

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF  
TARRANT REGIONAL WATER DISTRICT  
HELD ON THE 18<sup>TH</sup> DAY OF JANUARY 2011 AT 9:30 A.M.

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

Present  
Victor W. Henderson  
Hal S. Sparks III  
Jack R. Stevens  
Marty V. Leonard  
Jim Lane

Also present were Jim Oliver, Alan Thomas, Darrel Andrews, Stacy Beeson, Kathy Berek, Steve Christian, Linda Christie, Wesley Cleveland, Tom Jacobs, Nancy King, Brice Komatsu, David Marshall, Rachel Navejar, Wayne Owen, Sandy Swinnea, and Carol Tackel.

Also in attendance were George Christie, General Counsel for Tarrant Regional Water District; Lee Christie of Pope, Hardwicke, Christie, Harrell, Schell & Kelly, LLP; Dick Fish of Save Eagle Mountain Lake; Tim Noack of Alan Plummer Associates, Inc.; Terry Foyt of Arredondo, Zepeda & Brunz LLC; Michael Dempsey of Burns & McDonnell; Dan Buhman and Doug Varner of CDM; Terry Kile of Deloitte and Touche, LLP; Kathleen Hicks of Fort Worth City Council; Rusty Gibson and Robert Allen of Freese and Nichols, Inc.; Gary Savanyu of Gunter; Scott Forbes of HNTB; Bob Johnson of MWH; Larry Redder of Parsons Brinckerhoff; Judd Pritchard of TRC-JV; Bill Hanna of the Fort Worth Star Telegram; and Earl Alexander.

President Henderson convened the meeting with the 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 Pledge of Allegiance.

2.

On a motion made by Director Stevens and seconded by Director Leonard, the Directors unanimously voted to approve the minutes from the meeting held December 21, 2010. It was accordingly ordered that these minutes be placed in the permanent files of Tarrant Regional Water District.

3.

Kathleen Hicks, City Councilwoman of Fort Worth, thanked the Board for matching grant funding for Cobb Park improvements. The construction on this 222 acre, \$4 million project begins on January 18, 2011.

Dick Fish, reported that Save Eagle Mountain Lake, Inc. is initiating efforts to educate residents and visitors of Eagle Mountain Lake and its watershed regarding concerns about invasive plants and zebra mussels.

4.

With the recommendation of management, Director Sparks moved to approve the Annual Financial Report by the District's auditors, presented by Terry Kile of Deloitte & Touche, for the year ended September 30, 2010. Director Stevens seconded the motion and the vote in favor was unanimous.

5.

With the recommendation of management, Director Leonard moved to approve a resolution authorizing the General Manager to act on behalf of the Board of Directors to apply to the Texas Water Development Board's Water Infrastructure for State

Participation Funds for financing of an amount up to \$50 million. Financing will support the design and construction of raw water transmission facilities to serve both the City of Dallas and Tarrant Regional Water District and is consistent with the scope and purpose of strategies included in the 2006 Region C Regional Water Plan and the 2007 State Water Plan. Director Stevens seconded the motion and the vote in favor was unanimous.

6.

With the recommendation of management and the Constructions and Operations Committee, Director Stevens moved to issue a Notice to Proceed to Beavers Dozer Service and Equipment of Bowie, Texas to remove debris from and adjacent to the West Fork of the Trinity River in the amount of \$37,621.85. Funding for this contract is included in the Bond Fund. Director Leonard seconded the motion and the vote in favor was unanimous.

7.

With the recommendation of management and the Construction and Operations Committee, Director Stevens moved to approve the Unit Price Reconciliation Change Order #2 in the amount of a \$344,609.70 addition to Contract G with DCI Contracting, Inc., on the Eagle Mountain Connection Balancing Reservoir Project and the reduction of retainage. The remaining retainage in the amount of \$10,000 was authorized to be released upon the satisfactory establishment of grass in the coming spring. Funding for this project is included in the Bond Fund. Director Sparks seconded the motion and the vote in favor was unanimous.

8.

With the recommendation of management and the Construction and Operations Committee, Director Sparks moved to approve a Second Amendment to the Reimbursement Agreement between the Water District and Southwest Operating, Inc. to include a not to exceed cost of \$457,171 for necessary pipeline work and a not to exceed cost of \$100,000 for access contingencies at the George W. Shannon Wetlands Water Reuse Project. Funding for this agreement is included in the Bond Fund. Director Leonard seconded the motion and the vote in favor was unanimous.

9.

With the recommendation of management and the Construction and Operations Committee, Director Sparks moved to approve a contract with Alpha Testing in the amount of \$398,532 to perform Construction Material Testing during construction of Phase II of the George W. Shannon Wetlands Water Reuse Project. Funding for this contract is included in the Bond Fund. Director Stevens seconded the motion and the vote in favor was unanimous.

10.

With the recommendation of management and the Construction and Operations Committee, Director Leonard moved to approve a one year pricing agreement with Hydros Consulting for technical support and services for RiverWare modeling software implementation at a cost not to exceed \$75,000. Funding for this agreement is included in the FY 2011 Revenue Fund. Director Sparks seconded the motion and the vote in favor was unanimous.

11.

The Board of Directors recessed for a break from 10:25 a.m. to 10:37 a.m.

12.

The presiding officer next called an executive session at 10:37 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; to conduct a private consultation with attorneys regarding pending or contemplated litigation; and under Section 551.072 to deliberate the purchase, exchange, lease or value of real property.

13.

Upon completion of the executive session at 11:04 a.m., the President reopened the meeting.

14.

With the recommendation of management, Director Lane moved to approve the exchange of the following described tracts of land between Tarrant Regional Water District and City of Fort Worth.

**5,283 Square Feet or 0.121 Acre of land, more or less, out of the W.D. Conner Survey, Abstract 288, in the City of Fort Worth, Tarrant County, Texas (owned by TRWD) in exchange for 4,572 Square Feet or 0.105 Acre of land, more or less, out of the W.D. Conner Survey, Abstract 288, in the City of Fort Worth, Tarrant County, Texas (owned by City of Fort Worth).**

In addition, R. Steve Christian is granted authority to execute deeds and all other documents necessary to close these transactions. Director Sparks seconded the motion and the vote in favor was unanimous.

## LEGAL DESCRIPTION

- BEING** a tract of land situated in the W. D. Conner Survey, Abstract 288, in the City of Fort Worth, Tarrant County, Texas, and more particularly being a portion of a tract of land described in a deed to Tarrant County Water Control and Improvement District Number One as described in Volume 4162, Page 393, Deed Records, Tarrant County, Texas (D.R.T.C.T.); said tract of land being more particularly described by metes and bounds as follows:
- BEGINNING** at a 5/8 inch iron rod with cap stamped Transystems found at the northwest corner of said Tarrant County Water Control and Improvement District Number One tract at the intersection of the south right-of-way line of Riverfront Drive (a variable width ROW) as described in a deed to the City of Fort Worth recorded in Volume 940, Page 158, D.R.T.C.T. and the east right-of-way line of Rogers Road (a variable width ROW);
- THENCE** North 82 degrees 27 minutes 48 seconds East, along the south right-of-way line of said Riverfront Drive same being the south line of said City of Fort Worth tract and the north line of said Tarrant County Water Control and Improvement District Number One tract, a distance of 4.49 feet to a 5/8 inch iron rod with cap stamped Transystems set at the beginning of a non-tangent curve to the left with a radius of 596.23 feet, and whose chord bears South 13 degrees 10 minutes 30 seconds East, a distance of 109.28 feet;
- THENCE** Southeasterly along said curve to the left through a central angle of 10 degrees 30 minutes 57 seconds, an arc distance of 109.43 feet, to a 5/8 inch iron rod with cap stamped Transystems set;
- THENCE** South 20 degrees 48 minutes 01 seconds East, a distance of 86.29 feet to a 5/8 inch iron rod with cap stamped Transystems set on the south line of said Tarrant County Water Control and Improvement District Number One tract and on the north line of a tract of land described in a deed to Tarrant County Water Control and Improvement District Number One recorded in Volume 4204, Page 178, D.R.T.C.T.;
- THENCE** South 83 degrees 34 minutes 48 seconds West, along the common line between said Tarrant County Water Control and Improvement District Number One tracts, a distance of 51.62 feet to a X in concrete set, from which a 5/8 inch iron rod with cap stamped Transystems found being the southwest corner of said Tarrant County Water Control and Improvement District Number One tract recorded in Volume 4162, Page 393, D.R.T.C.T., bears South 83 degrees 34 minutes 48 seconds West, a distance of 8.30 feet;
- THENCE** North 20 degrees 48 minutes 01 seconds West, a distance of 23.37 feet to a 5/8 inch iron rod with cap stamped Transystems set on the west line of said Tarrant County Water Control and Improvement District Number One tract and on the east right-of-way line of said Rogers Road;
- THENCE** North 00 degrees 08 minutes 12 seconds West, along said east right-of-way line and the west line of said Tarrant County Water Control and Improvement District Number One tract, a distance of 170.39 feet to the POINT OF BEGINNING and containing 5,283 Square Feet or 0.121 Acre of Land.

Note: Basis of bearing = NAD 83 Texas North Central Zone (4202).

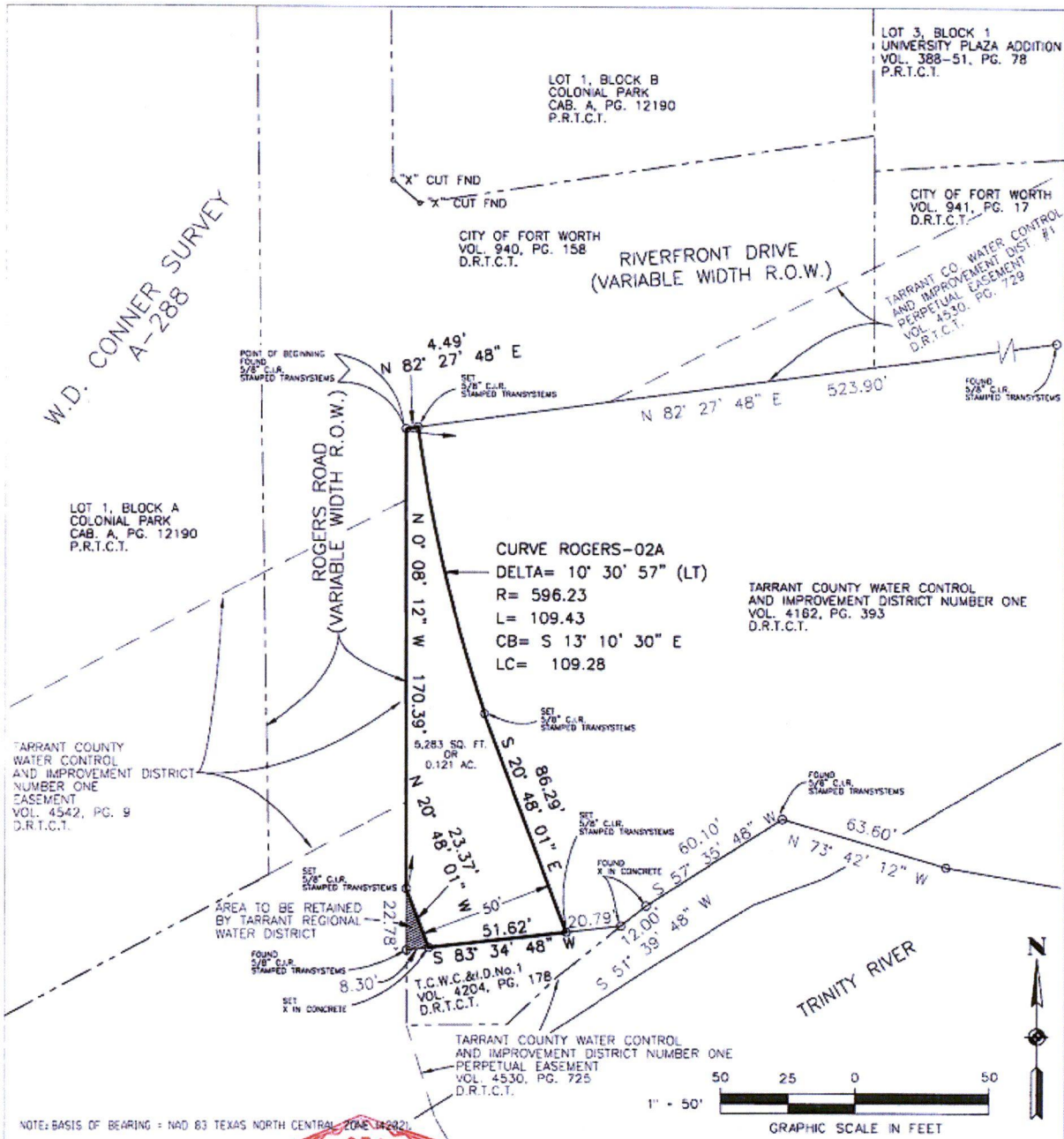
That I, Kenneth D. Erwin, a Registered Professional Land Surveyor in the State of Texas, hereby states that this survey was made from an actual on the ground survey made in December 2008 under my supervision, that all monuments exist as shown hereon and this survey substantially conforms with the current professional and technical standards as set forth by the Texas Board of Professional Land Surveying.

Kenneth D. Erwin

Kenneth D. Erwin  
Registered Professional Land Surveyor  
Texas Registration No. 5554

Date: 5-14-09





<p>500 W. 7TH ST., SUITE 1100 FORT WORTH, TEXAS 76102 817-339-8950 FAX 817-336-2247 PROJ. NO: P202 @ 9 0177 SCALE: 50 DATE: 5-14-09 DESIGNED BY: DRAWN BY: K.D.E. CHECKED BY: D.L.G. FILE NAME: 0177-V-ROGERS-BOY.DGN SHEET: 0177-V-ROGERS-0115H.DGN</p>		SHEET TITLE	PORTION OF ROGERS ROAD
		PROJECT	RIVERFRONT DRIVE @ ROGERS ROAD
		PAGE: 3 OF 3	



## LEGAL DESCRIPTION

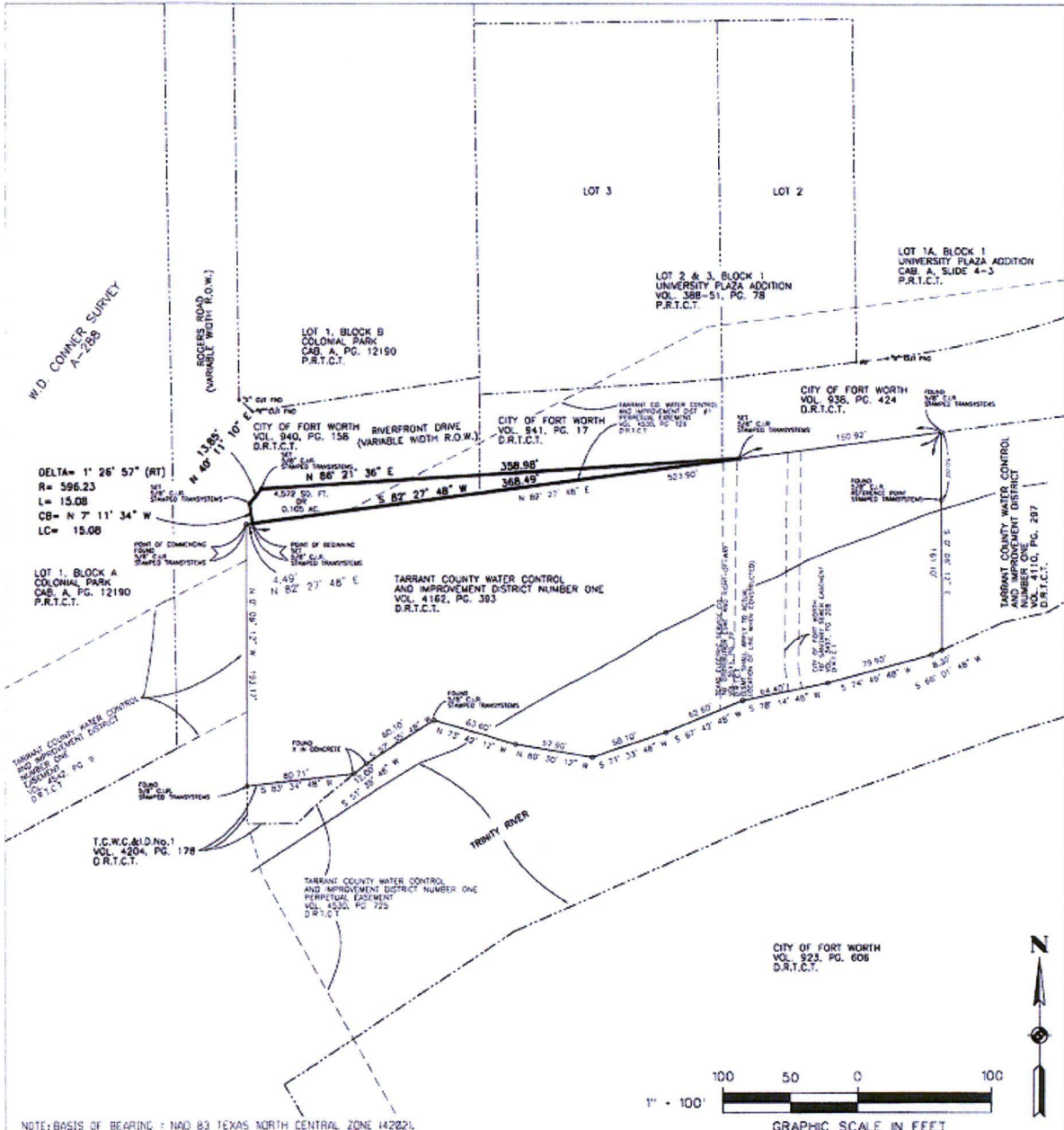
- BEING** a tract of land situated in the W. D. Conner Survey, Abstract 288, in the City of Fort Worth, Tarrant County, Texas, and more particularly being a portion of three tracts of land described in deeds to the City of Fort Worth, recorded in Volume 940, Page 158, Volume 941, Page 17 and Volume 938, Page 424, Deed Records, Tarrant County, Texas (D.R.T.C.T.); said tract of land being more particularly described by metes and bounds as follows:
- COMMENCING** at a 5/8 inch iron rod with cap stamped Transystems found at the northwest corner of a tract of land described in a deed to Tarrant County Water Control and Improvement District Number One, recorded in Volume 4162, Page 393, D.R.T.C.T., at the intersection of the south right-of-way line of Riverfront Drive (a variable width ROW) as described in a deed to the City of Fort Worth recorded in Volume 940, Page 158, D.R.T.C.T. and the east right-of-way line of Rogers Road (a variable width ROW), THENCE North 82 degrees 27 minutes 48 seconds East, along the north line of said Tarrant County Water Control and Improvement District Number One tract and the said south R.O.W line of Riverfront Drive, a distance of 4.49 feet to a 5/8 inch iron rod with cap stamped Transystems set, being the Point of Beginning of the herein described tract, and further being the beginning of a non-tangent curve to the right with a radius of 596.23 feet, and whose chord bears North 07 degrees 11 minutes 34 seconds West, a distance of 15.08 feet;
- THENCE** Northwesterly along said curve to the right through a central angle of 01 degrees 26 minutes 57 seconds, an arc distance of 15.08 feet, to a 5/8 inch iron rod with cap stamped Transystems set;
- THENCE** North 40 degrees 11 minutes 10 seconds East, a distance of 13.85 feet to a 5/8 inch iron rod with cap stamped Transystems set;
- THENCE** North 86 degrees 21 minutes 36 seconds East, a distance of 358.98 feet to a 5/8 inch iron rod with cap stamped Transystems set on the south R.O.W. line of said Riverfront Drive same being the south line of City of Fort Worth Tract recorded in Volume 938, Page 424, D.R.T.C.T. and on the north line of said Tarrant County Water Control and Improvement District Number One tract, from which a 5/8 inch iron rod with cap stamped Transystems found being the northeast corner of said Tarrant County Water Control and Improvement District Number One tract bears North 82 degrees 27 minutes 48 seconds East, a distance of 150.92 feet;
- THENCE** South 82 degrees 27 minutes 48 seconds West, along the south R.O.W. line of said Riverfront Drive same being the south line of City of Fort Worth Tracts recorded in Volume 940, Page 158, Volume 941, Page 17 and Volume 938, Page 424, D.R.T.C.T. and along the north line of said Tarrant County Water Control and Improvement District Number One tract, a distance of 368.49 feet to the POINT OF BEGINNING and containing 4,572 Square Feet or 0.105 Acre of Land.

Note: Basis of bearing = NAD 83 Texas North Central Zone (4202).

That I, Kenneth D. Erwin, a Registered Professional Land Surveyor in the State of Texas, hereby states that this survey was made from an actual on the ground survey made in December 2008 under my supervision, that all monuments exist as shown hereon and this survey substantially conforms with the current professional and technical standards as set forth by the Texas Board of Professional Land Surveying.

*Kenneth D. Erwin*  
Kenneth D. Erwin  
Registered Professional Land Surveyor  
Texas Registration No. 5554  
Date: *5-14-09*

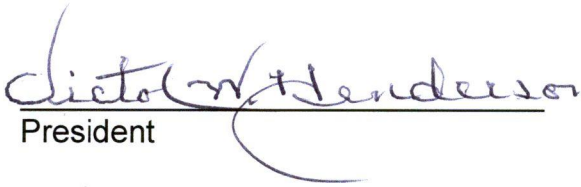




NOTE: BASIS OF BEARING = NAD 83 TEXAS NORTH CENTRAL ZONE 142021.

<p>580 W. 7TH ST., SUITE 1100 FORT WORTH, TEXAS 76102 817-339-8950 FAX 817-336-2247 PROJ. NO: P202 29 0177 SCALE: 1/8" = 1'-0" DATE: 5-14-09 DESIGNED BY: DRAWN BY: K.D.E. CHECKED BY: O.L.D. FILE: 0177-Y-RIVERFRONT-BDY.DGN PLOT: 0177-Y-RIVERFRONT-8X11SH.DGN</p>		SHEET TITLE	
		PORTION OF RIVERFRONT DRIVE	
		PROJECT	
		RIVERFRONT DRIVE @ ROGERS ROAD	
		PAGE: 3 OF 3	

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

  
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President

  
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Secretary