

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF  
TARRANT REGIONAL WATER DISTRICT  
HELD ON THE 20<sup>th</sup> DAY OF AUGUST 2019 AT 9:00 A.M.

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

Present

Jack Stevens  
Marty Leonard  
James Hill  
Jim Lane

Absent

Leah King

Also present were Jim Oliver, Alan Thomas, Dan Buhman, Darrel Beason, Shanna Cate, Steve Christian, Randy Cocke, Dustan Compton, Jason Gehrig, Rachel Ickert, Chad Lorange, Jennifer Mitchell, Sandy Newby, Wayne Owen, Kirk Thomas, Ellie Tingey, and Ed Weaver of the Tarrant Regional Water District (District or TRWD).

Also in attendance were George Christie, Lee Christie, Ethel Steele and Jeremy Harmon of Pope, Hardwicke, Christie, Schell, Kelly & Taplett, L.L.P., General Counsel for the District; Denis Qualls of Dallas Water Utilities; Greg Crews of AECOM; Rusty Gibson of Freese and Nichols, Inc.; Donald Lange of BGE; Bill Paxton of The Paxton Firm; Tully Campbell and Ces Garza of Andrews Distributing; Carl DeZee of Kimley-Horn; John Aughinbaugh of The Project Management Association; Luke Ranker of Fort Worth Star-Telegram; Max Baker; Brooke Whittaker of Lockheed Martin; Adam Evans of CDM Smith; Molly Carson of McCall, Parkhurst & Horton; and Paul Blanton.

President Stevens convened the meeting with 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 Pledges of Allegiance to the U.S. and Texas flags.

2.

On a motion made by Director Lane and seconded by Director Hill Leonard, the Directors voted unanimously to approve the minutes from the Board meeting held on July 16, 2019. It was accordingly ordered that these minutes be placed in the permanent files of the District.

3.

A presentation and review was given of Fort Worth's Fourth.

4.

With the recommendation of management, Director Leonard moved to approve Contingency Fund Guidelines, which will allow the District to separate general operations and maintenance and the related taxes from all other special projects (i.e. TRV, Recreation and other Special Projects) and variable/unreliable revenues. By creating a contingency fund and guidelines for its use, which will be at the direction of the Board of Directors, the District will be able to segregate these expenditures and revenues. Director Lane seconded the motion and the vote in favor was unanimous.

5.

With the recommendation of management, Director Hill moved approve a freeze on property taxes for those age 65 or older or disabled persons beginning tax year 2019, subject to legal review. Director Leonard seconded the motion and the vote in favor was unanimous..

6.

With the recommendation of management, Director Leonard moved to place a proposal to adopt a tax year 2019 tax rate of \$.0287/\$100 on the agenda for the September 17, 2019 Board of Directors meeting. Over the last five decades, the District has used a total of \$322 million in oil and gas royalties to supplement its tax revenues. However, the unpredictable oil and gas markets can no longer be relied upon to offset the District's tax funding. The District's tax dollars will continue to exclusively fund the maintenance and operation of its flood control efforts.

The vote also establishes a date for a public hearing to be held September 11, 2019 at 3:30 pm on the proposed tax year 2019 tax rate of \$.0287/\$100 which is no less than three and no more than fourteen days prior to the September 17, 2019 Board of Directors meeting. Director Lane seconded the motion and the vote in favor was unanimous.

7.

With the recommendation of management, Director Leonard moved to approve a contract in an amount not-to-exceed \$90,000 with Halff Associates, Inc. for the upgrade of the Pipeline Structural Evaluation System (GIS) tool. Funding for this item is included in the Fiscal Year 2019 and 2020 Revenue Fund Budget. Director Lane seconded the motion and the vote in favor was unanimous.

8.

With the recommendation of management, Director Leonard moved to approve a change in calculation of retainage being held for the Fain Group to 5% of the total contract price following the recent 50% completion milestone of its contract for canal

improvements at George W. Shannon Wetlands. All remaining contract payments are to be made in full, the Board having found that satisfactory progress is being made. However, any changes to the contract price by change order or alternate base bid work for the project will require adjustment to the retainage schedule. Staff is requesting permission to cease retainage on future payments and hold retainage equal to 5% of the total revised contract. Funding for this item is included in the Bond Fund. Director Hill seconded the motion and the vote in favor was unanimous.

9.

With the recommendation of management, Director Hill moved to approve a contract with Bennett Benner Partners for Trail Improvement Design Services to enhance the area underneath I-30 to Rosedale overpasses in a joint effort among the District, the City of Fort Worth Parks and Recreation Department, and Streams and Valleys. Funding for the item is included in the Fiscal Year 2019 General Fund Budget and will be fully reimbursed by the City of Fort Worth using Chisholm Trail Mitigation funds. Director Leonard seconded the motion and the vote in favor was unanimous.

10.

With the recommendation of management, Director Leonard moved to approve Amendment Number Two to the 1992 Additional Party Raw Water Supply Contract with Walnut Creek SUD. The proposed amendment increases the annual maximum amount of raw water available to Walnut Creek SUD by 1 MGD, increasing Walnut Creek's annual not to exceed amount from 2.214 MGD / 2,480 acre-feet per year to 3.214 MG / 3,600.14 acre-feet per year. The amendment requires that Walnut Creek SUD pay a buy-in premium of \$1,213,237 per MGD of additional supply within 60 days of execution of the

amendment. Director Hill seconded the motion and the vote in favor was unanimous.

11.

With the recommendation of management, Director Leonard moved to approve an agreement with Trinity River Authority authorizing design, construction, testing and operation of a pilot project Aquifer Storage and Recovery Well at the Tarrant County Water Supply Project Water Treatment Plant site. Funding for the item is included in the Bond Fund. Director Lane seconded the motion and the vote in favor was unanimous.

12.

With the recommendation of management, Director Lane moved to approve a change in calculation of retainage being held for BAR Constructors to 2.5% of the total contract price and a partial release of retainage in the amount of \$349,615.28. The total current contract price is \$13,984,611.41 with 5 percent retainage to date of \$699,230.57. All remaining contract payments are to be made in full, the Board having found that the work is substantially complete, that satisfactory progress is being made, and that the amount retained is in excess of the amount adequate for the protection of the District. However, any changes to the contract price by change order or alternate base bid work for the project will require adjustment to the retainage schedule. Funding for this item is included in the Bond Fund. Director Hill seconded the motion and the vote in favor was unanimous.

13.

With the recommendation of management, Director Hill moved to approve a contract amendment in an amount not to exceed \$1,063,600 with Burns & McDonnell Engineering Company, Inc. for high voltage facilities engineering services for the Lake

Palestine Pump Station and the Joint Booster Pump Station 3 Sub-Station expansion projects of the Integrated Pipeline Project. Funding for this item is included in the Bond Fund. Director Leonard seconded the motion and the vote in favor was unanimous.

14.

Trinity River Vision Authority (TRVA) Board Members Jim Oliver and James Hill presented an update on the TRVA Board.

15.

Staff Update was tabled.

16.

#### Public Comment

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

The Board of Directors recessed for a break from 9:54 a.m. to 10:07 a.m.

17.

The presiding officer next called an executive session at 10:07 a.m. under Texas 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 and to Conduct a Private Consultation with Attorneys Regarding Pending or Contemplated Litigation; under Section 551.072 to Deliberate the Purchase, Exchange, Lease or Value of Real Property; under Section 551.074 to Deliberate Certain Personnel Matters; and under Section 551.076 to Deliberate Regarding Security Personnel, Devices, or Audits. Director Hill left at 11:03 a.m. Upon completion of the executive session at 11:05 a.m., the President

reopened the meeting.

18.

With the recommendation of management, Director Lane moved to authorize the authority to acquire, by purchase, interests in the following described tracts, which are necessary for the public use and purpose of construction and operation of the Integrated Pipeline Project. Funding for these acquisitions is included in the Bond Fund.

**IPL Parcel 815  
(Wagley)**

**A permanent easement interest across a 4.901-acre tract of land situated in the Joseph Ferguson Survey, Abstract Number 23, Anderson County, Texas, and being more particularly described as a portion of that certain called 40.00-acre tract (Tract One) and that certain called 17.00-acre tract (Tract Two) conveyed to Mark Vincent Wagley described by deed, as recorded in Volume 1954, Page 647, Official Public Records of Anderson County, Texas, and being further described in the accompanying survey plat for Parcel 815 attached hereto for the negotiated purchase price of \$65,000.**

**EXHIBIT "A"**  
**Property Description**

Being 4.901 acres (213,492 square feet) of land situated in the Joseph Ferguson Survey, Abstract Number 23, Anderson County, Texas, and more particularly in that certain called 40.00 acre tract (Tract One) and that certain called 17.00 acre tract (Tract Two) conveyed to Mark Vincent Wagley described by deed, as recorded in Volume 1954, Page 647, Official Public Records of Anderson County, Texas, (O.P.R.A.C.T.), being further described as follows:

**BEGINNING** at a set 1/2 inch iron rod with plastic cap stamped K.L.K. #4687 at the Northeast corner of said Wagley 40.00 acre tract (Tract One) and the Northwest corner of a called 68.54 acre tract conveyed to Frankston Independent School District described by deed, as recorded in Volume 674, Page 459, Deed Records of Anderson County, Texas, (D.R.A.C.T.), in the South line of the John Ferguson Survey, Abstract Number 22, and a called 125 acre tract conveyed to SJA Properties, LTD, by deed, as recorded in Volume 1795, Page 521, O.P.R.A.C.T., and the North line of said Joseph Ferguson Survey, Abstract Number 23, at the Northeast corner of tract herein described (N: 6,719,903.858, E: 2,894,002.805 Grid);

- (1) **THENCE** S 01°46'22" E, a distance of 150.01 feet along the East line of said Wagley 40.00 acre tract and the West line of said Frankston I.S.D. 68.54 acre tract to a set 1/2 inch iron rod with plastic cap stamped K.L.K. #4687 at the Southeast corner of tract herein described;
- (2) **THENCE** S 88°23'53" W, a distance of 10.33 feet along the South line of tract herein described to a set 1/2 inch iron rod with plastic cap stamped K.L.K. #4687;
- (3) **THENCE** N 83°16'11" W, a distance of 321.45 feet continuing along the South line of tract herein described to a set 1/2 inch iron rod with K.L.K. #4687 cap;
- (4) **THENCE** S 87°59'07" W, a distance of 479.74 feet continuing along the South line of tract herein described to a set 1/2 inch iron rod with K.L.K. #4687 cap;
- (5) **THENCE** S 80°31'08" W, a distance of 149.44 feet continuing along said South line to a set 1/2 inch iron rod with K.L.K. #4687 cap;
- (6) **THENCE** S 65°35'10" W, a distance of 149.44 feet continuing along said South line to a set 1/2 inch iron rod with K.L.K. #4687 cap;
- (7) **THENCE** S 50°39'13" W, a distance of 149.44 feet continuing along said South line to a set 1/2 inch iron rod with K.L.K. #4687 cap;
- (8) **THENCE** S 43°11'13" W, a distance of 430.22 feet continuing along the South line of tract herein described to a set 1/2 inch iron rod with K.L.K. #4687 cap in the West line of aforementioned Wagley 17.00 acre tract, (Tract Two), and the East line of a called 64 acre



tract, (Tract One), conveyed to Beverly Ann Beard and Barbara Jean Burks, by deed, as recorded in Volume 1232, Page 248, Land Records of Anderson County, Texas, (L.R.A.C.T.), same being the Southwest corner of tract herein described;

- (9) **THENCE** N 01°24'27" W, a distance of 213.65 feet along the West line of said Wagley 17.00 acre tract, (Tract Two), and the East line of said Beard and Burks 64 acre tract, (Tract One), to a set 1/2 inch iron rod with K.L.K. #4687 cap at the Northwest corner of tract herein described from which a found 1/2 inch iron rod at the Northwest corner of said Wagley 17.00 acre tract and the Northeast corner of said 64 acre Beard and Burks tract bears N 01°24'27" W, a distance of 357.57 feet;
- (10) **THENCE** N 43°11'13" E, a distance of 421.63 feet along the North line of tract herein described, to a set 1/2 inch iron rod with plastic cap stamped K.L.K. #4687;
- (11) **THENCE** N 65°35'10" E, a distance of 158.68 feet continuing along the North line of tract herein described to a set 1/2 inch iron rod with plastic cap stamped K.L.K. #4687 in the North line of said Joseph Ferguson Survey, and said Wagley 40.00 acre tract, (Tract One), and the South line of said John Ferguson Survey and a called 26.448 acre tract, (Tract Two) conveyed to Robert Kennedy and Kimberly Kennedy, husband and wife, by deed, as recorded in Volume 1901, Page 779, O.P.R.A.C.T.;
- (12) **THENCE** N 87°59'09" E, a distance of 1070.70 feet continuing along the North line of tract herein described, said Joseph Ferguson Survey, and said Wagley 40.00 acre tract, (Tract One), and the South line of said John Ferguson Survey and aforesaid 26.448 acre Kennedy Tract Two to the POINT OF BEGINNING containing 4.901 acres (213,492 square feet) of land.

NOTE: Basis of bearing is the Texas State Plane Coordinate System, North Central Zone (4202), North American Datum 1983 (NAD 83) (2007) with all distances adjusted to surface by project combined scale factor of 0.9999804020.

NOTE: Plat to accompany this legal description

I do certify on this 8<sup>th</sup> day of September, 2017 to First National Title Insurance Company, Texas First Title Company, L.L.C., and Tarrant Regional Water District, that a survey was made on the ground as per the field notes shown on this survey and is true and correct according to the standards of the Texas Society of Professional Surveyors Standards and Specifications for a Category 2, Condition III survey, and accurate as to the boundaries and areas of the subject property and the size, location and type of buildings and improvements, if any, and shows the location of all visible easements and rights-of-way and the rights-of-way, easements and other matters of record as listed in Schedule B of the Commitment for Title issued by WFG National Title Insurance Company, with an effective date of June 28, 2013, issued date of July 16, 2013, GF # 11323.TFT affecting the subject property and listed in Exhibit "A-1" attached hereto.

Except as shown on the survey: (i) there are no visible encroachments upon the subject property by visible improvements on adjacent property, (ii) there are no visible encroachments on adjacent property, streets or alleys by any visible improvements on the subject property, and (iii) there are no visible conflicts or discrepancies.

This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 2, Condition III Survey.

  
Kevin L. Kilgore  
Registered Professional Land Surveyor  
Texas Registration Number 4687

Dated: 9/8/17

**LEGEND**

- = MARKER FOUND AS NOTED
- = 1/2" IRON ROD SET WITH K.L.K. #4687 CAP
- ⊙ = POWER POLE

**EXHIBIT "A"  
PARCEL 815**

**JOHN FERGUSON SURVEY  
ABSTRACT 22**

SJA PROPERTIES, LTD.  
VOL. 1795, PG. 521  
O.P.R.A.C.T.  
CALLED 125 AC.

P.O.B.  
N: 6,719,903 858  
E: 2,894,002.805  
(GRID)

ROBERT KENNEDY AND  
KIMBERLY KENNEDY,  
HUSBAND AND WIFE  
VOL. 1901, PG. 779  
O.P.R.A.C.T.  
TRACT TWO  
CALLED 26 448 AC.

IPL PARCEL 814  
BEVERLY ANN BEARD  
AND  
BARBARA JEAN BURKS  
VOL. 1232, PG. 248  
L.R.A.C.T.  
TRACT ONE

**PARCEL 815**  
4.901 AC.  
213,492 SQ. FT.

MARK VINCENT WAGLEY  
VOL. 1954, PG. 647  
O.P.R.A.C.T.  
TRACT ONE  
CALLED 40.00 AC.  
SAVE & EXCEPT  
3.00 ACRES

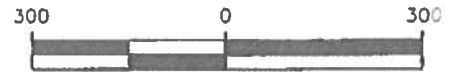
IPL PARCEL 818  
FRANKSTON INDEPENDENT  
SCHOOL DISTRICT  
VOL. 674, PG. 459  
D.R.A.C.T.  
(TRACT 110. 2)

MARK VINCENT WAGLEY  
VOL. 1954, PG. 647  
O.P.R.A.C.T.  
TRACT TWO  
CALLED 17.00 AC.

**JOSEPH FERGUSON SURVEY  
ABSTRACT 23**

**LINE TABLE**

NO	BEARING	DISTANCE
L1	S 01°46'22" E	150.01'
L2	S 88°23'53" W	10.33'
L3	N 83°16'11" W	321.45'
L4	S 87°59'07" W	479.74'
L5	S 80°31'08" W	149.44'
L6	S 65°35'10" W	149.44'
L7	S 50°39'13" W	149.44'
L8	S 43°11'13" W	430.22'
L9	N 01°24'27" W	213.65'
L10	N 43°11'13" E	421.63'
L11	N 65°35'10" E	158.68'



GRAPHIC SCALE IN FEET  
1" = 300'

NOTE: KNOWN UNDERGROUND UTILITIES SHOWN ARE  
QUALITY LEVEL B SUE - (2/4/2013)

NOTE: LEGAL DESCRIPTION TO ACCOMPANY THIS PLAT.

**KL Kilgore  
& Company, Inc.**  
www.kilgore.com  
6712 PALUXY DRIVE  
TYLER, TX 75703  
(903) 581-7800 (TEL)  
(903) 581-3756 (FAX)

PRINTED ON:  
9/8/2017  
11:55:22 AM



SHEET TITLE

**EXHIBIT "A"  
SEGMENT 19-1, PARCEL 815  
MARK VINCENT WAGLEY**

PROJECT

INTEGRATED PIPELINE PROJECT

BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE  
SYSTEM, NORTH CENTRAL ZONE (4202) NORTH AMERICAN DATUM  
(NAD83)(2007) WITH ALL DISTANCES ADJUSTED TO SURFACE BY  
PROJECT COMBINED SCALE FACTOR 0.9999804020

PG. 4 OF 6

PROJ NO: 201021P815  
SCALE: 1" = 300'  
DATE: 9-08-2017  
DRAWN BY: KLK  
CHECKED BY: RFI  
REVISED DATE:

In addition, the General Manager or his designee are granted authority to execute all documents necessary to complete these transactions and to pay all reasonable and necessary closing and related costs incurred with these acquisitions. Director Leonard seconded the motion and the vote in favor was unanimous.

19.

On a motion made by Director Lane and seconded by Director Leonard, the Directors voted unanimously to approve the minutes from the Board Budget Workshop held on July 23, 2019, TRVA Board Budget Workshop held on July 31, 2019, and TRVA Board Meeting held on August 12, 2019. It was accordingly ordered that these minutes be placed in the permanent files of the District.

20.


There were no future agenda items approved.

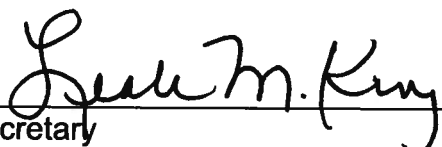
21.

The next board meeting was scheduled for September 17, 2019 at 9:00 A.M.

22.

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

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary