

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF
TARRANT REGIONAL WATER DISTRICT
HELD ON THE 16th DAY OF JANUARY 2018 AT 9:00 A.M.

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

Present
Jack Stevens
Marty Leonard
Jim Lane
Leah King
James Hill

Also present were Jim Oliver, Dan Buhman, Steve Christian, Linda Christie, Wesley Cleveland, Randall Cocke, Dustan Compton, Megan Cowan, Woody Frossard, J.D. Granger, Rachel Ickert, Nancy King, Kari Littrell, David Marshall, Jennifer Mitchell, Sandy Newby, Tina Nikolic, Matt Oliver, Mark Olson, Wayne Owen, Kirk Thomas and Ed Weaver.

Also in attendance were George Christie; General Counsel for Tarrant Regional Water District (District or TRWD); Lee Christie, Ethel Steele, Jeremy Harmon and Mike Atchley of Pope, Hardwicke, Christie, Schell, Kelly & Taplett, L.L.P., Reem Samra of Deloitte; Stacey Pierce of Streams & Valleys; Denis Qualls of City of Dallas Water Utilities; David Dryden of Teague, Nall & Perkins; Laura Alexander of Hilltop Securities; Molly Carson, Greg Schaecher and Alan Raynor of McCall, Parkhurst & Horton, L.L.P.; Amanda Smayda of JQ Engineering; and Christine Jacoby of Freese and Nichols, Inc;

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 Lane and seconded by Director Hill the Directors voted unanimously to approve the minutes from the meeting held on December 19, 2017. It was accordingly ordered that these minutes be placed in the permanent files of the Tarrant Regional Water District.

3.

Stacey Pierce, Executive Director of Streams & Valleys, gave a presentation on the Trinity River Master Strategic Plan.

4.

With the recommendation of management, Director Hill moved to approve the District's comprehensive Annual Financial Report for the year ended September 30, 2017. Director Leonard seconded the motion and the vote in favor was unanimous.

5.

With the recommendation of management, Director Hill made a motion to receive and file an updated comprehensive report on the Trinity River Vision/Gateway Park/Panther Island Flood Control Project. This project is a multi-agency collaboration between and among the District, United States Army Corps of Engineers, City of Fort Worth, and Tarrant County. Director King seconded the motion and the vote in favor was unanimous.

6.

With the recommendation of management, Director Hill moved to approve a contract renewal with The Richards Group in the amount of \$160,000 (with half to be paid by TRWD) to manage and develop new material for the third year of the regional water conservation public awareness campaign "Water is Awesome". Funding for this contract

is included in Fiscal Year 2018 Revenue Fund Budget. Director Leonard seconded the motion and the vote in favor was unanimous

7.

With the recommendation of management, Director Leonard moved to approve an annual service contract, with an option to renew for four additional one-year periods, at a cost not to exceed \$305,807 with Edko, LLC for vegetation management services. Funding for this contract is included in Fiscal Year 2018 General Fund, Revenue Fund and Recreation Fund. Director Lane seconded the motion and the vote in favor was unanimous.

8.

With the recommendation of management, Director Lane moved to approve a change order in the amount of \$170,000 with MWH Constructors, Inc. for the Integrated Pipeline Joint Booster Pump Station 3 gate valve vault modifications. The total not-to-exceed contract value, including this change order, will be \$57,302,744. Funding for this change order is included in the Bond Fund. Director Leonard seconded the motion and the vote in favor was unanimous.

9.

With the recommendation of management, Director King moved to approve a contract with R.E. Monks in the amount of \$249,610.10 for Reservoir Cell 2 repairs at the Integrated Pipeline Joint Booster Pump Station Number 3. Funding for this contract is included in the Bond Fund. Director Hill seconded the motion and the vote in favor was unanimous.

10.

Staff Updates

- TRWD Recreation Video: A Trail of Success was postponed.
- System Status Update

11.

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 10:01 a.m. to 10:12 a.m.

12.

The presiding officer next called an executive session at 10:12 a.m. under V.T.C.A., 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. Lazy W District No. 1, et al.*, Cause No. 2014C-0144 in the 3rd District Court of Henderson County, Texas, Cause No. 12-14-00329-CV in the Twelfth Court of Appeals, Tyler, Texas and Cause No. 15-0117 in the Supreme Court of Texas; *White House Cemetery Association v. Jasper and Evelyn Stevens and Tarrant Regional Water District*, Cause No. 08001-CCL-15, in the County Court at Law No. 1 of Henderson County, Texas); *Wilson Family Cemetery Association v. The Estate of Genie Warren, Jr. and Tarrant Regional Water District*, Cause No. 08026-CCL-15 in the County Court at Law No. 1 of Henderson County, Texas; *Tarrant Regional Water District v. Ira T. Kimbrough and Andree E. Kimbrough Real Estate, LLC, et al*, Cause No. CC-E-20160005, in the County Court at Law No. 2 of Johnson County, Texas; *Tarrant Regional Water District v. Kimbrough Properties, L.P.*, Cause No. CC-E20160004, in the County

Court at Law No. 2 of Johnson County, Texas, *Kelly Bentley v. Tarrant County Water Control & Improvement District Number One*, Cause No. 3-36919 in the 3rd Judicial District Court of Anderson 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 10:28 a.m., the President reopened the meeting.

13.

With the recommendation of management, Director Leonard moved to grant authority to acquire permanent easement interests, as set forth below, in, over, under, and across the following described properties for the public use and purpose of construction and operation of the Integrated Pipeline Project. Funding for these acquisitions is included in the Bond Fund.

**IPL Parcel 672
(Holmes)**

A permanent easement interest across 3.938-acre tract of land situated in the Joseph Rice Survey, Abstract Number 653, Henderson County, Texas, and being more particularly described as portions of that certain 23-acre tract conveyed to Rex Holmes and Donna Holmes recorded in Volume 741, Page 750, Deed Records, Henderson County, Texas, that certain 30-acre tract recorded in Volume 882, Page 765, Deed Records, Henderson County, Texas, that certain 64.43-acre tract recorded in Volume 2066, Page 836, Deed Records, Henderson County, Texas, that certain 0.641-acre tract recorded in Volume 2279, Page 331, Deed Records, Henderson County, Texas, that certain 24.662-acre tract recorded in Volume 2280, Page 354, Deed Records, Henderson County, Texas, that certain 24.662-acre tract recorded in Volume 2280, Page 357, Deed Records, Henderson County, Texas, and that certain 24.662-acre tract recorded in Volume 2280, Page 360, Deed Records, Henderson County, Texas, and being further described in the accompanying resolution and in the survey plat for Parcel 672 attached thereto for the negotiated purchase price of \$93,640.

EXHIBIT "A"
Property Description

Being 3.938 acres (171,559 square feet) of land situated in the Joseph Rice Survey, Abstract Number 653, Henderson County, Texas, and more particularly that certain 23 acre tract conveyed to Rex Holmes and wife, Donna Holmes recorded in Volume 741, Page 750 Deed Records, Henderson County, Texas (D.R.H.C.T.), that certain 30 acre tract recorded in Volume 882, Page 765, D.R.H.C.T., that certain 64.43 acre tract recorded in Volume 2066, Page 836, D.R.H.C.T., that certain 0.641 acre tract recorded in Volume 2279, Page 331, D.R.H.C.T., that certain 24.662 acre tract recorded in Volume 2280, Page 354, D.R.H.C.T., that certain 24.662 acre tract recorded in Volume 2280, Page 357, D.R.H.C.T., and that certain 24.662 acre tract recorded in Volume 2280, Page 360, D.R.H.C.T., and being further described as follows:

COMMENCING at the common Easterly corner of said Holmes tract and that certain tract conveyed to RP and CD Tower Living Trust by deed recorded in Volume 2372, Page 583, D.R.H.C.T., being in the Westerly right-of-way line of FM 753, No Deed of Record Found (variable width right-of-way), from which a found 5/8 inch iron rod bears S 43°32'11" W, a distance of 0.60 feet;

THENCE S 89°01'11" W, departing the Westerly right-of-way line of said FM 753 and along the Northerly line of said Holmes tract and the Southerly line said RP and CD Tower Living Trust tract, a distance of 453.31 feet to a set 5/8 inch iron rod with TranSystems cap for the Northeasterly corner and **POINT OF BEGINNING** of the tract herein described (N: 6,745,872.469, E: 2,760,927.059 Grid);

- (1) **THENCE** S 63°08'09" E, departing the Northerly line of said Holmes Tract and the Southerly line of said RP and CD Tower Living Trust tract, and along the Northerly line of the tract herein described, a distance of 109.68 feet to a set 5/8 inch iron rod with TranSystems cap for an angle point;
- (2) **THENCE** S 30°43'28" E, continuing along the Northerly line of the tract herein described, a distance of 740.61 feet to a set 5/8 inch iron rod with TranSystems cap for the point of intersection with the Easterly line of said Holmes tract and the Westerly right-of-way line of said FM 753 and being the Southeasterly corner of the tract herein described;
- (3) **THENCE** S 01°53'49" E, along the Easterly line of said Holmes tract and the Westerly right-of-way line of said FM 753 and along the Easterly line of the tract herein described, a distance of 258.41 feet to an angle point, from which a found 1 inch iron rod bears S 14° 31'02" E, 0.20 foot;
- (4) **THENCE** S 01°37'25" E, continuing along the Easterly line of said Holmes tract and the Westerly right-of-way line of said FM 753 and along the Easterly line of the tract herein described, a distance of 52.54 feet to a set 5/8 inch iron rod with TranSystems cap for the Southeasterly corner of the tract herein described;

- (5) **THENCE** N 30°42'19" W, departing the Easterly line of said Holmes Tract and the Westerly right-of-way line of FM 753 and along the Southerly line of the tract herein described, a distance of 797.71 feet to a set 5/8 inch iron rod with TranSystems cap for an angle point;
- (6) **THENCE** N 47°52'57" W, continuing along the Southerly line of the tract herein described, a distance of 349.22 feet to a set 5/8 inch iron rod with TranSystems cap for an angle point;
- (7) **THENCE** N 63°08'09" W, continuing along the Southerly line of the tract herein described, a distance of 158.06 feet to a set 5/8 inch iron rod with TranSystems cap for the point of intersection with the Northerly line of said Holmes tract and the Southerly line of said RP and CD Tower Living Trust tract, being the Northwesterly corner of the tract herein described;
- (8) **THENCE** N 89°01'11" E, along the Northerly line of said Holmes tract and the Southerly line of said RP and CD Tower Living Trust tract and along the Northerly line of the tract herein described, a distance of 321.15 feet to the **POINT OF BEGINNING**, containing 3.938 acres (171,559 square feet) of land, more or less.

NOTE: Basis of bearing is the Texas State Plane Coordinate System, North Central Zone (4202), North American Datum 1983 (NAD 83)(2007) with all distances adjusted to surface by project combined scale factor of 0.9999804020.

NOTE: Plat to accompany this legal description.

I do certify on this 11th day of November, 2016, to Attorney's Title Company of Henderson County, Fidelity National 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 Fidelity National Title Insurance Company, with an effective date of November 7, 2012, issued date of November 12, 2012, GF # 12-634-DD affecting the subject property and listed in Exhibit "A-1" attached hereto.

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.



Richard R. Dorr
Registered Professional Land Surveyor
Texas Registration Number 4780
TBPLS Firm Reg. No. 100383-00



Dated: 11/11/2016

EXHIBIT "A"
PARCEL 672

IPL PARCEL 676
RP AND CD TOWER LIVING TRUST
VOL. 2372, PG. 583
D.R.H.C.T.
VOL. 2372, PG. 696
D.R.H.C.T.

SANTOS SYLVESTER
SURVEY
ABSTRACT 694

JOSEPH RICE SURVEY
ABSTRACT 653

PARCEL 672
3.938 AC.
171,559 SQ. FT.

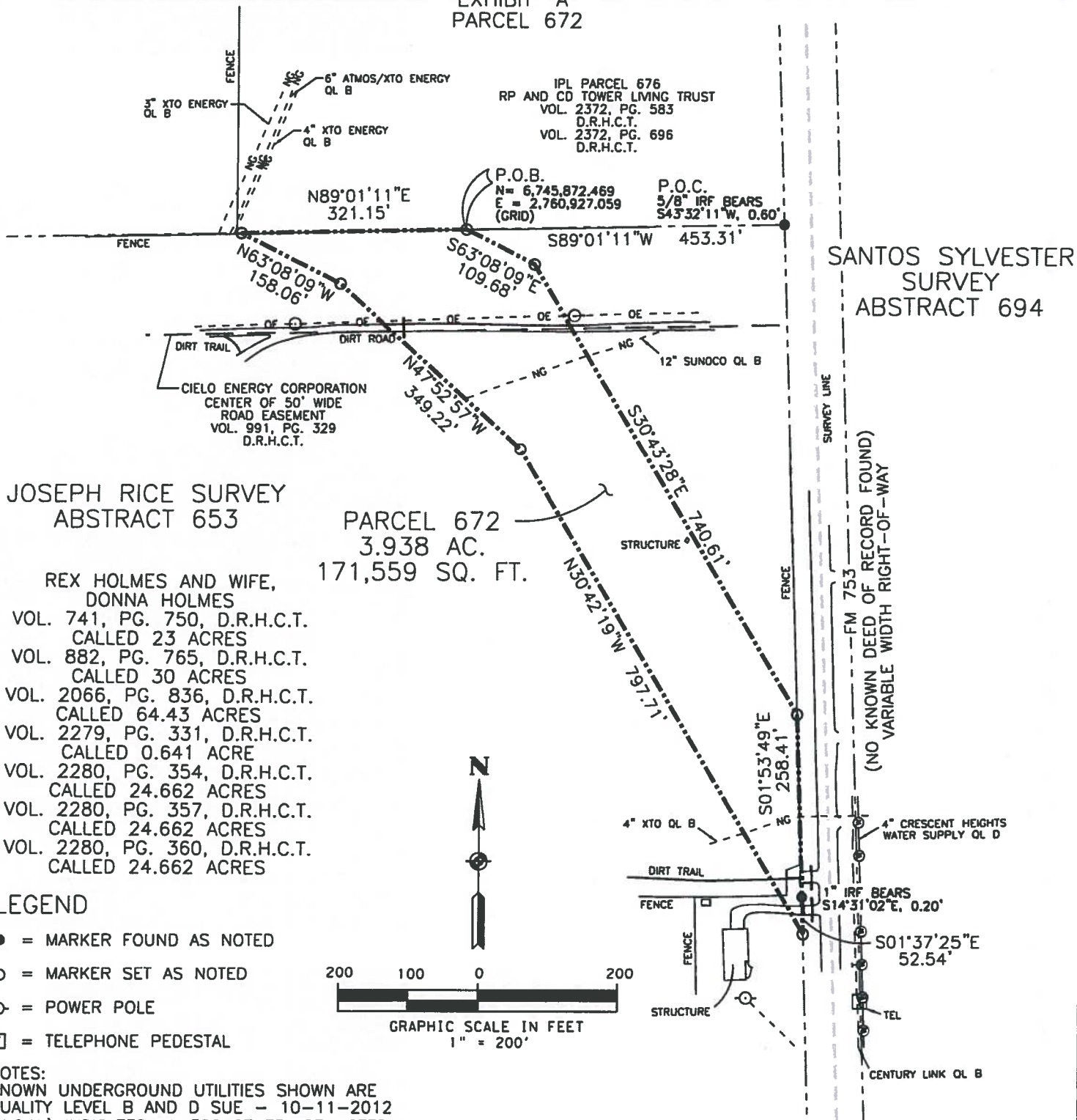
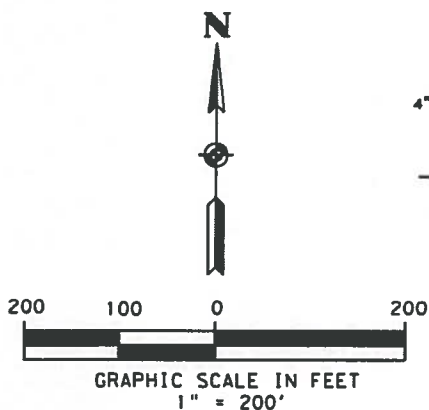
REX HOLMES AND WIFE,
DONNA HOLMES
VOL. 741, PG. 750, D.R.H.C.T.
CALLED 23 ACRES
VOL. 882, PG. 765, D.R.H.C.T.
CALLED 30 ACRES
VOL. 2066, PG. 836, D.R.H.C.T.
CALLED 64.43 ACRES
VOL. 2279, PG. 331, D.R.H.C.T.
CALLED 0.641 ACRE
VOL. 2280, PG. 354, D.R.H.C.T.
CALLED 24.662 ACRES
VOL. 2280, PG. 357, D.R.H.C.T.
CALLED 24.662 ACRES
VOL. 2280, PG. 360, D.R.H.C.T.
CALLED 24.662 ACRES

LEGEND

- = MARKER FOUND AS NOTED
- = MARKER SET AS NOTED
- ⊙ = POWER POLE
- ⊞ = TELEPHONE PEDESTAL

NOTES:
KNOWN UNDERGROUND UTILITIES SHOWN ARE
QUALITY LEVEL B AND D SUE - 10-11-2012
(U.O.N.) INDICATES UNLESS OTHERWISE NOTED

NOTE: LEGAL DESCRIPTION TO ACCOMPANY THIS PLAT.



TranSystems

500 WEST SEVENTH STREET
SUITE 1100
FORT WORTH, TX 76102
(817) 339-8950 (TEL)
(817) 336-2247 (FAX)
TBPLS FIRM REG. NO. 100383-00

PROJ NO: P202090330
SCALE: 1" = 200'
DATE: 04-09-2014
DRAWN BY: MVH
CHECKED BY: PRO
REVISED DATE: 11-07-2016

PRINTED ON:
11/11/2016
10:18:10

SHEET TITLE
EXHIBIT "A"
SEGMENT 19-2, PARCEL 672
REX HOLMES AND WIFE,
DONNA HOLMES

PROJECT
INTEGRATED PIPELINE PROJECT

BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202) NORTH AMERICAN DATUM (NAD83)(2007) WITH ALL DISTANCES ADJUSTED TO SURFACE BY PROJECT COMBINED SCALE FACTOR 0.9999804020

PG. 4 OF 6

In addition, R. Steve Christian, Real Property Director of TRWD, and the staff of TRWD are granted authority to execute all documents necessary to complete these transactions and to pay all reasonable and necessary closing and related costs incurred with these acquisitions. Director Hill seconded the motion and the vote in favor was unanimous.

14.

With the recommendation of management and General Counsel, Director Lane moved to approve the proposed settlement of claims in the Kimbrough (Parcels 209, 989) condemnation for the amount of \$530,000. Funding for this settlement is included in the Bond Fund. Director King seconded the motion and the vote in favor was unanimous.

15.

With the recommendation of management, Director King 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 for the negotiated price of \$19,000. Funding for this acquisition is included in the Bond Fund.

**Parcel 7
(Cundiff)**

A permanent easement interest across a 2.111-acre tract of land located in the Thomas Berry Survey, Abstract No. 25, Kaufman County, Texas, said 2.111-acre tract of land also being a portion of a called 37.33-acre tract of land conveyed to Leland R. Cundiff and Marilyn J. Cundiff, by deed as recorded in Volume 876, Page 992, and Volume 877, Page 1, Deed Records, Kaufman County, Texas, and being further described in the accompanying resolution and in the survey plat for Parcel 7 attached thereto for the negotiated purchase price of \$19,000.

EXHIBIT "A"
Property Description

BEING a 2.111 acre (91,972 square feet) tract of land located in the Thomas Berry Survey, Abstract No. 25, Kaufman County, Texas, said 2.111 acre tract of land also being a portion of a called 37.33 acre tract of land conveyed to **LELAND R. CUNDIFF** and **MARILYN J. CUNDIFF**, by deed as recorded in Volume 876, Page 992, and Volume 877, Page 1, Deed Records, Kaufman County, Texas (D.R.K.C.T.), 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 east property line of the said 37.33 acre tract of land, same being the west property line of a called 62.45 acre tract of land described as Tract 1, conveyed to Margie Tarpley, by deed as recorded in Volume 1106, Page 647, D.R.K.C.T., said beginning point also being South 02°37'49" East, a distance of 1,644.72 feet from the northeast property corner of the said 37.33 acre tract, same being the northwest property corner of the said Tract 1 (said beginning point having a grid coordinate of N:6,820,312.662 E:2,627,897.635);

THENCE South 02°37'49" East, along the said property lines, a distance of 100.02 feet to an iron rod set from which the southeast property corner of the said 37.33 acre tract, same being the southwest property corner of said Tract 1 bears South 02°37'49" West, a distance of 25.22 feet;

THENCE South 88°35'20" West, over and across the said 37.33 acre tract and generally along a fence line, a distance of 52.48 feet to an iron rod set;

THENCE South 87°42'04" West, a distance of 867.34 feet to an iron rod set on the west property line of the said 37.33 acre tract, same being the east property line of a called 164.208 acre tract of land conveyed to Sandra Kaye Lacy, by deed as recorded in Volume 2441, Page 536, D.R.K.C.T., from which the southwest property corner of the said 37.33 acre tract, same being the southeast property corner of the said 164.208 acre tract bears South 02°31'04" East, a distance of 23.24 feet;

THENCE North 02°31'04" West, along the said property lines, a distance of 100.00 feet to an iron rod set from which the northwest property corner of the said 37.33 acre tract, same being a northeast property corner of the said 164.208 acre tract bears North 02°31'04" West, a distance of 1,658.27 feet;

THENCE North 87°42'04" East, over and across the said 37.33 acre tract, a distance of 868.49 feet to an iron rod set;

THENCE North 88°35'20" East, a distance of 51.13 feet to the **POINT OF BEGINNING**, and containing **2.111 acres (91,972 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 17th day of August, 2017, to 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, with an effective date of May 1st, 2017, issued May 9th, 2017, GF # 1805060-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.


8-17-17
Eric Spooner, RPLS
Registered Professional Land Surveyor
Texas Registration Number 5922
TBPLS Firm No. 10054900



○ = 1/2 IRON ROD SET WITH CAP STAMPED
 "SPOONER & ASSOCIATES" SET UNLESS
 OTHERWISE SHOWN.

EXHIBIT "A" PARCEL 7

CALLED: 37.33 ACRES
**LELAND R. CUNDIFF
 & MARILYN J. CUNDIFF**
 VOL. 877, PG. 1, &
 VOL. 876, PG. 992,
 D.R.K.C.T.

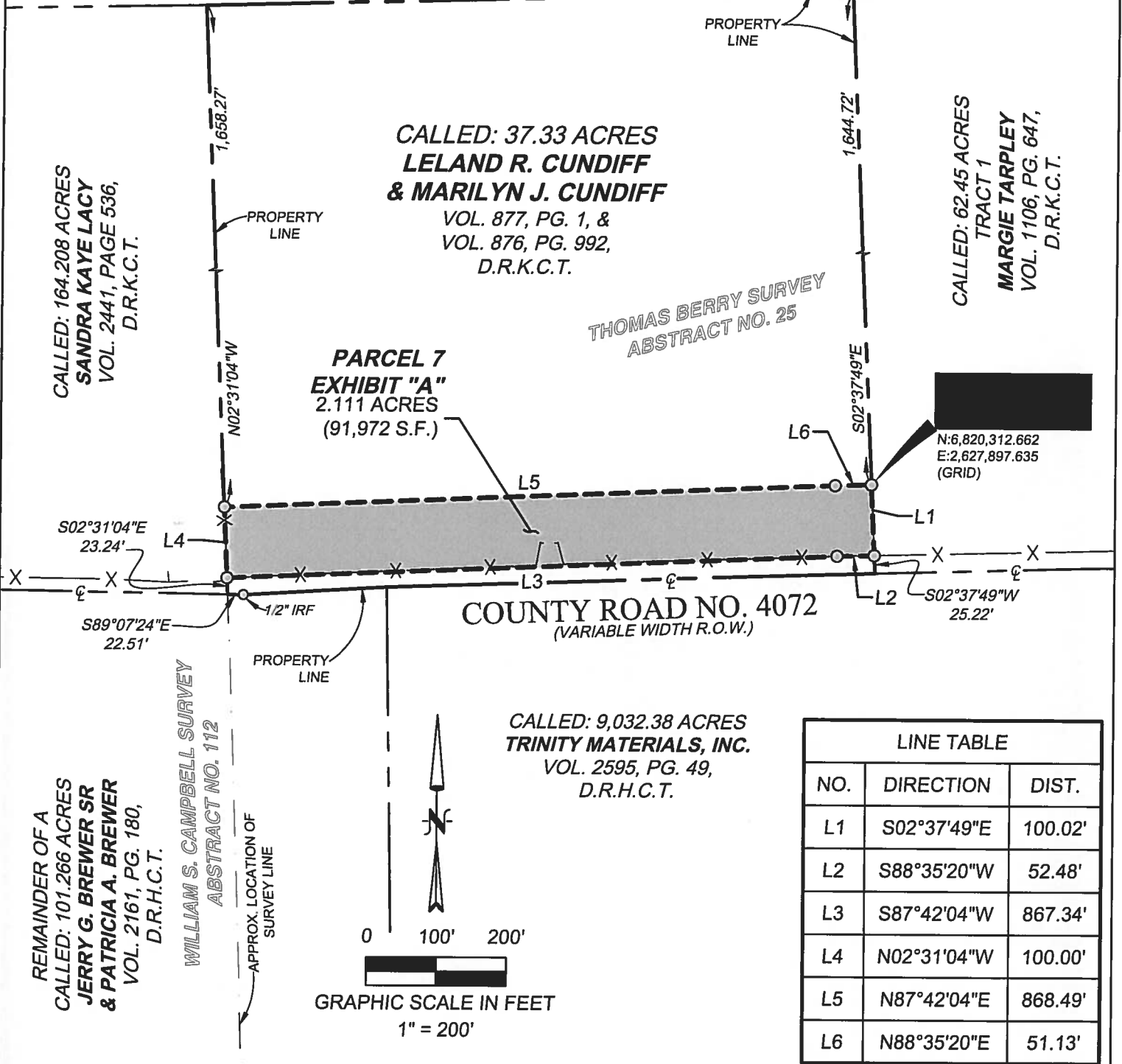
**PARCEL 7
 EXHIBIT "A"**
 2.111 ACRES
 (91,972 S.F.)

CALLER: 62.45 ACRES
 TRACT 1
MARGIE TARPLEY
 VOL. 1106, PG. 647,
 D.R.K.C.T.

CALLER: 164.208 ACRES
SANDRA KAYE LACY
 VOL. 2441, PAGE 536,
 D.R.K.C.T.

THOMAS BERRY SURVEY
 ABSTRACT NO. 25

N:6,820,312.662
 E:2,627,897.635
 (GRID)



COUNTY ROAD NO. 4072
 (VARIABLE WIDTH R.O.W.)

CALLER: 9,032.38 ACRES
TRINITY MATERIALS, INC.
 VOL. 2595, PG. 49,
 D.R.H.C.T.

| LINE TABLE | | |
|------------|-------------|---------|
| NO. | DIRECTION | DIST. |
| L1 | S02°37'49"E | 100.02' |
| L2 | S88°35'20"W | 52.48' |
| L3 | S87°42'04"W | 867.34' |
| L4 | N02°31'04"W | 100.00' |
| L5 | N87°42'04"E | 868.49' |
| L6 | N88°35'20"E | 51.13' |

NOTE: LEGAL DESCRIPTION TO ACCOMPANY THIS PLAT.

SPOONER & ASSOCIATES
 REGISTERED PROFESSIONAL LAND SURVEYORS

SPOONER AND ASSOCIATES, INC.
 309 BYERS STREET, SUITE 100
 EULESS, TEXAS 76039
 TEL 817-685-8448
 TBPLS FIRM No. 10054900

PROJ NO: 09-086-3
 SCALE: 1" = 200'
 DATE: 05/04/2013
 DRAWN BY: C.R.R.
 CHECKED BY: E.S.S.
 REVISED DATE: 8-17-17



8-17-17

SHEET TITLE

EXHIBIT "A"
PARCEL 7
**LELAND R. CUNDIFF
 & MARILYN J. CUNDIFF**

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

In addition, R. Steve Christian, Real Property Director of TRWD, and the staff of TRWD, are granted authority to execute all documents necessary to complete these transactions and to pay all reasonable and necessary closing and related costs incurred with these acquisitions. Director Hill seconded the motion and the vote in favor was unanimous.

16.

With the recommendation of management and General Counsel, Director Hill moved to approve the proposed settlement of claims in the *Kelly Bentley v. Tarrant County Water Control & Improvement District Number One* condemnation for the amount of \$475,000. Funding for this settlement is included in the Bond Fund. Director King seconded the motion and the vote in favor was unanimous.

17.

There were no future agenda items approved.

18.

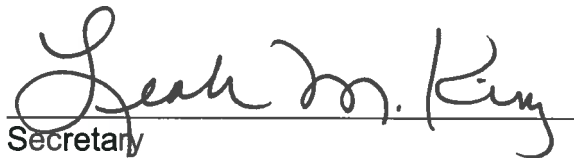
The next board meeting was scheduled February 15, 2018 at 9:00 A.M.

19.

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



President



Secretary