

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF  
TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE  
HELD ON THE 3RD DAY OF DECEMBER, 1982 AT 9:30 A. M.

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

PRESENT

Wayne E. Newton  
Robert D. Alexander  
C. Victor Thornton  
Preston M. Geren, Jr.  
Burford I. King

Also present were Messrs. Ben Hickey, General Manager of the  
District; Bill Hilliard, Assistant General Manager; Robert Doby,  
Manager of Fiscal Affairs and Jack K. Smith, Attorney for the  
District.

Director Newton acted in his capacity as President and  
Director Alexander acted as Secretary, whereupon proceeding were  
had and done as follows:

1.

On motion made and seconded, and with assurance from  
management that all requirements of law relating to the "open  
meeting" law had been met, the minutes of the meeting held  
November 16, 1982 were read and approved by the Directors and it  
was accordingly ordered that such minutes be placed in the  
permanent files of the District.

2.

Mr. Jack K. Smith, Attorney for the District, made a  
presentation to the Board concerning the Cedar Creek Spillway

Damage Claim law suit in Navarro County, Texas. He stated that the District's position is quite vulnerable on a fact consideration and because the suit cannot be moved from Navarro County. Further, with fifteen years of term easements now expired, (April, 1981) severely damages the District's defense.

The central issue is that the Cedar Creek Spillway discharge channel diverts water some fifteen miles upstream of the natural confluence of Cedar Creek and the Trinity River. This alteration of the state of nature increases the frequency of and duration of floods in the area between the discharge channel and the Cedar Creek Trinity River confluence. The reason for buying only term easements in 1966 principally was because the District had been assured that Tennessee Colony Reservoir would be in place before the expiration of the easements.

Mr. Smith stated that he feels that the lawsuit can be settled and a permanent easement be secured. This settlement would cover approximately 11,000 acres.

Following Mr. Smith's presentation several questions were posed by the Board during discussion: 1. The Board asked for a second opinion from other District Counsel as to the District's legal situation. 2. Determination whether or not the suit can be settled and the problem alleviated by permanently lowering the operating elevation of Cedar Creek Reservoir. 3. Determine whether the District can condemn the property in fee rather than in easement. 4. Determine what is a reasonable price

to be paid per acre.

There was no recommendation from staff and no action was taken.

3.

The Geotechnical and laboratory/testing agreements were again discussed. Mr. Bill Hilliard stated that Rone Engineers had decided to install a defined benefit plan in place of their defined contribution, profit sharing plan. The burden to the District would not exceed 10% of base salary. Also, Rone agreed to the other terms and conditions heretofore stipulated by the Board.

Following the discussion the Board directed management to determine in fact what type of plan is being adopted by Rone and Mason Johnston as well. No action was taken by the Board.

4.

Management of the District requested authority for the District to enter into contract for the purchase of the following described tracts of land required for Program E - Richland Creek Project, on the following basis for payment to wit:

1. Tract No. 335 - 13.02 acres in fee @ \$675.00 per acre; .87 of an acre in easement @ \$450.00 per acre from Hattie Fae Mullens, Navarro County, Texas.
2. Tract No. 254 - .98 of an acre in fee @ \$675.00 per acre; .12 of an acre in easement @ \$450.00 per acre from Donald Ray Jock, Navarro County, Texas.
3. Tract No. 334 - 39.08 acres in fee @ \$650.00 per acre; 1.77 acres in easement @ \$450.00 per acre from Ethel Mae Price et al, Navarro County, Texas.
4. Tract No. 298 - 25 acres in fee @ \$685.00 per acre from Southland Land and Cattle Company, Navarro County, Texas.

5. Tract No. 232 - .01 of an acre in fee @ \$675.00 per acre; .302 of an acre in easement @ \$450.00 per acre from Robert Patterson, Jr., Navarro County, Texas.
6. Tract No. 269 - 5.68 acres in fee @ \$675.00 per acre; 1.45 acres in easement @ \$450.00 per acre from Edna Mae Nutt, Navarro County, Texas.
7. Tract No. 227 - 53.19 acres in fee @ \$700.00 per acre; 2.28 acres in easement @ \$466.66 per acre from Ethel Brown Carter, et al, Navarro County, Texas.
8. Tract No. 138 - 32.41 acres in fee @ \$650.00 per acre; 4.51 acres in easement @ \$433.33 per acre from Mrs. T. R. Fair, Navarro County, Texas.
9. Tract No. 172 - 1.5 acres in fee for \$1,500.00 from Ben H. Carpenter, Freestone County, Texas.
10. Tract No. 259 - 4.9 acres in fee @ \$675.00 per acre; 12.87 acres in easement @ \$450.00 per acre from Mrs. Snead Hamilton, Navarro County, Texas.
11. Tract No. 136 - 154.89 acres in fee @ \$675.00 per acre; 16.26 acres in easement @ \$450.00 per acre from Berta Mae Baker et al, Navarro County, Texas.
12. Tract No. 279 - 21.19 acres in fee @ \$675.00 per acre; 1.39 acres in easement @ \$450.00 per acre from Mable A. Scott et al, Navarro County, Texas.
13. Tract No. 26 - 3.24 acres in fee @ \$675.00 per acre; .43 of an acre in easement @ \$450.00 per acre from Adolphus Haynes, Freestone County, Texas.
14. Tract No. 341 - Approximately 2,900 acres in fee @ \$600.00 per acre from Jerome Cartwright et al, Freestone County, Texas.
15. Tract No. 115 - 66.07 acres in fee @ \$700.00 per acre; 12.64 acres in easement @ \$467.00 per acre from Hartley Young and wife Betty Ann Young, Navarro County, Texas.
16. Tract No. 256 - .81 of an acre in fee @ \$675.00 per acre; .04 of an acre in easement @ \$450.00 per acre from Ruby Lee Radney, Navarro County, Texas.
17. Tract No. 199 - 15.25 acres in fee @ \$675.00 per acre; 1.10 acres in easement @ \$450.00 per acre from Shirley Swanson, Navarro County, Texas.

Following a detailed presentation of the tracts, and upon recommendation of management of the District, Director Thornton moved, seconded by Director Geren, that the District be now authorized to enter into contract for the purchase of the above described tracts and on the basis as shown. This meeting with the approval of all Directors present it was so ordered.

5.

Management of the District requested authority to sell the following tracts of land now surplus to the requirements of the District to wit:

EAGLE MOUNTAIN LAKE - TARRANT COUNTY

<u>ADJOINING OWNER</u>	<u>DESCRIPTION</u>	<u>APPRAISED VALUE AND CONSIDERATION</u>
L. B. Hightower	2-043/1000 Acres more or less, M.E.P. & P.R.R. Co. Survey, Abstract No. 1142	\$ 5,000.00
E. L. Cope et ux	0-24/100 Ac., a strip of land 30 feet wide and 390 feet long abutting south side Lot 1, Water Board - I. W. Cole Subdivision, J. Foster Survey, A-511	\$ 500.00

Following a discussion and upon the recommendation of management and its assurance that the land had been properly advertised and that the price listed above had been appraised by a reputable appraiser; Director King moved, seconded by Director Thornton and unanimously approved, that as recommended by management, the District now be authorized to sell in fee, the above listed tracts at not less than the appraised price as shown and upon terms and conditions theretofore adopted by the District.

Management of the District presented the following recommendations, to wit:

TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE  
INTER-OFFICE CORRESPONDENCE

DATE: December 2, 1982

TO: Ben Hickey

FROM: Gene Fruhwirth

SUBJECT: Bid results for six pickups, a one ton truck, three 72" CA and one 124" CA.

Bids were submitted and opened at 10:00 A. M. November 30, 1982 for the above listed equipment. Five dealers submitted bids and the results are as follows. Please note that Jack Williams Chevrolet bid states that if we were assigned a fleet number, due to the fact that we will be purchasing more than ten light duty trucks or automobiles in one year, his bid amount would be reduced by \$500.00 per unit. After investigation it was discovered that we do in fact have a fleet number as stated in the letter to Steve Sieja dated November 30, 1982. Jack Williams Chevrolet bid amounts will be presented here with the deduction calculated.

	<u>McNatt Chev.</u>	<u>Jack Williams</u>	<u>Hudiburg</u>	<u>Bruce Lowrie</u>	<u>F.W. Truck</u>
Six Half Ton PU's	\$47,904.00 \$ 7,984.00ea	\$48,210.00 \$ 8,035.00ea	\$48,528.00 \$ 8,088.00ea	\$49,181.28 \$ 8,196.00ea	\$52,506.00 \$ 8,751.00ea
One Ton Truck	\$8,545.00	\$8,606.00	\$8,658.00	\$8,658.39	\$9,334.00
Three 72" CA	\$47,697.00 \$15,899.00ea	\$46,425.00 \$15,475.00ea	\$47,037.00 \$15,679.00ea	\$57,859.71 \$19,286.57	\$46,755.00 \$15,585.00
One 124" CA	<u>\$16,025.00</u>	<u>\$15,601.00</u>	<u>\$15,805.00</u>	<u>\$19,426.84</u>	<u>\$15,711.00</u>
GRAND TOTAL	<u>\$120,171.00</u>	<u>\$118,842.00</u>	<u>\$120,028.00</u>	<u>\$135,126.22</u>	<u>\$124,306.00</u>

The maintenance division would like to submit that Jack Williams Chevrolet be awarded all four bids due to the fact that overall they are the lowest bidder. To accept the low bid in each category would only save the District a total of \$367.00. To award Jack Williams Chevrolet the total bid will give us the convenience of dealing with only one dealer who is located in the county and the water district.

TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE

INTER-OFFICE CORRESPONDENCE

DATE: December 2, 1982  
 TO: Ben Hickey  
 FROM: Gene Fruhwirth  
 SUBJECT: Bid results and review for two Low Ground Pressure Tractors and one Track Type Loader.

Bids were submitted and opened at 10:00 A. M. November 30, 1982 for two low ground pressure tractors and one track type front end loader. Four local dealers submitted bids and the results are as follows:

	<u>TRINITY EQUIP.</u> "John Deere"	<u>DARR EQUIPMENT</u> Caterpillar	<u>KOMATSU</u> Komatsu	<u>SHAW EQUIP.</u> Fiat-Allis
L.C.P.	\$ 344,000.00	\$ 272,632.00	\$ 239,287.04	\$ 225,000.00
	\$ 172,000.00ea	\$ 136,316.00ea	\$ 119,643.52ea	\$ 112,500.00
Track Loader	\$ 78,825.00	\$ 81,727.00	\$ 79,417.47	\$ 63,000.00

The maintenance division has reviewed the results of the bidding and would like to submit that the District accept the bid from Darr Equipment Company for the Caterpillar equipment for the following reasons:

Since the beginning of the clearing of Cedar Creek Reservoir the District has utilized Caterpillar equipment in all phases of operation. Two pieces of "Cat" equipment used on that project are now clearing trees at Richland-Chambers Reservoir, twenty years later.

We have found Caterpillar reliability to be unsurpassed by any competitor. Over the years the District has had occasion to lease other equipment for specialized jobs and became dissatisfied with performance and dependability. In our experiences incidental downtime, meaning minor maintenance problems, has been high and this adds up quickly.

The District heavy equipment mechanics have been trained and are familiar with Caterpillar equipment. To change now would mean retraining these men.

With the magnitude of some of the projects we undertake parts availability is important. Darr Equipment Company maintains a Fort Worth parts house with a complete stock. Orders are filled and delivered promptly. Hand in hand with parts availability comes project support. Darr maintains an extensive field service crew on hand that is well experienced and prompt. With the extensive warranty they have provided this feature is important.

The warranty offered by Darr Equipment is more extensive than their competitors. They are providing a 36 month power train warranty and we consider this very beneficial.


Finally, Caterpillar equipment maintains a high resale and trade in value.

Following a detailed review and with recommendation of management of the District, Director Alexander moved, seconded by Director King and unanimously approved, that the District accept the bid proposals submitted by Jack Williams and Darr Equipment Co. as per District specifications.

7.

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

  
Secretary

  
President