



MINUTES

UPPER TRINITY REGIONAL WATER DISTRICT BOARD OF DIRECTORS MEETING MAY 2, 2019

REGULAR SESSION BOARD MEETING

1. Call to Order

The Board of Directors of the Upper Trinity Regional Water District convened, with President Kevin Mercer presiding, at 1:05 P.M. on Thursday, May 2, 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:

Kevin Mercer, President, DCFWSD #7
Ramiro Lopez, Treasurer, Irving
Brian Roberson, Aubrey
James Burnham, Celina
Bob Hart, Corinth
Johnny Harris, Denton County
Dick Cook, Double Oak
Gary Calmes, Krum
Chris Boyd, Mustang SUD
Michael Anderson, Ponder
Alina Ciocan, Sanger

Richard Lubke, Vice President, Highland Village
Mike Fairfield, Secretary, Lake Cities MUA
Del Knowler, Bartonville
Mark Pape, Copper Canyon
Timothy Fisher, Denton
Kristina Clark, DCFWSD #1A
Virginia Blevins, Justin
Eric Ferris, Lewisville
Alan Guard, Pilot Point
Frank Jaromin, Prosper

Absent:

Troy Norton, Argyle *
Lyle Drescher, Northlake *
* Excused Absence

Clay Riggs, Flower Mound *

Vacant: Denton County At-Large

Staff & Advisors in Attendance:

Larry N. Patterson, Executive Director
Bill Greenleaf, Director / Business Services
Tom Snyder, Director Const. & Eng.
Lester Harris, Accounting Manager
Kurt Staller, Asst. Dir, Const. & Eng.
Ronna Hartt, Manager, Water Resources
Doug Janeway, Manager/Properties Services

John F. Boyle, Jr., General Counsel
Nancy Tam, Assistant to Executive Director
Jason Pierce, Mgr. / Cust Cont & Support Svcs
Kim Probasco, Budget Manager
Mark Skaggs, Manager / IT Svcs.
Ed Motley, LRH Program Manager
Ben Hodges, Assistant Director of Operations

Others in Attendance:

Alan Tucker, APAI

3. Pledge of Allegiance and Invocation

Pledge of Allegiance: Tim Fisher

Invocation: Johnny Harris

4. Opening Remarks:

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

- Planning ahead: The July Board Meeting will move to July 11, 2019 due to the July 4th Holiday falling on the regular scheduled day for the Board Meeting.
- Congratulated Eric Ferris and the City of Lewisville on the \$500,000 grant money they received from the Parks and Wildlife Department for developing Valley Vista Nature Park.

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 the recent heavy rains in the area, the Doe Branch Plant had an overflow. This was a unique circumstance; but thanks to our partners (members and customers) served by this plant, especially with their help on I & I, all went well.
- Patterson provided updates on various pending House Bills to the Board. Regarding HB 2527 which requires Board Meetings to be videoed, it is related to Transparency of Government and population. If this Bill approved, it may have an impact on the budget.

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 Mercer asked for a motion to approve the items on the Consent Agenda. **Bob Hart made a motion to approve Consent Agenda Items 6-12. Seconded by Johnny Harris.** The vote was all Yes. Motion carried.

6. Adopt minutes of April 11, 2019 Board Meeting.

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

8. Accept Quarterly Investment Report for the period ended March 31, 2019.



9. Consider Resolution concerning the appointment of a Financing Team to prepare for the issuance of Upper Trinity Regional Water District Regional Treated Water System Revenue Refunding Bonds; to refund a portion of the Commercial Paper debt for the Regional Treated Water System; authorize presentations to credit rating agencies, preparation of bond documents and a preliminary official statement.
10. Receive report of construction change orders approved by staff.
11. Approve budget amendment related to condition assessment and evaluation of Burl Street Lift Station corrosion issues in the Lakeview Regional Water Reclamation System.
12. Authorize the Executive Director to enter into pricing agreement with Garrison Minerals, LLC for the purchase of Magnesium Hydroxide.

ITEMS FOR INDIVIDUAL CONSIDERATION

13. Consider Resolution of Appreciation for Jean Campbell and her service as a Member of the Board of Directors.

After 12 years of service for the Board, helping to advance the District, Ms. Campbell is going off the Board. She was present for the Work Session prior to the meeting, but was unable to stay for the business meeting. **President Mercer made a motion to approve the Resolution of Appreciation for Ms. Campbell and her service. Seconded by Johnny Harris.** The vote was all Yes. Motion approved.

14. Consider Resolution of Appreciation for Timothy S. Fisher and his service as a Member of the Board of Directors.

After serving 18 years as a Board Member representing City of Denton, Mr. Fisher is retiring from Denton and going off the Board. Richard Lubke read the Resolution of Appreciation for Timothy Fisher for his many years of service to the District. **Lubke made a motion to approve the adoption of the Resolution. Seconded by Kevin Mercer.** The vote was all Yes. Motion passed. The Board members all stood up - with applause for Tim's dedicated service for this region.

A 10-minute break was called to honor Jean Campbell and Tim Fisher on their retirement.

15. Consider Resolution authorizing staff to file an application with the Texas Water Development Board for financial assistance in support of proposed Lake Ralph Hall Project.

Lester Harris provided a brief history on the District's first application to the TWDB for financial assistance from the State Water Implementation Fund for Texas (SWIFT) for the Lake Ralph Hall Project.

The District is now preparing to send in a second application for additional funding for the LRH Project. Staff recommended the Board to approve a Resolution to file an application with the Texas Water Development Board for the next phase of SWIFT financial assistance. **Kristina Clark made a motion to approve Item No. 15. Seconded by Dick Cook.** The vote was 20 Yes, 0 No. Motion passed.

16. Consider approval of an Agreement and professional services contract for development of Lake Ralph Hall: **(Weighted Capital Vote)**
 - A. Resolution authorizing the Executive Director to execute the Programmatic Agreement required under Section 106 of the National Historic Preservation Act of 1966 (as amended) for the Lake Ralph Hall Project.



Ronna Hartt provided the briefing to the Board. Section 106 of the National Historic Preservation Act of 1966 requires the U.S. Army Corps of Engineers (USACE) to consider potential impacts to cultural resources prior to issuing a Section 404 Permit for the Lake Ralph Hall Project. The Programmatic Agreement outlines the protocols that UTRWD will be required to employ in completing cultural resources surveys and disposition of any artifacts that are discovered during these surveys. The USACE requires that UTRWD, USACE the Texas Historical Commission (THC), and other interested parties, including relevant Native American Tribes to be signatories to this Agreement.

There are no direct costs associated with the Programmatic Agreement; however, this agreement will result in future contracts with the archaeology consultant to complete the required surveys.

Staff recommends approval of the Resolution authorizing the Executive Director to execute the Programmatic Agreement required under Section 106 of the National Historic Preservation Act of 1966 for the Lake Ralph Hall Project.

- B. Task Order No. 3 to existing contract with CP&Y, Inc. for services related to surveying and mapping for the project.

Ed Motley provided the briefing to the Board. On November 1, 2018 the District approved Task Order No. 2 with CP&Y, Inc. (CPY) for additional surveying and mapping components for the Lake Ralph Hall (LRH) project.

As the LRH project, specifically the land acquisition effort, continues to move forward, additional mapping and surveying support is required.

Accordingly, the District staff has negotiated Task Order No. 3 with CPY for the following surveying and mapping support:

- Parcel boundary surveys for land acquisition
- Parcel Abstracting Services
- Boundary Adjustment / Rectification Work

Staff recommends approval of Task Order No. 3 with CP&Y, Inc. in the amount of \$1,975,000.00 for surveying and mapping services for the Lake Ralph Hall Project.

Bob Hart made a motion to approve Item Nos. 16. A & B as recommended by staff. Seconded by Gary Calmes. The *Weighted Capital Vote* proceeded as follows. The vote was 31 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 - (VACANT) 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	42	31	11

17. Consider the following matters related to the expansion of the Peninsula Water Reclamation Plant from 0.94 MGD to 2.0 MGD: **(Weighted Capital Vote)**

A. Amendment to Participating Member Contract with Mustang Special Utility District.

Due to continuing growth and development of the northeast area, the Peninsula Plant near Oak Point is currently operating at approximately 600,000 gallons per day (permit is 940,000 gallons per day), with growth over next few years expected to use up the available capacity. Staff has coordinated with Mustang SUD and its Engineers regarding the need to expand the plant. Based on the expected growth within the Peninsula service area, both the District and Mustang SUD are ready to begin the next expansion of the Peninsula Plant, from 0.94 mgd to 2.0 mgd. This cost for the additional plant capacity will be paid by Mustang SUD, the only participant in the Plant.

B. Task Order No. 2 with Alan Plummer Associates, Inc. related to design and construction services for Peninsula Water Reclamation Plant expansion from 0.94 MGD to 2.0 MGD.

Kurt Staller provided the briefing to the Board. Proposed Task Order No. 2 with Alan Plummer Associates, Inc. is for design, bidding phase and construction phase services of the plant expansion.

Task Order No. 2 includes Basic Services in the amount of \$1,612,546, Special Services in the amount of \$46,805 and Additional Services in the amount of \$50,000. The total amount for proposed Task Order No. 2 is \$1,709,351.

Sufficient funding for the plant expansion is in the Peninsula Water Reclamation Plant CIP budget associated with project number 5N3. Staff recommends approval of proposed Task Order No. 2 for engineering services related to Peninsula Water Reclamation Plant.

Del Knowler made a motion to approve Items Nos. 17.A. & B. Seconded by Alan Guard. The *Weighted Capital Vote* proceeded as follows. The vote was 31 Yes and 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 - (VACANT) 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	42	31		11

- Receive briefing regarding pre-qualification of construction contractors for design, bid, build delivery method for the Doe Branch Water Reclamation Plant Expansion.

Tom Snyder provided the briefing for the Board. At the June 2018 meeting, the Board had authorized Task Order No. 2 with Freese and Nichols, Inc. (FNI) for professional services related to design and



construction of the Doe Branch Water Reclamation Plant Expansion from 2.0 MGD to 4.0 MGD. As part of Task Order No. 2, FNI investigated alternative delivery methods as well as conventional design, bid, build.

After alternative delivery method investigation, it was determined the best path forward would be a design, bid, build delivery method with a pre-qualification of bidders. This allows the opportunity for better control of the project, specifically in the selection of a qualified contractor. No action taken.

19. Authorize the Executive Director to select an Electric Energy Service Provider, establish terms, conditions and rates, and enter into an Electric Energy Services Agreement according to specific parameters for electrical service for the Taylor Regional Water Plant and Intake, the Non-potable Water System and Lakeview Regional Water Reclamation System for an additional period of 24 to 49 months after April 30, 2023.

According to Pro-Star Energy Services, they are projecting a rate less than market from 2023 and beyond. According to its recent pricing update, the District could expect a per kilowatt hour price in the range of \$0.03350 to \$0.03459. These prices could fluctuate up or down over the next several weeks and Pro-Star has recommended that the District be in a position to take quick action in order to lock in the best possible price, terms and conditions.

Staff recommends approval of the enclosed Resolution which authorizes the Executive Director to select an Electric Energy Service provider, establish terms, condition and rates, and enter into an Electric Energy Agreement: 1) for a period not to exceed 24 to 49 months beginning May 1, 2023, and 2) at a rate not to exceed \$0.03459 per kilowatt-hour. **Tim Fisher made a motion to approve Item No. 19. Seconded by Virginia Blevins.** The vote was 20 Yes, 0 No. Motion carried.

A 10-Minute Break was called.

20. Executive Session concerning acquisition (or exchange) 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.

Bob Hart and Chris Boyd left the meeting.

The Board of Directors went into Executive Session at 2:25 PM.
The Board returned to open meeting at 2:30 PM.

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

None.

22. Approve slate of nominees for consideration by Denton County Commissioners Court in making a new appointment to the Board of Directors for the Denton County At-Large seat recently vacated by Jean Campbell.

Larry Patterson provided the briefing to the Board. Jean Campbell had recently submitted her resignation from the Board. Jean was the At-Large Director appointed by the Denton County Commissioners Court. In accordance with the District's enabling legislation, and the agreement with the County, appointment of

the At-Large Director will be made from a slate of nominees submitted by the Upper Trinity Board to the Commissioners Court.

The Officers of the Board have met to develop a proposed slate of nominees for consideration by the Board. The Slate of Nominees consists of the following: Johnny Harris, Gary Calmes, Leslie Maynard. Frank Jaromin made a motion to approve the proposed slate of nominees. Seconded by Tim Fisher. The vote was 22 Yes, 0 No. Motion carried.

23. Receive report of Nominating Committee and conduct election of Officers for the year beginning June 1, 2019.

At the last Board Meeting, President Mercer appointed the following to serve on the Nominating Committee: Eric Ferris (Lewisville), Chair; Del Knowler (Bartonville); Kristina Clark (DCFWS 1A); Virginia Blevins (Justin); Lyle Dresher (Northlake).

Eric Ferris thanked the Members for attending the Committee Meeting last week. Discussions were held regarding various options, with the following recommendation to be presented to the Board.

Rich Lubke, President	Ramiro Lopez, Vice President
Mike Fairfield, Treasurer	Brian Roberson, Secretary

Ferris indicated that contact has been made with these individuals and they have agreed, should the Board make a motion on the proposed nomination, they would be willing to serve. Ferris made a motion that the recommendation from the Nominating Committee be approved. Seconded by Del Knowler. The vote was 17 Yes, 1 No (Prosper). Motion carried.

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

None.

President Mercer thanked the Board for allowing him to serve as President of the Board for the last two years. He also thanked all Board Members for their continued support of the District.

25. Visitor Comments Concerning Non-Agenda Topics.

None.

26. Adjournment.

There being no further business, President Mercer adjourned the meeting at 2:42 P.M.

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

Certified By: 
Mike Fairfield, Secretary, Board of Directors

