



MINUTES

UPPER TRINITY REGIONAL WATER DISTRICT BOARD OF DIRECTORS MEETING May 4, 2017

REGULAR SESSION BOARD MEETING

1. Call to Order

The Board of Directors of the Upper Trinity Regional Water District convened, with President Vanzant presiding, at 12:56 P.M. on Thursday, May 4, 2017, at the UTRWD Board Meeting Room, 900 N. Kealy, Lewisville, TX 75057.

2. Roll Call and confirm Quorum

The attendance of the Board of Directors was taken. A quorum was present for the meeting.

Board Members in Attendance:

Lance Vanzant, President, Celina
Gary Calmes, Treasurer, Krum
Troy Norton, Argyle
Del Knowler, Bartonville
Cody Collier, Corinth
Johnny Harris, Denton County
Kristina Clark, DCFWSD #1A
Dick Cook, Double Oak
Richard Lubke, Highland Village
Mike Fairfield, Lake Cities MUA
Scott Ingalls, Pilot Point
Frank Jaromin, Prosper

Chris Boyd, Vice President, Mustang SUD
Ramiro Lopez, Secretary, Irving
Brian Roberson, Aubrey
Janet Aune, Copper Canyon
Timothy Fisher, Denton
Jean Campbell, Denton County At-Large
Kevin Mercer, DCFWSD #7
Kenneth Parr, Flower Mound
Virginia Blevins, Justin
Eric Ferris, Lewisville
Michael Anderson, Ponder
Mike Brice, Sanger

Staff & Advisors in Attendance:

Thomas E. Taylor, Executive Director
Larry Patterson, Deputy Executive Director
Nancy Tam, Assistant to Executive Director
Jason Pierce, Mgr / Watershed & Contract Serve
Don Hill, Manager / Property Services
Mark Skaggs, IT Administrator

John F. Boyle, Jr., General Counsel
Bill Greenleaf, Director / Business Services
Jody Zabolio, Ass't Director/Operations
Kim Probasco, Budget Manager
Lester Harris, Accounting Manager
Kurt Staller, Sr. Professional Engineer

Others in Attendance:

Alan Tucker, APAI
Nick Bulaich, First Southwest

Terrace Stewart, LAN
Gary Oradat, Jacobs Engineering

3. Pledge of Allegiance and Invocation:

Pledge of Allegiance: Mike Brice

Invocation: Lance Vanzant

4. Opening Remarks:

- A. President's Remarks concerning current events, conduct of the meeting, posted agenda items, committee assignments, and related matters.

President Vanzant announced that this meeting could be his last to serve both as President of the Board and as Celina's Board Representative. Celina is expected to appoint a new Board representative soon. He has served on the Board for approximately 17 years, and has enjoyed his service as well as working with staff members.

- B. Executive Director's Status Report about legislation and regulatory matters, about budgets, current projects and on-going programs of the District, including: the Regional Water System, Water Resource Development, Regional Water Reclamation Systems, Watershed Protection and Water Conservation.

- Taylor announced that today is also Scott Ingalls' last day as Board Member for the City of Pilot Point. He will be leaving Pilot Point to join the planning team at the Town of Prosper. Mr. Ingalls has served as an active member on the Board as well as the Water Supply Committee.
- Last month, the Board discussed the possibility of allowing City of Lewisville to display fireworks on July 4th on District's property on College St. Staff and the City have worked out the terms and concerns - - and, with there being no adverse effects on the water works of the District, Staff feels it will be acceptable. The City will provide insurance, prep and mow the site and provide cleanup. Both the City and the District will monitor the activity to ensure safety.
- The District has made major strides in dealing with TxDOT regarding the easements they have taken from the District for road projects. This week the District received documents for signature, moving it closer to receiving payments for some of the easements taken by TxDOT. The value of the easements along Swisher Road (S.H. 2181) is approximately \$478,000. Also, there will be additional easements going through this process on the northern part of SH 2181.
- As of May 31st, the B Term Board Members will be up for reappointment. To date, the District has received reappointments for eight. Current Members will continue to serve until reappointed or someone else is appointed.
- Mr. Jervis Underwood, a prior Board Member, passed away April 26, 2017. He was a very talented man serving in many capacities, and very instrumental in getting the site for the District's Peninsula Plant.
- Legislature Update: Larry Patterson gave an update on the legislative process occurring in Austin at this time including SB511 and HB3177. These are couple of the many bills being watched by the District.

- C. Presentations about awards, recognitions, achievements, etc. of the District, Board Members, Member Entities and Staff.

None.



5. Visitor Comments Concerning Agenda Topics.

None.

CONSENT AGENDA

President Vanzant asked for a motion to approve items in the Consent Agenda. **Kevin Mercer made a motion to approve the Consent Agenda items. Seconded by Scott Ingalls.** The votes were all yes. Motion carried. The approved items were:

6. Adopt minutes of April 6, 2017 Board Meeting.
7. Accept Monthly Management Report for the period ended February 29, 2017.
8. Accept Quarterly Investment Report for the period ending March 31, 2017.
9. Authorize Executive Director to enter into a price agreement with Spongecell for media advertising related to the District's Water Conservation and Watershed Protection education and outreach programs.
10. Accept ownership of the two pipelines that were relocated by the City of Lewisville for the Windhaven Parkway Project.
11. Consider reappointment of two Trustees on the Board of Trustees for the Upper Trinity Conservation Trust.

ITEMS FOR INDIVIDUAL CONSIDERATION

12. Consider approval of Amendments to Participation Contracts with Mustang SUD concerning the extension of water and wastewater services to northwest portion of Mustang's service area: (Weighted Capital Vote)
 - A. Northeast Regional Water Reclamation System (Riverbend Plant) contract for extension of wastewater pipeline and construction of new Point of Entry with metering facilities.
 - B. Regional Treated Water System contract for extension of water transmission pipeline and construction of new Point of Delivery with metering facilities, including an increase in subscribed capacity.

Jason Pierce provided the briefing to the Board. Due to the growth and development within the District's service area, particularly in the northeastern area, the Silverado development (formerly Regatta), a retail service area of Mustang SUD has requested retail water and wastewater services from Mustang. To provide service to Silverado and other future customers, Mustang has requested a new Point of Delivery (the third of a total authorization of three Points) for water service, and a new Point of Entry for wastewater service.



Staff recommends the Board to approve the proposed amendments to Participation Contracts with Mustang SUD concerning the extension of water and wastewater services to northwest portion of Mustang's service area, subject to any minor, non-substantive changes mutually agreed.

Richard Lubke made a motion to approve Item No. 12 A&B as recommended by Staff. Seconded by Dick Cook. The *Weighted Capital Vote* proceeded as follow: The votes were 38 Yes, with 1 No. Motion carried.

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSENT
ARGYLE – Norton	1	1		
AUBREY - Roberson	1	1		
BARTONVILLE – Knowler	1	1		
CELINA – Vanzant	1	1		
CORINTH – Collier	3	3		
DENTON (CITY) – Fisher	2	2		
DC AT-LARGE - Campbell	1			1
DCFWSO #1A – Clark	2	2		
DCFWSO #7 – Mercer	2	2		
DOUBLE OAK – Cook	1	1		
FLOWER MOUND – Parr	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – Lopez	2	2		
JUSTIN – Blevins	1	1		
KRUM - Calmes	1	1		
LAKE CITIES MUA – Fairfield	2	2		
LEWISVILLE – Ferris	2	2		
MUSTANG SUD - Boyd	2	2		
PILOT POINT - Ingalls	1	1		
PONDER - Anderson	1	1		
PROSPER - Jaromin	1		1	
SANGER – Brice	1	1		
TOTAL	40	38	1	1



13. Consider authorizations related to completion of contracts for Southwest Pipeline Phase 3 and Inline Booster Pump Station. (Weighted Capital Vote)

A. Resolution authorizing acceptance of completed work, approval of final change order, final payment and release of retainage for construction contract awarded to Lewis Constructors, Inc.

Kurt Staller, Sr. Project Engineer provided a briefing to the Board. The construction of the Southwest Pipeline Phase 3 and In-Line Booster Pump Station is considered complete and is hereby accepted by the District. Staff recommends the Board to approve resolution authorizing acceptance of completed work, approval of final change order, final payment and release of retainage to Lewis Contractors, Inc.

B. Authorization for increase in fee under Task Order No. 3 with CH2M Hill, Inc. for construction phase services.

Issues with testing the booster pump station and establishing grass coverage for the Southwest Pipeline Phase 3 project resulted in the project completion date being delayed until 2017. CH2M Hill, Inc. has continued to provide services throughout the delay, and has requested additional fee to cover this continuing work until project completion. Staff recommends authorizing an increase of \$50,000 to Task Order No. 3 with CH2M Hill, Inc.

A motion was made by Virginia Blevins to approve Item No. 13. A&B as recommended by staff. Seconded by Frank Jaromin. The Weighted Capital Vote proceeded as follows:
 The votes were 39 Yes, 0 No. Motion passed.

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSENT
ARGYLE – Norton	1	1		
AUBREY - Roberson	1	1		
BARTONVILLE – Knowler	1	1		
CELINA – Vanzant	1	1		
CORINTH – Collier	3	3		
DENTON (CITY) – Fisher	2	2		
DC AT-LARGE - Campbell	1			1
DCFWSO #1A – Clark	2	2		
DCFWSO #7 – Mercer	2	2		
DOUBLE OAK – Cook	1	1		
FLOWER MOUND – Parr	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – Lopez	2	2		



JUSTIN – Blevins	1	1	
KRUM - Calmes	1	1	
LAKE CITIES MUA – Fairfield	2	2	
LEWISVILLE – Ferris	2	2	
MUSTANG SUD - Boyd	2	2	
PILOT POINT - Ingalls	1	1	
PONDER - Anderson	1	1	
PROSPER - Jaromin	1	1	
SANGER – Brice	1	1	
TOTAL	40	39	1

At the request of Rich Lubke, President Vanzant moved Item No. 17 prior to Executive Session.

17. Election of Officers for the year beginning June 1, 2017.

The following is the recommended slate of officers being offered by the current Officers:

Chris Boyd – President	Gary Calmes – Vice President
Ramiro Lopez – Treasurer	Kenneth Parr – Secretary

Gary Calmes made a motion to elect Chris Boyd as President of the Board. Seconded by Tim Fisher.

Brian Roberson made a motion to amend the motion and to nominate Kevin Mercer for President. Seconded by Tim Fisher.

Chris Boyd provided remarks about himself and that he would seek support from the Board of Directors to elect him as President for the Board. President Vanzant expressed his support for Chris Boyd. Ken Parr asked the Board to remove him from the list of candidates due to the controversy; and that he supported the current Officers (Chris Boyd, Gary Calmes, Ramiro Lopez) moving into succession for Board Officers as recommended by the current Officers.

However, there were questions regarding policy on how and whether there was a nominating committee and who appointed it? In addition, what the normal policy is, or precedence was, in past years for nominating candidates for officers? President Vanzant indicated that he made the recommendation for the new officers and did not appoint a nominating committee for this election. Ramiro Lopez reminded the President that any individuals on the Board can make nomination from the floor if they wish to nominate someone for the officer position.

Board Members expressed concerns about the Officers recommending themselves without a nominating committee and that the Board was not informed that there was not going to be a nominating committee. In response to a Board question, Taylor commented that there had been at least one time that the Officers did set as the nominating committee themselves - - but announced it the month before so that there could be input.



Vanzant called for the vote for the President position. He asked all to raise their hand and keep them up for a hand count:

- **To elect Chris Boyd for President: There were 9 votes.**
- **To elect Kevin Mercer for President. There were 13 votes.**

Vanzant announced that Mr. Mercer is the President-elect for the District.

For the election of the remaining offices of the Officers, **Brian Roberson made a motion to nominate the following slate for Officers** (suggesting that all three of these be voted on at one time):

Vice President: Richard Lubke
Treasurer: Ramiro Lopez
Secretary: Mike Fairfield

Kevin Mercer seconded the motion. No other nominations were made. The *Roll Call Vote* proceeded as follow: The votes were 14 Yes, 8 No. Motion carried.

ENTITY	ELIGIBLE ROLL CALL VOTE	YES	NO	ABSENT
ARGYLE – Norton	1	1		
AUBREY - Roberson	1	1		
BARTONVILLE – Knowler	1	1		
CELINA – Vanzant	1		1	
CORINTH – Collier	1	1		
DENTON (CITY) – Fisher	1		1	
DENTON COUNTY - Harris	1	1		
DC AT-LARGE - Campbell	1			1
DCFWSO #1A – Clark	1	1		
DCFWSO #7 – Mercer	1	1		
DOUBLE OAK – Cook	1		1	
FLOWER MOUND – Parr	1		1	
HIGHLAND VILLAGE – Lubke	1	1		
IRVING – Lopez	1	Abstain		
JUSTIN – Blevins	1	1		
KRUM - Calmes	1		1	
LAKE CITIES MUA – Fairfield	1	1		
LEWISVILLE – Ferris	1	1		
MUSTANG SUD - Boyd	1		1	
PILOT POINT - Ingalls	1	1		



PONDER - Anderson	1	1		
PROSPER - Jaromin	1		1	
SANGER – Brice	1		1	
TOTAL	23	14	8	1

President Vanzant announced the newly elected Officers for the term beginning June 1, 2017 to May 31, 2018 to be:

Kevin Mercer, President **Rich Lubke, Vice President**
Ramiro Lopez, Treasurer **Mike Fairfield, Secretary**

President Vanzant called a 5-minute break at 2:17 PM.

- Executive Session concerning granting or acquisition of easements, rights-of-way and other property for Water Resource Development, for Regional Treated Water System or for Regional Water Reclamation Systems according to location maps of the projects available in the District Office, and regarding water rights and related permits pursuant to Texas Government Code, Section 551.072; and, concerning personnel matters and succession planning for executive director pursuant to Texas Government Code, Section 551.074; and meeting with legal counsel pursuant to Texas Government Code, Section 551.071 relative to a matter in which the attorney is required under the Texas Disciplinary Rules of Professional Conduct to convey advice in Executive Session.

The Board of Directors went into Executive Session at 2:25 PM.
 The Board returned to open meeting at 2:56 PM.

Jean Campbell arrived meeting at 2:56 PM.

- As an element of succession planning, consider designation of person for future Executive Director.

Rich Lubke made a motion to table this item. Seconded by Virginia Blevins. The Roll Call Vote proceeded as follow; 11 Yes, 12 No; motion to table did not pass.

ENTITY	ELIGIBLE ROLL CALL VOTE	YES	NO	ABSENT
ARGYLE – Norton	1	1		
AUBREY - Roberson	1	1		
BARTONVILLE – Knowler	1	1		
CELINA – Vanzant	1		1	
CORINTH – Collier	1		1	
DENTON (CITY) – Fisher	1		1	
DENTON COUNTY - Harris	1	1		
DC AT-LARGE - Campbell	1	1		
DCFWS #1A – Clark	1	1		



DCFWSD #7 – Mercer	1	1	
DOUBLE OAK – Cook	1		1
FLOWER MOUND – Parr	1		1
HIGHLAND VILLAGE – Lubke	1	1	
IRVING – Lopez	1		1
JUSTIN – Blevins	1	1	
KRUM - Calmes	1		1
LAKE CITIES MUA – Fairfield	1	1	
LEWISVILLE – Ferris	1	1	
MUSTANG SUD - Boyd	1		1
PILOT POINT - Ingalls	1		1
PONDER - Anderson	1		1
PROSPER - Jaromin	1		1
SANGER – Brice	1		1
TOTAL	23	11	12

Chris Boyd made a motion to consider designation of Larry Patterson for future Executive Director prior to, or upon close of business of February 28, 2018. Seconded by Gary Calmes. The Roll Call Vote proceeded as follow; 14 Yes, 9 No; motion passed.

ENTITY	ELIGIBLE ROLL CALL VOTE	YES	NO	ABSENT
ARGYLE – Norton	1		1	
AUBREY - Roberson	1		1	
BARTONVILLE – Knowler	1		1	
CELINA – Vanzant	1	1		
CORINTH – Collier	1	1		
DENTON (CITY) – Fisher	1	1		
DENTON COUNTY - Harris	1		1	
DC AT-LARGE - Campbell	1		1	
DCFWSD #1A – Clark	1	Abstain		
DCFWSD #7 – Mercer	1		1	
DOUBLE OAK – Cook	1	1		
FLOWER MOUND – Parr	1	1		
HIGHLAND VILLAGE – Lubke	1		1	



IRVING – Lopez	1	1		
JUSTIN – Blevins	1		1	
KRUM - Calmes	1	1		
LAKE CITIES MUA – Fairfield	1		1	
LEWISVILLE – Ferris	1	1		
MUSTANG SUD - Boyd	1	1		
PILOT POINT - Ingalls	1	1		
PONDER - Anderson	1	1		
PROSPER - Jaromin	1	1		
SANGER – Brice	1	1		
TOTAL	23	14	9	

15. Consider action on property matters, some of which may have been discussed in Executive Session. (Weighted Capital Vote)

One property was discussed in Executive Session related to TXDOT FM 2181 Water Pipeline relocation project. Motion by Kristina Clark to approve proposed Resolution to acquire a utility easement (Parcel 4 – FM 2181 AFT Real Estate Holdings) for the TXDOT FM 2181 Water Pipeline Relocation Project. Seconded by Virginia Blevins. The *Weighted Capital Vote* proceeded as follow. The votes were 40 Yes, 0 No; motion carried.

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSENT
ARGYLE – Norton	1	1		
AUBREY - Roberson	1	1		
BARTONVILLE – Knowler	1	1		
CELINA – Vanzant	1	1		
CORINTH – Collier	3	3		
DENTON (CITY) – Fisher	2	2		
DC AT-LARGE - Campbell	1			1
DCFWSD #1A – Clark	2	2		
DCFWSD #7 – Mercer	2	2		
DOUBLE OAK – Cook	1	1		
FLOWER MOUND – Parr	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – Lopez	2	2		
JUSTIN – Blevins	1	1		

KRUM - Calmes	1	1		
LAKE CITIES MUA – Fairfield	2	2		
LEWISVILLE – Ferris	2	2		
MUSTANG SUD - Boyd	2	2		
PILOT POINT - Ingalls	1	1		
PONDER - Anderson	1	1		
PROSPER - Jaromin	1	1		
SANGER – Brice	1	1		
TOTAL	40	40		

18. Review potential agenda items, activities and announcements for future Board meetings.

None.

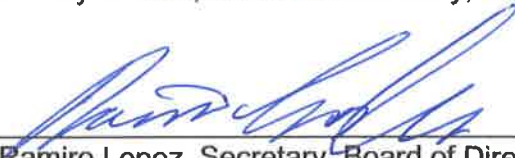
19. Visitor Comments Concerning Non-Agenda Topics.

None.

20. Adjournment.

There being no further business, President Vanzant adjourned the meeting at 3:00 P.M.

Recorded By: 
Nancy T. Tam, Assistant Secretary, Board of Directors

Certified By: 
Ramiro Lopez, Secretary, Board of Directors

