

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF  
TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE  
HELD ON THE 23RD DAY OF JULY, 1996 AT 9:30 A.M.

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

<u>Present</u>	<u>Absent</u>
Victor W. Henderson	George W. Shannon
Charles B. Campbell, Jr.	
Hal S. Sparks III	
Brian C. Newby	

Also present were James M. Oliver, Alan Thomas, Wayne Owen, Brian Gordon, David Marshall, Steve Christian, Dale White, Woody Frossard, Leroy Cook, Ken Brummett, Mike Witthaus and Kyle Gathright.

Also in attendance was George F. Christie, legal counsel for the District.

With the assurance from management that all requirements of the "open meetings" laws had been met, Director Henderson convened the meeting.

1.

On a motion made by Director Campbell and seconded by Director Sparks, the Directors unanimously voted to approve the minutes from the meeting held May 21, 1996. It was accordingly ordered that such minutes be placed in the permanent files of the District.

2.

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

3.

The Vice President and presiding officer next called an executive session under Chapter 551.071 of the Government Code to consider pending or contemplated litigation.

4.

Upon completion of the executive session, the Vice President reopened the meeting.

5.

With the recommendation of management, Director Sparks moved to ratify a resolution executed on July 3, 1996 authorizing the District to protest the issuance of TNRCC Water Quality Permit Number 03867 to Griffin Industries. Director Newby seconded the motion and the vote in favor was unanimous.

**RESOLUTION OF BOARD OF DIRECTORS  
OF TARRANT COUNTY WATER CONTROL AND  
IMPROVEMENT DISTRICT NUMBER ONE  
AUTHORIZING PROTEST OF PROPOSED  
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION  
WATER QUALITY PERMIT NO. 03867 (GRIFFIN INDUSTRIES)**

**WHEREAS**, Tarrant County Water Control and Improvement District Number One (“District”) is the owner of Certificate of Adjudication No. 08-5035, as amended, issued by the Texas Natural Resource Conservation Commission’s (“Commission”) predecessor agency;

**WHEREAS**, Certificate of Adjudication No. 08-5035 authorizes the District to impound water in Richland-Chambers Reservoir, and to divert and use water therefrom for municipal and other purposes;

**WHEREAS**, Griffin Industries, Inc. has requested a water quality permit to authorize handling and treatment of waste, among other things, from a rendering facility proposed by that company to be located within the near watershed of Richland-Chambers Reservoir, in the general vicinity of the Cities of Corsicana and Angus Texas;

**WHEREAS**, issuance of Water Quality Permit No. 03867 as proposed to be issued by the Texas Natural Resource Conservation Commission to Griffin Industries, Inc. presents a danger of detrimental impacts to water quality in Richland-Chambers Reservoir and its contributing watershed area;

**WHEREAS**, it is appropriate and necessary for the District to participate as a party in administrative and court proceedings related to proposed Water Quality Permit No. 03867 in order to protect the District’s interest in water quality.

**NOW, THEREFORE**, be it resolved by the Board of Directors of the District that: The General Manager of the District is hereby authorized and directed on behalf of the Board of Directors to protest granting of proposed Water Quality Permit No. 03867; to appear and arrange for the appearance of persons representing the District at administrative hearings, appeals if necessary, and other legal proceedings on the proposed permit; and on behalf of the Board of Directors to otherwise pursue the District's protest of the permit as proposed.

ADOPTED AND APPROVED this 3RD day of July, 1996.

TARRANT COUNTY WATER CONTROL AND  
IMPROVEMENT DISTRICT NO. ONE

By: George W. Shannon  
President, Board of Directors

ATTEST:

Charles B. Campbell Jr.  
Secretary, Board of Directors

6.

With the recommendation of management, Director Sparks moved to adopt a resolution authorizing application to the TNRCC to amend the Benbrook Reservoir Permit. Director Campbell seconded the motion and the vote in favor was unanimous.

**RESOLUTION OF BOARD OF DIRECTORS  
OF TARRANT COUNTY WATER CONTROL AND  
IMPROVEMENT DISTRICT NUMBER ONE  
AUTHORIZING APPLICATION TO  
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION  
FOR AMENDMENT OF BENBROOK RESERVOIR PERMIT**

**WHEREAS**, Tarrant County Water Control and Improvement District Number One ("District") is the owner of Permit No. 5157 issued by the Texas Natural Resource Conservation Commission's ("Commission") predecessor agency on November 2, 1987;

**WHEREAS**, Permit No. 5157 authorizes the District to divert water allocated to City of Fort Worth, to City of Weatherford and to Benbrook Water and Sewer Authority; to divert water to customers in Tarrant County; to use Benbrook Reservoir for terminal storage for rediversion; and to overdraft Benbrook Reservoir on a non-priority basis for municipal purposes;

**WHEREAS**, the Tarrant County Regional Water Supply Facilities Contract was entered into as of June 11, 1992, by and among the District, City of Fort Worth, City of Arlington, City of Mansfield, Trinity River Authority of Texas, City of Weatherford, and Benbrook Water and Sewer Authority, calling on the District to include Benbrook Reservoir as part of the District's water supply system and to build a pipeline between Benbrook Reservoir and the District's Cedar Creek and Richland-Chambers Reservoirs pipelines;

**WHEREAS**, pursuant to Permit No. 5157, the District maintains by contract with the U.S. Army Corps of Engineers the right to use 72,500 acre-feet of storage in Benbrook Reservoir;

**WHEREAS**, the Tarrant County Regional Water Supply Contract further defines the rights and responsibilities of the contracting parties with regard to operation of Benbrook Reservoir;

**WHEREAS**, to further implement the District's operations from Benbrook Reservoir, it is necessary to change the points of diversion and outfall of water at the reservoir, and to increase the rate of diversion of water from those points and rates specified in Permit No. 5157;

**WHEREAS**, to accommodate the water supply needs of City of Weatherford, it is necessary to identify the point(s) of diversion specified for City of Weatherford in Permit No. 5157;

**WHEREAS**, to accommodate the water supply need of Benbrook Water and Sewer Authority, it is necessary to identify the point(s) of diversion specified for the Authority in Permit No. 5157;

**WHEREAS**, it is in the District's best interest to obtain the authority to supply an amount of water from Benbrook Reservoir also for irrigation and industrial purposes;

**WHEREAS**, the District proposes to file and pursue with the Commission an application to amend Permit No. 5157 to change various points of diversion and rate of diversion and to add irrigation and industrial as authorized purposes of use.

**NOW, THEREFORE**, be it resolved by the Board of Directors of the District that:

1. The General Manager of the District is hereby authorized on behalf of the Board of Directors to execute such application as is necessary to be made to the Commission to amend Permit No. 5157.

2. The General Manager of the District is hereby authorized and directed on behalf of the Board of Directors to file such application as is necessary to amend Permit No. 5157, to appear and arrange for the appearance of persons representing the District at the hearings and other proceedings on the application before the Commission, and otherwise to direct prosecution of the application on behalf of the Board of Directors.

**ADOPTED AND APPROVED** this 23rd day of July, 1996.

**TARRANT COUNTY WATER CONTROL AND  
IMPROVEMENT DISTRICT NUMBER ONE**

By: George W. Shannon  
President, Board of Directors

**ATTEST:**

Charles D. Campbell Jr.  
Secretary, Board of Directors

7.

With the recommendation of management, Director Newby moved to authorize the sale of the following tracts of land to the adjoining owners for the appraised value and that the deeds be made subject to the reservation of all minerals, the reservation of a flowage easement and the purchaser shall pay all closing costs, including survey and appraisal fees and that R. Steve Christian be granted authority to execute all documents necessary to close these conveyances.

- 684 square feet of land, situated adjacent to Lot 596, Oak Harbor Subdivision, Henderson County, Texas to the adjoining owners, Ross E. Smith, et ux, Grace K. Smith, for the appraised value of \$1,539.0 total.
- 126 square feet of land, situated adjacent to Lots 22 and 23, Star Harbor Subdivision, Henderson County, Texas to the adjoining owners, Neil Brown and Jerry Brown, for the appraised value of \$350.00 total.

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

8.

Consideration of the sale of Land in the Felipe Cortez Survey, Kaufman County, adjacent to the Cedar Creek Reservoir was postponed.

9.

With the recommendation of management, Director Campbell moved to approve the lease of 147.38 acres of land out of the G.W. Knight A-481, Thomas Harvey A-450, C.R. Huff A-448 and the Cain T. Brush A-93 located in Wise County, Texas to the high bidder, Top-Way Properties, Inc., for the mining and production of sand and gravel under the following terms:

- Ten (10) year term
- Stockpiling of top soil for City of Newark
- \$25,000.00/yr. advance minimum royalty
- Graduated royalty payments beginning with \$1.10/cu. yd. for year one and increasing \$0.02/cu. yd. each year of the lease

Further, that R. Steve Christian is authorized to execute the lease and all other documents necessary to close this transaction. Director Newby seconded the motion and the vote in favor was unanimous.

10.

With the recommendation of management, Director Sparks moved to authorize the District to consent to the sale of the property described below to Fort Worth Housing Finance Corporation., for the total purchase price of \$8,375.62 being the lesser of the market values specified in the judgments of foreclosure or the total amount of the judgments against the properties. Further, the District is authorized to abide by the decision of the City of Fort Worth, trustee under the foreclosure judgment, concerning the public or private nature of the sale and the ultimate choice of Grantees. It is further requested that R. Steve Christian be granted

authority to execute all documents necessary to close these conveyances. Director Newby seconded the motion and the vote in favor was unanimous.

	<b><u>ADDRESS:</u></b>	<b><u>LEGAL DESCRIPTION:</u></b>	<b><u>SALE PRICE:</u></b>	<b><u>TCWCID #1 TAXES</u></b>
1.	2601 Ross	Lot 1/Blk 36 M.G. Ellis Addn.	\$278.00	\$0
2.	2605 Ross	Lot 3/Blk 36 M.G. Ellis Addn.	\$278.00	\$0
3.	2609 Ross	Lot 5/Blk 36 M.G. Ellis Addn.	\$278.00	\$0
4.	931 Cleckler	Lot 3/Blk 6 Garden Addn.	\$580.00	\$0
5.	1116 Pulaski St. E	Lot 71/Blk 6 McConnell Addn.	\$434.00	\$0
6.	1109 Pulaski St. E	Lot 46/Blk 5 McConnell Addn.	\$ 83.00	\$0
7.	1109 E. Humbolt St.	Lot 9/Blk 1 McConnell Addn.	\$468.00	\$0
8.	1205 Pulaski St. E	Lot 65/Blk 4 McConnell Addn.	\$394.00	\$0
9.	1304 Humbolt St. E	Lot 2/Blk 7 Vickery	\$108.00	\$0

	<u>ADDRESS:</u>	<u>LEGAL DESCRIPTION:</u>	<u>SALE PRICE:</u>	<u>TCWCID #1 TAXES</u>
10.	2211 NW 24th St.	Lot 6/Blk 14 Rosen Hts. 2nd Filing Addn.	\$642.00	\$0
11.	2510 Refugio	Lot 19/Blk 27 Ellis MG	\$434.00	\$0
12.	2804 Van Horn	Lot 14/Blk Van Horn Subd.	\$468.00	\$0
13.	2805 Canberra Ct.	Lot 15/Blk 5 Southport #3	\$462.00	\$28.03
14.	2900 Dunford St.	Lot 1/Blk 9 Southport #3	\$389.00	\$135.75
15.	3013 Canberra Ct.	Lot 3/Blk E Southport	\$256.00	\$8.97
16.	3107 McKinley Ave.	Lot 4/Blk 23 Worth Hills Addn.	\$83.62	\$21.04
17.	3236 Bideker Ave.	Lot E 45" 10 & 1 Blk 4 Englewood Hts. 2nd Filing	\$306.00	\$0
18.	5222 Wellesley	Lot 8 Blk 44 Chamberlain Arl. Hts. # 2F	\$524.00	\$27.19
19.	5333 Fernander	Lot 1/Blk 16 Harlem Hills	\$361.00	\$0
20.	5536 Patton Dr.	Lot 10/Blk 23 Rosedale Park Addn.	\$354.00	\$5.22
21.	5624 Chariot Dr.	Lot 27/Blk 22 Harlem Hills	\$402.00	\$117.14
22.	5612 Fernander	Lot 14/Blk 9 Harlem Hills	\$424.00	\$0



<u>ADDRESS:</u>	<u>LEGAL DESCRIPTION:</u>	<u>SALE PRICE:</u>	<u>TCWCID #1 TAXES</u>
23. 2808 Finley	Lot 3/Blk 3 Garland Subd.	\$78.00	\$0
24. 1220 Leuda St.	Lot 6/Blk 28 Union Depot Addn.	\$108.00	\$59.45
25. 2808 Berryhill Dr.	N/A	\$183.00	\$0
<b>TOTAL:</b>		<b>\$8,375.62</b>	<b>\$402.79</b>

11.

With the recommendation of management, Director Newby moved to authorize the commencement of eminent domain proceedings to acquire 1.37 acres in pipeline easement, being part of that certain 23.93 acre Southwest Christian School tract situated in the William W. Warnell Survey, A-1616, Claiborne Johnson Survey, A-849 and the John F. Heath Survey, A-641, in Tarrant County, Texas, from Southwest Christian School, Inc. necessary to construct the Benbrook pipeline, upon the failure of the owner to accept the offer authorized during the earlier executive session. Further, R. Steve Christian shall be granted authority to execute all documents necessary to close this transaction. Director Sparks seconded the motion and the vote in favor was unanimous.

12.

With the recommendation of management, Director Campbell moved to accept the following lowest conforming bids for equipment to be funded by the Richland - Chambers Construction Fund and to reject the sole bid submitted by Future Equipment in the amount of \$35,346.00 for one (1)1996 Industrial 4WD Tractor with Scrapper.

- \$24,276.00 submitted by Classic Chevrolet of Grapevine, Texas for one (1) 1996 4WD Crew Cab LWB Pickup; and

- \$59,260.00 submitted by Darr Equipment Company of Fort Worth, Texas for one (1) 1996 Industrial 4WD Tractor with Backhoe Loader.

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

13.

With the recommendation of management, Director Campbell moved to accept the low bid in the amount of \$274,200.00 submitted by Kirkpatrick & O'Donnell of Irving, Texas for One (1) 1996 98,000 LB Hydraulic Excavator. Funding for this purchase is to be allocated in the Fiscal Year 1997 General Fund Budget. Director Sparks seconded the motion and the vote in favor was unanimous.

14.

With the recommendation of management, Director Sparks moved to approve the signature rebuild of one (1) 1982 Caterpillar D6D LGP Dozer Unit #08-035 by Darr Equipment Company for an amount not to exceed of \$70,000. Funding for this purchase is to be appropriated from the Capital Projects Fund and to be reimbursed by the General Fund. Director Newby seconded the motion and the vote in favor was unanimous.

15.

With the recommendation of management, Director Newby moved to award the remainder of the Vegetation Management contract to next lowest bidder Chem Spray North, Inc. of Arlington, Texas. Director Campbell seconded the motion and the vote in favor was unanimous.

16.

With the recommendation of management, Director Campbell moved to award the purchase of \$32,855.00 of stream gauging equipment from Sutron. Funding for this purchase is to be

provided as Follows: \$24765.00 from the General Fund and \$8,090.00 from the Revenue Fund. .

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

17.

With the recommendation of management, Director Newby moved to approve the following list of vouchers for the months of May and June, 1996.

**May, 1996**

General Fund: Check numbers 49260 through 49559, the total expenditure being \$351,196.89.

Revenue Fund: Check numbers 28701 through 28918, the total expenditure being \$4,812,527.92.

Cedar Creek Construction Fund: Check numbers 2107, 2108, 2110, 2112 - 2116, the total expenditure being \$52,354.84.

Richland-Chambers Construction Fund: Check numbers 16033 through 16050, the total expenditure being \$1,984,267.43.

Capital Projects Fund: Check numbers 2762, 51496 and debit number 111848, the total expenditure being \$781,182.50.

Benbrook/Richland-Chambers Construction Fund: Debit numbers 111816 and 506963 and check numbers 16037, 16040, 16051 - 16054, the total expenditure being \$2,579,285.63.

1985 Reserve Fund: Debit number 111849 , the total expenditure being \$140,000.00.

1992 Reserve Fund: Debit number 111850, the total expenditure being \$150,000.00.

**June, 1996**

General Fund: Check numbers 49560 through 49847, the total expenditure being \$265,802.89.

Revenue Fund: Check numbers 28919 through 29166, the total expenditure being \$3,571,911.42.

Cedar Creek Construction Fund: Check numbers 2118 - 2123, 2125, 2127 - 2133 and 29056, the total expenditure being \$30,155.39.

Richland-Chambers Construction Fund: Check numbers 16051 through 16076, the total expenditure being \$1,058,090.37.

Benbrook/Richland-Chambers Construction Fund: Debit numbers 112874 and check numbers 16061, 16068 - 16070 and 16078, the total expenditure being \$946,565.00.

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

18.

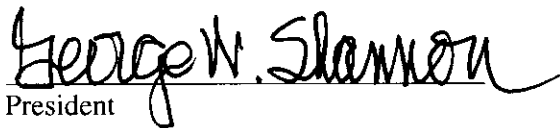
A staff report was next presented regarding the auction of equipment surplus to the needs of the District.

19.

The Board of Directors next discussed matters related to a name change for the District. After a brief discussion and following Vice President Henderson relaying the sentiments of President Shannon in absentia, Director Campbell moved to authorize all formal steps required to change the name of the Tarrant County Water Control and Improvement District Number One to the Tarrant Regional Water District to be effective on October 1, 1996 and contingent upon the required order authorizing this change from the Texas Natural Resource Conservation Commission. Director Newby seconded the motion and the vote in favor was unanimous with all Directors present including the Chair voting aye.

20.

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

  
President

  
Secretary