



MINUTES

UPPER TRINITY REGIONAL WATER DISTRICT BOARD OF DIRECTORS MEETING MARCH 7, 2019

REGULAR SESSION BOARD MEETING

1. Call to Order

The Board of Directors of the Upper Trinity Regional Water District convened, with Vice President Richard Lubke presiding, at 1:15 P.M. on Thursday, March 7, 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, Vice President, Highland Village
Mike Fairfield, Secretary, Lake Cities MUA
Brian Roberson, Aubrey
James Burnham, Celina
Bob Hart, Corinth
Jean Campbell, Denton County At-Large
Dick Cook, Double Oak
Virginia Blevins, Justin
Eric Ferris, Lewisville
Alan Guard, Pilot Point
Frank Jaromin, Prosper

Ramiro Lopez, Treasurer, Irving
Troy Norton, Argyle
Del Knowler, Bartonville
Mark Pape, Copper Canyon
Timothy Fisher, Denton
Kristina Clark, DCFWSD #1A
Clay Riggs, Flower Mound
Gary Calmes, Krum
Lyle Dresher, Northlake
Michael Anderson, Ponder

Absent:

Kevin Mercer, President, DCFWSD #7 *
Chris Boyd, Mustang SUD *

* Excused Absence

Johnny Harris, Denton County *
Alina Ciocan, Sanger *

Staff & Advisors in Attendance:

Larry N. Patterson, Executive Director
Nancy Tam, Assistant to Executive Director
Tom Snyder, Director Const. & Eng.
Jason Pierce, Mgr. / Cust Cont & Support Svcs
Kim Probasco, Budget Manager
Adam McKnight, Project Eng.
Mark Steizel, GIS

John F. Boyle, Jr., General Counsel
Thomas E. Taylor, Former Exec Director
Jody Zabolio, Director/Operations
Lester Harris, Accounting Manager
Mark Skaggs, Manager / IT Svcs.
Ed Motley, LRH Program Manager

Others in Attendance:

Alan Tucker, APAI

Jason Voight, APAI

Terrance Stewart, LAN
Kyle Hines, UNT

Reem Samra, Deloitte & Touche

3. Pledge of Allegiance and Invocation

Pledge: Kyle Hines

Invocation: Jason Pierce

4. Opening Remarks:

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

- Vice President Lubke recognized a special guest, Kyle Hines, a student of UNT. He is spending a day with and attending the meeting with Bob Hart.
- Lubke reminded everyone that the April Board Meeting will be held on April 11th instead of April 4th. It will be an all-day meeting, and hopefully the group will be traveling to see the new Bois d'Arc Lake. If this trip is not an option, another location will be planned.
- Lubke informed the Board that we just received word that Congressman Ralph Hall had passed away at the age of 95.

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.

Due to a family funeral, Larry Patterson, Executive Director was unable to attend today's Board meeting. However, he will be giving a quick report via technology. Jody Zabolio, Director of Operations will be filling in in his capacity.

- The 86th Legislative Session began in January 8. Tomorrow, March 8 will be the deadline for filing bills. May 27, the Session Ends; and June 16 is the Veto Deadline.
- Key Legislative Topics that are under discussion this year center around flood planning and financing, disaster planning, State Water Planning, Surface Water and Groundwater, Aquifer Storage and Recovery, Public Information Transparency, and Eminent Domain.
- There are two Bills that are being watched and supported by Upper Trinity:
 - HB 807 (Larson Bill), which relates to State and regional water planning process.
 - HB 723 and SB 724 (Larson/Perry Bill) relates to the update of the WAM (Water Availability Model) for certain basins (Red, Brazos, Neches and the Rio Grande).
- There are three Bills that could impact some water districts:
 - HB 2021 (Metcalf): relates to voter approval prior to issuance of revenue bonds by river authorities.
 - HB 2527 (Leach): relates to water districts required to audio/video record open meetings & make available on internet.

- HB 2663 / SB 407 (Nevarez / Birdwell) relates to presiding officers of river authorities.

Patterson is planning to travel with a few other Water Districts and River Authorities to meet with Representative Larson to discuss these Bills. He plans to provide an update to the Board in the near future.

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

None.

5. Visitor Comments Concerning Agenda Topics. (Residents who desire to address the Board must complete a Speaker's Request Form and return it to the Board Secretary. Each speaker will be limited to three (3) minutes per agenda topic. To enable the conduct of business and to allow all topics to be covered, the President may limit the number of speakers per agenda item.)

None.

CONSENT AGENDA

Tim Fisher requested Item No. 7 be pulled for individual consideration. Regarding Item 6 (the Minutes), Jody Zabolio indicated there were a few minor editing clarifications made on the Minutes after the packets were mailed, so there is a slight difference on the copy received in your packets, but nothing substantial. **Frank Jaromin made a motion to approve the remaining items on the Consent Agenda. Seconded by Bob Hart.** The vote was all Yes. Motion carried. The approved items were:

6. Adopt minutes of February 7, 2019 Board Meeting.
8. Accept Comprehensive Annual Financial Report (CAFR), Audit Report prepared by Deloitte & Touché, Independent Auditors, and related documents (including the Governance Letter to Management) for fiscal year ended September 30, 2018.
9. Receive report of construction change orders approved by staff.
10. Authorize the Executive Director to enter into pricing agreements for the following services:
 - A. ASC Environmental Service, Inc. for the Wet Well Cleaning Service
 - B. Chaney Environmental as the primary and customized Environmental Solutions, Inc. (DBA Telum) as secondary for the Liquid Sludge Hauling Service.

ITEMS FOR INDIVIDUAL CONSIDERATION

7. Accept Monthly Management Report for the period ended January 31, 2019.

At the last Board Meeting, Tim Fisher asked to have certain changes made to the Ralph Hall Project Summary. The District will be spending a lot of money on the project and he would like more detailed break-down. Jody Zabolio commented that staff has developed an additional report to be presented to the Board, and it will be presented when the project is being discussed. **Tim Fisher made a motion to approve Item No. 7. Seconded by Bob Hart.** The vote was all Yes. Motion carried.



11. Consider approval of agreements for professional services for Lake Ralph Hall: **(Weighted Capital Vote)**

Ed Motley stated it is a pleasure to be an actual staff member of Upper Trinity after all these years of being here as a consultant.

- A. Contract and Task Order No. 1 with Ecosystem Planning & Restoration, LLC related to Mitigation Design for the project.

In 2018 the District awarded a Task Order No. 1 to Alan Plummer Associates (APAI) to refine the Mitigation Plan for Lake Ralph Hall. Ecosystems Planning & Restoration (EPR) was a primary sub-consultant to APAI and now the work for Task Order No. 1 is complete. The USACE is requiring additional design detail prior to the approval of the proposed stream restoration and mitigation plan. EPR has a strong reputation in stream restorations with the Ft. Worth District USACE and contracting directly with EPR will allow the District to meet USACE requirements in a more efficient manner. Alan Plummer will reverse roles and continue as a sub-consultant to EPR.

Staff recommends approval of Contract and Task Order No. 1 with Ecosystem Planning and Restoration, LLC, not to exceed amount of \$1,996,281.00.

- B. Contract and Task Order No. 1 with Freese and Nichols, Inc. related to Permitting Support Services for the project.

Freese and Nichols (FNI) has a unique expertise in securing 404 permits for large reservoirs in Texas. They assisted North Texas Municipal Water District in obtaining the Bois d’Arc Lake Permit. FNI has served as a sub-consultant advising the District on Lake Ralph Hall permitting matters for over ten years. It is now time to have direct contract with them; it provides better accessibility to FNI staff and promotes efficiency.

Staff recommends approval of the Contract and Task Order No. 1 with Freese and Nichols, Inc. for a not to exceed amount of \$70,000.

Ramiro Lopez stepped out of the meeting.

Kristina Clark made a motion to approve Item Nos. 11. A and B. Seconded by Lyle Dresher. The Weighted Capital Vote proceeded as follows. The vote was 35 Yes, 0 No. 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) – 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 – Riggs	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	3		3
NORTHLAKE - Dresher	1	1	
PILOT POINT - Guard	1	1	
PONDER - Anderson	1	1	
PROSPER - Jaromin	1	1	
SANGER – Ciocan	1		1
TOTAL	43	35	8

Ramiro returns to meeting.

12. Consider items related to project for Parallel Pipeline from Taylor Water Treatment Plant to Stone Hill Pump Station: **(Weighted Capital Vote)**

- A. Consider authorizing staff to proceed with Construction Manager at Risk (CMAR) procurement method for assistance in finalizing design and for construction of the project.

In June 2018, the Board authorized Contract and Task Order No. 1 with Alan Plummer Associates, Inc. for professional services related to preliminary design of the parallel pipeline from the Taylor WTP to Stone Hill Pump Station. The existing 48-inch pipeline is reaching its capacity. The current schedule is to have the parallel pipeline in service by summer 2021. It is anticipated that the construction manager at risk (CMAR) construction method will help the District meet the aggressive project schedule.

Staff recommends the Board make a finding that the Construction Manager at Risk (CMAR) process for the parallel pipeline from Taylor Plant to Stone Hill Pump Station will achieve the best value for the District, and that the Board authorize staff to proceed with the CMAR process.

- B. Approve Task Order No. 2 to existing contract with Alan Plummer Associates, Inc. related to final design and construction phase services for the project.

In June 2018, the Board authorized Contract and Task Order No. 1 with Alan Plummer for professional services related to preliminary design of the parallel pipeline from the Taylor WTP to Stone Hill Pump Station. This existing 48-inch pipeline is currently approaching its design capacity. The proposed 72-inch line is needed to meet increasing demands, and it will provide redundancy and operational flexibility. The current schedule is to have the parallel pipeline in service by the summer of 2021.



Staff recommends the Board approve Task Order No. 2 with Alan Plummer Associates, Inc. for professional services related to final design and construction of Parallel Pipeline from Taylor Water Treatment Plant to Stone Hill Pump Station in the not to exceed amount of \$2,447,932.00.

Eric Ferris informed the Board that the 72” water main is an important project. It will be briefed and discussed at the April 1 Lewisville Council Workshop.

Virginia Blevins made a motion to approve Item Nos. 12. A and B. Seconded by Del Knowler. The *Weighted Capital Vote* proceeded as follows. The vote was 37 Yes, 0 No. 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) – Fisher	2	2		
DC AT-LARGE - Campbell	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 - Calmes	1	1		
LAKE CITIES MUA – Fairfield	2	2		
LEWISVILLE – Ferris	2	2		
MUSTANG SUD - Boyd	3			3
NORTHLAKE - Dresher	1	1		
PILOT POINT - Guard	1	1		
PONDER - Anderson	1	1		
PROSPER - Jaromin	1	1		
SANGER – Ciocan	1			1
TOTAL	43	37		6



13. Consider Approval of Proposed District Policies.

In an effort to bring District policies up-to-date with best practices, staff looked at three policies with the Finance and the Rates and Charges Committees to discuss and agree on revisions if needed:

- A. Working Capital Policy (updated)
- B. Non-Bond Capital Reserve Policy (updated)
- C. Interfund Loan Provisions Policy (new policy)

Much of the sources for the original framework of these policies were from the American Water Works Association - Reserve Policy Guidelines, GFOA Publications and review of past District Practices. Staff, the Finance Committee, and the Rates and Charges Committee recommend approval of the revised and proposed policies. **Alan Guard made a motion to approve Items 13. A, B, and C. Seconded by Lyle Dresher.** The Vote was all Yes. Motion carried.

14. 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 2:05 PM.
The Board returned to open meeting at 2:23 PM.

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

There were no action required on property matters discussed in Executive Session.

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

None.

17. Visitor Comments Concerning Non-Agenda Topics.

None.

18. Adjournment.

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

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

Certified By: 
Mike Fairfield, Secretary, Board of Directors

