MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF TARRANT REGIONAL WATER DISTRICT HELD ON THE 20th DAY OF AUGUST 2024 AT 9:00 A.M.

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

Present
Leah King
James Hill
C.B. Team
Paxton Motheral

Absent Mary Kelleher

Also present were Dan Buhman, Alan Thomas, Darrel Andrews, Kate Beck, Rick Carroll, Steve Christian, Linda Christie, Dustan Compton, Ellie Garcia, Jason Gehrig, Zach Hatton, Zachary Huff, Rachel Ickert, Randy Johnston, Sandy Newby, Jennifer Owens, and Stephen Tatum of the Tarrant Regional Water District (District or TRWD).

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 was received from Phillip Morphis who spoke regarding "Rockwood @ Churchill water flooding."

3.

Director Hill moved to approve the minutes from the meetings held on July 16, 2024, and July 25, 2024. Director Team seconded the motion, and the votes were 4 in favor, 0 against. It was accordingly ordered that these minutes be placed in the permanent files of the District.

With the recommendation of management, Director Motheral moved to approve the consent agenda. Consent agenda items include:

- 1) A change in the calculation of retainage being held to five percent of the contract price with Archer Western Construction, LLC for Richland-Chambers Lake Pump Station Backup Sodium Hypochlorite Feed Facility and Hydraulic Actuator Installation Project. The total current contract is \$4,408,350 with retainage to be held in the amount of \$220,417.50. All remaining contract payments are to be paid in full, the Board having found that over 50% of the work has been completed, 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. The General Manager of TRWD or his designee is authorized to execute all documents associated with the contract. Funding for this item is included in the Bond Fund.
- 2) Release of retainage in the amount of \$172,664.50 with Hydro Resources Mid-Continent, Inc. for ASR Well Demonstration Study Well Drilling Project. Hydro Resources Mid-Continent, Inc. successfully completed construction of the project on June 24, 2024, with no outstanding issues. Funding for this item is included in the Bond Fund.

Director Team seconded the motion, and the votes were 4 in favor, 0 against.

5.

With the recommendation of management, Director Hill moved to approve a contract in an amount not-to-exceed \$4,168,753 with Kennedy Jenks Consultants, Inc. for engineering design services for the removal and replacement of approximately 4.42

miles of the Cedar Creek Pipeline. Funding for this item is included in the Bond Fund.

Director Team seconded the motion, and the votes were 4 in favor, 0 against.

6.

With the recommendation of management, Director Team moved to approve a contract in an amount not-to-exceed \$5,346,528 with CP&Y, Inc. dba STV Infrastructure for engineering design services for the removal and replacement of approximately 8.6 miles of the Cedar Creek Pipeline. Funding for this item is included in the Bond Fund. Director Motheral seconded the motion, and the votes were 3 in favor, 0 against. President King was not present for the vote.

7.

With the recommendation of management, Director Team moved to approve a contract in an amount not-to-exceed \$424,533 with HDR Engineering, Inc. for corrosion control engineering design services for approximately 4.42 miles of the Cedar Creek Section 2 Phase 2 pipeline replacement project along with the adjacent Richland-Chambers pipeline, and 8.6 miles of the Cedar Creek Section 4 pipeline replacement project. Funding for this item is included in the Bond Fund. Director Motheral seconded the motion, and the votes were 3 in favor, 0 against. President King was not present for the vote.

8.

With the recommendation of management, Director Motheral moved to approve a contract in the amount of \$421,345 with Freese and Nichols, Inc. for the environmental permitting of approximately 8 miles of the Cedar Creek pipeline replacement project. This contract covers both Section 2, Phase 2 at a cost of \$212,653 and Section 1D/1E at a

cost of \$208,692. Funding for this item is included in the Bond Fund. Director Team seconded the motion, and the votes were 3 in favor, 0 against. President King was not present for the vote.

9.

With the recommendation of management, Director Motheral moved to approve a contract in the amount of \$138,000 with Terracon for the environmental permitting of approximately 8 miles of the Cedar Creek pipeline replacement project. Funding for this item is included in the Bond Fund. Director Team seconded the motion, and the votes were 3 in favor, 0 against. President King was not present for the vote.

10.

With the recommendation of management, Director Team moved to approve reallocation of \$46 million of the local Central City Flood Control Project budget, from non-essential to essential flood control project purposes as recommended by the Trinity River Vision Authority Board of Directors on April 25, 2024. Director Motheral seconded the motion, and the votes were 4 in favor, 0 against.

11.

With the recommendation of management, Director Hill moved to approve a contract amendment in an amount not-to-exceed \$110,123 with Freese and Nichols, Inc. to add Fort Worth Central City and Panther Island canals into the Regional Flood Plan as Flood Mitigation Projects. Funding for this item is included in the Fiscal Year 2024 Special Projects/Contingency Budget. Director Motheral seconded the motion, and the votes were 4 in favor, 0 against.

With the recommendation of management, Director Team moved to approve a facilities extension agreement in an amount not-to-exceed \$21,500,000 with Oncor Electric Delivery Company LLC for design and construction of a 138-kilovolt electrical transmission line and metering substation for high voltage electric service to the Lake Palestine Pump Station. The General Manager of TRWD or his designee is authorized execute all documents associated with the agreement. Funding for this item is included in the Dallas Bond Fund. Director Motheral seconded the motion, and the votes were 4 in favor, 0 against.

13.

Director Team motioned to approve placing an agenda item on the September 17, 2024 Board of Directors meeting agenda and establishing the date for a public meeting on the Tax Year 2024 Tax Rate on September 12, 2024. President King seconded the motion. Upon clarification of the vote, Director Team indicated his intention to rescind the motion to approve agenda item 13, and no action was taken on the motion.

Director Hill then made a motion to continue the agenda item until after Executive Session and Director Team seconded the motion, and the votes were 4 in favor, 0 against.

14.

Staff Updates

- Water Resources and Planning Update presented by Rachel Ickert, Chief Water Resources Officer
- Water Conservation Strategic Plan Update presented by Linda Christie,
 Government Affairs Director

The Board of Directors recessed for a break from 9:44 a.m. to 9:49 a.m.

The Board next held an Executive Session commencing at 9:49 a.m. under Section 551.071 of the Texas Government Code 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 Section 551.072 of the Texas Government Code to Deliberate the Purchase, Exchange, Lease or Value of Real Property Concerning the Richland-Chambers Wetlands Project and the Panther Island/Central City Flood Control Project.

Upon completion of the executive session at 10:04 a.m., the President reopened the meeting.

16.

With the recommendation of management, Director Team moved to authorize the General Manager of TRWD or his designee to take all steps which may be reasonably necessary to convey to Legg Family Partners, LP, a Texas limited partnership, fee simple title to the surface estate only of a 6.839-acre tract of land, such tract of land to be conveyed by TRWD being more specifically described in the metes and bounds descriptions and survey plats attached hereto. The conveyance by TRWD is subject to the following: 1) TRWD's reservation of all minerals; 2) Reservation by TRWD of a flowage easement; and 3) Payment by Legg Family Partners, LP of \$60,000 to TRWD and the payment or reimbursement by Legg Family Partners, LP of all closing, appraisal and survey costs related to such conveyance. Director Motheral seconded the motion, and the votes were 4 in favor, 0 against.

EXHIBIT "A"

FIELD NOTES TRACT 1

6.839 ACRES OF LAND

R. YBARBO SURVEY

THE TOWC TRACT

ABSTRACT NO. 606

KAUFMAN COUNTY, TEXAS

BEING ALL OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LOCATED IN THE R. YBARBO SURVEY, ABSTRACT NO. 606, KAUFMAN COUNTY, TEXAS AND BEING ALL OF A CALLED 6.85 ACRE TRACT AS DESCRIBED IN DEED TO TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE RECORDED IN VOLUME 481, PAGE 123 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS (DRKCT). SAID LOT, TRACT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½" iron rod found in the west line of a called 9.286 acre tract of land described in Deed to Armand Wiltz recorded in Volume 4580, Page 402 of the DRKCT and being S 01°37'23" E, 145.34 feet from a ½" iron rod found at the northwest corner of said Wiltz tract and the southwest corner of a called 52.24 acre tract of land as described in Deed to Eastern CCL LLC recorded in Volume 3242, Page 618 of the DRKCT and being in the east line of the of a called 59.638 acre tract of land described in Deed to Legg Family Partners LP tract of land described in Volume 5221, Page 505 of the DRKCT;

THENCE, S 01°37'23" E (Control Line), 281.01 feet along the west line of the said Wiltz tract to a ½" iron rod found:

THENCE, along the common line of the Legg Family Partners LP tract as follows: N 22°23'48" W, 126.72 feet to a ½" iron rod set with a plastic cap stamped #4207; N 22°25'55" W, 504.73 feet to a ½" iron rod found in the east line of a called 25.16 acre tract of land described in Deed to Howison Family Investment Trust recorded in Volume 3475, Page 22 of the DRKCT;

THENCE, along the common line of the Howison tract and this tract as follows: N $15^{\circ}49^{\circ}06^{\circ}$ E, 51.75 feet to a $3/8^{\circ}$ iron rod found; N $74^{\circ}24^{\circ}43^{\circ}$ W, 41.27 feet to a $5/8^{\circ}$ iron rod found at the beginning of a curve to the left, with a radius of 2732.63 feet, a chord that bears N $32^{\circ}05^{\circ}17^{\circ}$ W, 812.44 feet;

THENCE, along the common line of the Legg Family Partners LP tract as follows: with said curve to the left an arc length of 815.46 feet to a ½" iron rod set with a plastic cap stamped #4207; N 40°24'11" W, 1564.11 feet to a ½" iron rod found in the Deeded 325' elevation line of Cedar Creek Lake, the west line Legg Family Partners LP tract, at the most western corner of this tract;

THENCE, along the said 325' elevation line as follows: N 29'00'00" W, 29.03 feet; N 08'00'00" W, 40.00 feet; S 77'00'00" E, 50.00 feet; S 60'00'00" E, 75.00 feet; N 38'00'00" W, 120.00 feet; N 76'00'00" E, 14.32 feet to a ½" iron rod set with a plastic cap stamped #4207 in the west line Legg Family Partners LP tract, at the northwest corner of this tract;

THENCE, along the common line of the Legg Family Partners LP tract as follows: S 40°24'11" E, 1628.87 feet to a ½" iron rod set with a plastic cap stamped #4207 at the beginning of a curve to the right with a radius of 2832.63 feet, a chord that bears S 31°23'55" E, 909.10 feet an arc length of 913.04 feet to a ½" iron rod set with a plastic cap stamped #4207; S 22°23'35" E, 368.82 feet to the POINT OF BEGINNING and CONTAINING 6.839 ACRES OF LAND MORE OR LESS.

BASIS OF BEARING: TEXAS COORDINATE SYSTEM NORTH CENTRAL ZONE NAD 83

SURVEYOR'S CERTIFICATE

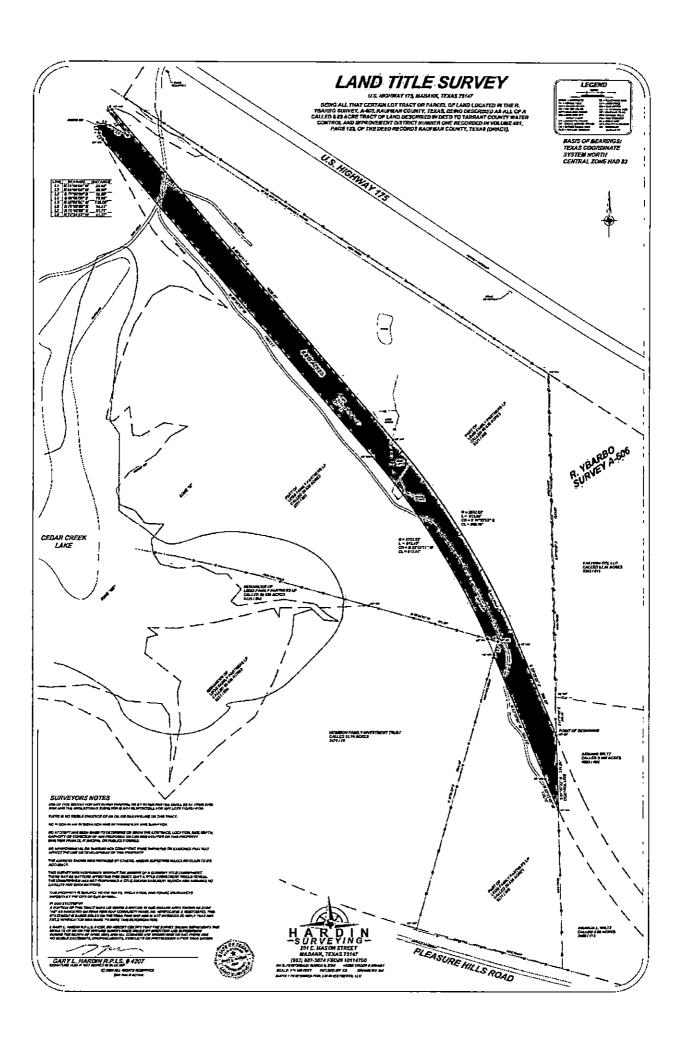
Date: March 8, 2024

To: LW Investments LLC

I, Gary L. Hardin, Registered Professional Land Surveyor No. 4207, do hereby certify that the field notes hereon represents the results of a survey made on the ground under my direction and supervision, the lines and dimensions of said property being as indicated. This survey is based on deeds, easements and/or recorded plats and other records when furnished by the client or the client's representative, as well as significant and visible monuments found on the subject property and adjacent properties, field measurements and evidence of boundaries found on the ground. However, this certification is not a representation of warranty of title or guarantee of ownership. This survey was performed EXCLUSIVELY for the above mentioned parties. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.

GARY L. HARDIN, RPLS NO. 4207 FIRM REGISTRATION NO. 10114700 W.O.# 2404001 (SEE SURVEY)





With the recommendation of management, Director Team moved to approve authorization to acquire interests in the following described land, which are necessary for the public use and purpose of construction and operation of the Richland-Chambers Wetlands Project.

Management requests that the General Manager of TRWD or his designee be authorized to take all steps which may be reasonably necessary to complete the acquisition of the real property interests described below, including, but not limited to, the authority to institute and prosecute condemnation proceedings and to pay all reasonable and necessary costs incurred in connection with such acquisition.

Permanent easement interest over and across a 1.078-acre of land located in the JOHN HENRY SURVEY, Abstract No. 398, Navarro County, Texas, and being a portion of the tract of land conveyed to Charles R. Paige, by the deed recorded in Instrument No. 2021-000955, of the Official Public Records of Navarro County, Texas, and being further described in accompanying resolution and in the survey plat attached hereto, for the negotiated purchase price of \$20,750.

EXHIBIT "A" LEGAL DESCRIPTION PERMANENT ACCESS EASEMENT

BEING 1.078 acres of land located in the JOHN HENRY SURVEY, Abstract No. 398, Navarro County, Texas, and being a portion of the tract of land conveyed to Charles R. Paige, by the deed recorded in Instrument No. 2021-000955, of the Official Public Records of Navarro County, Texas. Said 1.078 acres of land being more particularly described by metes and bounds as follows:

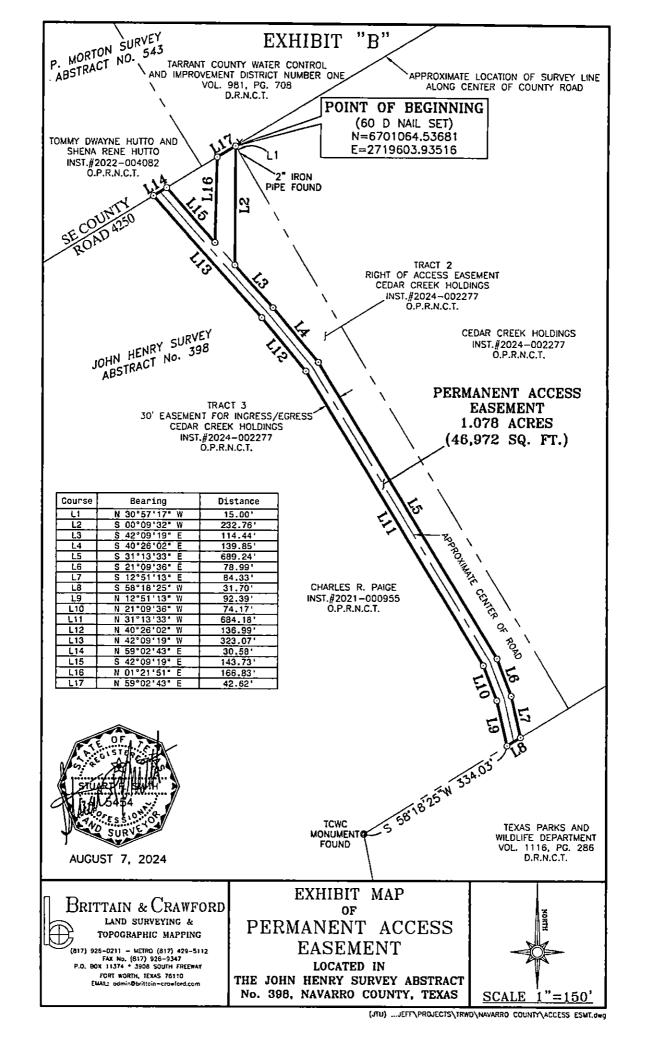
BEGINNING at a "60D" nail set at the North corner of aforesaid Paige Tract, from which a 2" iron pipe found is located S 30° 56' 59" E 15.00 feet, and said POINT OF BEGINNING having Texas State Plane Grid Coordinates N: 6,701,064.53681 and E: 2,719,603.93516;

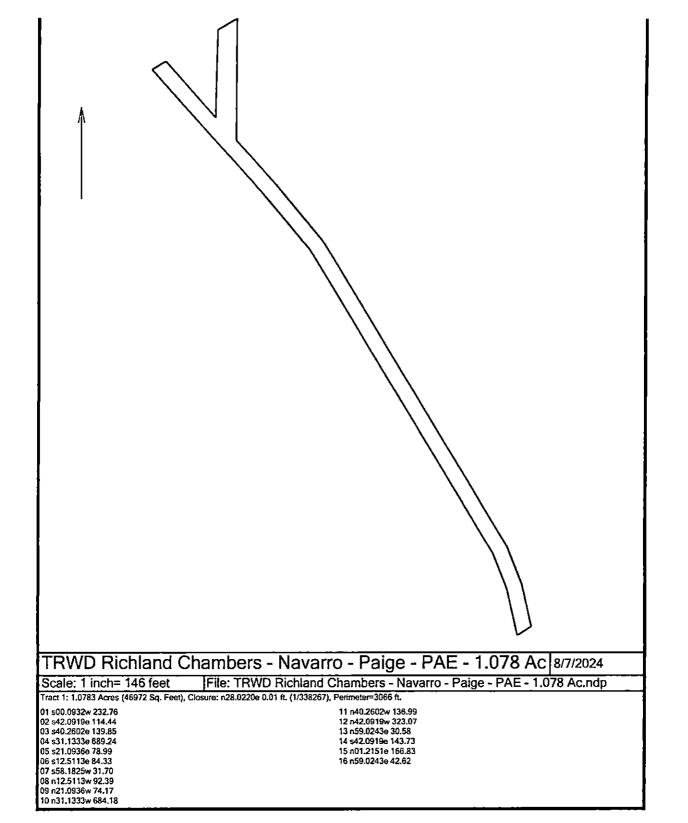
S 00° 09' 32" W 232.76 feet, to a point lying in the East line of an existing 30' Easement for Ingress and Egress, according to the deed recorded in Instrument No. 2024-002277, of the Official Public Records of Navarro County, Texas;

THENCE along the East line of said 30' Ingress and Egress Easement as follows:

- 1, S 42° 09' 19" E 114.44 feet, to a point;
- 2. S 40° 26' 02" E 139.85 feet, to a point;
- 689,24 feet, to a point;
- 3. S 31° 13' 33" E 4. S 21° 09' 36" E 78.99 feet, to a point;
- 5. S 12° 51' 13" E 84.33 feet, to a point lying in the North boundary line of a tract of land conveyed to Texas Parks and Wildlife Department, by the deed recorded in Volume 1116, Page 286, of the Deed Records of Navarro County, Texas;
- 31.70 feet, along the North boundary line of said Texas **THENCE** S 58° 18' 25" W Parks and Wildlife Department Tract, to a point from which a Tarrant County Water Control & Improvement District Number One monument found bears S 58° 18' 25" W 334.03 feet;
- THENCE running along the West line of the aforesaid 30' Easement for Ingress and Egress, as follows:
 - 1. N 12° 51' 13" W 92.39 feet, to a point;
 - 2. N 21° 09' 36" W 74.17 feet, to a point;
 - 3. N 31° 13' 33" W 684.18 feet, to a point;
 - 4. N 40° 26' 02" W 136.99 feet, to a point;
 - 5. N 42° 09' 19" W 323.07 feet, to a point in the Northwest boundary line of aforesaid Paige Tract and the approximate centerline of SE County Road No. 4250;
- 30.58 feet, along the Northwest boundary line of said THENCE N 59° 02' 43" E Paige Tract, to a point;
- S 42° 09' 19" E 143.73 feet, along the East line of aforesaid 30' Easement THENCE for Ingress and Egress, to a point;
- N 01° 21' 51" E 166.83 feet, to a point lying in the Northwest boundary line THENCE of aforesaid Paige Tract and the approximate centerline of aforesaid SE County Road No.
- 42.62 feet, along the Northwest boundary line of said THENCE N 59° 02' 43" E Paige Tract and the approximate centerline of said SE County Road No. 4250, to the POINT OF BEGINNING containing 1.078 acres (46,972 square feet) of land.







Funding for this item is included in the Bond Fund. Director Motheral seconded the motion, and the votes were 4 in favor, 0 against.

18.

The Board of Directors concluded the Texas Open Government and Ethics training on August 19, 2024, so no further training was needed.

13.

Director Team made a motion to rescind his previous motion for agenda item 13.

Director Hill seconded the motion and the votes were 4 in favor, 0 against.

Director Team then made a motion to place a proposal to adopt a Tax Year 2024 Tax Rate of \$.0267/\$100 on the agenda of the September 17, 2024, Board of Directors Meeting and establish the date for a public hearing to be held September 12, 2024, at 11:00am on the proposed Tax Year 2024 Tax Rate of \$.0267/\$100. Director Motheral seconded the motion and the votes were 4 in favor and 0 against.

19.

There were no future agenda items approved.

20.

The next board meetings were scheduled for September 12, 2024, at 11:00 a.m.; and September 17, 2024, at 9:00 a.m.

21.

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

President

Vice President