



NORTH TEXAS MUNICIPAL WATER DISTRICT

**501 E. Brown Street • Wylie, Texas 75098
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MINUTES REGULAR MEETING OF THE BOARD OF DIRECTORS DECEMBER 15, 2016

The North Texas Municipal Water District Board of Directors met in Regular meeting on Thursday, December 15, 2016, at 4:10 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

Vice President Bob Thurmond called the meeting to order at approximately 4:10 p.m.

II. INVOCATION

Director Jack May 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. Directors Terry Sam Anderson, Don Cates, Michael Lopez, and Bobby Robinson were absent.

The following Directors were present for the December 15, 2016, Regular Board meeting:

Phil Dyer
Joe Farmer
Bill Forbus
Marvin Fuller
Bill Glass
Don Gordon

Wayne May
Charles McKissick
Jim Mellody
John Murphy
Larry Parks
Richard Peasley

Rod Hogan
Joe Joplin
James Kerr
Bill Lofland
Jack May

Richard Sheehan
Lynn Shuyler
John Sweeden
Bob Thurmond

The following NTMWD consultants attended the meeting:

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

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

Deputy Director Joe Stankiewicz recognized the following employees for achieving the American Public Works Association Certified Public Infrastructure Inspector designation:

- Greg Bradley
- Fain Butler
- Andrew Spearman
- Kent Sumners
- Richard Welsh
- Joe Deaton
- Bob Ruffini

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

Vice President Bob Thurmond provided a health update on President Anderson, Directors Don Cates and Bobby Robinson.

Vice President Bob Thurmond advised that Director Larry Parks would be abstaining from voting on Agenda Item Nos. IX. E., F., G., and I.

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 provided an updated NTMWD Organizational Chart, which included the 4th Deputy Director and the Health/Safety Manager. He also provided an update on the status of the WIIN (Water Infrastructure Improvements for the Nation) Act that requires the USACE to provide an Interim Report to Congress on the Lower Bois d’Arc Creek Reservoir project not later than June 30, 2017.

VIII. CONSENT AGENDA ITEMS

Director Jack May requested Consent Item No. VIII. C. be removed from the Consent Agenda and considered individually.

- C. Consider Approval of Monthly Construction Report – December 2016
(Please refer to Consent Agenda Item No. 16-12-03)

Director May advised that since the Construction Report included approval of the final payment to McCarthy Building Companies, Inc., and he had voted against the motion to approve the settlement agreement with McCarthy that he would be voting against this item.

Upon a motion by Director John Murphy and a second by Director Lynn Shuyler, the Board approved the November 2016 Monthly Construction Report by a majority vote with Director Jack May voting against the motion.

Upon a motion by Director Don Gordon and a second by Director Richard Sheehan, 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 – November 17, 2016
(Please refer to Consent Agenda Item No. 16-12-01)
- B. Consider Approval of Board of Directors Work Session Minutes – November 17, 2016
(Please refer to Consent Agenda Item No. 16-12-02)
- D. Consider Authorizing Additional Engineering Services on Project No. 337, Wylie-Rockwall-Farmersville 36/48-Inch Pipeline Improvements, Phase 1
(Please refer to Consent Agenda Item No. 16-12-04)
- E. Consider Authorizing Amendment No. 5 to Construction Manager At-Risk Contract on Project No. 366, Lower Bois d’Arc Creek Reservoir Mitigation Property
(Please refer to Consent Agenda Item No. 16-12-05)
- F. Consider Authorizing Execution of Interlocal Agreement with City of Richardson Concerning Reimbursement for Incremental Cost of Upgraded Fencing
(Please refer to Consent Agenda Item No. 16-12-06)

- G. Consider Authorizing Additional Engineering Services on Project No. 419, Casa View Pump Station Electrical and Site Improvements
(Please refer to Consent Agenda Item No. 16-12-07)

IX. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Consider Authorizing Change Order No. 7 on Project No. 330, Wylie Water Treatment Plant II Clearwell and Disinfection Modifications
(Please refer to Administrative Memorandum No. 4780)

Upon a motion by Director Lynn Shuyler and a second by Director Jack May, the Board of Directors voted unanimously to authorize Change Order No. 7 with Archer Western Construction, LLC, in the amount of \$355,500 on Project No. 330, Wylie Water Treatment Plant II Clearwell and Disinfection Modifications.

- B. Consider Authorizing Change Order No. 5 on Project No. 261, High Service Pump Stations 2-2 and 2-3 Mechanical Improvements
(Please refer to Administrative Memorandum No. 4781)

Upon a motion by Director Lynn Shuyler and a second by Director Jim Mellody, the Board of Directors voted unanimously to authorize Change Order No. 5 with Garney Companies, Inc., with a reduction in the amount of (\$1,073,410.50) and an additional 179 days of construction time.

Deputy Director Joe Stankiewicz reviewed the proposed Change Order, weather related delays to the project, and the complexity of the project along with the photos attached to Administrative Memorandum No. 4781 of the work in progress.

- C. Consider Authorizing Additional Engineering Services on Project No. 340, Plano No. 2 Delivery Point Metering Station Upgrade
(Please refer to Administrative Memorandum No. 4782)

Upon a motion by Director James Kerr and a second by Director Joe Farmer, the Board of Directors voted unanimously to authorize additional design services to an existing Engineering Services Agreement with Birkhoff, Hendricks & Carter, LLP, in the amount of \$71,177 on Project No. 340, Plano No. 2 Delivery Point Metering Station Upgrade.

- D. Consider Authorizing Execution of Engineering Services Agreement on Project No. 269, Trinity River Main Stem Pump Station and Raw Water Pipeline
(Please refer to Administrative Memorandum No. 4783)

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 Engineering Services Agreement with Kleinfelder, Inc., for construction materials testing services in the amount of \$1,366,000 on Project No. 269, Trinity River Main Stem Pump Station and Raw Water Pipeline.

- E. Consider Authorizing Execution of Inspection Services Agreement on Project No. 427, Kaufman 20-Inch Waterline Assessment
(Please refer to Administrative Memorandum No. 4784)

Upon a motion by Director Joe Joplin and a second by Director Lynn Shuyler, the Board of Directors voted unanimously to authorize the Executive Director to execute an Inspection Services Agreement with Freese and Nichols, Inc., in the amount of \$112,350 for Project No. 427, Kaufman 20-Inch Waterline Assessment.

- F. Consider Authorizing Additional Program Management Services on Project No. 374, Lower Bois d’Arc Creek Reservoir Program Management
(Please refer to Administrative Memorandum No. 4785)

Upon a motion by Director Lynn Shuyler and a second by Director Don Gordon, the Board of Directors voted unanimously to authorize additional program management services to the existing Program Management Services Agreement with Freese and Nichols, Inc. (FNI), in the amount of \$2,200,000 on Project No. 374, Lower Bois d’Arc Creek Reservoir (LBCR) Program Management.

Prior to approval of this item, additional information was requested by the Board and was provided on the overall Project Management team and the services being provided by FNI. Steve Long, NTMWD’s Lower Bois d’Arc Creek Reservoir Program Manager was introduced, who is responsible for overseeing all five LBCR projects. The Board also requested that staff include in future requests for services specific “not-to-exceed” language in the cost estimates.

- G. Consider Authorizing Additional Engineering Services on Project No. 351, Lower Bois d’Arc Creek Reservoir, Phase IIIB
(Please refer to Administrative Memorandum No. 4786)

Upon a motion by Director Lynn Shuyler and a second by Director John Murphy, the Board of Directors voted unanimously to authorize additional engineering services to an existing Engineering Services Agreement with Freese and Nichols, Inc., in the amount of \$600,000 on Project No. 351, Lower Bois d’Arc Creek Reservoir, Phase IIIB.

- H. Consider Authorizing Execution of Inspection Services Agreement on Project No. 400, South Mesquite Creek Regional Wastewater Treatment Plant, 2015 SCADA Improvements
(Please refer to Administrative Memorandum No. 4787)

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 Inspection Services Agreement with Specialty Observation Services, LLC, in the amount of \$195,440 on Project No. 400, South Mesquite Creek Regional Wastewater Treatment Plant, 2015 SCADA (Supervisory Control and Data Acquisition) Improvements.

The Board requested additional information on the overall SCADA system and the percentage complete. Executive Director Tom Kula advised an update will be provided at a future Board meeting.

- I. Consider Authorizing Execution of Inspection Services Agreement on Project No. 416, Upper East Fork Interceptor System Valve Improvements, Phase I (Please refer to Administrative Memorandum No. 4788)

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 Inspection Services Agreement with Freese and Nichols, Inc. (FNI), in the amount of \$27,720 on Project No. 416, Upper East Fork Interceptor System Valve Improvements, Phase I.

The Board requested additional information on the overall work being done by FNI for the NTMWD and it was noted that a briefing would be provided to the Board in the future.

- J. Consider Authorizing Execution of Engineering Services Agreement on North McKinney and Wilson Creek Sub-Basin Improvements, Project No. 501-0448-16 (Please refer to Administrative Memorandum No. 4789)

Upon a motion by Director Joe Farmer and a second by Director Joe Joplin, the Board of Directors voted unanimously to authorize the Executive Director to execute an engineering services agreement with Kimley-Horn and Associates, Inc., in the amount of \$230,200 for preliminary engineering design on Project No. 501-0448-16, North McKinney and Wilson Creek Sub-Basin Improvements.

- K. Consider Adoption of Resolution No. 16-51 Authorizing Additional Funding for Right-of-Way Acquisition Program on Project No. 407, McKinney No. 1 to Princeton No. 1, 72-Inch and 24-Inch Pipeline (Please refer to Administrative Memorandum No. 4790)

Upon a motion by Director Richard Sheehan and a second by Director Larry Parks, the Board of Directors voted unanimously to adopt Resolution No. 16-51 authorizing additional funding for acquisition of right-of-way for the McKinney No. 1 to Princeton No. 1, 72-inch and 24-inch Pipeline, Project No. 407 with additional funding request in the not-to-exceed amount of \$2,000,000, resulting in a total authorization of \$4,850,000 for the right-of-way acquisition program.

Deputy Director Joe Stankiewicz advised that looking at recent property acquisition in this area, an increase to this budget may be needed in the future.

- L. Consider Authorizing Amendment to District Policy No. 11-A-2, Travel and Expense Policy (Please refer to Administrative Memorandum No. 4791)

Upon the recommendation of the Policy Committee, a motion by Director Larry Parks and a second by Director Joe Farmer, the Board of Directors authorized by

a majority vote amendment to District Policy No. 11-A-2, Travel and Expense Policy. The amendment to this Policy also included a title change to “Education and Development Expenses.” Director Bill Lofland was opposed to the motion.

Executive Director Tom Kula reported this Policy would be incorporated into the Board Policies Manual currently under review by the Policy Committee, and that all Board Policies were being divided into four separate Policy Manuals as follows:

1. Personnel Manual
2. Administration and Finance Policies Manual
3. Board Policies Manual
4. Operations Policies Manual

The Board has previously approved the Personnel Manual and Administration and Finance Policies Manual.

- M. Consider Approval of Draft Legislation Amending District’s Enabling Act on Board Governance
(Please refer to Administrative Memorandum No. 4792)

Upon a motion by Director Joe Joplin and a second by Director Jim Mellody the Board of Directors by majority vote tabled action on this item until the January 2017 Board meeting. Directors Phil Dyer, Joe Farmer, Marvin Fuller, Rod Hogan, Jack May, and Richard Peasley were opposed to the motion.

II. DISCUSSION ITEMS

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

Directors requested future discussion on the SCADA system as well as Wetlands Center name.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at approximately 5:27 p.m. The next regular meeting of the NTMWD Board of Directors will be held Thursday, January 26, 2017, 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 SWEEDEN, Secretary
(Seal)

