



## **NORTH TEXAS MUNICIPAL WATER DISTRICT**

501 E. Brown Street • Wylie, Texas 75098  
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### **MINUTES REGULAR MEETING OF THE BOARD OF DIRECTORS JULY 28, 2016**

The North Texas Municipal Water District Board of Directors met in Regular meeting on Thursday, July 28, 2016, at 4:00 p.m. in the NTMWD Administrative Offices located at 501 E. Brown Street, Wylie, Texas. Notice of the meeting was legally posted in accordance with Government Code, Title 551, Open Meetings.

#### **I. CALL TO ORDER**

President Terry Sam Anderson called the meeting to order at approximately 4:00 p.m.

#### **II. INVOCATION**

Director Phil Dyer offered the invocation.

#### **III. PLEDGE OF ALLEGIANCE**

Secretary John Sweeden led the Board of Directors in the Pledge of Allegiance.

#### **IV. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG**

Secretary John Sweeden led the Board of Directors in the Pledge of Allegiance to the Texas Flag.

#### **V. ANNOUNCEMENT OF QUORUM**

Secretary John Sweeden announced a quorum was present. Director Don Cates, Charles McKissick, Larry Parks, Richard Sheehan, and Bob Thurmond were absent.

The following Directors were present for the July 28, 2016, Regular Board meeting:

Terry Sam Anderson	Michael Lopez
Phil Dyer	Jack May
Joe Farmer	Wayne May
Marvin Fuller	Jim Mellody
Bill Glass	John Murphy
Don Gordon	Richard Peasley

Rod Hogan  
Joe Joplin  
James Kerr  
Bill Lofland

Bobby Robinson  
Lynn Shuyler  
John Sweeden

The following NTMWD consultants attended the meeting:

Lewis Isaacks – Gay McCall Isaacks & Roberts  
Martin Rochelle – Lloyd Gosselink Rochelle & Townsend  
Alan Raynor – McCall Parkhurst & Horton  
David Medanich – First Southwest Company

VI. PUBLIC COMMENTS

Shawn Jones of Plano, Texas, spoke to the Board regarding his concern with adding fluoride to NTMWD's water system.

VII. OPENING REMARKS

- A. Presentations of awards, recognitions, achievements, etc., of the District, Board Members, and staff

There were no presentations.

- B. President's Remarks concerning current events, conduct of meeting, posted agenda items, committee assignments, and related matters

President Terry Sam Anderson welcomed new Director Bill Glass.

- C. Executive Director's Status Report concerning legislation and regulatory matters, budgets, current projects and ongoing programs of the District including the Regional Water System, Regional Wastewater System, Regional Solid Waste System, Watershed Protection, and Water Conservation

Deputy Director Joe Stankiewicz advised that the 2015 Annual Report was included in the Directors folders and the monthly Lower Bois d'Arc Creek Report was provided with other monthly reports electronically.

VIII. CONSENT AGENDA ITEMS

Director Jack May requested Item VIII. F. be removed from the consent agenda and considered individually.

- F. Consider Authorizing Change Order No. 5 on Project No. 270, South Mesquite Creek Regional Wastewater Treatment Plant Aeration System Improvements, Phase 1  
(Please refer to Consent Agenda Item No. 16-07-06)

After discussing this item, Director Jack May made a motion to authorize Change Order No. 5 with Gracon Construction, Inc., in the amount of \$64,046 and an additional 109 days, on Project No. 270, South Mesquite Creek Regional Wastewater Treatment Plant Aeration System Improvements, Phase 1. Director Joe Joplin seconded the motion, which was unanimously approved by the Board.

Upon a motion by Director Marvin Fuller and a second by Director Bill Lofland, the Board of Directors voted unanimously to approve the remaining consent agenda items as follows:

- A. Consider Approval of Board of Directors Regular Meeting Minutes – June 23, 2016  
(Please refer to Consent Agenda Item No. 16-07-01)
- B. Consider Approval of Board of Directors Work Session Minutes – June 23, 2016  
(Please refer to Consent Agenda Item No. 16-07-02)
- C. Consider Approval of Monthly Construction Report – June 2016  
(Please refer to Consent Agenda Item No. 16-07-03)
- D. Consider Authorizing Change Order No. 1 and Authorization to Issue Final Payment on Project No. 353, Beck Branch Interceptor Improvements, Phase 1  
(Please refer to Consent Agenda Item No. 16-07-04)
- E. Consider Authorizing Change Order No. 7 on Project No. 302, Water Treatment Plant II Filter Underdrain Improvements and Conversion to Biologically Active Filters  
(Please refer to Consent Agenda Item No. 16-07-05)
- G. Consider Authorizing Execution of Easement with Oncor Electric Delivery Company, LLC, and Adoption of Resolution No. 16-30 Conveying Property at the Lookout Drive Transfer Station to Oncor Electric Delivery Company, LLC, for Temporary Easement on Project No. 372, Lookout Drive Transfer Station Facility Expansion  
(Please refer to Consent Agenda Item No. 16-07-07)
- H. Consider Authorizing Additional Engineering Services on Project No. 372, Lookout Drive Transfer Station Facility Expansion  
(Please refer to Consent Agenda Item No. 16-07-08)
- I. Consider Authorizing Legal Services for Project No. 435, Lower Bois d'Arc Creek Reservoir Fannin County Road and Bridge Improvements  
(Please refer to Consent Agenda Item No. 16-07-09)

IX. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Consider Authorizing Execution of Engineering Services Agreement on Project No. 442, North System Air Valve Improvements  
(Please refer to Administrative Memorandum No. 4684)

Upon a motion by Director Lynn Shuyler and a second by Director Rod Hogan, the Board of Directors voted unanimously to authorize the Executive Director to execute an engineering services agreement with Freese and Nichols, Inc., in the amount of \$220,000 for preliminary engineering design on Project No. 442, North System Air Valve Improvements.

- B. Consider Authorizing Award of Construction Contract on Project No. 388, Chapman Pipeline Repairs at Hunt County Road 4301 and South Sulphur River (Please refer to Administrative Memorandum No 4685)

Upon a motion by Director Joe Joplin and a second by Director John Murphy, the Board of Directors voted unanimously to authorize award of a construction contract to Bar Constructors, Inc., in the amount of \$1,274,150 on Project No. 388, Chapman Pipeline Repairs at Hunt County Road 4301 and South Sulphur River.

- C. Consider Authorizing Execution of Engineering Services Agreement on Project No. 414, High Service Pump Station 2-1 2016 Electrical Improvements, Phase I (Please refer to Administrative Memorandum No. 4686)

Upon a motion by Director James Kerr and a second by Director John Murphy, the Board of Directors voted unanimously to authorize the Executive Director to execute an engineering services agreement with Gupta and Associates, Inc., in the amount of \$640,775 for final engineering design on Project No. 414, High Services Pump Station 2-1 2016 Electrical Improvements, Phase I.

- D. Consider Authorizing Additional Legal Services on Project No. 351, Lower Bois d'Arc Creek Reservoir, Phase IIIB (Please refer to Administrative Memorandum No. 4687)

Upon a motion by Director Lynn Shuyler and a second by Director Bobby Robinson, the Board of Directors voted unanimously to authorize additional legal services with Lloyd Gosselink Rochelle & Townsend, PC, in the amount of \$1,320,000 on Project No. 351, Lower Bois d'Arc Creek Reservoir, Phase IIIB.

- E. Consider Authorizing the Following Action on Electrical Service Agreements on Project No. 362, Lower Bois d'Arc Creek Reservoir:

1. Authorize Termination of Existing Electrical Service Agreement with Fannin County Electric Cooperative for Preliminary Engineering, Environmental, and Legal Services Associated with Providing Electrical Power Service to the Lower Bois d'Arc Creek Reservoir Raw Water Pump Station and Leonard Water Treatment Plant; and,
2. Authorize Execution of Electrical Service Agreement with Fannin County Electric Cooperative for Preliminary Engineering, Environmental, and Legal Services Associated with Electrical Power Substations for the Lower Bois d'Arc Creek Raw Water Pump Station and Leonard Water Treatment Plant, and Distribution Line Relocations Work; and,
3. Authorize Execution of Electrical Service Agreement with Rayburn Country Electric Cooperative for Engineering, Environmental, and Legal Services

Associated with Providing Electrical Power Service via a Transmission Line for the Lower Bois d’Arc Creek Raw Water Pump Station in the amount of \$1,305,000 to be funded by Rayburn Electric unless NTMWD does not require completion of the project.

(Please refer to Administrative Memorandum No. 4688)

Upon a motion by Director Don Gordon and a second by Director Joe Farmer, the Board of Directors voted unanimously to take the following action on Project No. 362, Lower Electrical Services Agreements with Fannin County Electric Cooperative and Rayburn Country Electric Cooperative:

1. Authorize Termination of Existing Electrical Service Agreement with Fannin County Electric Cooperative for Preliminary Engineering, Environmental, and Legal Services Associated with Providing Electrical Power Service to the Lower Bois d’Arc Creek Reservoir Raw Water Pump Station and Leonard Water Treatment Plant; and,
2. Authorize Execution of Electrical Service Agreement with Fannin County Electric Cooperative for Preliminary Engineering, Environmental, and Legal Services Associated with Electrical Power Substations for the Lower Bois d’Arc Creek Raw Water Pump Station and Leonard Water Treatment Plant, and Distribution Line Relocations Work; and,
3. Authorize Execution of Electrical Service Agreement with Rayburn Country Electric Cooperative for Engineering, Environmental, and Legal Services Associated with Providing Electrical Power Service via a Transmission Line for the Lower Bois d’Arc Creek Raw Water Pump Station

- F. Consider Authorizing Change Order No. 7 on Project No. 295, Upper Rowlett Creek and Upper Cottonwood Creek Lift Station Improvements  
(Please refer to Administrative Memorandum No. 4689)

Upon a motion by Director Lynn Shuyler and a second by Director Bill Lofland, the Board of Directors voted unanimously to authorize Change Order No. 7 with Archer Western Construction, LLC, in the amount of \$297,445.94 and an additional 105 days on Project No. 295, Upper Rowlett Creek and Upper Cottonwood Creek Lift Station Improvements.

- G. Consider Authorizing Change Order No. 3 on Project No. 252, Stewart Creek West Wastewater Treatment Plant Expansion to 10 MGD  
(Please refer to Administrative Memorandum No. 4690)

Upon a motion by Director Joe Joplin and a second by Director Richard Peasley, the Board of Directors voted unanimously to authorize Change Order No. 3 with MWH Constructors, Inc., in the amount of \$161,672 on Project No. 252, Stewart Creek West Wastewater Treatment Plant Expansion to 10 MGD.

- H. Consider Authorizing Award of Construction Contract on Project No. 416, Upper East Fork Interceptor System Valve Improvements, Phase I  
(Please refer to Administrative Memorandum No. 4691)

Upon a motion by Director Phil Dyer and a second by Director Rod Hogan, the Board of Directors voted unanimously to authorize award of a construction contract to Archer Western Construction, LLC, in the amount of \$1,266,000 on Project No. 416, Upper East Fork Interceptor System Valve Improvements, Phase I.

- I. Consider Authorizing Change Order No. 1 on Project No. 412, Indian Creek Lift Station Pump Upgrade  
(Please refer to Administrative Memorandum No. 4692)

Upon a motion by Director Rod Hogan and a second by Director Don Gordon, the Board of Directors voted unanimously to authorize Award of a construction contract and Change Order No. 1 with Red River Construction Company in the amount of \$246,075 on Project No. 412, Indian Creek Lift Station Pump Upgrade.

- J. Consider Authorizing Change Order No. 10 on Project No. 315, Upper East Fork Interceptor System Dublin Relift Station Improvements  
(Please refer to Administrative Memorandum No. 4693)

Upon a motion by Director Joe Farmer and a second by Director Bill Lofland the Board of Directors voted unanimously to authorize Change Order No. 10 with Crescent Constructors, Inc., in the amount of \$138,827.56 and 38 days on Project No. 315, Upper East Fork Interceptor System Dublin Relift Station Improvements.

- K. Consider Authorizing Right-of-Way Acquisition Program and Acquisition of Temporary Access Easements for the North McKinney Interceptor Improvements, Phase II, Project No. 405  
(Please refer to Administrative Memorandum No. 4694)

Upon a motion by Director Joe Joplin and a second by Director Wayne May, the Board of Directors voted unanimously to authorize a right-of-way acquisition program with a budget not to exceed \$50,000 and adopt Resolution No. 16-32 authorizing the acquisition or temporary access easements for the North McKinney Interceptor Improvements, Phase II, Project No. 405.

- L. Consider Authorizing Property Acquisition Program and Acquisition of Property for the State Highway 5 Pump Station Site, Project No. 339  
(Please refer to Administrative Memorandum No. 4695)

Upon a motion by Director Lynn Shuyler and a second by Director John Murphy, the Board of Directors voted unanimously to authorize a property acquisition program in the amount of \$1,662,289 and adopt Resolution No. 16-29 authorizing acquiring property for the State Highway 5 (McKinney No. 4) Pump Station Site, Project No. 339.

- M. Consider Authorizing Additional Funding to Retain Consultants to Assist with Possible Amendment to the Regional Water Supply Facilities Amendatory Contract to Address the Contract's Rate Methodology  
(Please refer to Administrative Memorandum No. 4696)

Upon a motion by Director Joe Farmer and a second by Director Don Gordon, the Board of Directors voted unanimously to authorize additional funding in an amount not to exceed \$56,000 to continue to retain consultants as needed to assist with the possible amendment to the Regional Water Supply Facilities Amendatory Contract to address the Contract's rate methodology.

- N. Consider Authorizing Funding for Creation of Training Program Roadmap (Please refer to Administrative Memorandum No. 4697)

Upon a motion by Director Lynn Shuyler and a second by Director Michael Lopez, the Board of Directors voted unanimously to authorize funding for creation of a training program roadmap with Raftelis Financial Consultants, Inc., in the amount of \$298,902.

- O. Consider Authorizing the Following Action Related to Project No. 269, Trinity River Main Stem Pump Station and Raw Water Pipeline:

- a. Authorize the Executive Director to Acquire Property Interest in the 2,024 Acre Seagoville Ranch Wetlands Necessary to Treat Water from the Trinity River Main Stem Pump Station and Raw Water Pipeline Project, including but not limited to, Fee Simple Title to the Property; and,
  - b. Authorize Acquisition of the Above-Referenced Property Interest by Use of Eminent Domain, if necessary, and Delegate the Authority to Initiate Condemnation Proceedings to the NTMWD Executive Director; and,
  - c. Adopt Resolution No. 16-31 Authorizing Acquisition of Additional Rights in the Seagoville Ranch Wetlands Property and Authorizing the Use of Eminent Domain to Acquire that Property Interest for Operations of the Trinity River Main Stem Pump Station and Raw Water Pipeline, Project No. 269
- (Please refer to Administrative Memorandum No. 4698)

The regular session recessed at 4:35 p.m.

President Terry Sam Anderson declared a need for an Executive Session of the Board of Directors to consult with attorneys pursuant to Section 551.071 of the Texas Government Code. The Executive Session was called to order by President Terry Sam Anderson at 4:36 p.m.

The Executive Session adjourned at 5:22 p.m.

The Board of Directors reconvened into regular session at 5:23 p.m.

Upon the recommendation of the Water Committee, a motion by Director Bill Lofland and a second by Director Phil Dyer, the Board of Directors voted unanimously to take the following action:

- a. Authorize the Executive Director to Acquire Property Interest in the 2,024 Acre Seagoville Ranch Wetlands Necessary to Treat Water from the Trinity River Main Stem Pump Station and Raw Water Pipeline Project, including but not limited to, Fee Simple Title to the Property; and,

- b. Authorize Acquisition of the Above-Referenced Property Interest by Use of Eminent Domain, if necessary, and Delegate the Authority to Initiate Condemnation Proceedings to the NTMWD Executive Director; and,
- c. Adopt Resolution No. 16-31 Authorizing Acquisition of Additional Rights in the Seagoville Ranch Wetlands Property and Authorizing the Use of Eminent Domain to Acquire that Property Interest for Operations of the Trinity River Main Stem Pump Station and Raw Water Pipeline, Project No. 269

X. DISCUSSION ITEMS

- A. Opportunity for Board Members to Request Potential Future Agenda Items  
***(No substantive discussion of items will take place at this time)***

There were no future agenda items requested by Board members.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at approximately 5:24 p.m. The next regular meeting of the NTMWD Board of Directors will be held Thursday, August 25, 2016, at 4:00 p.m. at the North Texas Municipal Water District offices at 501 E. Brown Street, Wylie, Texas.

APPROVED:

  
TERRY SAM ANDERSON, President

ATTEST:

  
JOHN SWEDEN, Secretary

