2	2		
DCFWSO #7 – Mercer	2	2		
DOUBLE OAK – (vacant 1 vote)				
FLOWER MOUND – Riggs	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – Sanchez	2	2		
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	42	41		1

11. Consider items related to development of Lake Ralph Hall: (Weighted Capital Vote)

- A. Approving an Agreement with AT&T for the design and construction of relocations for existing AT&T infrastructure impacted by Lake Ralph Hall.

Regarding the development of Lake Ralph Hall, approximately 4 miles of AT&T infrastructure will be impacted by Lake Ralph Hall, much of the existing line will be inundated. Staff recommends approval of an Agreement with AT&T for the design and construction of relocations for existing AT&T infrastructure impacted by Lake Ralph Hall with a cost not to exceed \$767,954.

- B. Approving an Agreement with Fannin County Electric Cooperative (FCEC) for the design of relocations for existing FCEC infrastructure impacted by Lake Ralph Hall.

Fannin County Electric Cooperative is an electric cooperative corporation which operates an electric distribution system in Fannin County. Lake Ralph Hall will impact approximately 10 miles of FCEC's electrical distribution infrastructure. Some of the distribution lines must be relocated while others require slight adjustments and some line will be abandoned.

Staff recommends approval of an agreement with Fannin County Electric Cooperative for the design of relocations for existing FCEC infrastructure impacted by Lake Ralph Hall with a reimbursement of FCEC's actual cost not to exceed \$320,000.

- C. Approving an Agreement with Oncor Electric Delivery Company LLC (Oncor) for relocations of existing Oncor infrastructure impacted by Lake Ralph Hall.

Oncor Electric Delivery Company LLC operates power distribution infrastructure that will be impacted by Lake Ralph Hall. Approximately 4 miles of Oncor's infrastructure will be impacted, much of the existing line will be inundated.

Staff recommends approval of an Agreement with Oncor Electric Delivery Company, LLC for the relocations of existing Oncor infrastructure impacted by Lake Ralph Hall with a cost not to exceed \$1,136,360.63.

Lyle Drescher left meeting at 2:14 p.m.

- D. Approving of an Amendment to Reimbursement Agreement with Energy Transfer Fuel, LP to fund construction of relocations for a 36-inch natural gas pipeline.

Energy Transfer Fuel, LLP (ETP) owns and operates a 36-inch natural gas transmission pipeline in Fannin County. Approximately one mile of the pipeline will be inundated by Lake Ralph Hall.

Staff recommends approval of an Amendment to Reimbursement Agreement with Energy Transfer Fuel, LP to fund construction of a relocations for a 36-inch natural gas pipeline in an amount not to exceed \$13,849,174.52.

- E. Approving an Agreement and Task Order No. 1 with Perot Museum of Nature and Science (Perot Museum) relating to Paleontological consulting services for the construction of Lake Ralph Hall.

Lake Ralph Hall (LRH) will be constructed on the North Sulphur River (NSR) in Fannin County. The segment of the NSR that will become LRH is known to contain various paleontological resources (fossils). Therefore, the 404 Permit requires the District to secure the services of a paleontologist to prepare a plan to monitor ground disturbing and excavation activities associated with the construction of the dam, spillway, and in-channel or bank modification.

Staff recommends approval of an Agreement and Task Order No. 1 with the Perot Museum of Nature and Science relating to Paleontological services for the construction of Lake Ralph Hall with a fee not to exceed \$110,000.

Gary Calmes made the motion to approve Item No. 11 A, B, C, D, E as recommended by staff. Seconded by Kristina Clark. The *Weighted Capital Vote* was 40 Yes, 0 No, 2 votes Absent (Drescher, Jaromin); motion carried.

12. Consider Resolution to authorize the Executive Director to execute an Agreement with the Texas Parks and Wildlife Department (TPWD) for inclusion of certain Lake Ralph Hall property into the Texas Parks and Wildlife Public Hunting and Public Lands Program.

TPWD operates a Public Hunting/Public Lands Program on United States Forest Service (USFS) Caddo National Grasslands adjacent to the proposed Lake Ralph Hall. The District has acquired over 900 acres of land held for exchange with USFS to be added to Caddo National Grasslands. TPWD and District have identified approximately 200 acres that are eligible for immediate inclusion into the program. Acceptance into the program allows public access and hunting while also providing TPWD authority to regulate and patrol the land.

Staff recommends approval of a Resolution to authorize the Executive Director to execute an Agreement with the Texas Parks and Wildlife Department (TPWD) for inclusion of certain Lake Ralph Hall property into the Texas Parks and Wildlife Public Hunting and Public Lands Program.

Greg Scott made the motion to approve Item No. 12 as recommended by staff. Seconded by Devon Kennedy. The *Roll Call Vote* was 21 Yes, 0 No, 2 Absent (Dresher, Jaromin); motion passed.

Johnny Harris was left out of meeting at 2:31 P.M. due to a telephone communication issue.

13. 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 2:31 P.M.

The Board returned to open meeting at 2:41 P.M.

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

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

P-208-LRH (Bug Tussle Land and Cattle Company) Exchange UTRWD Surplus (LRH 34-95 Ptnrshp)

Mike Fairfield made the motion to approve Item No. 14 as recommended by staff. Seconded by Allen McCracken. The *Weighted Capital Vote* was 40 Yes, 0 No, 2 votes Absent (Dresher, Jaromin); motion passed.

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

None


16. Visitor Comments Concerning Non-Agenda Topics.

None



17. Adjournment.

There being no further business, President Lubke adjourned the meeting at 2:43 P.M.

Recorded by: 
Nancy T. Tam, Assistant Secretary, Board of Directors

Certified by: 
Clay Riggs, Secretary, Board of Directors

