



NORTH TEXAS MUNICIPAL WATER DISTRICT
501 E. Brown Street • Wylie, Texas 75098
(972) 442-5405

WASTEWATER COMMITTEE MEETING MINUTES
MARCH 26, 2025

The Presiding Officer was present at the meeting location, the NTMWD Administrative Offices, 501 E. Brown Street, Wylie, Texas 75098, with two-way video and audio communication between Board members participating by videoconference, establishing a quorum. The public was invited to attend the meeting in person at the meeting location and offer Public Comments. Board Members participating by videoconference were visible to members of the public in attendance at the meeting location. Members of the public who wished to listen to live audio from the meeting were able to do so by calling (469) 210-7159 or toll free (844) 621-3956 and entering the following access code: 928 587 040. This line did not provide two-way communication. The audio recording of the meeting is available on the NTMWD website.

I. CALL TO ORDER

Director Rick Mann served as the Presiding Officer and called the meeting of the North Texas Municipal Water District (NTMWD) Wastewater Committee to order at 3:00 p.m. on Wednesday, March 26, 2025. General instructions were provided to attendees. Any reference to unanimous votes refers to a unanimous vote of the Committee members present.

The following Wastewater Committee members were present; therefore, a quorum was present.

	Wastewater Committee Members	Attendance
1	Keith Stephens, Chair	Absent
2	Phil Dyer	Remote
3	James Kerr	Remote
4	Rick Mann, Presiding Officer	Remote
5	Don Paschal	Remote
6	George Purefoy	Absent
7	Ray Stephens	Remote

Members of the Executive Committee were present as well as other Board members. Executive Director Jenna Covington and other members of the NTMWD management team were in attendance.

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The following consultants participated by videoconference:

- Lauren Kalisek, Sara Thornton – Lloyd, Gosselink, Rochelle & Townsend, P. C.
- Mark Walsh – Saunders, Walsh & Beard, P.C.
- Richard Davis – Beveridge & Diamond, P.C.

II. PUBLIC COMMENTS

Members, customers, and the public were invited to participate during the public comment period of the meeting. Before the start of the meeting, speakers were to submit a "Public Comment Registration Form." During this portion of the meeting, speakers were recognized by name and asked to provide their comments. The time limit was three (3) minutes per speaker, not to exceed a total of thirty (30) minutes for all speakers. Texas Open Meetings Act prohibited the Committee from discussing items not listed in the agenda. However, Committee members could respond with factual or policy information.

There were no requests for public comments.

III. OPENING REMARKS

A. Chair/Executive Director/Committee Champion Status Report concerning legislation and regulatory matters, budgets, current projects and ongoing Wastewater System programs of the District

Assistant General Manager Billy George reported the following:

- On the Board Consent Agenda for tomorrow there is a request for authorization for a CMAR for several concurrent construction projects at the Rowlett Creek Wastewater Treatment Plant.
- The Texas Water Conference was held last week. The District did not participate this year in the Ops Challenge due to personnel changes. Also, at Texas Water the Wilson Creek Regional Wastewater Treatment Plant was named the Municipal Wastewater Treatment Plant of The Year. Staff from that facility will be recognized at the Board meeting.
- The Rowlett Creek Wastewater Treatment Plant has received an enforcement order for the end of 2023 through the end of 2024 related to flow exceedances and some phosphorus. Details will be provided at a future Wastewater Committee meeting.

IV. ACTION ITEMS

A. Consider approval of Wastewater Committee meeting minutes – February 26, 2025

Upon a motion by Director Don Paschal and a second by Director Phil Dyer, the Wastewater Committee voted unanimously to approve the meeting minutes for February 26, 2025.

B. Rowlett Creek Trunk Sewer Extension Rehabilitation and Improvements; Project No. 501-0594-24; Tabulation of Bids and Award of Contract, Internal Inspection Services, and Engineering Services Agreement

- Consider a recommendation on authorizing award of a construction contract in the amount of \$281,900 to Canary Construction, Inc., authorizing internal inspection services in the amount of \$75,690, and authorizing funding in the amount of \$68,426 to BGE, Inc. for construction phase engineering services for the Rowlett Creek Trunk Sewer Extension Rehabilitation and Improvements project

Mark Simon, Director of Engineering, presented this item. He advised that this project is to rehabilitate and repair the Rowlett Creek Trunk Sewer Extension to extend its remaining useful life. It includes rehabilitating three manholes and repairing two pipeline segments, as well as coordinating with the Tournament Players Club Craig Ranch Golf Course. He noted the repairs are to be done concurrently with repairs being done to the golf course and within their time limit.

Mr. Simon advised that two bids were received. The low bid from Buy Dirt II, LLC, was considered nonresponsive due to them not providing supplemental documentation requested by the District. The second bidder was Canary Construction, Inc. in the amount of \$281,900. The Engineer's Opinion of Probable Cost was \$287,860. Mr. Simon also stated that Internal Inspection Services in the amount of \$75,690 is being requested, as well as Engineering Services During Construction in the amount of \$68,426.

Director Don Paschal commented that the inspection and engineering services seems to be a high percentage of the construction cost. Mr. Simon responded that it can be attributed to two things: low construction costs and the requirement for the work to be performed within a time limit. He noted that there could be some overnight or extended hours associated, and an inspector needs to be onsite at all times. He added that rehabilitation projects often require additional hours. Director Paschal requested that a report be provided regarding the additional hours after the conclusion of the project.

Upon a motion by Director Don Paschal and a second by Director Ray Stephens, the Wastewater Committee voted unanimously to recommend approval to the Board of Directors.

C. Wilson Creek Transfer Force Mains; Project No. 501-0495-18; Change Order No. 4

- Consider a recommendation on authorizing funding in the amount of \$6,485,578 and contract time to McKee Utility Contractors, LLC for a construction change order for the realignment of the proposed Wilson Creek Transfer Force Mains on the Encore Wire property

Mark Simon presented this item. He reviewed that in September 2023, the Board authorized award of construction contract to McKee Utility Contractors, LLC. Easement negotiations with Encore Wire Corporation (EWC) were still ongoing at the time of construction award. Per the settlement agreement between Encore

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Wire Corporation (EWC) and NTMWD, executed on February 26, 2024, NTMWD agreed to realign the proposed force mains from the west to the east side of the EWC property EWC agreed to pay \$2M in cash to NTMWD and provide the easements at no cost to NTMWD which were valued at \$2 million.

Mr. Simon advised that the purpose of the project is to convey increased flows (up to 64 MGD) from the Wilson Creek Lift Station to the new North McKinney Transfer Lift Station for treatment at Sister Grove RWRRF. This project is part of a strategic plan for capacity relief in the UEFIS and Wilson Creek RWWTP. A map of the new alignment was provided.

This agenda item is to authorize Change Order No. 4 to construct approximately 17,600 LF (8,800 LF parallel force mains) linear feet of 42-inch force mains including 10 plug valves and 8 air valves with odor control units. Additionally, it will deduct approximately 12,400 LF (6,200 LF of parallel force mains) of 42-inch force mains including 8 plug valves and 8 air valves with odor control units. This is a net increase of approximately 5,200 LF (2,600 LF of parallel force mains) of 42-inch force mains and add two additional plug valves. Mr. Simon noted that since the start of this project, the cost of pipe and other materials has increased. Additionally, staff is recommending expedited delivery for a total increase of \$6,485,578.

Mr. Simon also stated that there may be another change order in the future. He explained that part of the pipeline crosses Amazon property. Since the beginning of the project, Amazon has made some improvements to their property resulting in the District's line being under a driveway. The District is still considering the need to possibly place the line deeper or encase it in that area for protection. That is still being evaluated.

Director Phil Dyer inquired whether the agreement includes District access for possible repairs in the future. Mr. Simon advised that the easement agreement does include access for repairs.

Upon a motion by Director Don Paschal and a second by Director Phil Dyer, the Wastewater Committee voted unanimously to recommend approval to the Board of Directors.

D. **Beck Branch Parallel Interceptor Improvements, Beck Branch Parallel Interceptor Phase II and Plano Spring Creek Force Main Parallel; Additional Legal Services; Project No. 501-0439-16**

- Consider a recommendation on authorizing funding in the amount of \$525,000 for additional legal services with Saunders, Walsh, & Beard, Attorneys & Counselors, for the Plano Spring Creek Force Main Parallel portion of the Beck Branch Parallel Interceptor Improvements project

Mark Simon presented this item. He reviewed that on or about May 28, 2020, NTMWD entered into a construction contract for the Beck Branch Parallel Interceptor Improvements, which consists of the Phase II portion of the Beck Branch Parallel Interceptor and the Plano Spring Creek Force Main Parallel, with

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ARK Contracting Services, LLC (ACS). On December 2022, the Board approved \$15,000 of legal services to Saunders, Walsh, & Beard (SW&B) to assist with negotiations and to attend a pre-suit mediation with ACS. On May 26, 2023, ACS filed lawsuit seeking \$10 million in alleged damages. SW&B filed a response on behalf of NTMWD. On July 21, 2023, ACS sent NTMWD a notice of contract termination, abandoning the project.

On August 2023, the Board authorized \$100,000 of additional legal services to SW&B to defend and prosecute claims in pending litigation with ACS, to assist in managing response to ACS's abandonment of project including making demands upon ACS's surety to complete the remaining work for the project. Those demands were rejected and claims against ACS's surety are also pending in this litigation.

Mr. Simon advised that this agenda item is to authorize funding for additional legal services in the estimated amount of \$150,000 for outside expert consulting and support services to assist in reviewing, and responding to a damages report received from ACS. Also requested is additional funding of approximately \$50,000 per month from March through the trial date in November 2025 (9 months) for additional legal services. There is currently approximately \$75,000 remaining in the budget through January 2025 for legal services. Requested additional funding is requested in the estimated amount of \$375,000 (\$50,000/month x 9 months - \$75,000 = \$375,000.) The total additional legal services requested are \$525,000 (\$150,000 + \$375,000).

Director Jody Sutherland, who attended the meeting, inquired how many experts have been hired. Attorney Mark Walsh responded one, to respond to the damages claim.

Staff advised that this item can be discussed in Executive Session if there are further questions; executive session is planned for the next discussion item.

Following Executive Session:

Director Don Paschal moved to recommend approval of Item IV.D. Director Ray Stephens seconded motion. The Wastewater Committee voted unanimously to recommend approval to the Board of Directors.

V. DISCUSSION ITEMS

A. Update on Rowlett Creek Regional Wastewater Treatment Plant Pretreatment Program

At 3:33 p.m. Presiding Officer Mann announced the need for an Executive Session of the Committee to discuss Items IV.D. and V.A. on the agenda pursuant to Texas Government Code, Section 551.071, Consultation with Attorney.

Presiding Officer Mann confirmed with staff that the public access line was disconnected and that the audio recording was disabled during the Executive Session discussion.

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Open Session reconvened at 4:50 p.m. The public teleconference line was reconnected. No action was taken in Executive Session.

Action on Item IV.D. was taken at this time.

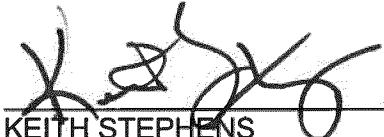
B. Opportunity for Committee members to provide feedback on Wastewater Committee meeting or request potential future agenda items

There were no comments and no requests for potential future agenda items.

VI. ADJOURNMENT

There being no further business, the Wastewater Committee meeting was adjourned at 4:52 p.m.

APPROVED:



KEITH STEPHENS
Chair