

MINUTES OF AN EMERGENCY MEETING OF THE BOARD OF DIRECTORS OF  
TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE  
HELD ON THE 19TH DAY OF SEPTEMBER, 1986, AT 9:30 A.M.

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

<u>Present</u>	<u>Absent</u>
C. Victor Thornton	Burford I. King
Wayne E. Newton	George W. Shannon
Victor W. Henderson	

Also present were Messrs. James M. Oliver, General  
Manager; James L. Strawn, Director of Operations; Alan Thomas,  
Director of Administration.

1.

Mr. James L. Strawn, Director of Operations for the  
District, presented a proposed contract for the construction of the  
bridge authorized by the settlement outlining the District's  
acquisition of the Breithaupt properties necessitated by the  
construction of the Richland-Chambers Reservoir.

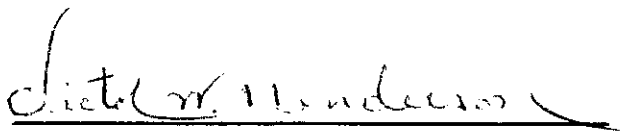
The project was advertised and bids were received on  
August 22, 1986.

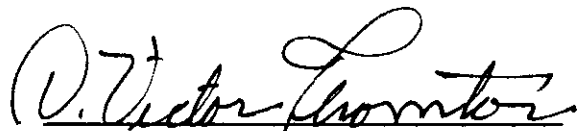
<u>Bidder</u>	<u>Total Bid</u>
H. B. Zachry Construction Company	\$38,490.00
Hable Company	\$78,656.60

The District's bridge engineering firm of Gilbreath McDill &  
Associates, Inc. of Corsicana recommended that the District award  
the contract to the low bidder, H. B. Zachry Construction Company  
of San Antonio, Texas.

With the recommendation of management, Director Henderson moved to award the contract for construction of the Breithaupt Bridge Project to H. B. Zachry Construction Company of San Antonio on the basis of their low bid of \$38,490.00. Director Newton seconded the motion and the vote in favor was unanimous.

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

  
\_\_\_\_\_  
Acting Secretary

  
\_\_\_\_\_  
President

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF  
TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE  
HELD ON THE 16TH DAY OF OCTOBER, 1986, AT 9:30 A.M.

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

Present

C. Victor Thornton  
Burford I. King  
George W. Shannon  
Wayne E. Newton  
Victor W. Henderson

Also present were Messrs. James M. Oliver, General  
Manager; Robert M. Doby, Comptroller; James L. Strawn, Director of  
Operations; Alan Thomas, Director of Administration; and Wayne  
Owen, Jr., Administrative Assistant.

Others present for presentations included George F.  
Christie, General Counsel for the District; Mike Nichols and Bob  
Thompson, representing Freese and Nichols Consulting Engineers;  
Susan O'Brien and Jim Vickery, representing the O'Brien Partnership;  
and Jim Bailey, representing Gifford-Hill Company. Director  
Thornton presided as President and Director Shannon acted as  
Secretary, whereupon proceedings were had and done as follows:

1A.

On motion made by Director Shannon and seconded by  
Director Henderson, and with the assurance from management that  
all requirements relating to the "open meetings" law had been  
followed, the minutes of the meeting held August 18, 1986, were  
unanimously approved and it was accordingly ordered that such  
minutes be placed in the permanent files of the District.

1B.

On motion made by Director Shannon and seconded by Director King, and with the assurance from management that all requirements relating to the "open meetings" law had been followed, the minutes of the meeting held September 17, 1986 were unanimously approved and it was accordingly ordered that these minutes be placed in the permanent files of the District.

1C.

On motion made by Director Henderson and seconded by Director Newton, and with assurance from management that all requirements relating to the "open meetings" law had been met, the minutes of the emergency meeting held September 19, 1986, were unanimously approved by the Directors and it was accordingly ordered that such minutes be placed in the permanent files of the District.

2.

Mr. James L. Strawn, Director of Operations for the District, presented for consideration by the Board of Directors, a review of bids solicited for the construction of Section III of the Richland-Chambers Pipeline.

October 3, 1986

Mr. James M. Oliver  
General Manager  
Tarrant County Water Control and  
Improvement District Number One  
P. O. Box 4508  
Fort Worth, Texas 76106

Re: Richland Creek Pipeline  
Section III  
Recommendation of Award  
Construction Contract

Dear Mr. Oliver:

Bids were received at the Ramada Inn Central, Fort Worth, Texas on Thursday, October 2, 1986, at 11:00 A.M. for the construction of Section III of the Richland Creek Pipeline.

Ten (10) bidders submitted bids with a total of ten (10) bids being received on concrete pipe and five (5) bids on steel pipe. The lowest and best bid was submitted by Martin K. Eby, Inc. of Wichita, Kansas. A complete tabulation of bids is attached, and a summary of bids is shown below:

<u>Bidder</u>	<u>Material</u>	<u>Amount Bid</u>
Martin K. Eby, Inc. Wichita, Kansas	Concrete	\$18,652,542.00
Green/Sieben, A Joint Venture Des Moines, Iowa	Concrete	19,425,854.00
John D. Stephens, Inc. Stone Mountain, Georgia	Concrete	20,007,668.00
Cullum Construction Co., Inc. Dallas, Texas	Concrete	20,197,640.20
H. B. Zachry Company Grand Prairie, Texas	Steel	20,599,881.76
Martin K. Eby, Inc. Wichita, Kansas	Steel	20,687,345.00
H. B. Zachry Company Grand Prairie, Texas	Concrete	20,730,806.00
Granite Construction Co. Watsonville, California	Concrete	21,025,269.00
National Projects, Inc. Houston, Texas	Concrete	21,116,201.60
Holloway Construction Company Wixom, Michigan	Concrete	21,307,778.00
Mario Sinacola & Sons Lewisville, Texas	Concrete	22,392,136.31
R. B. Potashnick Cape Girardeau, MO	Steel	22,694,165.50

<u>Bidder</u>	<u>Material</u>	<u>Amount Bid</u>
Mario Sinacola & Sons Lewisville, Texas	Steel	\$ 24,184,616.50
Granite Construction Company Watsonville, California	Steel	24,184,616.50

Martin K. Eby, Inc. is presently installing the 118-feet of 108" concrete pipe at Forest Hills Drive for the District. Martin K. Eby, Inc. has also satisfactorily completed many other pipeline and plant projects for which we have served as engineer.

Based upon our previous projects with Martin K. Eby, Inc., we recommend the construction contract for Section III of the Richland Creek Pipeline be awarded to the low bidder, Martin K. Eby, Inc., in the total amount of \$18,652,542.00.

If you have any questions, we will be pleased to discuss them at your convenience.

Very truly; yours,

FREESE AND NICHOLS, INC.

/s/ Lee Freese

Lee B. Freese, P.E.

Mr. Bob Thompson, representing Freese and Nichols, Inc., further recommended that the District award the contract to Martin K. Eby, Inc.

With the preceding recommendation of both Freese and Nichols, Inc. and District management, Director Newton moved to award the contract for the construction of Section III of the Richland-Chambers Pipeline to Martin K. Eby, Inc. of Wichita, Kansas for the low bid amount of \$18,652,542.00. Director Henderson seconded the motion and the vote in favor was unanimous.

3.

Mr. Strawn next introduced Ms. Susan O'Brien and Mr. Jim Vickery representing The O'Brien Partnership. Ms. O'Brien presented to the Board of Directors a review of the development of Architectural plans for the construction of the administration building at the Richland-Chambers Reservoir Compound.

Following the presentation, the Directors requested further time to review the proposed plans and instructed management to convey their impressions accordingly.

4.

#### EXECUTIVE SESSION

5.

Mr. Strawn next initiated discussion of the proposed development along the West Fork of the Trinity River known as RiverBend. Mr. Strawn clarified the following two points:

- 1) The decision as to the extent to which the District is to become involved with the RiverBend project belongs only to the Board of Directors.
- 2) Previous actions by staff do not bind the Board of Directors to a predetermined course of action.

The prior Board approved plan, whereby the District agreed to a limited maintenance involvement with the RiverBend project, collapsed when the City of Fort Worth declined to assume ownership of the levee and Flood Control appurtenances. Three alternative proposals were submitted for consideration by the Board of Directors in the following letter from Kenneth Newell to Jim Oliver.

October 10, 1986

Mr. Jim Oliver  
Tarrant County Water Control and  
Improvement District Number One  
800 East North Side Drive  
Fort Worth, Texas 76102

Dear Jim:

I want to thank you for meeting with me Monday concerning our rechannelization and levee project. The resolution adopted by the Improvement District's Board has not been acted on by the City of Fort Worth, and time is becoming extremely critical in this matter. The Federal Insurance Administration, or FEMA, is in the final stages of evaluating our project and issuing a conditional Letter of Map Revision. Since the first question in FEMA's analysis concerns the operation and maintenance of the channel, levee, and pump station, I felt it very important to meet with you and discuss the matter.

I believe that the solution we discussed can definitely relieve the District of any liability arising from the operation and maintenance of the channel, levee, and pump station.

In our discussion I presented the idea of the RiverBend Estates Homeowner's Association's owning the channel and levee property and leasing it to the District on a longterm lease (99 years) with the Homeowner's Association indemnifying and holding the District harmless from any liability or responsibility arising from the design, construction, operation, or maintenance of the channel, levee, and pump station. Also, any monies expended by the District in the operation and maintenance of the pump station would be reimbursed by the Homeowner's Association.

There are also two similar methods of accomplishing the same result. One would be to convey to the District the channel and levee property with the same indemnification and reimbursement restrictions as above.

The second method would be for the Homeowner's Association to set aside the channel and levee area as a separate easement and for the District to agree to operate and maintain the channel, levee, and pump station under the same conditions as above.

I believe that the indemnification of the TCWID by the Homeowner's Association and the reimbursement of any funds spent in the operation and maintenance of the pump station speak to the concerns expressed by the Board in our previous meetings.



I, therefore, respectfully request that you present to the District's Board, and that they adopt, one of the three plans I have outlined. With their adoption of one of the proposals, our attorneys will proceed to draft the formal agreement for your review and their final approval.

Jim, I certainly want to again thank you for your help in this matter and express not only to you but certainly to the Board our sincere appreciation for your help and consideration in this matter.

Sincerely,

RIVERBEND  
A Newell & Newell Development

Kenneth B. Newell  
General Partner

Mr. Strawn and Mr. George Christie stated that the second of the three options suggested by Mr. Newell merits consideration of approval by the Board of Directors. The ownership of the levee and flood control appurtenances by the District is acceptable when concerns over liability are addressed through a comprehensive indemnification of the District by all those affected by the RiverBend Development. The format calling for reimbursement of the District for costs incurred in owning and maintaining the subject levee and flood control appurtenances is also acceptable. This will assure that the costs incurred will be borne by the beneficiaries of the project.

With the recommendation of management and General Counsel, Director Shannon moved to authorize the District to assume ownership of the levee and flood control appurtenances, accept maintenance of the levee and flood control appurtenances

and pursue an agreement with RiverBend outlining the same based upon the following contingencies:

- 1) The City of Fort Worth agrees to operate the flood control pump station involved with this project.
- 2) Suitable indemnification must be provided holding the District harmless from any liability or responsibility arising from the design, construction, operation or maintenance of the channel, levee or flood control pump station.
- 3) All costs incurred by the District in the maintenance of the levee system will be reimbursed by either the Homeowner's Association or a suitable clearing house.

After discussion, Director King seconded the motion and the vote in favor was unanimous.

6.

Mr. Strawn next requested that the Board of Directors authorize the District to proceed with removal and replacement of 9.5 miles of Navarro County Electric cooperative distribution lines in conflict with the closure of the Richland-Chambers Reservoir. The cost of this project is estimated at \$265,650.00. The work will be performed by Navarro County Electric Cooperative.

With the recommendation of management, Director Newton moved to authorize the District to pursue the removal and replacement of the 9.5 miles of distribution lines through Navarro County Electric Cooperative at a cost estimated at \$265,650.00. Director Henderson seconded the motion and the vote in favor was unanimous.

7C.

Mr. Strawn next presented for consideration the proposed dedication to the City of Mansfield of 2.741 acres in fee out of the M. Gregg Survey A-385, Ellis County for the construction of State Highway 360. This tract of land is currently part of the East Texas Pipeline System right-of-way. This agreement will also be contingent upon the District's approval of the highway plans where it crosses the pipeline right-of-way. It will also be contingent upon an agreed to reimbursement to the District for the installation of protective casing over the pipelines in advance of construction of 360.

With the recommendation of management, Director Shannon moved to authorize the dedication of 2.741 acres in fee to the City of Mansfield for the construction of State Highway 360 based upon the above listed contingencies. Director Newton seconded the motion and the vote in favor was unanimous.

7D.

Mr. Strawn next requested authorization to lease lot eight of the Water Board - Liles Subdivision at Lake Bridgeport in Wise County. The owners of Lots 7 and 9 would like to lease Lot 8 for gardening and maintenance purposes. Lot 8 is only 70 feet wide and has a Cities Service Co. gas pipe running roughly down the middle. Therefore, the lot is not suitable for residential purposes, but would give each adjacent owner an extra 30 feet for lawn expansion. The District would want to retain ownership of the lot and reserve from the lease a 5-10 foot strip on either side of the Cities Service pipe.

With the recommendation of management, Director Newton moved to authorize the District to lease the above lot as described above. The term of the lease will be for five years and payment will be \$100.00 per year from the owners of lot 7 and lot 9. Director Henderson seconded the motion and the vote in favor was unanimous.

7E.

Mr. Strawn next presented a proposed easement to the City of Azle for the purpose of constructing an additional access road to their Walnut Creek Sewage Treatment Plant. Consideration for this 20 foot wide strip will be \$100.00.

With the recommendation of management, Director Shannon moved to approve the granting of this 20 foot wide easement to the City of Azle for consideration in the amount of \$100.00. Director King seconded the motion and the vote in favor was unanimous.

8.

Mr. Strawn next requested authorization of commence bid solicitation for capital purchases comprised within the Fiscal 1986-87 General Fund Budget. Also, manpower adjustments outlined in the same budget are requested at this time.

With the recommendation of management, Director Henderson moved to authorize bid solitation for the following capital items as well as the following manpower adjustments:

<u>Capital Items</u>	<u>Estimated Cost</u>
A. One (1) new Gradall excavating machine;	\$163,000.00
B. One (1) 50 HP mowing tractor with 15 foot batwing mower;	\$ 29,000.00

<u>Capital Items</u>	<u>Estimated Cost</u>
C. One (1) 50 HP mowing tractor with enclosed cab;	\$ 27,000.00
D. Two (2) 15 foot batwing mowers;	\$ 16,000.00
E. One (1) airless paint spraying machine;	\$ 3,000.00
F. Three (3) one-half ton pickup trucks;	\$ 28,500.00
G. One (1) chemical spraying unit;	\$ 2,000.00

#### Manpower Adjustments

An addition of 3 of the 6 budgeted additions to the labor force.

Director Shannon seconded the motion and the vote in favor was unanimous.

#### 9.

Mr. Alan Thomas, Director of Administration, presented a proposal from the Wyatt Company outlining a comprehensive risk management study. The proposed study would be performed at an estimated cost of \$5,000.00 to \$7,000.00. The District has discussed the possibility of establishing a self insurance fund. If this option proves to be feasible, the amount of the funding level should have a well documented basis. The Wyatt Company will be an objective third party for making the necessary analysis. It is recommended that the performance of this study be independent of both those who manage our insurance program and those who write our coverage.

With the recommendation of management, Director Shannon moved to authorize the District to engage the Wyatt Company to perform the necessary risk management study for a fee not to exceed \$7,000.00. Director King seconded the motion and the vote in favor was unanimous.

10.

Motion was made by Director Shannon and seconded by Director Newton and unanimously approved that the following list of vouchers for the months of July and August, 1986, be approved:

Capital Projects: Voucher-Check Number 173 and 174 in the amount of \$389,289.72. Total Capital Projects Fund expenditures for the months of July and August, 1986, were \$389,289.72.

Debt Service: Voucher-Check Numbers 407 thru 412, inclusive, except for voided check numbers 408, 410 and 412. Total Debt Service Fund expenditures for the months of July and August were \$213,642.53.

General Fund: Voucher-Check Numbers 10086 thru 10549, inclusive, except for voided Check Numbers 10086, 10093, 10153, 10187, 10192, 10235, 10246, 10277, 10384, 10308, 10346, 10359, 10382, 10400, 10444, 10477, 10478, 10479, 10499, 10481, 10504, 10505, and 10529. Total General Fund expenditures for the months of July and August were \$4,904,839.11.

Interest and Redemption Fund: Voucher-Check Numbers 206 thru 210. Total Interest and Redemption Fund expenditures for the month of August, 1986 were \$15,098,411.38.

Richland-Chambers Construction Fund: Voucher-Check Numbers 6286 thru 6714, inclusive, except for voided Check Numbers 6293, 6300, 6319, 6341, 6356, 6366, 6372, 6373, 6399, 6405, 6436, 6444, 6451, 6471, 6479, 6486, 6493, 6500, 6506, 6510, 6539, 6551, 6555, 6581, 6586, 6587, 6588 and 6589. Total Richland-Chambers Construction fund expenditures for the months of July and August were \$201,992,872.74.

Revenue Fund: Voucher-Check Number 4940 thru 5006 and 5016 thru 5097, inclusive, except for voided Check Number 4942, 4969, 4998, 5007, 5016, 5028, 5041, 5042, 5057 and 5070. Total Revenue Fund expenditures for the months of July and August were \$18,724,067.72.

11.

Mr. Strawn next presented one final item. Authorization for the acceptance of the low bid submitted by Hobbs Trailers for the purchase of the required haul trailer to be stationed at Cedar Creek.

With the recommendation of management, Director Newton moved to authorize the District to accept the low bid submitted by Hobbs Trailers for the purchase of one haul trailer at the bid price of \$12,636.00. Director Shannon seconded the motion and the vote in favor was unanimous.

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

Seige H. Shannon  
Secretary

P. Victor Thornton  
President