

**LORENA TIRZ #1 EAST
REGULAR MEETING OF THE BOARD OF DIRECTORS
MONDAY, JUNE 11, 2018, AT 6:30 P.M.
LORENA CITY HALL
107-A S. Frontage Rd.
Lorena, Texas 76655**

MINUTES

Call to Order and Verification of Agenda Posting

The meeting was called to order at 6:37 pm and Chairman Coleman noted that the meeting was posted in accordance with the requirements of the Texas Open Meetings Act and a quorum was present. Members Present: Bill Coleman, Chuck Roper, J Fagner, David Anderton, William Callan, and Kelly Snell. Members Not Present: John Johnston. Also Present: Joseph Pace (City Manager), Kevin Neal (Public Works Director), Jason Mundo and Joe Mundo of Mundo and Associates, Inc. (TIRZ Administration and Program Management Consultants), Ginger Tolbert of KPA, Robert Braswell (TIRZ land owner), Brad Harrell (Development Consultant to Robert Braswell).

1. Discussion and possible action to approve Lorena TIRZ #1 East Meeting Minutes – May 14, 2018

The Board reviewed the meeting minutes. J Fagner moved to approve the Lorena TIRZ #1 East Meeting Minutes – May 14, 2018. Chuck Roper seconded the motion. The motion was unanimously approved.

2. Update on Lorena TIRZ #1 East sanitary sewer trunk line project including Path Forward.

Consultant Jason Mundo updated the Board that the seventh month of construction and eighth month of the project was completed and that this discussion would cover the period 5/14 - 6/11. Mr. Mundo noted that there was a new 6% of project construction completed in May and now 66% of overall construction was completed by the end of May. 75% of the initial 25% Lift Station phased construction is completed with the remaining work primarily the lift station access road. It was noted that the Access Road lighting poles and underground electric ducts had been installed. 25% of the final 75% Lift Station phased construction is completed. Remaining items regarding the final 75% Lift Station phase include: Civil work / slab has begun in preparation for electrical work; screen wall foundations have been constructed; electrical duct banks had been installed / concrete encased and backfilled.

Regarding the 18" Gravity Line B – Waco/WMARSS Connection and Metering Manhole and Line to Southwinds Drive – approximately 3000 LF: Work began at Southwinds Drive and is proceeding eastward on the Fry easement approximately 1400 LF in length. Approximately all 1400 LF of the 18" diameter pipe has been installed. ROW clearing is completed on the

Waco / WMARSS Easement approximately 1600 LF in length and all silt fence has been installed. The Contractor has proceeded with line construction. Manhole excavation and pre-trenching is underway.

Mr. Mundo added info looking ahead to May (Month 8): Regarding Lift Station: Progress on on civil and electrical work and begin ONCOR electrical service work; Regarding 18" Gravity Line B – Waco WMARSS Connection & Metering Manhole and Line to Southwinds Drive – approximately 3,000 LF: Continue line / manhole construction on the Waco / WMARSS easement approximately 1600 LF in length. And begin ONCOR electrical service work to Metering Manhole.

3A. Update on Lorena TIRZ #1 East Phase II Wastewater Improvements and Path Forward.

Mr. Mundo noted that during this month of 5/14 – 6/11: TIRZ Board accepted the low bid of Bell Contractors Inc. of Belton TX = \$844,483.76. City Council approved recommendation to award Low Bid of Bell Contractors, Inc. of Belton, Texas at \$844,483.76. It was noted that the final "Opinion of Probable Cost" from the project engineer KPA was \$1,076,375.00. The Notice of Award by TIRZ Board Chairman was on-hold pending receipt of the "Diana Callan Braswell Trust" easement.

Looking ahead to the coming month 6/11 – 7/16/18 schedule: Notice of Award is to-be-determined. Notice of Award by TIRZ Board Chairman on-hold pending receipt of the "Diana Callan Braswell Trust" easement. Construction Bid expires on Saturday 7/7/18. Notice to Proceed "last date" for 12/31/18 completion is 7/5/18. Construction Duration = 6 months. Required Completion Date per Lorena/City/TIRZ Development Agreement is 12/31/18. Completion Date penalty = \$250.00/day.

3B. EXECUTIVE SESSION – CLOSED SESSION: *The Board entered into Closed Executive Session at 6:47 pm.*

Pursuant to Texas Government Code Section 551.071 – Consultation with Attorney, the TIRZ #1 East Board shall consult with Legal Counsel in Executive Session regarding legal issues involving:

- (1) Lorena TIRZ #1 East – Phase II Wastewater Improvements: award of construction contract to contractor, notice to proceed to contractor, construction easement access restriction, proposed alternate construction alignment, Lorena TIRZ #1 East Wastewater Improvements Phase II Change Order #1, Lorena TIRZ #1 East Wastewater Improvements Phase II design contract extension, and Lorena TIRZ #1 East Wastewater Improvements Phase II design program management contract extension.

3C. RECONVENE TO OPEN SESSION: *The Board reconvened to Open Session at 7:52 pm.*

And take any action necessary as a result of Executive Session.

No action was taken as a result of this Executive Session. In open session, The Board discussed the possible award of construction contract to contractor, notice to proceed to contractor, construction easement access restriction, proposed alternate construction alignment, Lorena TIRZ #1 East Wastewater Improvements Phase II Change Order #1, Lorena TIRZ #1 East Wastewater Improvements Phase II design contract extension, and Lorena TIRZ #1 East Wastewater Improvements Phase II design program management contract extension. The Board discussed the construction easement access restriction with TIRZ land owner Robert Braswell and proposed solutions to Mr. Braswell's questions and concerns that to date, had led him to not signing the easement. Through discussion the Board and Mr. Braswell generally reached an agreement on the issues that had let him to not signing the easement to date: green space language in the easement, access to the force main easement for a future gravity line if needed, and Atmos easement definition.

The Board re-entered into Closed Executive Session at 8:46 pm.

The Board reconvened into Open Session at 9:26 pm.

In open session, Kelly Snell moved that if by noon (12 pm) Monday June 18 2018, if the TIRZ Board had not received the signed easement from Mr. Braswell and the "Diana Callan Braswell Trust", that TIRZ Board Chairman Bill Coleman was authorized to execute the award of construction contract to contractor, notice to proceed to contractor, Lorena TIRZ #1 East Wastewater Improvements Phase II Change Order #1, Lorena TIRZ #1 East Wastewater Improvements Phase II design contract extension, and Lorena TIRZ #1 East Wastewater Improvements Phase II design program management contract extension. J Fagner seconded the motion. The motion was unanimously approved.

3D. Discussion and possible action on Engineering Construction Administration On-Site Representation Scope of Services ES 18 05 14 with KPA and Construction Phase Program Management Task Order PM 18 05 14 with Mundo and Associates, Inc.

The Board discussed the proposed contracts with KPA and Mundo and Associates to manage the Construction Phase of the Phase II Wastewater Improvements.

Kelly Snell moved to approve the Engineering Construction Administration On-Site Representation Scope of Services ES 18 05 14 with KPA and Construction Phase Program Management Task Order PM 18 05 14 with Mundo and Associates, Inc. J Fagner seconded the motion. The motion passed 4 -1 with Chuck Roper opposing.

4. Discussion and possible action(s) to approve the following Financial Reports and Invoices: the following:

- A) Lorena TIRZ #1 East Financial Report and Cash Flow Report;
- B) Mundo and Associates invoice representing Administration services May 2018.
- C) Bovey Law invoice for TIRZ legal services May 2018;
- D) KPA invoice for Phase 1 Wastewater Improvements Engineering Construction Administration and On-Site Representation Services May 2018.
- E) Mundo invoice for Phase 1 Wastewater Improvements Construction Phase Program Management Services May 2018.
- F) Bruce Flanigan Construction Inc. invoice for Phase I Wastewater Improvements Construction Services May 2018;
- G) KPA invoice for Phase II Wastewater Improvements services May 2018;
- H) Mundo invoice for Phase II Wastewater Improvements Program Management Services May 2018.

The Board reviewed and discussed:

- A) the Financial Report and Cash Flow Report prepared by Mundo and Associates;***
- B) the Administration invoice from Mundo and Associates;***
- C) the invoice from TIRZ legal counsel Bovey Law for legal services;***
- D) the KPA invoice for Phase 1 Wastewater Improvements Engineering Construction Administration and On-Site Representation Services;***
- E) the Mundo invoice for Phase 1 Wastewater Improvements Construction Phase Program Management Services;***
- F) the Bruce Flanigan Construction invoice for Phase I Wastewater Improvements Construction;***
- G) the KPA invoice for Phase II Wastewater Improvements services;***
- H) And the Mundo invoice for Phase II Wastewater Improvements Program Management Services.***

J Fagner moved to approve items A through H listed below:

A) Lorena TIRZ #1 East Financial Report and Cash Flow Report;

B) Mundo and Associates invoice representing Administration services May 2018 in the amount of \$4,200.

C) Bovey Law invoice for TIRZ legal services May 2018 in the amount of \$2,378.00;

D) KPA invoice for Phase I Wastewater Improvements Engineering Construction Administration and On-Site Representation Services May 2018 in the amount of \$12,767.69.

E) Mundo invoice for Phase I Wastewater Improvements Construction Phase Program Management Services May 2018 in the amount of \$1,800.00.

F) Bruce Flanigan Construction Inc. invoice for Phase I Wastewater Improvements Construction Services May 2018 in the amount of \$145,021.07;

G) KPA invoice for Phase II Wastewater Improvements services May 2018 in the amount of \$11,449.76;

H) Mundo invoice for Phase II Wastewater Improvements Program Management Services May 2018 in the amount of \$3,000.00;

David Anderton seconded the motion. The motion was unanimously approved.

5. Discussion and possible action on setting July 16 meeting date of Lorena TIRZ #1 East which would follow City Council meeting at approximately 7:30 pm, or setting of alternate TIRZ meeting date and time.

The Board reviewed options for the July meeting date and time. Chuck Roper moved to set the next TIRZ meeting date and time as Tuesday July 17, at 6:30 pm. Kelly Snell seconded the motion. The motion was unanimously approved.

7. Adjournment

The meeting was adjourned at 9:58 pm

***Lorena TIRZ #1 East
Minutes of Regular Meeting of the Board of Directors
Monday, June 11, 2018***

If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the Board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Government Code, Chapter 551, Subchapters D and E. Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting.

Bill Coleman, Board Chairman, Date

Chuck Roper, Board Secretary, Date