



MINUTES

UPPER TRINITY REGIONAL WATER DISTRICT BOARD OF DIRECTORS MEETING

August 3, 2017

REGULAR SESSION BOARD MEETING

1. Call to Order

The Board of Directors of the Upper Trinity Regional Water District convened, with President Mercer presiding, at 1:40 P.M. on Thursday, August 3, 2017, 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:

Kevin Mercer, President, DCFWSD #7
Ramiro Lopez, Treasurer, Irving
Troy Norton, Argyle
Del Knowler, Bartonville
Janet Aune, Copper Canyon
Timothy Fisher, Denton
Kristina Clark, DCFWSD #1A
Virginia Blevins, Justin
Eric Ferris, Lewisville
Alan Guard, Pilot Point
Mike Brice, Sanger

Richard Lubke, Vice President, Highland Village
Mike Fairfield, Secretary, Lake Cities MUA
Brian Roberson, Aubrey
James Burnham, Celina
Cody Collier, Corinth
Jean Campbell, Denton County At-Large
Kenneth Parr, Flower Mound
Gary Calmes, Krum
Chris Boyd, Mustang SUD
Michael Anderson, Ponder

Absent:

Johnny Harris, Denton County *
Frank Jaromin, Prosper *

Dick Cook, Double Oak *

* Excused Absence

Staff & Advisors in Attendance:

Thomas E. Taylor, Executive Director
Larry Patterson, Deputy Executive Director
Nancy Tam, Assistant to Executive Director
Jason Pierce, Mgr. / Cust Cont & Support Svcs
Don Hill, Manager / Property Services
Kurt Staller, Sr. Professional Engineer

John F. Boyle, Jr., General Counsel
Bill Greenleaf, Director / Business Services
Jody Zabolio, Director/Operations
Kim Probasco, Budget Manager
Mark Skaggs, Manager / IT Services
Todd Williams, Financial Analyst

Others in Attendance:

Alan Tucker, APAI

Doug Varner, CDM Smith

Aaron James, CDM Smith

3. Pledge of Allegiance and Invocation:

Pledge of Allegiance: Troy Norton

Invocation: Jody Zabolio

A 5-minute break was called at 1:45 p.m.
Mike Fairfield arrived at meeting.

4. Opening Remarks:

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

- President Mercer thanked everyone that attended the Membership Breakfast. There was a great representation by all.
- He also thanked Brian Roberson for his interest in attending the Officers Meeting. If anyone else would like to attend, please call Nancy Tam to schedule a time.
- Committee Assignments are complete and included in this month's board packets.
- A Field Trip to Lake Ralph Hall site is scheduled for Wednesday, August 9. We still have a few seats available. If you would like to attend, please call Nancy Tam to reserve your seat.

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.

• **Incident of High-Strength Waste at Doe Branch.**

- We are experiencing a large batch of high strength waste (exceeding 5000 BOD) coming from an unknown source into the Doe Branch plant causing treatment difficulties. No permit was violated and the Plant continued to operate properly. It is concerning that such an incident occurred; and it appears that it is biological waste rather than industrial waste. Staff is working with Members / Customers to identify and locate the source.
- We continued to have excess I&I for Doe Branch plant. Staff is working with Customers; but, with so much construction in the area, there are multiple opportunities for unwanted and unnecessary I&I coming from construction activity.

• **CH2M – consulting engineers for the District - - Ed Motley.**

CH2M is lead engineer for the Lake Ralph Hall Project. CH2M has been purchased by Jacobs Engineers, one of the largest engineering firm in the world. They do not expect contractual relationships to change, but Staff will be alert for any change that affects our interest.



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

None.

5. Visitor Comments Concerning Agenda Topics.

None.

Richard Lubke arrived at 1:58 p.m.

CONSENT AGENDA

President Mercer moved to the Consent Agenda. **Tim Fisher made a motion to approve Agenda Items 6 through 10. Seconded by Troy Norton.** The votes were all Yes. Motion passed. The approved items were:

6. Adopt minutes of July 6, 2017 Board Meeting.
7. Accept Monthly Management Report for the period ended June 30, 2017.
8. Accept Quarterly Investment Report for the period ended June 30, 2017.
9. Authorize the Executive Director to enter into agreement with Garland/DBS, Inc. for repair and replacement of portions of roof for the Control Room and for the Hypo Building at the Taylor Water Treatment Plant.
10. Accept Report by Alan Plummer Associates, Inc. concerning the Greenbelt Master Plan for Denton County.

ITEMS FOR INDIVIDUAL CONSIDERATION

11. Consider Resolution concerning the appointment of a Financing Team to prepare for financing the planned expansion of the Doe Branch Plant (Northeast Regional Water Reclamation System); authorizing presentations to credit rating agencies, Texas Water Development Board and preparation of documents as necessary.

A continued rapid pace of growth is projected in the Northeast Regional Water Reclamation System, confirming the need to prepare for an expansion of the Doe Branch Plant. Mr. Taylor indicates that appointment of the Financing Team is the first step in the orderly process of preparing for the expansion of the Doe Branch Plant. Staff recommends approval. **Rich Lubke made a motion to approve Item No. 11. Seconded by Kristina Clark.** The votes were all Yes. Motion passed.

12. Consider approval of contract and financial matters related to construction of Phase I of Doe Branch Water Reclamation Plant. (**Weighted Capital Vote**)
 - A. Resolution authorizing acceptance of completed work, final payment and release of retainage for construction contract awarded to CDM Constructors Inc., including approval of final change order.

The Doe Branch Plant was the District's first CMAR Project. This project has been difficult and challenging due to record rainfalls and high Lewisville lake water; supply and vendor problems; crafts and skill problems, all in short supply due to the extraordinary growth in the Metroplex, which has led to major delays with the project. However, the main feature of CMAR is a

guaranteed max price. Under the challenging circumstances the District has faced, this has been a good choice, and all claims have been settled within the CMAR max.

All work has been completed in accordance with plans, specifications and change order except for minor punch list items. The District's consultant, CDM Constructors, Inc. and staff recommended the Board to approve the Resolution and Change Order No. 1, accepting the project as complete, and authorize final payment, including release of retainage, pending completion of remaining punch list items in the amount of \$1,156,920.31.

- B. Amendment No. 1 to contract with CDM Smith Inc., authorizing additional funds, as a result of project construction delays.

As a result of various construction delays due to weather and other construction difficulties, the consulting engineer was required to perform extra services over an extended period of time, exceeding the budgeted amount for construction phase services in the contract (Task Order No. 4). The proposed Amendment No. 1 will provide compensation for services that exceeded the task order amount. Staff recommends approval and that funds to be provided by Budget amendment in the amount of \$39,011.00.

C. Financial Matters:

- Resolution authorizing use of current funds for interim purposes and a loan from Regional Treated Water System Non-Bond Capital Reserve.
- Resolution to enable reimbursement of funds from future Bond proceeds.
- Budget Amendment for needed funds.

Staff recommends that funds from the RTWS Non-Bond Capital Reserve be authorized as an inter-fund loan of \$425,000 for such interim funding until revenue bonds are issued. Staff also recommends items 12.A, B and C, be voted together as one item.

Tim Fisher made a motion to approve Item No. 12.A, B and C. as proposed and recommended. Seconded by Virginia Blevins. The *Weighted Capital Vote* proceeded as follows. The votes were 38 Yes, 0 No. Motion passed.

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSENT
ARGYLE – Norton	1	1		
AUBREY - Roberson	1	1		
BARTONVILLE – Knowler	1	1		
CELINA – Burnham	1	1		
CORINTH – Collier	3	3		
DENTON (CITY) – Fisher	2	2		
DC AT-LARGE - Campbell	1	1		
DCFWS #1A – Clark	2	2		
DCFWS #7 – Mercer	2	2		
DOUBLE OAK – Cook	1			1
FLOWER MOUND – Parr	9	9		



HIGHLAND VILLAGE – Lubke	2	2	
IRVING – Lopez	2	2	
JUSTIN – Blevins	1	1	
KRUM - Calmes	1	1	
LAKE CITIES MUA – Fairfield	2	2	
LEWISVILLE – Ferris	2	2	
MUSTANG SUD - Boyd	2	2	
PILOT POINT - Guard	1	1	
PONDER - Anderson	1	1	
PROSPER - Jaromin	1		1
SANGER – Brice	1	1	
TOTAL	40	38	2

13. Consider approval of Task Order No. 4 to existing contract with Halff Associates, Inc. related to obtaining permanent easements in support of water main relocations as a result of TxDOT FM 720 widening. **(Weighted Capital Vote)**

Under existing Task Order No. 3, Halff Associates, Inc. is providing land agent and appraisal services to acquire easements related to relocation of District’s pipelines in connection with FM 2181 Phase II improvements by TxDOT. The District now needs similar services on TxDOT project on FM 720. Staff recommended Task Order No. 4 with Halff for land acquisition services for any required easements for pipeline relocation on FM 720, in addition to the FM 2181 project.

The total amount for the proposed Task Order No. 4 with Halff Associates is \$167,450.00. It is anticipated that most of the costs for this work will be reimbursed by TxDOT. **Ramiro Lopez made a motion to approve Item No. 13. Seconded by Del Knowler.** The *Weighted Capital Vote* proceeded as follows. The votes were 38 Yes, 0 No. Motion passed.

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSENT
ARGYLE – Norton	1	1		
AUBREY - Roberson	1	1		
BARTONVILLE – Knowler	1	1		
CELINA – Burnham	1	1		
CORINTH – Collier	3	3		
DENTON (CITY) – Fisher	2	2		
DC AT-LARGE - Campbell	1	1		
DCFWSO #1A – Clark	2	2		
DCFWSO #7 – Mercer	2	2		
DOUBLE OAK – Cook	1			1

FLOWER MOUND – Parr	9	9	
HIGHLAND VILLAGE – Lubke	2	2	
IRVING – Lopez	2	2	
JUSTIN – Blevins	1	1	
KRUM - Calmes	1	1	
LAKE CITIES MUA – Fairfield	2	2	
LEWISVILLE – Ferris	2	2	
MUSTANG SUD - Boyd	2	2	
PILOT POINT - Guard	1	1	
PONDER - Anderson	1	1	
PROSPER - Jaromin	1		1
SANGER – Brice	1	1	
TOTAL	40	38	2

President Mercer called a 5-minute break at 2:35 PM

- Executive Session concerning granting or acquisition of easements, rights-of-way and other property for Water Resource Development, for Regional Treated Water System or for Regional Water Reclamation Systems according to location maps of the projects available in the District Office, and regarding water rights and related permits pursuant to Texas Government Code, Section 551.072; 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 2:35 PM.
 The Board returned to open meeting at 2:50 PM.

- Consider approval of Resolution to authorize the Executive Director to file an application with the Texas Commission on Environmental Quality to amend the District's Water Use Permit No. 5778 for reuse of treated effluent.

This item was discussed in Executive Session. **Jean Campbell made a motion to approve Item No. 15 as recommended by staff. Seconded by Kristina Clark.** The votes were all Yes. Motion passed.

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

None.

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

None.

- Visitor Comments Concerning Non-Agenda Topics

None.



19. Adjournment.

There being no further business, President Mercer adjourned the meeting at 2:52 P.M.

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

Certified By: 
Mike Fairfield, Secretary, Board of Directors

