

AGENDA  
OF THE  
TRINITY RIVER AUTHORITY OF TEXAS  
REGULAR MEETING OF THE BOARD OF DIRECTORS

Trinity River Authority of Texas  
 Board Room  
 5300 South Collins Street  
 Arlington, Tarrant County, Texas  
 Wednesday, December 2, 2015  
 1:00 p.m.

1. CALL TO ORDER BY THE PRESIDENT, DAVID B. LEONARD.
2. INVOCATION.
3. PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.
4. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG.
5. ROLL CALL BY THE SECRETARY, HOWARD S. SLOBODIN.

<u>Area No.</u>	<u>County</u>	<u>Board Member</u>	
1	Tarrant	Martha A. Hernandez	_____
	Tarrant	Henry Borbolla III	_____
	Tarrant	William W. Collins, Jr.	_____
2	Dallas	Christina M. Crain	_____
	Dallas	Ana Laura Saucedo	_____
	Dallas	James W. Neale	_____
	Dallas	Valerie E. Ertz	_____
3	Kaufman	Vacant	_____
4	Henderson	Jess A. Laird	_____
5	Ellis	Harold L. Barnard	_____
6	Navarro	Kim C. Wyatt	_____
7	Anderson	Dudley K. Skyrme	_____
8	Freestone	C. Dwayne Somerville	_____
9	Leon	Amanda B. Davis	_____
10	Houston	Kevin Maxwell	_____
11	Trinity	D. Joe McCleskey	_____
12	Madison	J. Carol Spillars	_____
13	Walker	Tommy G. Fordyce	_____
14	San Jacinto	Steve Cronin	_____
15	Polk	Manny Rachal	_____
16	Liberty	David B. Leonard	_____
17	Chambers	Shirley K. Seale	_____
18	Area-at-Large	John W. Jenkins	_____
	Area-at-Large	Ronald J. Goldman	_____
	Area-at-Large	Amir A. Rupani	_____

6. CERTIFICATION OF A QUORUM BY THE SECRETARY.
7. CERTIFICATION BY THE SECRETARY OF COMPLIANCE WITH THE OPEN MEETING REQUIREMENTS OF THE GOVERNMENT CODE. TEX. GOV'T CODE § 551.001 *et seq.*
8. APPROVAL OF THE [MINUTES](#) OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TRINITY RIVER AUTHORITY OF TEXAS HELD OCTOBER 28, 2015 AT TRA'S GENERAL OFFICE, BOARD ROOM, 5300 SOUTH COLLINS STREET, ARLINGTON, TARRANT COUNTY, TEXAS. **Pg. 11**
9. APPROVAL OF [RESOLUTION](#) NO. R-1445 HONORING THE LIFE AND SERVICE OF DIRECTOR MICHAEL CRONIN. **Pg. 20**
10. NEW BUSINESS:



To access the story map link use any QR Code Reader Apps on the phone or tablet to scan the image.

(ITEMS A THROUGH J WERE PRESENTED TO THE UTILITY SERVICES COMMITTEE AT ITS MEETING ON NOVEMBER 19, 2015.)

A. PERACETIC ACID STUDY — LETTER AGREEMENT — WATER ENVIRONMENT RESEARCH FOUNDATION. **Pg. 22**

Memorandum dated November 6, 2015 from Manager, Planning and Environmental Services.

- (1) Explanation by Kevin Maxwell and Glenn C. Clingenpeel.
- (2) Recommendation: The Utility Services Committee recommends that the Board of Directors approve the following motion:

Motion that the Board of Directors authorize the General Manager to enter into a Letter Agreement between the Trinity River Authority of Texas and the Water Environment Research Foundation, in a form substantially as submitted, for investigations into the use of peracetic acid as a disinfectant for wastewater treatment.

B. LAKE LIVINGSTON PROJECT — HYDROPOWER PROJECT — FIRST AMENDMENT ENGINEERING SERVICES AGREEMENT. **Pg. 28**

Memorandum dated October 30, 2015 from Assistant Regional Manager, Southern Region.

- (1) Explanation by Kevin Maxwell and Jim Sims.
- (2) Recommendation: The Utility Services Committee recommends that the Board of Directors approve the following motion:

Motion that the Board of Directors authorize the General Manager to execute the First Amendment to the Engineering Services Agreement between Trinity River Authority of Texas and Freese and Nichols, Inc., increasing the amount of Basic Services by \$155,000 to provide additional engineering services associated with the construction of a hydropower project by East Texas Electric Cooperative at Lake Livingston.

C. CENTRAL REGIONAL WATER SUPPLY PROJECT — OCTOBER 24, 1984 CONTRACT BETWEEN THE AUTHORITY AND DALLAS COUNTY UTILITY AND RECLAMATION DISTRICT — NOTICE OF CONTRACT RENEWAL. Pg. 34

Memorandum dated November 4, 2015 from Assistant Regional Manager/Planning and Development, Northern Region.

- (1) Explanation by Kevin Maxwell and Fiona M. Allen.
- (2) Recommendation: The Utility Services Committee recommends that the Board of Directors approve the following motion:

Motion that the Board of Directors authorize the renewal of the October 24, 1984 Raw Water Supply Contract between the Trinity River Authority of Texas and the Dallas County Utility and Reclamation District pursuant to its terms.

D. CENTRAL REGIONAL WASTEWATER SYSTEM — PHASE III SOLIDS MANAGEMENT IMPROVEMENTS — GUARANTEED MAXIMUM PRICE I (AMENDMENT) — CONSTRUCTION ADMINISTRATION SERVICES — ENGINEERING SERVICES AGREEMENT. Pg. 37

Memorandum dated November 6, 2015 from Senior Engineer, Planning and Development, Northern Region.

- (1) Explanation by Kevin Maxwell and Fiona M. Allen.
- (2) Recommendation: The Utility Services Committee recommends that the Board of Directors approve the following motion:

Motion that the Board of Directors:

- (a) Authorize the General Manager to execute the First Amendment to the Construction Management At-Risk Agreement between the Trinity River Authority of Texas and McCarthy/Black and Veatch Joint Venture in the amount of \$33,229,166 for construction of Guaranteed Maximum Price 1 scope of work associated with the Phase III Solids Management Improvements for the Central Regional Wastewater System; and
- (b) Authorize the General Manager to execute the Engineering Services Agreement between the Trinity River Authority of Texas and CDM Smith Inc. in the amount of \$8,571,568 for Basic Services and \$750,000 for Special Services for construction phase engineering services associated with the Phase III Solids Management Improvements for the Central Regional Wastewater System.

E. CENTRAL REGIONAL WASTEWATER SYSTEM — MOUNTAIN CREEK FISH CREEK INTERCEPTOR, SEGMENT MC-3, PHASE 2 — CONTRACT AWARD AND ENGINEERING SERVICES AGREEMENT. Pg. 108

Memorandum dated October 29, 2015 from Assistant Construction Services Manager and Engineer, Planning and Development, Northern Region.

- (1) Explanation by Kevin Maxwell, Thomas D. Sanders and Fiona M. Allen.
- (2) Recommendation: The Utility Services Committee recommends that the Board of Directors approve the following motion:

Motion that the Board of Directors:

- (a) Authorize the General Manager to execute the contract between the Trinity River Authority of Texas and S.J. Louis Construction of Texas, Ltd. in the amount of \$4,645,952.90 for the construction of the Mountain Creek Fish Creek Interceptor, Segment MC-3, Phase II for the Central Regional Wastewater System; and
- (b) Authorize the General Manager to execute the Engineering Services Agreement between the Trinity River Authority of Texas and Brown & Gay Engineers, Inc., in the amount of \$270,000 for Basic Services and \$25,000 for Special Services for construction phase services associated with the Mountain Creek Fish Creek Interceptor, Segment MC-3, Phase II for the Central Regional Wastewater System.

F. DENTON CREEK REGIONAL WASTEWATER SYSTEM — PLANT BUILDING IMPROVEMENTS — CONTRACT AWARD AND ENGINEERING SERVICES AGREEMENT. Pg. 132

Memorandum dated November 5, 2015 from Assistant Construction Services Manager and Senior Engineer, Planning and Development, Northern Region.

- (1) Explanation by Kevin Maxwell, Thomas D. Sanders and Fiona M. Allen.
- (2) Recommendation: The Utility Services Committee recommends that the Board of Directors approve the following motion:

Motion that the Board of Directors:

- (a) Authorize the General Manager to execute the contract between the Trinity River Authority of Texas and Frank Dale Construction, Inc. in the amount of \$2,058,458.76 for the construction of the Plant Building Improvements for the Denton Creek Regional Wastewater System;
- (b) Authorize the General Manager to execute the Engineering Services Agreement between the Trinity River Authority of Texas and Garver, LLC in the amount of \$269,100 for Basic Services and \$20,000 for Special Services for construction phase engineering services associated with the Plant Building Improvements and the Electrical Improvements for the Denton Creek Regional Wastewater System.

G. TEN MILE CREEK REGIONAL WASTEWATER SYSTEM — TM-2 RELIEF INTERCEPTOR — CONTRACT AWARD AND ENGINEERING SERVICES AGREEMENT. Pg. 157

Memorandum dated November 5, 2015 from Assistant Construction Services Manager and Engineer, Planning and Development, Northern Region.

- (1) Explanation by Kevin Maxwell, Thomas D. Sanders and Fiona M. Allen.
- (2) Recommendation: The Utility Services Committee recommends that the Board of Directors approve the following motion:

Motion that the Board of Directors:

- (a) Authorize the General Manager to execute the contract between the Trinity River Authority of Texas and Kodiak Trenching & Boring, LLC in the amount of \$6,021,573 for the construction of the TM-2 Relief Interceptor for the Ten Mile Creek Regional Wastewater System; and
- (b) Authorize the General Manager to execute the Engineering Services Agreement between the Trinity River Authority of Texas and Burgess & Niple, Inc., in the amount of \$572,000 for Basic Services and \$50,000 for Special Services for construction phase services associated with the TM-2 Relief Interceptor for the Ten Mile Creek Regional Wastewater System.

H. CENTRAL REGIONAL WASTEWATER SYSTEM — ELM FORK INTERCEPTOR, SEGMENT EF-2B — ENGINEERING SERVICES AGREEMENT. Pg. 181

Memorandum dated November 3, 2015 from Engineer, Planning and Development, Northern Region.

- (1) Explanation by Kevin Maxwell and Fiona M. Allen.
- (2) Recommendation: The Utility Services Committee recommends that the Board of Directors approve the following motion:

Motion that the Board of Directors authorize the General Manager to execute the Engineering Services Agreement between Trinity River Authority of Texas and Halff Associates, Inc., in the amount of \$540,000 for Basic Services and \$100,000 for Special Services for final design engineering services related to the Elm Fork Interceptor, Segment EF-2B for the Central Regional Wastewater System.

I. RED OAK CREEK REGIONAL WASTEWATER SYSTEM — RED OAK CREEK INTERCEPTOR, SEGMENT 40RO-1A — ENGINEERING SERVICES AGREEMENT. Pg. 210

Memorandum dated November 3, 2015 from Engineer, Planning and Development, Northern Region.

- (1) Explanation by Kevin Maxwell and Fiona M. Allen.
- (2) Recommendation: The Utility Services Committee recommends that the Board of Directors approve the following motion:

Motion that the Board of Directors authorize the General Manager to execute the Engineering Services Agreement between Trinity River Authority of Texas and CH2M Hill Engineers, Inc., in the amount of \$587,110 for Basic Services and \$75,000 for Special Services for final design engineering services related to the Red Oak Creek Interceptor, Segment 40RO-1A for the Red Oak Creek Regional Wastewater System.

J. CENTRAL REGIONAL WASTEWATER SYSTEM — COPPELL INTERCEPTOR IMPROVEMENTS — FIRST AMENDMENT ENGINEERING SERVICE AGREEMENT.  
**Pg. 237**

Memorandum dated November 3, 2015 from Engineer, Planning and Development, Northern Region.

- (1) Explanation by Kevin Maxwell and Fiona M. Allen.
- (2) Recommendation: The Utility Services Committee recommends that the Board of Directors approve the following motion:

Motion that the Board of Directors authorize the General Manager to execute the First Amendment to the Engineering Services Agreement between Trinity River Authority of Texas and Kennedy/Jenks Consultants increasing the amount of Basic Services by \$150,400 and Special Services by \$20,000 to provide additional final engineering design services associated with the Coppel Interceptor Improvements for the Central Regional Wastewater System.

(ITEMS K THROUGH X WERE NOT PRESENTED TO A COMMITTEE.)

K. SUMMARY REPORT OF BUDGET AMENDMENTS. **Pg. 250**

Memorandum dated November 16, 2015 from Manager, Accounting.

- (1) Explanation by Shirley K. Seale and Alison Mackey.
- (2) Recommendation: This item is presented as a status report only; no action is necessary.

L. ELLIS COUNTY WATER SUPPLY PROJECT — ROCKETT SPECIAL UTILITY DISTRICT — FIRST AMENDMENT TO RAW WATER SUPPLY CONTRACT AND ELLIS COUNTY REGIONAL WATER SUPPLY CONTRACT. **Pg. 251**

Memorandum dated November 19, 2015 from General Counsel.

- (1) Explanation by Howard S. Slobodin.
- (2) Recommendation: Management recommends that the Board of Directors approve the following motion:

Motion that the Board of Directors authorize the General Manager to execute the First Amendment to the 1991 Tarrant Regional Water District and Trinity River Authority Raw Water Supply Contract and the 1991 Trinity River Authority of Texas - Ellis County Regional Water Supply Contract as presented, effective November 30, 2015.

M. CENTRAL REGIONAL WASTEWATER SYSTEM — RESOLUTION AMENDING THE EXTENDABLE COMMERCIAL PAPER FINANCING PROGRAM — RESOLUTION AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF REVENUE BONDS. **Pg. 258**

Memorandum dated November 6, 2015 from Chief Financial Officer.

- (1) Explanation by Shirley K. Seale and Alison A. Mackey.
- (2) Recommendation: Management recommends that the Board of Directors approve the following motion:

Motion that the Board of Directors:

- (a) Adopt Resolution No. R-1442 amending the Trinity River Authority of Texas Central Regional Wastewater System Extendable Commercial Paper Financing Program; and
- (b) Adopt Resolution No. R-1443 authorizing the issuance, sale, and delivery of Trinity River Authority of Texas Regional Wastewater System Revenue Bonds.

N. RESOLUTION AUTHORIZING SIGNATURES FOR WITHDRAWAL OF FUNDS FROM AUTHORITY ACCOUNTS. **Pg. 287**

Memorandum dated October 30, 2015 from Manager, Cash and Capital Projects.

- (1) Explanation by Shirley K. Seale and Alison Mackey.
- (2) Recommendation: Management recommends that the Board of Directors approve the following motion:

Motion that the Board of Directors adopt Resolution No. R-1444 thereby authorizing signatures for withdrawal of funds from Authority accounts and further direct that the executed Resolution with executed Secretary's Certificate be forwarded to the respective banks.

O. SUMMARY REPORT OF DECEMBER 2015 CAPITAL CONTRACTS. **Pg. 291**

Memorandum dated November 6, 2015 from Chief Financial Officer.

- (1) Explanation by Shirley K. Seale and Alison Mackey.
- (2) Recommendation: This item is presented as a status report only; no action is necessary.

P. INTERNAL AUDIT REPORT - NOVEMBER 2015 — STATUS REPORT. **Pg. 293**

Memorandum dated November 2, 2015 from Internal Auditor.

- (1) Explanation by J. Kevin Ward and Sandrine Hatcheu.
- (2) Recommendation: This item is presented as a status report only; no action is necessary.

Q. SUMMARY REPORT OF GENERAL MANAGER-APPROVED AGREEMENTS. **Pg. 296**

Memorandum dated November 13, 2015 from General Manager.

- (1) Explanation by J. Kevin Ward.
- (2) Recommendation: This item is presented as a status report only; no action is necessary.

R. SUMMARY REPORT OF CHANGE ORDERS. **Pg. 298**

Memorandum dated December 2, 2015 from Construction Services Manager.

- (1) Explanation by Thomas D. Sanders.
- (2) Recommendation: This item is presented as a status report only; no action is necessary.

[ITEMS S THROUGH X INVOLVE LITIGATION, POTENTIAL LITIGATION, ACQUISITION OF REAL PROPERTY, OR NECESSITATE CONFIDENTIAL CONSULTATION WITH COUNSEL AND ARE EXEMPT FROM THE OPEN MEETING REQUIREMENTS CONTAINED IN CHAPTER 551 OF THE TEXAS GOVERNMENT CODE. THE TRINITY RIVER AUTHORITY OF TEXAS RESERVES THE RIGHT TO CONVOKE AN EXECUTIVE, OR CLOSED, SESSION ON THE FOREGOING ITEMS SUBJECT TO THE REQUIREMENTS OF THE TEXAS GOVERNMENT CODE CHAPTER 551, SUBCHAPTER E, AND PURSUANT TO TEX. GOV'T CODE SEC. 551.071 AND SEC. 551.072. ANY FINAL DECISION, ACTION OR VOTE MUST BE MADE IN OPEN SESSION.]

S. CENTRAL REGIONAL WASTEWATER SYSTEM — EF-R3 ELM FORK RELIEF INTERCEPTOR SEGMENT 1C PROJECT — AUTHORIZATION FOR LAND ACQUISITION BY EMINENT DOMAIN. **Pg. 301**

Memorandum dated November 13, 2015 from General Counsel.

- (1) Explanation by Howard S. Slobodin.
- (2) Recommendation: Management recommends that the Board of Directors approve the following motion:

Motion that the Board of Directors adopt Resolution No. R-1438 authorizing the General Manager, or his designated representative, and his staff, consultants and attorneys, to do all such acts as may be necessary to invoke eminent domain proceedings as described by Texas law against the owners of the required parcels of land generally located west of Luna Road, proceeding in a northward direction from Northwest Highway to a point north of Royal Lane, in the cities of Dallas and Farmers Branch, Dallas County, Texas, and specifically located in the William Babbett Survey, Abstract No. 155, William Downing Survey, Abstract No. 391, Archer Fyke Survey, Abstract No. 481, Edward Hunt Survey, Abstract No. 575, Samuel Brown Survey, Abstract No. 158 and William Shahan Survey, Abstract No. 1337, in order to acquire all required interests in real property for the public purpose of constructing, operating and maintaining the necessary Central Regional Wastewater System, EF-R3 Elm Fork Relief Interceptor Segment 1C Project.

T. DENTON CREEK REGIONAL WASTEWATER SYSTEM — 25HC-4 RELIEF INTERCEPTOR PROJECT — AUTHORIZATION FOR LAND ACQUISITION BY EMINENT DOMAIN. Pg. 307

Memorandum dated November 13, 2015 from General Counsel.

- (1) Explanation by Howard S. Slobodin.
- (2) Recommendation: Management recommends that the Board of Directors approve the following motion:

Motion that the Board of Directors adopt Resolution No. R-1437, authorizing the General Manager, or his designated representative, and his staff, consultants and attorneys, to do all such acts as may be necessary to invoke eminent domain proceedings as described by Texas law against the owners of the required parcels of land generally located immediately south of Fort Worth Alliance Airport, proceeding in an easterly direction from a point just west of Intermodal Parkway and ending at Interstate Highway 35W, just to the north of, and generally parallel to Westport Parkway, situated in the cities of Fort Worth and Haslet, in Tarrant County, Texas, and specifically located in the Alex C. Warren Survey, Abstract No. 1687, the C. Harmon Survey, Abstract No. 737 and the H.C. Johnson Survey, Abstract No. 870, in order to acquire all necessary interests in real property for the public purpose of constructing, operating and maintaining the necessary Denton Creek Regional Wastewater System, 25HC-4 Relief Interceptor Project.

U. TEN MILE CREEK REGIONAL WASTEWATER SYSTEM — 40TM-6 RELIEF INTERCEPTOR PIPELINE IMPROVEMENTS — AUTHORIZATION FOR LAND ACQUISITION BY EMINENT DOMAIN. Pg. 312

Memorandum dated November 13, 2015 from General Counsel.

- (1) Explanation by Howard S. Slobodin.
- (2) Recommendation: Management recommends that the Board of Directors approve the following motion:

Motion that the Board of Directors adopt Resolution No. R-1439, authorizing the General Manager, or his designated representative, and his staff, consultants and attorneys, to do all such acts as may be necessary to invoke eminent domain proceedings as described by Texas law against the owners of the required parcels of land generally located west of Interstate Highway 35E, from North Polk Street, proceeding in a northwesterly direction crossing Pleasant Run Road to a point east of North Hampton Road, from manhole 4360T to manhole 4520T, situated in the City of DeSoto, Dallas County, Texas, and specifically located in the Sarah Ream Survey, Abstract No. 1217 and the Pleasant Taylor Survey, Abstract No. 1466, in order to acquire all necessary interests in real property for the public purpose of constructing, operating and maintaining the necessary Ten Mile Creek Regional Wastewater System, 40TM-6 Relief Interceptor Pipeline Improvements Project.

V. CONDEMNATION STATUS REPORT. **Pg. 317**

Memorandum dated November 13, 2015 from General Counsel.

- (1) Explanation by Howard S. Slobodin.
- (2) Recommendation: This item is presented as a status report only; no action is necessary.

W. SELECTED MATTERS PENDING BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY — STATUS REPORT. **Pg. 322**

Memorandum dated November 13, 2015 from General Counsel.

- (1) Explanation by J. Kevin Ward, Howard S. Slobodin and Michael J. Booth.
- (2) Recommendation: This item is presented as a status report only; no action is necessary.

X. LITIGATION STATUS REPORT. **Pg. 326**

Memorandum dated November 13, 2015 from General Counsel.

- (1) Explanation by J. Kevin Ward, Howard S. Slobodin, and Michael J. Booth.
- (2) Recommendation: This item is presented as a status report only; no action is necessary.

11. OTHER BUSINESS:

12. ADJOURNMENT: