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NORTH TEXAS MUNICIPAL WATER DISTRICT

501 E. Brown Street • Wylie, Texas 75098
(972) 442-5405 – Phone • (972) 295-6440 – Fax

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS
HELD ON THURSDAY, MAY 26, 2016
IN THE NTMWD ADMINISTRATIVE OFFICES, WYLIE, TEXAS

The North Texas Municipal Water District Board of Directors met in Regular meeting on Thursday, May 26, 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 Joe Joplin called the meeting to order at approximately 4:00 p.m.

II. INVOCATION

Director Shep Stahel offered the invocation.

III. PLEDGE OF ALLEGIANCE

Secretary Robert Thurmond led the Board of Directors in the Pledge of Allegiance.

IV. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

Secretary Robert Thurmond led the Board of Directors in the Pledge of Allegiance to the Texas Flag.

V. ROLL CALL AND CONFIRM QUORUM

Secretary Robert Thurmond conducted a roll call. Director Richard Sheehan and John Sweeden were absent. A quorum was present. The following Directors were present for the April 28, 2016, Regular Board meeting:

Terry Sam Anderson
Don Cates
Phil Dyer
Joe Farmer
Marvin Fuller
Don Gordon
Darrell Grooms

Jim Mellody
John Murphy
Patrick Nicklen
Larry Parks
Richard Peasley
Bobby Robinson
Richard Sheehan

Joe Joplin	Lynn Shuyler
James Kerr	Shep Stahel
Bill Lofland	John Sweeden
Jack May	Robert Thurmond
Wayne May	Darwin Whiteside
Charles McKissick	

The following NTMWD consultants attended the meeting:

Martin Rochelle – Lloyd Gosselink Rochelle & Townsend
Lauren Kalisek – Lloyd Gosselink Rochelle & Townsend
Sara Thornton – Lloyd Gosselink Rochelle & Townsend
David Medanich – First Southwest Company
Alan Raynor – McCall Parkhurst & Horton
Mark Walsh – Saunders Beard & Walsh
Parker Moore – Beveridge & Diamond, PC

VI. PUBLIC COMMENTS

There were no registered guests to provide public comments.

VII. OPENING REMARKS

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

Bob Boone was recognized for 29 years of service to the NTMWD.

The following Wastewater System employees were recognized as follows:

- Dan Spradlin for receiving the WEAT 2016 Outstanding Operator of the Year
- Nate Hargrove for receiving the TWUA Meritorious Service Award
- South Mesquite Rangers for qualifying for the WEF Operations Challenge National Event including the following employees:
 - Rey Davila
 - Keenan Towns
 - Charles Lloyd
 - James Cantrell

Director Joe Joplin was recognized for his service as President of the Board of Directors during the 2015-2016 term.

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

President Joe Joplin advised that Director Marvin Fuller and Jim Mellody would abstain from voting on Agenda Item No. IX.O.

- 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

Executive Director Tom Kula advised the Board that the Lower Bois d'Arc Reservoir Program Summary was included as a handout in the Directors folders.

Mr. Kula reported that the Cities of Frisco, Garland, Mesquite, Plano, Richardson, Rockwall, and Royse City had submitted a briefing to the Office of the Attorney General relating to Request No. 0106-KP on the issue of whether the governing body of a member city of the NTMWD may remove or replace a director it has appointed to the Board. Mr. Kula advised that a copy of the briefing was also included as a handout in the Directors folders.

VIII. CONSENT AGENDA ITEMS

Upon a motion by Director Shep Stahel and a second by Director Jim Mellody, the Board of Directors voted unanimously to approve the consent agenda items as follows:

- A. Consider Approval of Board of Directors Regular Meeting Minutes – April 28, 2016
(Please refer to Consent Agenda Item No. 16-05-01)
- B. Consider Approval of Monthly Construction Report – April 2016
(Please refer to Consent Agenda Item No. 16-05-02)
- C. Consider Authorizing Change Order No. 8 on Project No. 315, Dublin Relift Station Improvements
(Please refer to Consent Agenda Item No. 16-05-03)
- D. Consider Authorizing Additional Engineering Services on Project No. 389, Beck Branch Gravity Sewer Rowlett Creek Crossing Improvements
(Please refer to Consent Agenda Item No. 16-05-04)
- E. Consider Authorizing Additional Engineering Services on Project No. 352, Water Treatment Plant Water System Operations Center
(Please refer to Consent Agenda Item No. 16-05-05)

IX. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Consider Adoption of Resolution No. 16-28 Commending Director Darrell Grooms for Four Years of Service as a Member of the NTMWD Board of Directors
(Please see Board Memorandum)

Upon a motion by Director Joe Farmer and a second by Director Bill Lofland, the Board of Directors voted unanimously to adopt Resolution No. 16-28 commending Director Darrell Grooms for four years of service on the NTMWD Board of Directors.

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- B. Consider Adoption of Resolution No. 16-22 Commending Director Shep Stahel for Six Years of Service as a Member of the NTMWD Board of Directors
(Please see Board Memorandum)

Upon a motion by Director John Sweeden and a second by Director John Murphy, the Board of Directors voted unanimously to adopt Resolution No. 16-22 commending Director Shep Stahel for six years of service on the NTMWD Board of Directors.

- C. Consider Adoption of Resolution No. 16-23 Commending Director Patrick Nicklen for 17 Years of Service as a Member of the NTMWD Board of Directors
(Please see Board Memorandum)

Upon a motion by Director Don Cates and a second by Director Phil Dyer, the Board of Directors voted unanimously to adopt Resolution No. 16-23 commending Director Patrick Nicklen for 17 years of service as a member of the NTMWD Board of Directors.

- D. Consider Adoption of Resolution No. 16-24 Commending Director Darwin Whiteside for 28 Years of Service as a Member of the NTMWD Board of Directors
(Please see Board Memorandum)

Upon a motion by Director Jim Mellody and a second by Director John Sweeden, the Board of Directors voted unanimously to adopt Resolution No. 16-24 commending Director Darwin Whiteside for 28 years of service as a member of the NTMWD Board of Directors.

- E. Consider Election of Officers for Board of Directors for 2016-2017

Upon the recommendation of the Nominating Committee, a motion by Director Darwin Whiteside, and a second by Director Bill Lofland, the Board of Directors voted unanimously to elect the following slate of officers for 2016-2017:

- Director Terry Sam Anderson – President
- Director Bob Thurmond – Vice President
- Director John Sweeden - Secretary

- F. Consider Authorizing Award of Construction Contract on Project No. 326, Casa View Control Structure Improvements and Ground Storage Tank Improvements
(Please refer to Administrative Memorandum No. 4649)

Upon a motion by Director Darrell Grooms and a second by Director Patrick Nicklen, the Board of Directors voted unanimously to award a construction contract to Crescent Constructors in the amount of \$6,125,600 for Project No. 326, Casa View Control Structure Improvements and Ground Storage Tank Improvements.

- G. Consider Authorizing Award of Construction Contract on Project No. 332, Rockwall to Royse City Pipeline No. 2 and East System Ground Storage Tank
(Please refer to Administrative Memorandum No. 4650)

Upon a motion by Director Jim Mellody and a second by Director Bill Lofland, the Board of Directors voted unanimously to authorize award of a construction contract to Thalle Construction Company in the amount of \$3,403,164.40 for Project No. 332, Rockwall to Royse City Pipeline No. 2 and East System Ground Storage Tank.

- H. Consider Authorizing Award of Construction Contract on Project No. 363, High Service Pump Station 1-1 Mechanical Improvements
(Please refer to Administrative Memorandum No. 4651)

Upon a motion by Director Richard Peasley and a second by Director Lynn Shuyler, the Board of Directors voted unanimously to authorize award of a construction contract to Red River Construction Company in the amount of \$7,327,430 (determined by recommended lowest bid amount of \$9,763,172 less previous authorized funding of \$2,435,742) for Project No. 363, High Service Pump Station 1-1 Mechanical Improvements.

- I. Consider Authorizing Execution of Engineering Services Agreement on Project No. 431, North McKinney Pipeline Phase III
(Please refer to Administrative Memorandum No. 4652)

Upon a motion by Director James Kerr and a second by Director Don Gordon, the Board of Directors voted unanimously to authorize the Executive Director to execute an engineering services agreement with HDR, Inc., in the amount of \$1,880,500 for final engineering design of Project No. 431, North McKinney Pipeline, Phase III.

- J. Consider Adoption of Resolution No. 16-25 Authorizing Filing of Temporary Water Use Permit Application Regarding Overdrafting Lake Lavon for Three-Year Period
(Please refer to Administrative Memorandum No. 4653)

Upon the recommendation of the Water Committee, a motion by Director Charles McKissick, and a second by Director Larry Parks, the Board of Directors voted unanimously to adopt Resolution No. 16-25 authorizing the filing of a temporary water use permit application, which authorize the Executive Director to execute and prosecute an application for a temporary water use permit authorizing the overdrafting of Lake Lavon for a three-year period.

- K. Consider Adoption of Resolution No. 16-26 Authorizing Filing of Water Use Amendment Application Regarding Overdrafting Lake Lavon for the East Fork Wetland Project When Water Cannot Be Pumped to Lake Lavon
(Please refer to Administrative Memorandum No. 4654)

Upon the recommendation of the Water Committee, a motion by Director Charles McKissick, and a second by Director Bill Lofland, the Board of Directors voted unanimously to table this item until the June 2016 Board meeting.

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- L. Consider Adoption of Resolution No. 16-27 Authorizing Filing of Amendment to Water Right Regarding Overdrafting Lake Lavon in Lieu of Transporting Water from Lake Texoma or Chapman Lake
(Please refer to Administrative Memorandum No. 4655)

Upon the recommendation of the Water Committee, a motion by Director Charles McKissick, and a second by Director Larry Parks, the Board of Directors voted unanimously to adopt Resolution No. 16-27 authorizing the filing of an amendment to a water right, which authorizes the Executive Director to execute and prosecute an application for a water right amendment to overdraft Lake Lavon in lieu of transporting water from Lake Texoma or Chapman Lake.

- M. Consider Authorizing Implementation of Operational Scenarios to Reduce Evaporative Loss at the East Fork Water Supply Project (Wetland)
(Please refer to Administrative Memorandum No. 4656)

Upon the recommendation of the Water Committee, a motion by Director Charles McKissick, and a second by Director Phil Dyer, the Board of Directors authorized the Executive Director to implement effective June 1, 2016, necessary operational scenarios to reduce evaporative losses, while maintaining target water quality and capacity objectives, through the East Fork Raw Water Supply Project (Wetland) as recommended by Alan Plummer Associates in a Technical Memorandum dated May 5, 2016, as appropriate. The motion was approved by a majority vote of the Board of Directors with Director Marvin Fuller voting against the motion.

- N. Consider Authorizing Additional Engineering Services on Project No. 435, Lower Bois d'Arc Creek Reservoir, Fannin County Road and Bridge Improvements
(Please refer to Administrative Memorandum No. 4657)

Upon a motion by Director James Kerr and a second by Director Darrell Grooms, the Board of Directors voted unanimously to authorize additional engineering services to White Hawk Engineering and Design, LLC, in the amount of \$1,089,000 for preliminary engineering services (Task No. 2) on Project No. 435, Fannin County Road and Bridge Improvements.

- O. Consider Authorizing Assignment of Electrical Service Security Agreement with Farmers Electric Cooperative on Project No. 362, Lower Bois d'Arc Creek Reservoir, Leonard Water Treatment Plant
(Please refer to Administrative Memorandum No. 4658)

Upon a motion by Director John Murphy and a second by Director Darrell Grooms, the Board of Directors voted unanimously to authorize the Executive Director to assign the existing electrical service security agreement with Farmers Electric Cooperative to Rayburn Country Electric Cooperative to provide high voltage transmission power to Project No. 362, Leonard Water Treatment Plant, in the amount of \$3,924,000, which was previously authorized funded by Rayburn Electric unless NTMWD does not require completion of the project.

- P. Consider Authorizing Additional Archaeological Survey Services on Project No. 237, Lower Bois d’Arc Creek Reservoir
(Please refer to Administrative Memorandum No. 4659)

Upon a motion by Director Don Gordon and a second by Director Joe Farmer, the Board of Directors voted unanimously to authorize additional archaeological survey services with AR Consultants, Inc., in the amount of \$350,000 for Project No. 237, Archaeological Survey of the Lower Bois d’Arc Creek Reservoir Site.

- Q. Consider Authorizing Legal Services on Project No. 274, Cottonwood Creek Outfall Sewer Aerial Crossing Replacement
(Please refer to Administrative Memorandum No. 4660)

Upon a motion by Director Darrell Grooms and a second by Director Shep Stahel, the Board of Directors voted unanimously to authorize legal services with Saunders, Walsh & Beard, Attorneys & Counselors, in the amount of \$10,000 for legal services during negotiation of construction claim by Mitchell Enterprises on Project No. 274, Cottonwood Creek Outfall Sewer Aerial Crossing Replacement.

- R. Consider Authorizing Additional Engineering Services on Project No. 400, South Mesquite Creek Regional Wastewater Treatment Plant 2015 Supervisory Control and Data Acquisition System
(Please refer to Administrative Memorandum No. 4661)

Upon a motion by Director Shep Stahel and a second by Director Bobby Robinson, the Board of Directors voted unanimously to authorize additional engineering services in the amount of \$54,000 for final engineering design of fiber-optic backbone for Project No. 400, South Mesquite Creek Regional Wastewater Treatment Plant 2015 SCADA Improvements.

- S. Consider Authorizing Execution of Engineering Services Agreement on Project No. 439, Beck Branch Interceptor Improvements
(Please refer to Administrative Memorandum No. 4662)

Upon a motion by Director Lynn Shuyler and a second by Director Don Cates, the Board of Directors voted unanimously to authorize the Executive Director to execute an engineering services agreement with Lockwood, Andrews & Newnam, Inc., in the amount of \$42,325 for preliminary engineering of Project No. 439, Beck Branch Interceptor Improvements.

- T. Consider Authorizing Additional Engineering Services on Project No. 346, Wilson Creek Regional Wastewater Treatment Plant Advanced Treatment and Headworks Improvements
(Please refer to Administrative Memorandum No. 4663)

Upon a motion by Director Phil Dyer and a second by Director Don Cates, the Board of Directors voted unanimously to authorize additional engineering services to CH2M HILL Engineers, Inc., in the amount of \$59,819 for tree survey services

on Project No. 346, Wilson Creek Regional Wastewater Treatment Plant Advanced Treatment and Headworks Improvements.

- U. Consider Authorizing Execution of Interlocal Cooperation Agreement with the City of Melissa Regarding Stiff Creek Sewer Capital Improvements
(Please refer to Administrative Memorandum No. 4664)

Upon the recommendation of the Solid Waste Committee, a motion by Director Lynn Shuyler, and a second by Director Darrell Grooms, the Board of Directors voted unanimously to authorize the Executive Director to execute an Interlocal Cooperation Agreement with the City of Melissa regarding Stiff Creek Sewer Capital Improvements.

- V. Consider Authorizing Execution of Inspection Services Agreement on Project No. 395, Custer Road Transfer Station Yard Waste Grind Pad Improvements
(Please refer to Administrative Memorandum No. 4665)

Upon a motion by Director John Murphy and a second by Director Don Gordon, the Board of Directors voted unanimously to authorize the Executive Director to execute an inspection services agreement with Dietz Engineers, LLC, in the amount of \$24,000 to provide inspection services during construction of concrete paving, structural wall and grinding pad improvements on Project No. 395, Custer Road Transfer Station Yard Waste Grind Pad Improvements.

- W. Consider Authorizing Execution of Engineering Services Agreement on Project No. 438, 121 Regional Disposal Facility Gravity Sewer, Leachate Pump Station, and Force Main
(Please refer to Administrative Memorandum No. 4666)

Upon a motion by Director Don Gordon and a second by Director James Kerr, the Board of Directors voted unanimously to authorize the Executive Director to execute an engineering services agreement with Weaver Consultants Group in the amount of \$131,300 for final engineering design on Project No. 438, 121 Regional Disposal Facility Gravity Sewer, Leachate Pump Station and Force Main.

- X. Consider Authorizing Execution of Construction Management and Inspection Services Agreement on Project No. 394, 121 Regional Disposal Facility Compost Processing Facility Expansion
(Please refer to Administrative Memorandum No. 4667)

Upon a motion by Director Lynn Shuyler and a second by Director John Sweeden, the Board of Directors voted unanimously the Board of Directors voted unanimously to authorize the Executive Director to execute a construction management and inspection services agreement with Biggs & Mathews Environmental, Inc., for construction phase engineering services in the amount of \$163,000 on Project No. 394, 121 Regional Disposal Facility Compost Processing Facility Expansion.

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- Y. Consider Adoption of District Policy No. 42 – Handgun Policy
(Please refer to Administrative Memorandum No. 4668)

Upon the recommendation of the Policy Committee, a motion by Director Joe Farmer, and a second by Director Wayne May, the Board of Directors voted unanimously to adopt District Policy No. 42 – Handgun Policy.

- Z. Consider Adoption of District Policy No. 43 – Board of Directors/Staff Communication Policy
(Please refer to Administrative Memorandum No. 4669)

Upon the recommendation of the Policy Committee, a motion by Director Joe Joplin, and a second by Director Wayne May, the Board adopted District Policy No. 43 – Board of Directors/Staff Communication Policy. The motion was approved by a majority vote with Director Bill Lofland voting against the motion.

- AA. 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. 4670)

Upon a motion by Director Darrell Grooms and a second by Director John Murphy, the Board of Directors voted unanimously to authorize additional funding in an amount not to exceed \$68,000 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.

- BB. Consider Authorizing Reallocation of Funding for Construction Manager At-Risk Construction Services on Project No. 269, Trinity River Main Stem Pump Station and Raw Water Pipeline
(Please refer to Administrative Memorandum No. 4671)

Upon the recommendation of the Water Committee, a motion by Director Charles McKissick, and a second by Director Shep Stahel, the Board of Directors voted unanimously to authorize the reallocation of previously authorized funding for Construction Manager at Risk construction services with Garney Companies, Inc., on Project No. 269, Trinity River Main Stem Pump Station and Raw Water Supply. The authorization allows the reallocation of a portion of the original funding previously authorized by the Board of Directors in the amount of \$40,120,541.

- CC. **TABLED ITEM:** Consider Authorizing Execution of an Interlocal Agreement between NTMWD and Town of Fairview to Facilitate Road Improvements and Provide for Increasing Weight Limits on Stacy Road, Project No. 396
(Please refer to Administrative Memorandum No. 4468-6)

Upon a motion by Director John Murphy and a second by Director Joe Farmer, the Board of Directors voted unanimously to take this item from the table.

Upon a motion by Director Lynn Shuyler and a second by Director Joe Farmer, the Board of Directors voted unanimously to authorize the Executive Director to execute an Interlocal Agreement with the Town of Fairview to facilitate road improvements and provide for increasing weight limits on Stacy Road, Project No. 396.

X. DISCUSSION ITEMS

A. Update on Chapman Pipeline Repair at South Sulphur River

Cesar Baptista provided an update on the pipeline repair at the South Sulphur River.

B. Update on Lower Bois d'Arc Creek Reservoir Project

The regular session recessed at 5:13 p.m.

President Joe Joplin 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 Joe Joplin at 5:14 p.m.

The Executive Session adjourned at 6:30 p.m.

The Board of Directors reconvened into regular session at 6:31 p.m.

C. 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 6:32 p.m. The next regular meeting of the NTMWD Board of Directors will be held Thursday, June 23, 2016, at 4:00 p.m. at the North Texas Municipal Water District offices at 501 E. Brown Street, Wylie, Texas.

ATTEST:


ROBERT THURMOND, Secretary

(Seal)



APPROVED:


JOE JOPLIN, President