

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF
TARRANT REGIONAL WATER DISTRICT
HELD ON THE 18th DAY OF FEBRUARY 2020 AT 9:00 A.M.

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

Present

Jack Stevens

Marty Leonard

Leah King (left at 11:23 a.m.)

James Hill

Jim Lane (arrived at 9:15 a.m.)

Also present were Jim Oliver, Alan Thomas, Dan Buhman, Darrel Andrews, Steve Christian, Linda Christie, Randy Cocke, Dustan Compton, Woody Frossard, David Geary, J.D. Granger, Sarah Grella, Tina Hendon, Rachel Ickert, Nancy King, Chad Lorance, Mick Maguire, David Marshall, Sandy Newby, Wayne Owen, Kirk Thomas, and Ed Weaver of the Tarrant Regional Water District (District or TRWD).

Also in attendance were George Christie, Lee Christie, Ethel Steele, Mike Atchley and Jeremy Harmon of Pope, Hardwicke, Christie, Schell, Kelly & Taplett, L.L.P., General Counsel for the District; Christine Jacoby of Freese and Nichols; John Aughinbaugh of Project Management Associates; Max Baker; Marice Richter of Fort Worth Business Press; Luke Ranker and Mark Dent of Fort Worth Star-Telegram; Mark Mazzanti of Mazzanti & Associates LLC; C.B. Team of Ellis & Tinsley, Inc.; Molly Carson of McCall Parkhurst & Horton LLP; Doug Varner of CDM Smith; Brooke Goggans of Mosaic Strategy Partners; Don Sanderson and Dudley Brown of Save Eagle Mountain Lake; Jack Douglas, Scott Gordon and Juan Rodriguez of KXAS-TV; DeMarlon Reed and Roy Rogers of FLR Solutions LLC; and Whit Smith of WhitneySmith Company.

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.

Public Comment

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

3.

On a motion made by Director Leonard and seconded by Director King, the Directors voted unanimously to approve the minutes from the Board meeting held on January 21, 2020. It was accordingly ordered that these minutes be placed in the permanent files of the District.

4.

With the recommendation of management, Director Leonard moved to approve a contract renewal in the amount of \$236,000 with The Richards Group for creative professional services for the Regional Water Conservation Public Awareness Campaign. In addition, the General Manager, or his designee, is granted authority to enter into agreements in accordance with the Memorandum of Understanding with the City of Dallas and North Texas Municipal Water District, and to use budgeted funds, as necessary, for production and media buys for the campaign in an amount that does not exceed the remaining total sum of \$1,514,002. Funding for this item is included in the Fiscal Year 2020 Revenue Fund. Director King seconded the motion and the vote in favor was

unanimous.

5.

With the recommendation of management, Director Hill moved to approve a contract in the not-to-exceed amount of \$197,896 with Plummer Associates, Inc. for Water Rights Accounting Plan Update. Funding for this item is included in the Fiscal Year 2020 Revenue Fund. Director Leonard seconded the motion and the vote in favor was unanimous.

6.

With the recommendation of management, Director Leonard moved to approve an annual membership contract in the amount of \$190,000 with Gartner, Inc. for information technology advisory and analysis services. Funding for this item is included in the Fiscal Year 2020 General Fund. Director King seconded the motion and the vote in favor was unanimous.

7.

Director Lane arrived at the meeting.

With the recommendation of management, Director King moved to approve a purchase in the amount of \$382,795 from Thompson Group for planned replacement pipe segments for Cedar Creek Pipeline. Funding for this item is included in the Fiscal Year 2020 Revenue Fund. Director Hill seconded the motion and the vote in favor was unanimous.

8.

With the recommendation of management, Director Leonard moved to approve a change order in the amount of \$98,000 with Lambda Construction I, Ltd. for the Joint

Cedar Creek Lake Pump Station High Voltage Substation Project of the Integrated Pipeline. The revised total not-to-exceed contract price is \$5,773,925. 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 King moved to approve a reconciliation change order in the amount of (\$1,945,256.37) with IPL Partners, Inc. for unused additional unit price extra work items and allowance items for Pipeline Sections 10 and 11 of the Integrated Pipeline. The revised final contract price, including this change order, is \$41,870,337.57. Director Hill seconded the motion and the vote in favor was unanimous.

10.

With the recommendation of management, Director Leonard moved to approve partial release of retainage in the amount of \$737,455.85 and holding a balance of \$357,934 with IPL Partners, Inc. for Pipeline Sections 10 and 11 of the Integrated Pipeline. Funding for this item is included in the Bond Fund. Director King seconded the motion and the vote in favor was unanimous.

11.

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

12.

Staff Updates

- Watershed Program
- TRWD Community Outreach

- Water Resources Update
- Trinity River Vision Project Funding

The Board of Directors recessed for a break from 9:41 a.m. to 9:51 a.m.

13.

The presiding officer next called an executive session at 9:51 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 (*Tarrant Regional Water District v. Shelley Lynn Knapp*, Cause No. 2016-004663-1 in the County Court at Law No. 1 of Tarrant County, Texas)

Section 551.072 to Deliberate the Purchase, Exchange, Lease or Value of Real Property; and

Section 551.074 Regarding Personnel Matters.

Upon completion of the executive session at 11:23 a.m., the President reopened the meeting.

Director King departed the meeting.

14.

With the recommendation of management, Director Leonard moved to approve a sale of land in the B.F. Crowley Survey Abstract No. 307, Tarrant County, Texas, and being further described in the accompanying resolution and in the legal descriptions attached hereto.

ESTABLISHED 1880

BROOKES BAKER SURVEYORS

ALAN W. HICKEY, RPLS
GAREY W. GILLEY, RPLS, LSLS
CONSULTANT

A PROFESSIONAL CORPORATION
TITLE AND TOPOGRAPHIC SURVEYING
930 Hickey Court
Granbury, Texas 76049
817-279-0232
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BROOKES BAKER (1902-1955)
JOHN F. BAKER (1924-1985)
S.J. BAKER (1927-1999)
FRED M. MORRIS (1936-1999)
DON W. HICKEY (1966-2012)

October 28, 2019
Page 1 of 2

Field notes for: (TRACT 1)

A portion of Lot 17 and all of Lot 18, in Block 2 of BURTON'S ADDITION, an Addition to the City of Fort Worth, Tarrant County, Texas according to the plat there of recorded in volume 204-A, page 178 of the Plat Records of Tarrant County, Texas; embracing all of the tract described in the deed to Tarrant County Water Control and Improvement District No. 1 recorded in volume 2279, page 292 of the Deed Records of Tarrant County, Texas and a portion of the tract described in the deed to Tarrant County Water Control and Improvement District No. 1 recorded in volume 2281, page 46 of the said Deed Records and described by metes and bounds as follows:

The basis for bearings is the Texas Coordinate System North Central Zone NAD 83 (2011). The lengths are horizontal ground lengths. All 5/8" capped irons set called for in this description are marked "Brookes Baker Surveyors".

Beginning at a 5/8" capped iron set for the southwest corner of said Lot 18 Block 2, in the south line of said tract to Tarrant County Water Control and Improvement District No. 1 recorded in volume 2281, page 46 of the said Deed Records.

Thence north 00 degrees-18 minutes-57 seconds west 109-00/100 feet to a 5/8" capped iron set in the north line of said tract to Tarrant County Water Control and Improvement District No. 1 recorded in volume 2281, page 46 of the said Deed Records, for the south line of Lawnwood Avenue.

Thence north 89 degrees-41 minutes-03 seconds east, along the north line of said tract to Tarrant County Water Control and Improvement District No. 1 recorded in volume 2281, page 46 of the said Deed Records, and the south line of said Lawnwood Avenue, to and along the north line of said tract to Tarrant County Water Control and Improvement District No. 1 recorded in volume 2279, page 292 of the Deed Records, 27-39/100 feet to the northeast corner of said tract to Tarrant County Water Control and Improvement District No. 1 recorded in volume 2279, page 292 of the Deed Records.

October 28, 2019
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Field notes for: **(TRACT 1)**(continued)

Thence southeasterly, along the easterly line of said tract to Tarrant County Water Control and Improvement District No. 1 recorded in volume 2279, page 292 of the Deed Records, the following:

south 04 degrees-41 minutes-42 seconds east 0-49/100 of a foot to a concrete monument found;

south 11 degrees-22 minutes-07 seconds east 110-57/100 feet to a 5/8" capped iron set for the southeasterly corner of said Tarrant County Water Control and Improvement District No. 1 recorded in volume 2279, page 292 of the Deed Records, in the south line of said Lot 17.

Thence south 89 degrees-41 minutes-03 seconds west, along the south line of said Tarrant County Water Control and Improvement District No. 1 recorded in volume 2279, page 292 of the Deed Records, and the south line of said Lot 17, to and along the south line of said Lot 18, and said tract to Tarrant County Water Control and Improvement District No. 1 recorded in volume 2281, page 46 of the said Deed Records, 48-63/100 feet to the place of beginning and containing 0-095/1000 of an acre.

Surveyed on the ground October 28, 2019.

BROOKES BAKER SURVEYORS
TBPLS FIRM NO. 10092800

Alan W. Hickey

Alan W. Hickey



ESTABLISHED 1880

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DON W. HICKEY (1966-2012)

December 14, 2019

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Field notes for: (**TRACT 2**)

A portion of Lot 18 in Block 1 of J.W. BURTON'S ADDITION, an Addition to the City of Fort Worth, Tarrant County, Texas according to the plat thereof recorded in volume 204-A, page 178 of the Plat Records of Tarrant County, Texas and a portion of the B. F. CROWLEY SURVEY, Abstract No. 307 situated in the City of Fort Worth, Tarrant County, Texas; embracing all of the tract described in the deed to Tarrant County Water Control and Improvement District No. 1 recorded in volume 2279, page 297 of the Deed Records of Tarrant County, Texas and a portion of the tract described in the deed to Tarrant County Water Control and Improvement District No. 1 recorded in volume 2287, page 308 of the said Deed Records, and a portion of the tract described in the deed to Tarrant County Water Control and Improvement District No. 1 recorded in volume 2273, page 330 of the said Deed Records

The basis for bearings is the Texas Coordinate System North Central Zone NAD 83 (2011). The lengths are horizontal ground lengths. All 5/8" capped irons set called for in this description are marked "Brookes Baker Surveyors".

Beginning at a 5/8" capped iron set for the southwest corner of said tract to Tarrant County Water Control and Improvement District No. 1 recorded in volume 2279, page 297 of the said Deed Records, and for the southwest corner of said Lot 18, in the north line of Lawnwood Avenue.

Thence north 00 degrees-18 minutes-57 seconds west, along the west line of said tract to Tarrant County Water Control and Improvement District No. 1 recorded in volume 2279, page 297 of the said Deed Records, passing the northwest corner of said Lot 18 at 108 feet, continuing in all, 312-67/100 feet to a 5/8" capped iron set in the easterly line of said tract to Tarrant County Water Control and Improvement District No. 1 recorded in volume 2273, page 330 of the said Deed Records, and in the westerly line of Lot 3-R in Block 3 of BASSETT ADDITION, to the City of Fort Worth, according to the plat thereof recorded in Cabinet B, Slide 3588 of the said Plat Records.

December 14, 2019
Page 2 of 2

Field notes for: (**TRACT 2**)(continued)

Thence south 04 degrees-41 minutes-42 seconds east, along the easterly line of said tract to Tarrant County Water Control and Improvement District No. 1 recorded in volume 2273, page 330 of the said Deed Records, to and along the easterly line of said tract to Tarrant County Water Control and Improvement District No. 1 recorded in volume 2287, page 308 of the said Deed Records, and the easterly line of said tract to Tarrant County Water Control and Improvement District No. 1 recorded in volume 2279, page 297 of the said Deed Records, 313-59/100 feet to a 5/8" capped iron set for the southeasterly corner of said tract to Tarrant County Water Control and Improvement District No. 1 recorded in volume 2279, page 297 of the said Deed Records, in the south line of said Lot 18, and in the north line of said Lawnwood Avenue.

Thence south 89 degrees-41 minutes-03 seconds west, along the south line of said Lot 18, and the north line of said Lawnwood Avenue, 23-95/100 feet to the place of beginning and containing 0-085/1000 of an acre.

Surveyed on the ground October 28, 2019.

BROOKES BAKER SURVEYORS
TBPLS FIRM NO. 10092800

Alan W. Hickey

Alan W. Hickey



TRACT 3

February 6, 2020

Page 1 of 1

Field notes for: "Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document".

A portion of Lawnwood Avenue, situated between Block 1 and 2 of J.W. BURTON'S ADDITION, an Addition to the City of Fort Worth, Tarrant County, Texas according to the plat thereof recorded in volume 204-A, page 178 of the Plat Records of Tarrant County, Texas and being a part of the B. F. CROWLEY SURVEY, Abstract No. 307 situated in the City of Fort Worth, Tarrant County, Texas and described by metes and bounds as follows:

The basis for bearings is the Texas Coordinate System North Central Zone NAD 83 (2011). All 5/8" capped irons set called for in this description are marked "Brookes Baker Surveyors".

Beginning at a 5/8" capped iron set for the southwest corner of Lot 18 in said Block 1, in the north line of said Lawnwood Avenue, for the southwest corner of the tract described in the deed to the Tarrant County Water Control and Improvement District No. 1 recorded in volume 2279, page 297 of the Deed Records of Tarrant County, Texas.

Thence north 89 degrees-41 minutes-03 seconds east, along the south line of said Lot 18 Block 1, and the north line of said Lawnwood Avenue, 23-95/100 feet to a 5/8" capped iron set for the southeast corner of said Tarrant County Water Control and Improvement District No. 1 recorded in said volume 2279, page 297 of the said Deed Records.

Thence south 04 degrees-41 minutes-42 seconds east, crossing said Lawnwood Avenue, 45-13/100 feet to the north line of Lot 17 in said Block 2, for the northeast corner of the tract described in the deed to the Tarrant County Water Control and Improvement District No. 1 recorded in volume 2279, page 292 of the said Deed Records, from which a concrete monument found bears south 04 degrees-41 minutes-42 seconds east 0-49/100 of a foot.

Thence south 89 degrees-41 minutes-03 seconds west, along the north line of said Lot 17, in said Block 2, to and along the north line of Lot 18, in said Block 2, for the south line of said Lawnwood Avenue, 27-39/100 feet to a 5/8" capped iron set for the northwest corner of said Lot 18 Block 2.

Thence north 00 degrees-18 minutes-57 seconds west, crossing said Lawnwood Avenue, 45-00/100 feet to the place of beginning and containing 0-026/1000 of an acre.

Prepared February 6, 2020 from survey on the ground October 28, 2019.

BROOKES BAKER SURVEYORS
TBPLS FIRM NO. 10092800

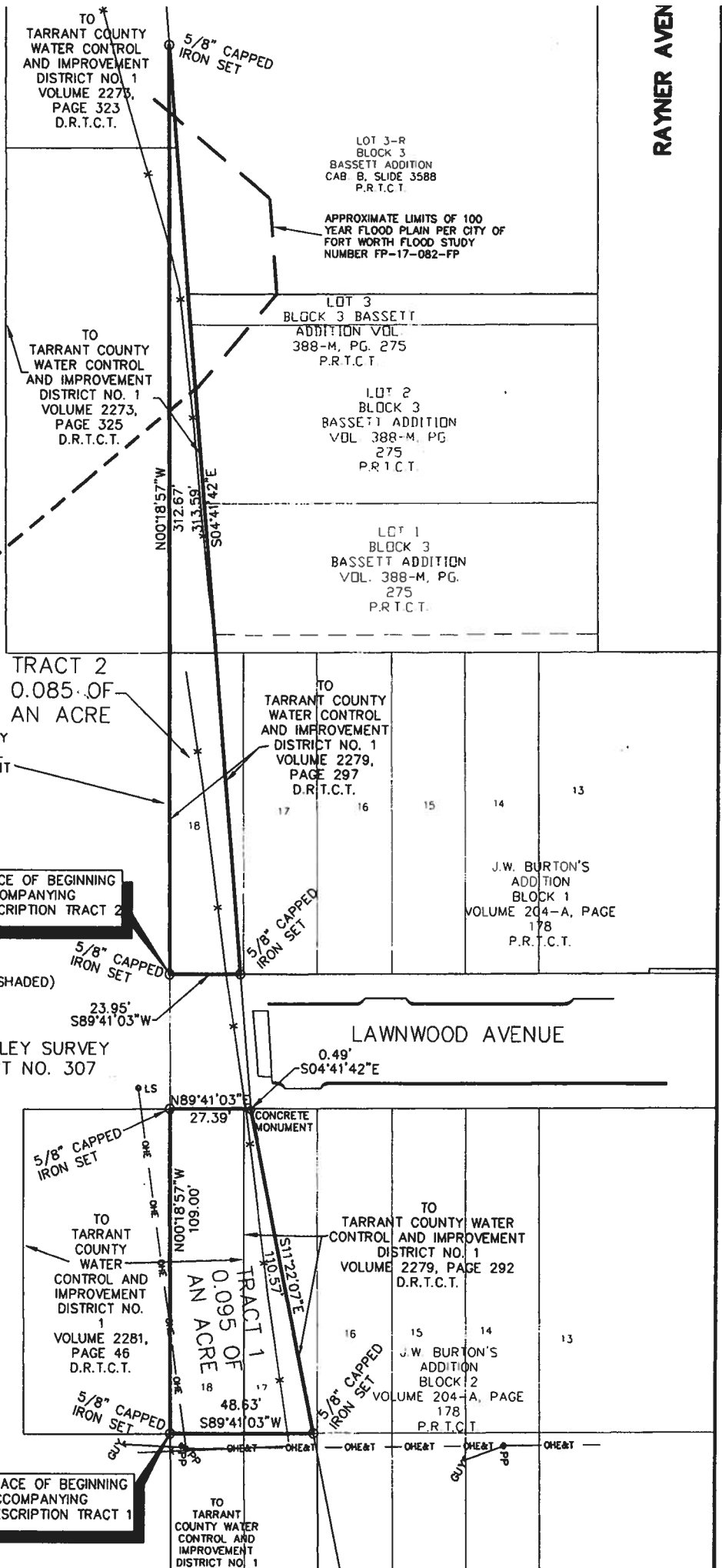
Alan W. Hickey

Sketch showing a portion of Lot 18 in Block 1 and a portion of Lot 17 and all of Lot 18 in Block 2 of J.W. BURTON'S ADDITION, an Addition to the City of Fort Worth, Tarrant County, Texas according to the plat thereof recorded in volume 204-A, page 178 of the Plat Records of Tarrant County, Texas and a part of the B. F. CROWLEY SURVEY, Abstract No. 307 situated in the City of Fort Worth, Tarrant County, Texas.

We marked the corners as shown hereon. The location of the improvements relative to the Lot and Tract lines is as shown hereon. The visible conditions along the Lot and Tract lines are as shown hereon. The basis for bearings is the Texas Coordinate System North Central Zone NAD 83 (2011). The lengths shown hereon are horizontal ground lengths.

Surveyed on the ground October 28, 2019. BROOKES BAKER SURVEYORS

Alan W. Hickey



APPROXIMATE LIMITS OF 100-YEAR FLOOD ZONE AE AS SHOWN ON FLOOD INSURANCE RATE MAP FOR TARRANT COUNTY PANEL NO. 48436C0195L EFFECTIVE DATE MARCH 21, 2019 (AREA SHOWN DIGITIZED FROM FLOOD MAP).

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THERE MAY BE EASEMENTS AND OTHER MATTERS THAT AFFECT THIS TRACT THAT ARE NOT SHOWN HEREON.

In addition, the General Manager or his designee is granted authority to execute and deliver a deed and other appropriate documentation on behalf of TRWD, together with such other and further agreements and undertakings ancillary thereto as said person(s) may deem necessary and appropriate, to effect the sale of the land subject to the reservation of all minerals, reservation of a flowage easement, payment by grantee of \$25,000 and payment by grantee of all closing and survey costs. Director Lane seconded the motion and the vote in favor was unanimous.

15.

With the recommendation of management, Director Lane moved to approve an exchange of certain land and interests in the following described tracts, which are necessary for the public use and purpose of construction and operation of the Integrated Pipeline Project, the Board having determined that the easement interest being released by the District is surplus land and that the proposed exchange would result in, at minimum, the District receiving fair market value of the property to be conveyed, and that the exchange would be advantageous and beneficial to the District. Funding for this exchange is included in the Bond Fund.

Larry H. Fitzhugh and Karen K. Fitzhugh will convey to the District a permanent easement interest across 2.603-acre tract of land out of the Phillip Jackson League, Abstract Number 392, Henderson County, Texas, and being a portion of a called 77.019-acre tract described in the Warranty Deed to Larry H. Fitzhugh and Karen K. Fitzhugh, recorded in Volume 2100, Page 862, Official Public Records of Henderson County, Texas, and being further described in the survey plat for Parcel 1130 attached hereto as Exhibit A.

In exchange for the foregoing, TRWD will release its permanent easement interest across a 9.442-acre tract of land situated in the Phillip Jackson League, Abstract Number 392, Henderson County, Texas, as more particularly described in Instrument No. 2015-00009992, Official Public Records, Henderson County, Texas.

In addition, the General Manager or his designee is granted authority to execute all documents as may be reasonably required to effectuate the exchange and to pay all reasonable and necessary closing and related costs incurred with the exchange. Director Leonard seconded the motion and the vote in favor was unanimous.

16.

With the recommendation of management and general counsel, Director Lane moved to approve the settlement of claims in the Integrated Pipeline Project - Knapp (103) lawsuit for payment of the sum of \$1.3 million. Funding for this settlement is included in the Bond Fund. Director Leonard seconded the motion and the vote in favor was unanimous.

17.

With the recommendation of management, Director Lane moved to grant 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 97
(Wasilchak)**

A permanent easement interest across a 1.463-acre tract of land situated in the Joaquin Rendon Survey, Abstract Number 1263, Tarrant County, Texas, and being more particularly described as a portion of that certain 14.695-acre tract one and 18.90-acre tract two conveyed to John Wasilchak, as recorded in Volume 2518, Page 719, Deed Records, Tarrant County, Texas, and being further described in the accompanying resolution and in the survey plat for Parcel 97 attached hereto for the negotiated purchase price of \$36,500.

**IPL Parcel 1155
(Wilson)**

A permanent easement interest across a 3.531-acre tract of land out of the B.B. Sublett Survey, Abstract Number 719, Henderson County, Texas, and being a portion of a called 19.215-acre tract of land described in the Warranty Deed to James E. and Cleo Wilson, recorded in Volume 1333, Page 746, Deed Records of Henderson County, Texas, and being further described in the accompanying resolution and in the survey plat for Parcel 1155 attached hereto for the negotiated purchase price of \$75,000.

In addition, the General Manager or his designee is 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 Hill seconded the motion and the vote in favor was unanimous.

18.

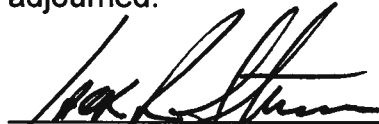
There were no future agenda items approved.

19.

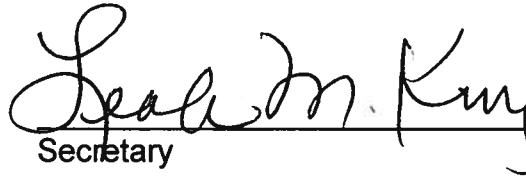
The next board meeting was scheduled for March 17, 2020 at 9:00 a.m.

20.

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



President



Secretary