

**LORENA TIRZ #1 EAST
REGULAR MEETING OF THE BOARD OF DIRECTORS
MONDAY, NOVEMBER 12, 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 convened at 6:32 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, Chad Hanson, and J Fagner. Members Not Present: William Callan and Kelly Snell. Also Present: Joseph Pace (City Manager), Jason Mundo and Joe Mundo of Mundo and Associates, Inc. (TIRZ Administration and Program Management Consultants), Ginger Tolbert of KPA,

1. Discussion and possible action to approve Lorena TIRZ #1 East Meeting Minutes – September 18, 2018

The Board reviewed the meeting minutes. J Fagner moved to approve the Lorena TIRZ #1 East Meeting Minutes – September 18, 2018. Chuck Roper seconded the motion. The motion was unanimously approved.

2A. Update on Lorena TIRZ #1 East sanitary sewer trunk line project including Path Forward and updated In-Progress Change Control List.

Consultant Jason Mundo updated the Board that this discussion would cover the period 9/17 – 11/12. Mr. Mundo noted that there was a new 1% of project construction completed during this period and now 100% of overall construction was completed by 11/12.

The following work was completed: Punchlist items resulting from the 9/13/18 Start-up testing and following Final Inspection. Completed Bid Item #43 – Hydro Mulch Seeding of the alignment easements thru the Waco and Fry properties from the Bull Hide connector to Southwinds Drive. This Bid Item #43 was initially delayed by August extreme high temperatures. It was completed during normal planting time for Bermuda & Winter Rye “winter mix” from 9/24/18 to 10/26/18, as weather permitted.

Project Close Out Phase 9/18-11/18: The following items will be completed in the Project Close Out Phase: Final certifications and as-built drawings by General Contractor; Acceptance reviews and recommendations by Ph 1 Design Engineer and Program Management Consultant; Review with TIRZ Board and City of Lorena and recommend Project Acceptance and transfer of completed infrastructure to City.

2B. Discussion and possible action to approve TIRZ #1 East Phase I Wastewater Improvements Construction Contract Change Order No. 9 (Final C.O.) with Bruce Flanigan Construction Inc. in the deductive amount of (\$12,790.89).

The Board discussed the proposed change order. It was noted that there was no cost associated with the change order and that the change order consisted of final tally of items from the In-Progress Change Control List which resulted in the construction contract reduction and an overall project savings of \$12,790.89. John Johnston moved to approve Change Order #9 (Final C.O.) with Bruce Flanigan Construction Inc. in the deductive amount of (\$12,790.89). Chad Hanson seconded the motion. The motion was unanimously approved.

2C. Discussion and possible action to accept the completed TIRZ #1 East Phase I Wastewater Improvements Project and authorize Board Chairman to:

- 1) Issue Notice of Project Acceptance letter, effective 11/13/18, to Project Construction Contractor – Bruce Flanigan Construction, Inc.
- 2) Approve Final Contractor Construction Invoice for payment of remaining 1% retainage in the amount of \$18,372.23 to Bruce Flanigan Construction, Inc.

The Board discussed accepting the completed TIRZ #1 East Phase I Wastewater Improvements Project. Chuck Roper moved to Issue Notice of Project Acceptance letter, effective 11/13/18, to Project Construction Contractor – Bruce Flanigan Construction, Inc. and Approve Final Contractor Construction Invoice for payment of remaining 1% retainage in the amount of \$18,372.23 to Bruce Flanigan Construction, Inc. J Fagner seconded the motion. The motion was approved unanimously.

2D. Discussion and possible action to approve the dedication and conveyance of the completed Phase I Wastewater Improvements, except for that portion of the Improvements along Cooksey Lane from the Metering Manhole to the Bull Hide Waste Water Treatment Plant Connector Line, a distance of approximately 570 linear feet, to the City of Lorena and authorize Board Chairman to execute any necessary documentation, after completion of Project Acceptance and final contractor payment.

The Board discussed the dedication and conveyance of the completed Phase I Wastewater Improvements to the City of Lorena. J Fagner moved to approve the dedication and conveyance of the completed Phase I Wastewater Improvements, except for that portion of the Improvements along Cooksey Lane from the Metering Manhole to the Bull Hide Waste Water Treatment Plant Connector Line, a distance of approximately 570 linear feet, to the City of Lorena and authorize Board Chairman to execute any necessary documentation, after

completion of Project Acceptance and final contractor payment. John Johnston seconded the motion. The motion was unanimously approved.

2E. Discussion and possible action to approve the dedication and conveyance of that portion of the completed Phase I Wastewater Improvements along Cooksey Lane from the Metering Manhole to the Bull Hide Waste Water Treatment Plant Connector Line, a distance of approximately 570 linear feet, to the City of Waco as Operator of Waco Metropolitan Area Regional Sewerage System (WMARSS) and authorize Board Chairman to execute any necessary documentation, after completion of Project Acceptance and final contractor payment.

The Board discussed the dedication and conveyance of the remaining 570 linear feet of Improvements to the City of Waco/WMARSS. J Fagner moved to approve the dedication and conveyance of that portion of the completed Phase I Wastewater Improvements along Cooksey Lane from the Metering Manhole to the Bull Hide Waste Water Treatment Plant Connector Line, a distance of approximately 570 linear feet, to the City of Waco as Operator of Waco Metropolitan Area Regional Sewerage System (WMARSS) and authorize Board Chairman to execute any necessary documentation, after completion of Project Acceptance and final contractor payment. Chad Hanson seconded the motion. The motion was unanimously approved.

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

Consultant Jason Mundo updated the Board on the progress during Month 4 and 5 (9/17/18 – 10/1/18 – 11/12/18). The project is overall 57% complete as of the end of October. The Loera Alignment Change design and easement are completed. Loera Home Builders signed Alignment Change Easement and Cost Reimbursement Agreement with TIRZ. The Easement was recorded with McLennan County. Agreement Final Costs of \$10,548.91 sent to Loera for payment. Bell Contractors Inc.: Installed Lift Station entrance Manhole; Completed Force Main end-connection to Phase I Manhole and to Lift Station entrance Manhole. Began Lift Station construction: set wetwell, installing piping and valves, and electrical rough-in; Preparing to construct Lift Station masonry screen wall footings.

Mr. Mundo added the following look ahead to Month 6 (11/12/18 – 12/22/18). Bell Contractors, Inc.: Complete all remaining work including Lift Station below and above ground electrical, concrete pads and footings, masonry screen walls, driveway, equipment canopy, electrical control panels, generator, SCADA, antenna, and start-up testing. Final inspection and acceptance testing. Construction Contract is now > 50% complete. TIRZ will now notify Loera Home Builders that in accordance with the 8/24/17 City-TIRZ-Loera Development Agreement, the Loera In-progress cost distribution of \$222,500.00 is now due.

4. Discussion and possible action(s) to approve the following financial reports and invoices:

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

The Board reviewed and discussed items A through I listed above. J Fagner moved to approve items A through I listed below:

- A) Lorena TIRZ #1 East monthly Financial Report and monthly Cash Flow Report;
- B) Mundo and Associates invoice representing Administration services October 2018 in the amount of \$4,200;
- C) Bovey Law invoice for TIRZ legal services August 2018 in the amount of \$594.50;
- D) KPA invoice for Phase 1 Wastewater Improvements Engineering Construction Administration and On-Site Representation services October 2018 in the amount of \$4,223.68.
- E) Mundo invoice for Phase 1 Wastewater Improvements Construction Phase Program Management services October 2018 in the amount of \$0.00.
- F) Bruce Flanigan Construction Inc invoice for Phase 1 Wastewater Improvements Construction Services October 2018 in the amount of \$65,853.89;

***Lorena TIRZ #1 East
Minutes of Regular Meeting of the Board of Directors
Monday, November 12, 2018***

G) KPA invoice for Phase II Wastewater Improvements Engineering Construction Administration and On-Site Representation services October 2018 in the amount of \$13,063.50.

H) Mundo invoice for Phase II Wastewater Improvements Construction Phase Program Management services October 2018, in the amount of \$2,000.00.

I) Bell Contractors invoice for Phase II Wastewater Improvements Construction Services October 2018, in the amount of \$204,678.50.

John Johnston seconded the motion. The motion was unanimously approved.

5. Adjournment

The meeting was adjourned at 7:03 pm

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