

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF  
TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE  
HELD ON THE 22ND DAY OF SEPTEMBER, 1982 AT 9:30 A. M.

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

PRESENT

Wayne E. Newton  
C. Victor Thornton  
Robert D. Alexander  
Preston M. Geren  
Burford I. King

Also present was Messrs. R. M. Doby, Manager of Fiscal Affairs;  
Bill Hilliard, Assistant General Manager; Jim Nichols and Ronnie  
Lemons, Engineers for the District and George Chirstie, Attorney  
for the District.

Director Newton acted in his capacity as President and  
Director Alexander acted as Secretary, whereupon proceedings were  
had and done as follows:

1.

On motion made and seconded, and with assurance from  
management that all requirements of law relating to the "open  
meeting" law had been met, the minutes of the meeting held August  
25, 1982 were read and approved by the Directors and it was  
accordingly ordered that such minutes be placed in the permanent  
files of the District.

2.

Director King moved and the motion was seconded by  
Director Geren and unanimously approved that the following list of  
vouchers be approved and paid:

GENERAL FUND: Voucher-checks #1838 thru #1968 inclusive,

in the amount of \$1,067,028.69.

REVENUE FUND: Voucher-checks #1052 thru #1128, inclusive, in the amount of \$4,503,119.43.

RICHLAND-CHAMBERS PROJECT - CONSTRUCTION FUND:  
Voucher-checks #1177 thru #1380 inclusive, in the amount of \$41,723,584.16.

DEBT SERVICE: Voucher-checks #189 thru #192 inclusive, in the amount of \$4,015.04.

CAPITAL PROJECT: Voucher-check #110 and #111 in the amount of \$265,000.00.

CEDAR CREEK PROJECT - CONSTRUCTION FUND: Voucher-checks #121 and #122 in the amount of \$335,000.00

CEDAR CREEK PROJECT - INTEREST AND REDEMPTION FUND:  
Voucher-checks #120 thru #123 inclusive, in the amount of \$15,645,708.33.

3.

Mr. Jim Nichols of Freese and Nichols, Inc. presented the tabulated bid proposals received for Contract Number One - Dam and Spillway - Richland Creek Project. The H. B. Zachry Company of San Antonio, Texas was determined to be low bidder with a total amount bid of \$64,500,135.81 with 540 days (working days) construction time. Mr. Robert Doby reviewed the financial statement of the Zachry Company. He stated that Mr. Clifford Hensley of Arthur Young and Company analyzed the statement and found no evidence of fiscal weakness or areas of concern with the Zachry firm.

H. B. Zachry did notify the District by letter that an

error was made in the bid submitted to wit:

September 17, 1982

Tarrant County Water Control and  
Improvement District Number One  
c/o Freese & Nichols, Inc.  
Consulting Engineers  
811 Lamar Street  
Fort Worth, Texas 76102

Attention: Mr. Robert Thompson

Re: Richland Creek Project  
Dam and Spillway  
Contract No. 1

Gentlemen:

We wish to notify you of a clerical error that was made in our bid for the above captioned project.

The time duration as stated on page 00300-4 of the bid proposal should have read 740 working days in place of 540 working days as submitted.

We request that this change be made in the contract documents.

Sincerely yours,

/s/ B. B. Cloud

District staff and engineers agreed that the 740 day construction time better fits with the other components of the project. District counsel stated that the District can legally change the construction time in the contract documents.

Freese and Nichols' letter of recommendation is attached:

September 21, 1982

Mr. Ben F. Hickey  
General Manager  
Tarrant County Water Control and  
Improvement District Number One  
P. O. Box 4508  
Fort Worth, Texas 76106

Re: Richland Creek Project  
Dam and Spillway

Dear Mr. Hickey:

Bids for the construction of the Dam and Spillway at the Richland Creek Project were opened on September 15, 1982. The three lowest bidders were H. B. Zachry Company, with a total bid of \$64,500,135.81 and 540 working days; Malvon Construction Company, with a total bid of \$678,519.105.82 and 800 working days; and Martin K. Eby Construction Company and Philips & Jordon, Inc., a Joint Venture, with a total bid of \$67,899,461.94 and 1,060 working days. A tabulation of all bids is attached.

We have reviewed Zachry's qualifications including financial data, previous experience, list of available equipment and evidence of authority to conduct business in the State of Texas. This information was furnished by Zachry. We have worked with Zachry on other major water supply projects, most recently at Conroe Dam owned by the San Jacinto River Authority and at Gibbons Creek Dam owned by the Texas Municipal Power Agency, and have found their work excellent.

We recommend awarding the Richland Creek Dam and Spillway Contract to the low bidder, H. B. Zachry Company

Yours very truly,

FREESE AND NICHOLS, INC.

/s/ James R. Nichols, P.E.  
President

Following a discussion, and with recommendation of management, Director Geren moved, Director King seconded, that the District be now authorized to enter into contract for the construction of Contract Number One - Dam and Spillway - Richland Creek Project with the H. B. Zachry Company on the basis as presented and amended as to a construction time of 740 working days. This meeting with the approval of all Directors present it was so ordered.

4.

Mr. Jim Nichols presented proposals for a geotechnical consultant; and for laboratory testing at the Richland Creek Project. Mr. Nichols stated that of the two proposals received

for Geotechnical consultant, Mason-Johnston & Associates, Inc. of Dallas and McClelland Engineers of Houston, Mason-Johnston is preferred by Freese and Nichols. Professional qualifications, proposed scope of work and familiarity with the project were the principle factors considered. He recommended that the District commence negotiations with Mason-Johnston to secure a consulting agreement for Contract Number One - Richland Creek Project.

District management also recommended the selection of Mason-Johnston as geotechnical consultant. Following discussion Director Thornton moved, Director Geren seconded, and all present approved the commencement of negotiations with Mason-Johnston & Associates, Inc. for purposes submitted.

Director Geren raised the question as to whether laboratory and testing services should be a competitively price bid contract or be considered a professional service. A discussion ensued resulting in a motion by Director Geren instructing District counsel to seek an Attorney General's ruling/opinion; whether laboratory and testing services for this project must be secured in compliance with the Professional Services Procurement Act or must be advertised and bid competitively. Director Alexander seconded the motion and all present voted aye.

5.

Management of the District requested authority for the District to enter into contract for the purchase of the following described tracts of land required for Program E - Richland Creek Project, on the following basis for payment to wit:

- I. Approximately 41 acres in fee @ \$650.00 per acre; approximately 4 acres in easement @ \$325.00 per acre from Voncile H. King, Navarro County, Texas - Tract No. 304.
- II. 49 acres in fee @ \$650.00 per acre; 1.01 acres in easement @ \$325.00 per acre from Ernest C. Cooper, Navarro County, Texas - Tract No. 303.
- III. 115.37 acres in fee @ \$650.00 per acre; 24.69 acres in easement @ \$325.00 per acre; \$5,700.00 in severance damages from W. M. Montgomery, II, et al., Navarro County, Texas - Tract No. 69.
- IV. 36.21 acres in fee @ \$850.00 per acre from Mrs. Dora Cook, Navarro County, Texas - Tract No. 327.
- V. 22.50 acres in fee @ \$675.00 per acre from Mrs. Mary Bookman, Navarro County, Texas - Tract No. 277.
- VI. 800 acres in fee @ \$600.00 per acre from Robert K. Hutchings, Trustee, Freestone County, Texas - Tract No. 325.
- VII. 804.66 acres in fee @ \$922.00 per acre; 30.64 acres in easement @ \$461.00 per acre via eminent domain from Anna Lois Whorton, et vir, Navarro/Freestone Counties, Texas - Tract No. 230.
- VIII. 112.04 acres in fee @ \$922.00 per acre via eminent domain from Robert A. Bain, Navarro/Freestone Counties, Texas - Tract No. 317.
- IX. 320 acres in fee @ \$550.00 per acre via eminent domain from Walter K. Kerr, Freestone County, Texas - Tract No. 326.
- X. A right of way in easement, 144.6 rods in length @ \$45.00 per rod via eminent domain from Mrs. M. Isabel Burke, Freestone County, Texas - No Tract Number (W. Texas Gulf/Navarro County Electric Cooperative).

Following a detailed presentation of the tracts, and upon recommendation of management of the District, Director Alexander moved, seconded by Director Thornton, that the District be now authorized to enter into contract for the purchase of the above described tracts and on the basis as shown. This meeting with the approval of all Directors present it was so ordered.

6.

Mr. Bill Hilliard presented a proposed lease for the sale of sand and gravel in Wise County, Texas. He stated that all laws had been complied with and bids had been opened in accordance with same. General Portland, Inc. submitted a high bid of \$0.685 per ton/cubic yard. Following discussion, Director Geren moved to reject all bids, Director Alexander seconded the motion. This meeting with the approval of all Directors present it was so ordered.

7.

Mr. Bill Hilliard presented a Special Warranty Deed for the purchase of sand and gravel at the Richland Creek Project. He explained that the purchase functions as a lease but was styled as a deed because the District is co-owner of the materials. The purchase is from Southland Land and Cattle Company of Irving, Texas. The price per ton/cubic yard is \$0.20. Attached and made a part of these minutes is a letter of recommendation from District counsel.

September 21, 1982

Mr. Ben Hickey, General Manager  
Tarrant County Water Control and  
Improvement District Number One  
P. O. Box 4508  
Fort Worth, Texas 76106

RE: Purchase of Sand and Gravel from  
Southland Land and Cattle Company

Dear Mr. Hickey:

We have reviewed the Special Warranty Deed from Southland Land and Cattle Company to Tarrant County Water Control and Improvement District Number One covering land in Navarro Counties, Texas, described in the Exhibit attached to the Deed and sometimes called the Wildcat Ranch.

We approve this instrument for execution by the District.

Very truly yours,

/s/ George F. Christie

Following the discussion and with recommendation of management, Director Geren moved, Director Alexander seconded, and all Directors present approved the purchase as submitted.

8.

Mr. Hilliard submitted a tabulation of bids received by West Texas Gulf Pipeline Company for the relocation of their 20 inch crude pipe line at the Richland Creek Project. The low bidder was Driver Pipeline Company with a total bid of \$463,174.18, inclusive of performance bond. Freese and Nichols reviewed the bids, stated that total relocation should total approximately 87 percent of budget and recommended approval of Gulf's award. There being no questions for Mr. Hilliard or Freese and Nichols, Director Thornton moved, Director Geren seconded his motion and all Directors present approved concurrence of Gulf's award to Driver Pipeline Company as presented.

9.

President Newton stated that copies of the Financial Report for the period July, 1982 thru August, 1982 have previously been furnished the Directors.

10.

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

  
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Secretary

  
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President