



NORTH TEXAS MUNICIPAL WATER DISTRICT

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

**BOARD OF DIRECTORS
REGULAR MEETING
THURSDAY, NOVEMBER 15, 2018
4:00 P.M.**

Notice is hereby given pursuant to V.T.C.A., Government Code, Chapter 551, that the Board of Directors of North Texas Municipal Water District (NTMWD) will hold a regular meeting, open to the public, on Thursday, November 15, 2018, at 4:00 p.m., at the NTMWD Administrative Offices, 501 E. Brown Street, Wylie, Texas.

The Board of Directors is authorized by the Texas Open Meetings Act to convene in closed or executive session for certain purposes. These purposes include receiving legal advice from its attorney (Section 551.071); discussing real property matters (Section 551.072); discussing gifts and donations (Section 551.073); discussing personnel matters (Section 551.074); or discussing security personnel or devices (Section 551.076). If the Board of Directors determines to go into executive session on any item on this agenda, the Presiding Officer will announce that an executive session will be held and will identify the item to be discussed and provision of the Open Meetings Act that authorizes the closed or executive session.

AGENDA¹

- I. CALL TO ORDER
- II. INVOCATION – DIRECTOR JOE JOPLIN
- III. PLEDGE OF ALLEGIANCE
- IV. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG
- V. ANNOUNCEMENT OF QUORUM
- VI. PUBLIC COMMENTS

The Board of Directors allows individuals to speak to the Board. Prior to the meeting, speakers must complete and submit a “Public Comment Registration Form.” The time limit is five (5) minutes per speaker, not to exceed a total of thirty (30) minutes for all speakers. The Board may not discuss these items, but may respond with factual or policy information.

¹Persons with disabilities who plan to attend the NTMWD Board of Directors meeting and who may need auxiliary aids or services are requested to contact John Montgomery in the NTMWD Administrative Offices at (972) 442-5405 as soon as possible. All reasonable efforts will be taken to make the appropriate arrangements.

VII. OPENING REMARKS

- A. Presentations of awards, recognitions, achievements, etc., of the District, Board members, and staff
- B. President's Remarks concerning current events, conduct of meeting, posted agenda items, committee assignments, and related matters
- 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

VIII. UPDATE ON BOIS D'ARC LAKE

IX. CONSENT AGENDA ITEMS

The Consent Agenda allows the Board of Directors to approve all routine, noncontroversial items with a single motion, without the need for discussion by the entire Board. Any item may be removed from consent and considered individually upon request of a Board member or NTMWD staff member.

- A. Consider Approval of Board of Directors Regular Meeting Minutes – October 25, 2018
(Please refer to Consent Agenda Item No. 18-11-01)
- B. Consider Approval of Special Board Meeting Minutes – October 25, 2018
(Please refer to Consent Agenda Item No. 18-11-02)
- C. Consider Approval of Monthly Construction Report – October 2018
(Please refer to Consent Agenda Item No. 18-11-03)
- D. Consider Authorizing Execution of License Agreement with Dallas Area Rapid Transit (DART) and Initial Funding in the Amount of \$5,415 for Crossing DART's Rail Line, Project No. 501-0439-16, Beck Branch Parallel Interceptor
(Please refer to Consent Agenda Item No. 18-11-04)
- E. Consider Authorizing Execution of License Agreement with Dallas Area Rapid Transit (DART) and Initial Funding in the Amount of \$2,992 for Crossing of DART's Rail Line, Project No. 101-0462-17, Renner Road to Plano Delivery Point No. 2 Pipeline
(Please refer to Consent Agenda Item No. 18-11-05)
- F. Consider Authorizing Execution of Engineering Services Agreement with Pacheco Koch in the Amount of \$7,500 for Traffic Impact Analysis on Project No. 101-0352-14, Wylie Water Treatment Plant Water System Operations Center
(Please refer to Consent Agenda Item No. 18-11-06)

- G. Consider Authorizing Additional Engineering Services with Gupta and Associates, Inc., in the Amount of \$183,712 for Construction Phase Services on Project No. 310-0450-17, Muddy Creek Wastewater Treatment Plant Aeration Basin, Odor Control and Backup Power Improvements
(Please refer to Consent Agenda Item No. 18-11-07)
- H. Consider Authorizing Additional Funding in the Amount of \$120,000 for Property Acquisition for Leonard Water Treatment Plant, Project No. 101-0154-09
(Please refer to Consent Agenda Item No. 18-11-08)
- I. Consider Authorizing Additional Legal Services with Lloyd Gosselink Rochelle & Townsend, PC, in the Amount of \$50,000 Associated with Electric Power Service on Project No. 101-0362-14, Bois d'Arc Lake Power Supply
(Please refer to Consent Agenda Item No. 18-11-09)
- J. Consider Authorizing Additional Legal Services with Saunders, Walsh & Beard in the Amount of \$50,000 for Development, Review, and Changes to Contracts, Agreements or Other Necessary Documents Associated with the Construction of Bois d'Arc Lake Program, Project No. 101-0374-14, Bois d'Arc Lake Program Management
(Please refer to Consent Agenda Item No. 18-11-10)
- K. Consider Authorizing Additional Engineering Services with Hazen and Sawyer in the Amount of \$80,600 for Contract Project Management Services on Various Projects
(Please refer to Consent Agenda Item No. 18-11-11)
- L. Consider Authorizing Use of Competitively Bid Pricing Agreements for Site Clearing and Security Fence with 4K Companies, LLC, and Latham Fence Company in the Amount of \$32,350 on Project No. 101-0445-16, Maintenance Facilities Central Region, Phase 1
(Please refer to Consent Agenda Item No. 18-11-12)
- X. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION
 - A. Consider Adoption of Resolution No. 18-57 Rejecting All Bids and Authorizing Rebid of the Muddy Creek Regional Wastewater System, Muddy Creek Wastewater Treatment Plant, Aeration Basin, Odor Control, and Backup Power Improvements, Project No. 310-0450-17
(Please refer to Administrative Memorandum No. 5283)
 - B. Consider Adoption of Resolution No. 18-50 Authorizing Amendment No. 2 of the Retirement Plan for Employees of North Texas Municipal Water District
(Please refer to Administrative Memorandum No. 5284)
 - C. Consider Adoption of Resolution No. 18-51 Authorizing the Defeasance and Redemption of the Outstanding North Texas Municipal Water District Regional Solid Waste Disposal System Revenue Refunding Bonds, Series 2010, Authorizing the Expenditure of Available Funds to Accomplish such Defeasance

- and Redemption, and Approving the Form and Execution of an Escrow Agreement Related Thereto
(Please refer to Administrative Memorandum No. 5285)
- D. Consider Adoption of Resolution No. 18-55 Rejecting All Bids and Authorizing Rebid for Upper East Fork Interceptor System, McKinney and Upper Cottonwood Creek Lift Stations Metering Improvements, Project No. 501-0478-17
(Please refer to Administrative Memorandum No. 5286)
- E. Consider Authorizing Execution of Engineering Services Agreement with Kimley-Horn & Associates, Inc., in the Amount of \$442,074 for Engineering Design on Project No. 101-0520-18, Wylie Water Treatment Plant III, Plant Water Improvements
(Please refer to Administrative Memorandum No. 5287)
- F. Consider Authorizing Additional Funding in the Amount of \$12,000,000 for Land Acquisition Program and Adoption of Resolution No. 18-56 Authorizing the Use of Eminent Domain to Acquire all Property Necessary for Bois d'Arc Lake, Project No. 101-0120-07, and Delegating Authority to Initiate Condemnation Proceedings to NTMWD Executive Director
(Please refer to Administrative Memorandum No. 5288)
- G. Consider Authorizing Execution of Amended and Restated Potable Water Supply Contract with the Town of Prosper
(Please refer to Administrative Memorandum No. 5289)
- H. Consider Authorizing Execution of Amendment No. 4 to Construction Manager At-Risk Agreement for Partial Guaranteed Maximum Price with Garney Companies, Inc., in the Amount of \$88,171,760.50, Project No. 101-0424-16, Bois d'Arc Lake, Raw Water Pipeline
(Please refer to Administrative Memorandum No. 5290)
- I. Consider Authorizing Change Order No. 1 with RES Texas Mitigation, LLC, for a Decrease in the Amount of \$454,003 and Adoption of Resolution No. 18-54 Authorizing the Acquisition of Approximately 388.9 Acres of Property for Purposes of Required Mitigation Related to Construction of Project No. 101-0366-14, Bois d'Arc Lake Mitigation Property
(Please refer to Administrative Memorandum No. 5291)
- J. Consider Authorizing Execution of Engineering Services Agreement with Pure Technologies US, Inc., in the Amount of \$2,698,642 for Condition Assessment Services of the 60-Inch and 72-Inch North Garland Pipelines, Project No. 101-0519-18, North Garland Pipelines Condition Assessment
(Please refer to Administrative Memorandum No. 5292)
- K. Consider Authorizing Execution of Amendment No. 7 to Construction Manager At-Risk Agreement for Partial Guaranteed Maximum Price with Garney Companies, Inc., for Additional Funding in the Amount of \$86,114,284.92, Establishment of

Completion Dates, and Setting Liquidated Damages, Project No. 101-0358-14,
Bois d'Arc Lake Raw Water Pump Station
(Please refer to Administrative Memorandum No. 5293)

XI. DISCUSSION ITEMS

- A. Discuss Status of Member City Contract Matters including:
1. *Petition of the Cities of Garland, Mesquite, Plano and Richardson Appealing Wholesale Water Rates Implemented by North Texas Municipal Water District*, Docket No. 46662 before the Public Utility Commission of Texas
 2. *Petition of the Cities of Garland, Mesquite, Plano and Richardson Appealing Wholesale Water Rates Implemented by North Texas Municipal Water District*, Docket No. 47863 before the Public Utility Commission of Texas
 3. *Ex Parte, North Texas Municipal Water District*, Cause No. 429-01462-2018 in the 429th Judicial District, District Court of Collin County, Texas
 4. Facilitation with Member Cities Regarding Alternate Cost Methodologies to the Amendatory Water Supply Contract
- B. Update on Litigation Involving North Texas Municipal Water District/Advice from Legal Counsel, including:
1. Knight et al. vs. U.S. Army Corps of Engineers, Case No. 18-352-ALM in the U.S. District Court for the Eastern District of Texas, Sherman Division
 2. NTMWD v. Sloan Creek, Cause No. 001-01737-2017, pending in Collin County, Texas
 3. NTMWD v. BAR Constructors, Black & Veatch, et al., Cause No. 366-02550-2017, pending in Collin County, Texas
- C. Review of Items for Follow Up Raised During Meeting
- D. Opportunity for Board Members to Request Potential Future Agenda Items
(No substantive discussion of items will take place at this time)

XII. ADJOURNMENT