

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF
TARRANT REGIONAL WATER DISTRICT
HELD ON THE 16TH DAY OF NOVEMBER 2004 AT 9:30 A.M.

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

Present

George W. Shannon
Victor W. Henderson
Hal S. Sparks III
Brian Newby
Jack R. Stevens

Also present were, James M. Oliver, Alan Thomas, Ken Brummett, Steve Christian, Wesley Cleveland, Woody Frossard, Nancy King, David Marshall, Mark Olson, Wayne Owen, Sandra Swinnea and Mike Witthaus.

Also in attendance were George Christie, legal counsel for the District and Dick Fish of Save Eagle Mountain Lake. Director Shannon convened the meeting with the assurance from management that all requirements of the "open meetings" laws had been met.

1.

On a motion made by Director Henderson and seconded by Director Stevens, the Directors unanimously voted to approve the minutes from the meeting held October 19, 2004. It was accordingly ordered that such minutes be placed in the permanent files of the District.

2.

Dick Fish of Save Eagle Mountain Lake thanked Jack Stevens and Alan Thomas for coming to their annual meeting.

3.

The President and presiding officer next called an executive session at 9:43 a.m. under Chapter 551.071 of the Government Code to consider pending or contemplated litigation - West Fork pipeline condemnation litigation; and under Chapter 551.072 of the Government Code to consider real property

issues - Eagle Mountain Connection Project, purchase of TXU water rights, property at Waxahachie Pump Station, Trinity River Vision real property issues and Oil & Gas lease at Eagle Mountain Lake.

4.

Upon completion of the executive session at 10:47 a.m., the President reopened the meeting.

5a.

With the recommendation of management, Director Henderson moved to approve the purchase of the following easements necessary for construction of the Eagle Mountain Connection Project from the LAH III Family Specific Interest, LTD. for the total appraised value of \$107,298. Should owner(s) of such land decline to accept the authorized purchase offer, staff was given authority to commence eminent domain proceedings.

12.064 acres (525,515 square feet) in permanent easement and 4.035 acres (175,769 square feet) in temporary construction easement, situated in the G. Isbell Survey, A-838, and the J. Wilcox Survey, A-1704, Tarrant County, Texas, also being a portion of that certain 556.30 acre tract of land conveyed by deed to LAH III FAMILY SPECIFIC INTEREST, LTD. in volume 17416, Page 322, Deed Records, Tarrant County, Texas, from LAH III FAMILY SPECIFIC INTEREST, LTD., or its successor(s) in interest, for the total appraised value of \$107,298.00.

RESOLUTION FOR THE BOARD OF DIRECTORS

With the recommendation of management, Director Henderson moved to authorize the commencement of eminent domain proceedings to acquire 12.064 acres (525,515 square feet) in permanent easement and 4.035 acres (175,769 square feet) in temporary construction easement, situated in the G. Isbell Survey, A-838, and the J. Wilcox Survey, A-1704, Tarrant County, Texas, also being a portion of that certain 556.30 acre tract of land conveyed by deed to LAH III FAMILY SPECIFIC INTEREST, LTD. in volume 17416, Page 322, Deed Records, Tarrant County, Texas (such lands being determined by management and the Board to be necessary to construct the Eagle Mountain Connection Pipeline), if the owners of such land, LAH III FAMILY SPECIFIC INTEREST, LTD., or its successor(s) in interest, decline(s) to accept the Board-authorized purchase offer of \$107,298.00. Further, R. Steve Christian is granted authority to execute all documents necessary to acquire this land, whether by eminent domain or by purchase.

Director Sparks seconded the motion and the vote was in favor with Director Newby abstaining.

In addition, R. Steve Christian is granted authority to execute all documents necessary to complete this transaction. Funding for this purchase is included in the 2002 Bond Issue.

Director Sparks seconded the motion and the vote was in favor with Director Newby abstaining.

5b.

With the recommendation of management, Director Henderson moved to approve the purchase of the following easements necessary for construction of the Eagle Mountain Connection Project from Michael L. Wells for the total negotiated purchase price of \$149,020. Should owner(s) of such land decline to accept the authorized purchase offer, staff was given authority to commence eminent domain proceedings.

TRACT ONE: 3.166 acres in permanent easement, and approximately 0.293 acre in temporary construction easement, situated in the J. Wilcox Survey, A-1704, also being a portion of that certain tract conveyed by deed to Michael L. Wells in deed recorded in Volume 16127, Page 62, Deed Records, Tarrant County, Texas from Michael L. Wells, or his successor(s) in interest, for the total negotiated purchase price of \$87,406.

TRACT TWO: 1.040 acres in permanent easement, situated in the R. Arse Survey, A-5, Tarrant County, Texas, also being a portion of the westerly residue of that certain tract of land conveyed to Steve Paulsen Properties, LTD. in Volume 16005, Page 294, Deed Records, Tarrant County, Texas, from Michael L. Wells, or his successor(s) in interest, for the total negotiated purchase price of \$61,614.

The total negotiated purchase price for both TRACT ONE and TRACT TWO is \$149,020.

RESOLUTION FOR THE BOARD OF DIRECTORS

With the recommendation of management, Director Henderson moved to authorize the commencement of eminent domain proceedings to acquire:

TRACT ONE: 3.166 acres in permanent easement, and approximately 0.293 acre in temporary construction easement, situated in the J. Wilcox Survey, A-1704, also being a portion of that certain tract conveyed by deed to Michael L. Wells in deed recorded in Volume 16127, Page 62, Deed Records, Tarrant County, Texas; and

TRACT TWO: 1.040 acres in permanent easement, situated in the R. Arse Survey, A-5, Tarrant County, Texas, also being a portion of the westerly residue of that certain tract of land conveyed to Steve Paulsen Properties, LTD. in Volume 16005, Page 294, Deed Records, Tarrant County, Texas;

(such lands being determined by management and the Board to be necessary to construct the Eagle Mountain Connection Pipeline), if the owner of such land, Michael L. Wells, or his successor(s) in interest, decline(s) to accept the Board-authorized purchase offer for both TRACT ONE and TRACT TWO of \$149,020 total.

Further, R. Steve Christian is granted authority to execute all documents necessary to acquire this land, whether by eminent domain or by purchase. Director Newby seconded the motion and the vote in favor was unanimous.

In addition, R. Steve Christian is granted authority to execute all documents necessary to complete this transaction. Funding for this purchase is included in the 2002 Bond Issue.

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

6a.

With the recommendation of management, Director Henderson moved to approve the sale of the following described encroachment to the adjoining owner, Mary Marlow, for the appraised value of \$2,300:

663.22 square feet, more or less, located adjacent to Lot 151 of the Cherokee Shores Addition, Henderson County, Texas.

In addition, R. Steve Christian is granted authority to execute the deed and all other documents necessary to complete this transaction. Director Newby seconded the motion and the vote in favor was unanimous.

6b.

With the recommendation of management, Director Newby moved to approve the sale of the following described encroachment to the adjoining owner, Don Waugaman, et ux, Lisa Waugaman, for the total appraised value of \$21,596.45:

TRACT ONE: 1,648.63 square feet, more or less, in fee simple located adjacent to Lot 93, Block 6 of the Arnold Hills Subdivision, Henderson County, Texas, for the appraised value of \$15,826.85.

**TRACT TWO: 601 square feet, more or less, in permanent air space easement, located adjacent to Lot 93, Block 6 of the Arnold Hills Subdivision, Henderson County, Texas, for the appraised value of \$5,769.60.
The total appraised value for both TRACT ONE & TRACT TWO is \$21,596.45.**

In addition, R. Steve Christian is granted authority to execute the deed, permanent air space easement, and all other documents necessary to complete this transaction. Director Sparks seconded the motion and the vote in favor was unanimous.

7.

With the recommendation of management, Director Sparks moved to approve the purchase, in fee simple title, of the following residential property necessary for future expansion of the Waxahachie Pump Station from Gerald Wayne Rodgers and wife Elizabeth Rodgers, or their successor(s) in interest, for the appraised value of \$180,000:

2312 North Highway 77, Waxahachie, Texas 75165, being all of that certain 0.624 acre lot or parcel of land lying in the James Starrett Survey, A-1024, Ellis County, Texas, and being further described in a deed recorded in Volume 842, Page 99 of the Deed Records of Ellis County, Texas.

In addition, R. Steve Christian is granted authority to execute all documents necessary to complete this transaction. Funding for this purchase is included in the 2002 Bond Issue. Director Henderson seconded the motion and the vote in favor was unanimous.

8.

With the recommendation of management, Director Newby moved to approve a contract with Pinnacle Management Group, Inc. for a feasibility study to provide information necessary for the preparation of a preliminary estimate of relocation costs as required by 49 CFR, Regulations and Statutes implementing the Uniform Relocation Act for an amount not to exceed

\$45,000. Funding for this contract is included in the FY 2005 General Fund Budget. Director Stevens seconded the motion and the vote in favor was unanimous.

9.

With the recommendation of management, Director Stevens moved to approve the purchase of one (1) Half-Ton Quad Cab Pickup to be assigned to the Western Division Operations Department for the low bid of \$17,897 submitted by Lawrence Marshall Chrysler; one (1) Three-Quarter-Ton Quad Cab Pickup to be assigned to the Western Division Operations Department for the low bid of \$19,199 submitted by Lawrence Marshall Chrysler; one (1) Half-Ton 4WD SWB Extended Cab Pickup to be assigned to Eastern Division Reservoir Operations Department for the low bid of \$17,951 submitted by Phillipott Motors, Inc.; one (1) Half-Ton LWB Pickup to be assigned to the Eastern Division Pipeline Department for the low bid of \$13,849 submitted by Lawrence Marshall Chrysler; and one (1) Three-Quarter-Ton 4 WD Crew Cab Single Wheel Pickup to be assigned to the Eastern Division Pipeline Department for the low bid of \$21,952 submitted by Lawrence Marshall Chrysler. Funding for these items is included in the FY 2005 General Fund Budget and FY 2005 Revenue Fund Budget. Director Sparks seconded the motion and the vote in favor was unanimous.

10.

With the recommendation of management, Director Newby moved to approve the purchase of 875 WaterWise activity kits and teacher binders for distribution to 5th grade classrooms in the Fort Worth and Arlington Independent School Districts at a cost of \$28,437.50. Funding for this purchase is included in the FY 2005 Revenue Fund Budget. Director Henderson seconded the motion and the vote in favor was unanimous.

11.

With the recommendation of management, Director Henderson moved to approve an increase in the amount of \$12,300.06 in the contract with Archer Western for work on the Richland-Chambers High-Capacity Expansion Project. Funding for this increase is included in the 2002 Bond Issue. Director Sparks seconded the motion and the vote in favor was unanimous.

12.

With the recommendation of management, Director Sparks moved to approve a three-year contract with Pressure Pipe Inspection Company for pipe inspection and mapping in an amount not to exceed \$1,178,100. Funding for this contract is included in the FY 2005 Revenue Fund Budget. Director Henderson seconded the motion and the vote in favor was unanimous.

13.

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

George W. Shannon
President

W. S. Sparks
Secretary