



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, DECEMBER 20, 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, December 20, 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 JAMES KERR
- 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 – November 15, 2018
(Please refer to Consent Agenda Item No. 18-12-01)
- B. Consider approval of Monthly Construction Report – November 2018
(Please refer to Consent Agenda Item No. 18-12-02)
- C. Consider authorizing legal services with Saunders, Walsh & Beard in the amount of \$20,000 on Project No. 101-0326-13, Casa View Control Structure and Ground Storage Tank Improvements
(Please refer to Consent Agenda Item No. 18-12-03)
- D. Consider authorizing execution of Settlement Agreement and Release with Shade Structures, Inc., to reimburse NTMWD for expenses incurred regarding the Lower White Rock Creek Force Main incident on June 27, 2018, due to contractor's damage and associated remediation costs
(Please refer to Consent Agenda Item No. 18-12-04)

X. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Consider adoption of Resolution No. 18-62 commending Congressman Sam Johnson for his contribution to the successful permitting of the Bois d'Arc Lake project and securing future water supplies for the North Texas region
(Please refer to Board Memorandum)

- B. Consider adoption of Resolution No. 18-63 commending Congressman Pete Sessions for his contribution to the successful permitting of the Bois d'Arc Lake project and securing future water supplies for the North Texas region
(Please refer to Board Memorandum)
- C. Consider adoption of Resolution No. 18-64 commending Congressman John Ratcliffe for his contribution to the successful permitting of the Bois d'Arc Lake project and securing future water supplies for the North Texas region
(Please refer to Board Memorandum)
- D. Consider adoption of Resolution No. 18-65 commending Congresswoman Eddie Bernice Johnson for her contribution to the successful permitting of the Bois d'Arc Lake project and securing future water supplies for the North Texas region
(Please refer to Board Memorandum)
- E. Consider adoption of Resolution No. 18-66 commending State Senator Bob Hall for his support of the Bois d'Arc Lake project and securing future water supplies for the North Texas region
(Please refer to Board Memorandum)
- F. Consider authorizing amendment to the Board Policies Manual
(Please refer to Administrative Memorandum No. 5294)
- G. Consider authorizing amendment of District Policy No. 22, Customer City Policy – NTMWD Wastewater Treatment System and NTMWD Upper East Fork Interceptor System
(Please refer to Administrative Memorandum No. 5295)
- H. Consider adoption of Resolution No. 18-61 approving NTMWD Investment Policy and Investment Strategy of the NTMWD Administration and Finance Policies Manual
(Please refer to Administrative Memorandum No. 5296)
- I. Consider authorizing additional funding in the amount of \$750,000 for legal services with Lloyd Gosselink Rochelle & Townsend, PC, for response to petition appealing wholesale water rates filed by Cities of Garland, Mesquite, Plano, and Richardson before the Public Utility Commission of Texas
(Please refer to Administrative Memorandum No. 5297)
- J. Consider adoption of Resolution No. 18-58 authorizing participation in Texas Cooperative Liquid Assets Security System (Texas Class)
(Please refer to Administrative Memorandum No. 5298)
- K. Consider authorizing additional legal services including retention of consulting engineering experts in the amount of \$125,000 to support litigation efforts related to Project No. 101-0422-16, Wylie Water Treatment Plant IV Filter Complex Structural Evaluation, with Saunders, Walsh & Beard
(Please refer to Administrative Memorandum No. 5299)

- L. Consider authorizing execution of engineering services agreement with HDR Engineering, Inc., in the amount of \$1,220,623 for final engineering design on Project No. 101-0496-18, Wylie Water Treatment Plant Ammonia System Improvements
(Please refer to Administrative Memorandum No. 5300)
- M. Consider authorizing execution of Engineering Services Agreement with Huitt-Zollars, Inc., in the amount of \$28,000 for engineering design of Project No. 101-0527-18, NTMWD Administration Building First Floor Men's Restroom Expansion
(Please refer to Administrative Memorandum No. 5301)
- N. Consider adoption of Resolution No. 18-59 authorizing use of competitive sealed proposal procurement method under Texas Government Code, Chapter 2269, for Project No. 101-0527-18, NTMWD Administration Building First Floor Men's Restroom Expansion
(Please refer to Administrative Memorandum No. 5302)
- O. Consider adoption of Resolution No. 18-52 authorizing use of competitive sealed proposal procurement method under Texas Government Code, Chapter 2269, for the East Fork Wetlands Remedial Planting Activities
(Please refer to Administrative Memorandum No. 5303)
- P. Consider authorizing execution of Easement Encroachment and Use Agreement with North Collin Special Utility District
(Please refer to Administrative Memorandum No. 5304)
- Q. Consider authorizing right-of-way acquisition program and adoption of Resolution No. 18-60 authorizing the use of eminent domain to acquire right-of-way for the pipeline relocations at FM 2478 (Custer Road), Project No. 101-0506-18, and delegating authority to initiate condemnation proceedings to the NTMWD Executive Director
(Please refer to Administrative Memorandum No. 5305)
- R. Consider authorizing execution of Engineering Services Agreement with Freese and Nichols, Inc., in the amount of \$547,500 for preliminary engineering design on Project No. 101-0526-18, Wylie to Rockwall Pipeline Relocation
(Please refer to Administrative Memorandum No. 5306)
- S. Consider adoption of Resolution No. 18-53 authorizing the rejection of all bids and authorizing rebid for Regional Water System, Renner Road to Plano Delivery Point No. 2 Pipeline, Project No. 101-0462-17
(Please refer to Administrative Memorandum No. 5307)
- T. Consider authorizing execution of an Inspection Services Agreement with Mbroh Engineering, Inc., in the amount of \$493,975 on Bois d'Arc Lake Raw Water Pump Station, Project No. 101-0358-14; Leonard Water Treatment Plant, Project No. 101-0384-15; and Leonard Water Treatment Plant High Service Pump Station, Project No. 101-0428-16
(Please refer to Administrative Memorandum No. 5308)

- U. Consider authorizing execution of Engineering Services Agreement with CDM Smith, Inc., in the amount of \$1,321,343 for Bois d'Arc Lake Shoreline Management Plan, Project No. 101-0374-14
(Please refer to Administrative Memorandum No. 5309)
- V. Consider authorizing additional program management services with Freese and Nichols, Inc., in the amount of \$4,601,240 on Project No. 101-0374-14, Bois d'Arc Lake Program Management
(Please refer to Administrative Memorandum No. 5310)
- W. Consider authorizing additional construction management services with Freese and Nichols, Inc., in the amount of \$3,792,330 on various projects as listed in Administrative Memorandum No. 5311 for the Bois d'Arc Lake Construction Management Program
(Please refer to Administrative Memorandum No. 5311)
- X. Consider authorizing additional inspection services with Freese and Nichols, Inc., in the amount of \$6,901,659 on various projects as listed in Administrative Memorandum No. 5312 for Bois d'Arc Lake Construction Management Program
(Please refer to Administrative Memorandum No. 5312)
- Y. Consider authorizing Change Order No. 1 with Archer Western Construction, LLC, in the amount of \$1,991,209.08 on Project No. 101-0344-13, Bois d'Arc Lake Dam and Intake Structure
(Please refer to Administrative Memorandum No. 5313)
- Z. Consider authorizing transfer of funds of up to \$300,000 from the Upper East Fork Interceptor System Reserve for Maintenance Account to fund emergency repair of the White Rock Creek Force Main
(Please refer to Administrative Memorandum No. 5314)
- AA. Consider authorizing execution of Engineering Services Agreement with Cobb, Fendley & Associates, Inc., in the amount of \$905,613.20 for final engineering design on Project No. 501-0521-18, Sloan Creek Lift Station, and in the amount of \$812,081 on Project No. 501-0523-18, Sloan Creek Force Main
(Please refer to Administrative Memorandum No. 5315)
- BB. Consider authorizing execution of Interlocal Agreement with City of Allen, Texas, and Town of Fairview, Texas, for Sloan Creek Lift Station and Force Main
(Please refer to Administrative Memorandum No. 5316)
- CC. Consider authorizing execution of Engineering Services Agreement with Carollo Engineers, Inc., in the amount of \$1,992,200 for final engineering design on Project No. 301-0497-18, South Mesquite Creek Regional Wastewater Treatment Solids Handling Improvements
(Please refer to Administrative Memorandum No. 5317)

- DD. Consider authorizing execution of Engineering Services Agreement with Hazen and Sawyer, Inc., in the amount of \$271,150 for preliminary engineering design on Project No. 301-0525-18, South Mesquite Creek Regional Wastewater Treatment Plant Peak Flow Management
(Please refer to Administrative Memorandum No. 5318)
- EE. Consider authorizing additional Engineering Services with Halff Associates, Inc., in the amount of \$53,265 on Project No. 301-0499-18, Wilson Creek Regional Wastewater Treatment Plant Maintenance Facility and Solids Operations Facility, and in the amount of \$146,585 on Project No. 501-0522-18, Upper East Fork Interceptor System Storage and Parking Facilities
(Please refer to Administrative Memorandum No. 5319)
- FF. Consider authorizing Execution of Third Amendment to Agreement with the City of Parker, Texas, Southfork Ranch Properties, to extend regional wastewater customer service
(Please refer to Administrative Memorandum No. 5320)
- GG. Consider authorizing right-of-way acquisition program and adoption of Resolution No. 18-67 authorizing the use of eminent domain to acquire right-of-way for the Plano Spring Creek Force Main Parallel portion of the Beck Branch Parallel Interceptor Improvements, Project No. 501-0439-16
(Please refer to Administrative Memorandum No. 5321)

XI. DISCUSSION ITEMS

- A. 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. Justin A. Jinright, Michel C. McChesney, and Cameron Parker, Cause No. 429-02373-2016, Review Judgment of Court of Appeals, Fifth District of Texas at Dallas
 - 3. NTMWD v. Sloan Creek, Cause No. 001-01737-2017, pending in Collin County, Texas
- B. Review of Items for Follow Up Raised During Meeting
- C. Opportunity for Board Members to Request Potential Future Agenda Items
(No substantive discussion of items will take place at this time)

XII. ADJOURNMENT