

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF
TARRANT REGIONAL WATER DISTRICT
HELD ON THE 21st DAY OF AUGUST 2018 AT 9:00 A.M.

The call of the roll disclosed the presence of the Directors as follows:

Present

Jack Stevens
Marty Leonard
Leah King
James Hill

Absent

Jim Lane

Also present were Jim Oliver, Alan Thomas, Dan Buhman, Darrell Beason, Stacy Beeson, Shanna Cate, Steve Christian, Randall Cocke, Woody Frossard, JD Granger, Rachel Ickert, Chad Lorange, Mick Maguire, Matt Mancino, Megan McMullen, Steve Metzler, Sandy Newby, Tina Nikolic, Wayne Owen, Kirk Thomas and Ed Weaver.

Also in attendance were George Christie, Lee Christie, Jeremy Harmon and Mike Atchley of Pope, Hardwicke, Christie, Schell, Kelly & Taplett, L.L.P. General Counsel for Tarrant Regional Water District (District or TRWD); Denis Qualls of City of Dallas Water Utilities; Brittney King, Tully Campbell, Cesar Garza, Daniel Hickman, Taylor Hathcorte and Xavier Sigler of Andrew's Distributing; Brooke Whittaker of Lockheed Martin; Bill Pembroke of KIT Professionals; Amanda Smayda of JQ; Matt Wagley of Phillips and Jordon; Larry and Karen Anfin of K + L Enterprises, Inc.; Bill Paxton of Paxton Firm; Kristen Harford and Jimmy Joe Jenkins of USS FW Support; Glenda Thompson of Gestures Marketing; Gerry Schlegel of The Ranch/Hank FM; Carl DeZee and Glenn Gary of Kimley-Horn; Doug Varner of CDM Smith; Max Baker; and Christine Jacoby of Freese and Nichols.

President Stevens convened the meeting with assurance from management that all requirements of the “open meetings” laws had been met.

1.

All present were given the opportunity to join in reciting the Pledges of Allegiance to the U.S. and Texas flags.

2.

On a motion made by Director Hill and seconded by Director Leonard, the Directors voted to approve the minutes from the Board meeting held on July 17, 2018 and the Board Budget Workshop held on August 13, 2018. It was accordingly ordered that these minutes be placed in the permanent files of the District.

3.

Shanna Cate, Programming and Development Manager, of Trinity River Vision Authority presented a review of Fort Worth’s Fourth.

4.

With the recommendation of management, Director Leonard moved to reappoint Directors G.K. Maenius, James M. Oliver and David Cooke to the Board of Directors of Trinity River Vision Authority to serve for a term of four years. Director Hill seconded the motion and the vote in favor was unanimous.

5.

With the recommendation of management, Director Hill moved to approve the Water Quality Guidance Manual for Planning and Implementing Stormwater Quality Practices and to authorize staff to implement and administer same. Director King seconded the motion and the vote in favor was unanimous.

6.

With the recommendation of management, Director Leonard moved to vote to place a proposal to adopt a tax year 2018 tax rate of \$.0194/\$100 on the agenda for the September 18, 2018 Board of Directors meeting and to establish a date for a Public Hearing to be held September 10, 2018 at 3:30PM on the proposed tax year 2018 rate of \$.0194/\$100 which is no less than three or no more than fourteen days prior to the September 18, 2018 Board of Directors meeting. Director Hill seconded the motion and the vote in favor was unanimous.

7.

With the recommendation of management, Director King moved to approve a change in calculation of retainage with Hartman Walsh Painting Company to 5% of the total contract price following the recent completion of the contract for refurbishing of Bridgeport Spillway. All remaining contract payments are to be made in full, the Board having found that satisfactory progress is being made. However, any changes to the contract price by change order or alternate base bid work for the project will require adjustment to the retainage schedule. Funding is included in the Fiscal Year 2018 Revenue Fund. Director Hill seconded the motion and the vote in favor was unanimous.

8.

With the recommendation of management, Director Hill moved to approve a contract with Xerox Corporation in an amount not to exceed \$350,000 for the lease of, and maintenance and supply services related to, District multi-function devices. Funding for this contract is included in the Fiscal Year 2019 General and Revenue Funds. Director King seconded the motion and the vote in favor was unanimous.

9.

With the recommendation of management, Director Hill moved to approve a contract with Time Warner (Spectrum) in an amount not to exceed \$360,000 for fiber internet and metro ethernet to provide network connectivity to the Victor W. Henderson Building and Joint Booster Pump Station 3 Data Center. Funding for this contract is included in the Fiscal Year 2019 Revenue Fund. Director Leonard seconded the motion and the vote in favor was unanimous.

10.

With the recommendation of management, Director Leonard moved to approve an amendment to the 2013 Advanced Funding Agreement between the District and Sulphur River Basin Authority and to authorize payment in an amount not to exceed \$100,000 and to extend the term to August 31, 2019 to accommodate ongoing efforts to complete the USACE's Sulphur River Basin studies. Funding for this amendment is included in the Bond Fund. Director King seconded the motion and the vote in favor was unanimous.

11.

With the recommendation of management, Director Hill moved to approve an amendment to the 2007 Interlocal Cooperation contract between the District and the City of Dallas for Dallas to cost-share in the evaluation of water supply strategies in an amount not to exceed \$29,197. Director King seconded the motion and the vote in favor was unanimous.

12.

With the recommendation of management, Director Leonard moved to approve a contract with Freese and Nichols, Inc. in an amount not-to-exceed \$326,236 to perform a seepage analysis and preliminary remedial design at the Eagle Mountain Lake spillway

levee. Funding for this purchase is included in the Bond Fund. Director Hill seconded the motion and the vote in favor was unanimous.

13.

With the recommendation of management, Director Hill moved to approve an amendment to the Accurate Inspections, LLC. contract in an amount not to exceed \$570,058 for manufacturing quality assurance inspection services for the Joint Cedar Creek Lake Pump Station construction project (Package 2) of the Integrated Pipeline Project. The current contract value is \$1,329,000 and the revised contract value, including this amendment, will be the total not-to-exceed amount of \$1,899,058. Funding for this amendment is included in the Bond Fund. Director King seconded the motion and the vote in favor was unanimous.

14.

With the recommendation of management, Director Leonard moved to approve a credit change order with BAR Constructors, Inc. in the amount of \$16,375.66 for the Joint Cedar Creek Lake Pump Station Intake Project (JCC1 Package 1) of the Integrated Pipeline Project. The current contract price is \$19,942,714.28 and the amended contract price, including this change order, will be \$19,926,338.62. Funding for this change order is included in the Bond Fund. Director Hill seconded the motion and the vote in favor was unanimous.

15.

Staff Updates

- Twin Points Video
- Diverse Business Report – Postponed
- System Status Update

16.

There were no persons from the general public requesting the opportunity to address the Board of Directors.

The Board of Directors recessed for a break from 9:58 a.m. to 10:10 a.m.

17.

The presiding officer next called an executive session at 10:10 a.m. under Government Code, Section 551.071 to Consult with Legal Counsel on a Matter in Which the Duty of Counsel Under the Texas Disciplinary Rules of Professional Conduct Clearly Conflicts with Chapter 551, Texas Government Code, and to Conduct a Private Consultation with Attorneys Regarding Pending or Contemplated Litigation (*Tarrant Regional Water District v. Jim F. Reed and Judith Reed*, Cause No. C16-25098-CV in the County Court at Law of Navarro County, Texas); and under Section 551.072 to Deliberate the Purchase, Exchange, Lease or Value of Real Property. Upon completion of the executive session at 10:24 a.m., the President reopened the meeting.

18.

With the recommendation of management, Director Leonard moved to approve a change order with BAR Constructors, Inc. in an amount not-to-exceed \$177,041.73 for modifications to the KBR Bypass Piping. Funding for this change order is included in the Bond Fund. Director Hill seconded the motion and the vote in favor was unanimous.

19.

With the recommendation of management and General Counsel, Director Hill moved to approve the proposed settlement of claims in the Reed (IPL Parcel No. 528) condemnation for the amount of \$600,000. Funding for this settlement is included in the Bond Fund. Director King seconded the motion and the vote in favor was unanimous.

With the recommendation of management, Director Leonard moved to grant authority to purchase the real property described below, which is necessary for the public use and purpose of construction and operation of the Cedar Creek Wetland Project. Funding for this acquisition is included in the Bond Fund.

**Parcel 24
(Fillmore)**

A permanent easement interest across a 2.817-acre tract of land located in the Andrew J. Martin Survey, Abstract No. 347, Kaufman County, Texas, said 2.187-acre tract of land also being a portion of a called 50-acre tract of land conveyed to John R. Fillmore, by deed as recorded in Volume 3761, Page 326, Deed Records, Kaufman County, Texas, and being further described in the accompanying resolution and in the survey plat for Parcel 24 attached thereto for the negotiated purchase price of \$34,000.

EXHIBIT "A"
Property Description

BEING a 2.817 acre (95,249 square feet) tract of land located in the Andrew J. Martin Survey, Abstract No. 347, Kaufman County, Texas, said 2.187 acre tract of land also being a portion of a called 50 acre tract of land conveyed to **JOHN R. FILLMORE**, by deed as recorded in Volume 3761, Page 326, Deed Records, Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod with a cap stamped "SPOONER & ASSOCIATES" set (hereinafter referred to as an iron rod set) on the south property line of the said 50 acre tract, same being the north right-of-way of Farm to Market No. 3396 (being a variable with right-of-way at this point), from which the southwest property corner of the said 50 acre tract bears South 89°38'43" West, a distance of 23.59 feet (said beginning point having a grid coordinate of N:6,823,297.401 E:2,649,127.335);

THENCE over and across the said 50 acre tract the following courses and distances:

North 15°30'31" East, a distance of 45.46 feet to an iron rod set;

North 60°30'31" East, a distance of 108.28 feet to an iron rod set;

South 29°29'29" East, a distance of 20.00 feet;

North 60°30'31" East, a distance of 126.83 feet to an iron rod set at the beginning of a curve to the left having a radius of 3,970.00 feet;

Along said curve to the left, an arc length of 361.24 feet, and across a chord which bears North 57°54'07" East, 361.12 feet to an iron rod set;

North 55°17'43" East, a distance of 278.11 feet to an iron rod set at the beginning of a curve to the right having a radius of 9,030.00 feet;

Along said curve to the right, an arc length of 121.79 feet, and across a chord which bears North 55°40'54" East, 121.79 feet to an iron rod set on the east property line of the said 50 acre tract, same being the west property line of a called 145.529 acre tract of land described as Tract 2, conveyed to Ray Owens, by deed as recorded in Volume 1451, Page 59, D.R.K.C.T.;

THENCE South 00°10'46" East, along the said property lines, a distance of 120.57 feet to an iron rod set at the beginning of a curve to the left having a radius of 8,930.00 feet;

THENCE over and across the said 50 acre tract, the following courses and distances:

Along said curve to the left, an arc length of 53.45, and across a chord which bears South 55°28'00" West, 53.45 feet to an iron rod set;

South 55°17'43" West, a distance of 278.11 feet to an iron rod set at the beginning of a curve to the right having a radius of 4,070.00 feet;

Along said curve to the left, an arc length of 370.34 feet, and across a chord which bears South 57°54'07" West, 370.22 feet to an iron rod set;

South 60°30'31" West, a distance of 109.65 feet to an iron rod set on the south property line of the said 50 acre tract, same being the north right-of-way line of the aforesaid Farm to Market No. 3396, from which a concrete Texas Department of Transportation monument found on the said property line and the said right-of-way line bears North 89°38'43" East, a distance of 75.36 feet;

THENCE South 89°38'43" West, along the said property line and along the said right-of-way line, a distance of 180.44 feet to the **POINT OF BEGINNING**, and containing **2.187 acres (95,249 square feet)**, of land, more or less.

NOTE: Basis of Bearings is the Texas State Plane Coordinate System, North Central Zone (4202) North American Datum (NAD83)(2007) with all distances scaled from N:6,280,412.879 E:2,638,417.218 by a project combined scale factor of 0.99993245856.

NOTE: Plat to accompany this legal description

I do certify on this 27th day of March, 2018, to Kaufman County Title & Abstract Company, First American Title Insurance Company, and Tarrant Regional Water District, that a survey was made on the ground as per the field notes shown on this survey and is true and correct according to the standards of the Texas Society of Professional Surveyors Standards and Specifications for a Category 2, Condition IV Survey, and accurate as to the boundaries and areas of the subject property and the size, location and type of buildings and improvements, if any, and shows the location of all visible easements and rights-of-way and the rights-of-way, easements and other matters of record as listed in Schedule B of the Commitment for Title issued by First American Title Insurance Company, having an effective date of March 1, 2018, issued March 08, 2018, GF # 1807536-KT50, affecting the subject property.

Except as shown on the survey: (i) there are no visible encroachments upon the subject property by visible improvements on adjacent property, (ii) there are no visible encroachments on adjacent property, streets or alleys by any visible improvements on the subject property, and (iii) there are no visible conflicts or discrepancies.

This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 2, Condition IV Survey.

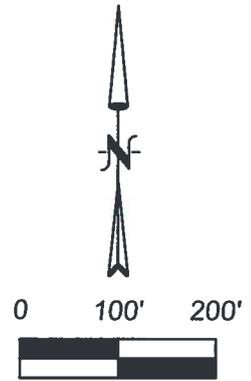
Eric S. Spooner, RPLS
Registered Professional Land Surveyor
Texas Registration Number 5922
Dated: 3-28-18



EXHIBIT "A" PARCEL 24

ANDREW J. MARTIN SURVEY
ABSTRACT NO. 347

CALLED: 50 ACRES
JOHN R. FILLMORE
VOL. 3761, PG. 326,
D.R.K.C.T.



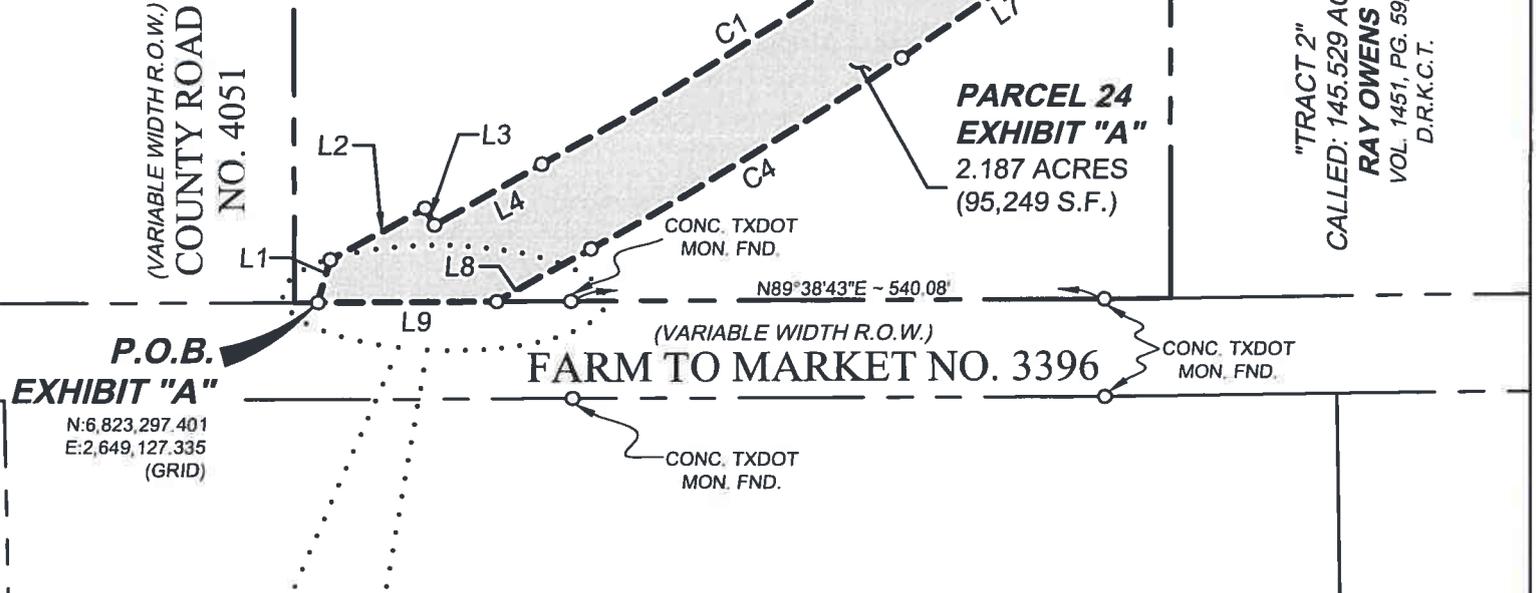
LINE TABLE		
NO.	DIRECTION	DIST.
L1	N15°30'31"E	45.46'
L2	N60°30'31"E	108.28'
L3	S29°29'29"E	20.00'
L4	N60°30'31"E	126.83'
L5	N55°17'43"E	278.11'
L6	S00°10'46"E	120.57'
L7	S55°17'43"W	278.11'
L8	S60°30'31"W	109.65'
L9	S89°38'43"W	180.44'

0 100' 200'
GRAPHIC SCALE IN FEET
1" = 200'

(VARIABLE WIDTH R.O.W.)
COUNTY ROAD
NO. 4051

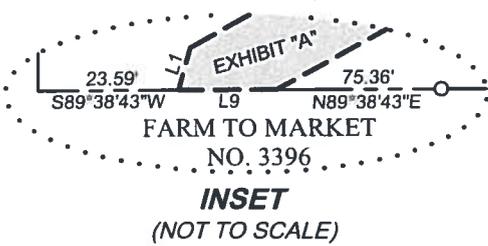
"TRACT 2"
CALLED: 145.529 ACRES
RAY OWENS
VOL. 1451, PG. 59,
D.R.K.C.T.

PARCEL 24
EXHIBIT "A"
2.187 ACRES
(95,249 S.F.)



P.O.B.
EXHIBIT "A"
N: 6,823,297.401
E: 2,649,127.335
(GRID)

(VARIABLE WIDTH R.O.W.)
FARM TO MARKET NO. 3396



CURVE TABLE				
NO.	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	3,970.00	361.24	N57°54'07"E	361.12'
C2	9,030.00	121.79	N55°40'54"E	121.79'
C3	8,930.00	53.45	S55°28'00"W	53.45'
C4	4,070.00	370.34	S57°54'07"W	370.22'

SURVEYED ON THE GROUND - 2013

NOTE: LEGAL DESCRIPTION TO ACCOMPANY THIS PLAT.

SPOONER & ASSOCIATES
REGISTERED PROFESSIONAL LAND SURVEYORS
SPOONER AND ASSOCIATES, INC.
09 BYERS STREET, SUITE 100
ULESS, TEXAS 76039
TEL 817-281-2355
FAX 817-685-8508



SHEET TITLE

EXHIBIT "A"
PARCEL 24
JOHN R. FILLMORE

PROJECT

CEDAR CREEK
FINISHED WATER PIPELINE

BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202) NORTH AMERICAN DATUM (NAD83)(2007) WITH ALL DISTANCES SCALED FROM N. 6,820,412.879, E. 2,638,417.218 BY A PROJECT COMBINED SCALE FACTOR OF 0.99993245856.

PG. 3 OF 4

PROJ NO: 09-086-3
SCALE: 1" = 200'
DATE: 05/13/2013
DRAWN BY: C.R.R.
CHECKED BY: S.G.S.
REVISED DATE: 03/27/2018

In addition, the General Manager or his designee is granted authority to execute all documents necessary to complete this transaction and to pay all reasonable and necessary closing and related costs incurred with this acquisition. Director Hill seconded the motion and the vote in favor was unanimous.

21.

There were no future agenda items approved.

22.

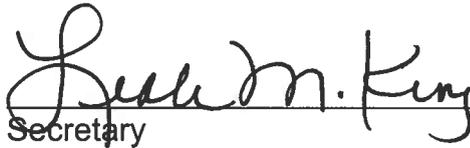
The next board meeting was scheduled for September 18, 2018 at 9:00 A.M.

23.

There being no further business before the Board of Directors, the meeting was adjourned.



President



Secretary

