



NORTH TEXAS MUNICIPAL WATER DISTRICT

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MINUTES REGULAR MEETING OF THE BOARD OF DIRECTORS OCTOBER 25, 2018

The North Texas Municipal Water District (NTMWD) Board of Directors met in regular meeting on Thursday, October 25, 2018, 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 John Sweeden called the meeting to order at approximately 4:12 p.m.

II. INVOCATION – Director Blair Johnson

Director Blair Johnson offered the invocation.

III. PLEDGE OF ALLEGIANCE

President John Sweeden led the Pledge of Allegiance.

IV. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

President John Sweeden led the Pledge of Allegiance to the Texas Flag.

V. ANNOUNCEMENT OF QUORUM

Secretary Larry Parks announced a quorum was present. Directors absent are noted below, and any reference to unanimous votes excludes the Directors identified as being absent from the meeting.

1	Anderson, Terry Sam	
2	Carr, John	
3	Crump, George	
4	Dyer, Phil	
5	Farmer, Joe	
6	Fuller, Marvin	
7	Glass, Bill	
8	Gordon, Don	
9	Grooms, Darrell	
10	Hogan, Rod	
11	Hollifield, David	
12	Island, David	Absent

13	Johnson, Blair	
14	Joplin, Joe	
15	Kerr, James	
16	Lofland, Bill	
17	May, Jack	
18	McKissick, Charles	
19	Murphy, John	
20	Parks, Larry	
21	Peasley, Richard	
22	Shuyler, Lynn	
23	Sweeden, John	
24	Thurmond, Robert	Absent
25	Vacant (Mesquite)	

The following NTMWD legal and financial consultants attended the meeting:

Lauren Kalisek – Lloyd Gosselink Rochelle & Townsend
Lewis Isaacks and Mark Walsh – Saunders Walsh & Beard
Molly Carson and Alan Raynor – McCall Parkhurst & Horton

VI. PUBLIC COMMENTS

Chuck Stuber of Walker Industrials addressed the Board members regarding a NTMWD bid process pertaining to the Leonard Water Treatment Plant project that included two bidders: Walker Industrials (Walker) and FSG. Mr. Stuber stated that FSG is being recommended even though its bid was \$8,000,000 more than Walker's. Mr. Stuber added that he wants the Board to be informed of how construction dollars are being spent. He added that Walker has completed other smaller jobs for the District in the past and requested this project be rebid.

VII. OPENING REMARKS

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

There were no presentations of awards or recognitions.

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

President Sweeden advised the following:

- Director Marvin Fuller will abstain from voting on Agenda Item No. IX. E.
- Director Larry Parks will abstain from voting on Agenda Item No. X. E. and Q.
- Reminder – Board Planning Workshop scheduled on Saturday, October 27, 2018, will be rescheduled in January – February 2019 timeframe
- Survey on Conference attendance included in Director's folders

President Sweeden reviewed the November schedule as follows:

- NWRA Conference – November 7 – 9
 - Directors attending – Lofland, Murphy, and Peasley
 - Staff attending – Kula, Rickman (Kula on panel discussion regarding permitting)
- Thursday, November 1
 - Executive Committee at 11:30 a.m.
 - Finance/Audit Committee at 1:00 p.m.
- Thursday, November 15
 - Wastewater Committee at 12:30 p.m.
 - Water Committee at 2:00 p.m.
 - Board Meeting at 4:00 p.m.
 - NTMWD Thanksgiving Holidays – November 22-23

- 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 reviewed the following:

- Member City Managers' Meeting – Monday, October 29, 2018
Mr. Kula advised staff will cover studies and assessment from free chlorine maintenance period. Staff also plans to discuss with the Member Cities the alternatives to the Water Supply Facilities Amendatory Contract being reviewed by the smaller group of Plano, Richardson, Garland, and McKinney, and it is planned to share this information with the Board of Directors as well.
- Mr. Kula introduced Christie Wilson, consultant with SGR, who was in attendance taking minutes and making recommendations for efficiencies.
- Transmission System Meeting with Member Cities – November 2, 2018
Mr. Kula advised that the NTMWD staff would be meeting with the Member Cities Public Works staff and will discuss the free chlorine maintenance period.

VIII. UPDATE ON BOIS D'ARC LAKE

Cesar Baptista, Assistant Deputy – Engineering, provided an update on the Bois d'Arc Lake construction project including the status of each of the Construction Manager At-Risk projects and the mitigation project. His update included the current estimated cost of the project and photographs of ongoing construction. Water production is expected in 2022.

IX. CONSENT AGENDA ITEMS

Director Marvin Fuller requested Consent Agenda Item No. IX. E. be pulled from the consent agenda in order that he abstain from voting on this item. It was noted that the lease agreement has periodically been renewed in the past and since it is being modified to address a water billing change, staff wanted to present to the Board for consideration.

- E. Consider Authorizing Execution of Lease Agreement with Albert Fuller for Property On and In Vicinity of 121 Regional Disposal Facility
(Please refer to Consent Agenda Item No. 18-10-05)

Upon a motion by Director Charles McKissick and a second by Director Bill Lofland, the Board of Directors unanimously approved Item IX.E.; Director Marvin Fuller abstained from voting on this item.

Upon a motion by Director Darrell Grooms and a second by Director Lynn Schuyler, the Board of Directors unanimously approved the remaining consent agenda items with the exception of Item IX.E. as follows:

- A. Consider Approval of Board of Directors Regular Meeting Minutes – September 27, 2018
(Please refer to Consent Agenda Item No. 18-10-01)
- B. Consider Approval of Special Board Meeting Minutes – September 13, 2018
(Please refer to Consent Agenda Item No. 18-10-02)
- C. Consider Approval of Monthly Construction Report – September 2018
(Please refer to Consent Agenda Item No. 18-10-03)
- D. Consider Authorizing Execution of Encroachment on Easement Agreement with Forney Economic Development Corporation
(Please refer to Consent Agenda Item No. 18-10-04)
- ~~E. Consider Authorizing Execution of Lease Agreement with Albert Fuller for Property On and In Vicinity of 121 Regional Disposal Facility
(Please refer to Consent Agenda Item No. 18-10-05)~~
- F. Consider Authorizing Execution of Interlocal Cooperation Agreement with the City of Plano for Amended and Restated Regional Composting Program
(Please refer to Consent Agenda Item No. 18-10-06)
- G. Consider Authorizing Execution of Third Amendment to Landfill Gas Agreement with Morrow Renewables, LLC
(Please refer to Consent Agenda Item No. 18-10-07)
- H. Consider Authorizing Execution of Grant Funding Agreement with Texas State Soil and Water Conservation Board for Clean Water Act Section 319(h) Nonpoint Source Grant Program for the Lavon Lake Watershed Protection Plan
(Please refer to Consent Agenda Item No. 18-10-08)
- I. Consider Authorizing Additional Funding for Possible Amendment to Regional Water Supply Facilities Amendatory Contract to Address the Contract's Cost Allocation Methodology
(Please refer to Consent Agenda Item No. 18-10-09)
- J. Consider Authorizing Additional Funding for Pursuit of Legal Action Relating to Establishing the Legality and Validity of Public Securities and Public Security Authorizations with Lloyd Gosselink Rochelle & Townsend, P.C.
(Please refer to Consent Agenda Item No. 18-10-10)

- K. Consider Authorizing Release of Retainage to Garney Companies, Inc., for Completion of Phase I, Project No. 101-0469-17, 72-Inch Texoma Pipeline Improvements
(Please refer to Consent Agenda Item No. 18-10-11)
- L. Consider Authorizing Execution of Interlocal Agreement with Texas Department of Information Resources for Geographic Information System Imagery
(Please refer to Consent Agenda Item No. 18-10-12)

X. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Consider Authorizing Legal, Engineering, and Consulting Services Providers for FY 2018-2019
(Please refer to Administrative Memorandum No. 5266)

It was noted that the Board has been notified that one additional provider was added to the list. Director Farmer questioned the purpose of the list.

Upon a motion by Director Terry Sam Anderson and a second by Director Lynn Shuyler, the Board of Directors voted unanimously to approve the list of Legal, Engineering, and Consulting Services Providers.

- B. Consider Authorizing Execution of Engineering Services Agreement with Mbroh, Engineering, Inc., on Project No. 101-0518-18; Wylie Water Treatment Plant III Power Redundancy and Electrical Building Improvements
(Please refer to Administrative Memorandum No. 5267)

Upon the recommendation of the Water Committee, a motion by Director Jack May and a second by Director Darrell Grooms, the Board of Directors voted unanimously to authorize the Executive Director to execute an Engineering Services Agreement with Mbroh Engineering, Inc. in the amount of \$1,162,375 on Project No. 101-0518-18, Wylie Water Treatment Plant III Power Redundancy and Electrical Building Improvements.

- C. Consider Authorizing Additional Legal Services Associated with NTMWD's Participation as Defendant-Intervenor in 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, Project No. 101-0351-14, Bois d'Arc Lake, Phase III B
(Please refer to Administrative Memorandum No. 5268)

Upon a motion by Director James Kerr and a second by Director Joe Farmer, the Board of Directors voted unanimously to authorize Additional Legal Services Associated with NTMWD's Participation as Defendant-Intervenor in 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, Project No. 101-0351-14, Bois d'Arc Lake, Phase III B in the amount of \$275,000 as presented.

- D. Consider Authorizing Award of Construction Contract on Project No. 101-0485-17, Wylie Water Treatment Plant Chlorine System Improvements to Archer Western Construction, LLC
(Please refer to Administrative Memorandum No. 5269)

Upon the recommendation of the Water Committee, a motion by Director Jack May and a second by Director Darrell Grooms, the Board of Directors voted unanimously to authorize the award of a construction contract to Archer Western Construction, LLC, in the amount of \$10,115,000 on Project No. 101-0485-17, Wylie Water Treatment Plant Chlorine System Improvements.

- E. Consider Authorizing Execution of Engineering Services Agreement with Freese and Nichols, Inc., on Project No. ENG 18-16, Forensic Analysis of 72-Inch North Garland Pipeline
(Please refer to Administrative Memorandum No. 5270)

Upon the recommendation of the Water Committee, a motion by Director Jack May and a second by Director Darrell Grooms, the Board of Directors voted, with the exception of Director Larry Parks who abstained from voting, to authorize the Executive Director to execute an Engineering Services Agreement with Freese and Nichols, Inc., in the amount of \$628,870 on Project No. ENG 18-16, Forensic Analysis of 72-Inch North Garland Pipeline.

- F. Consider Authorizing Execution of Engineering Services Agreement with Halff Associates, Inc., on Project No. ENG 18-16, Forensic Analysis of 72-Inch North Garland Pipeline
(Please refer to Administrative Memorandum No. 5271)

Upon the recommendation of the Water Committee, a motion by Director Jack May and a second by Director Darrell Grooms, the Board of Directors voted unanimously to authorize the Executive Director to execute an Engineering Services Agreement with Halff Associates, Inc., in the amount of \$700,000 on Project No. ENG 18-16, Forensic Analysis of 72-Inch North Garland Pipeline.

- G. Consider Authorizing Additional Funding for Legal Support Services for Response to Petition Appealing Wholesale Water Rates Filed by the Cities of Garland, Mesquite, Plano, and Richardson before the Public Utility Commission of Texas
(Please refer to Administrative Memorandum No. 5272)

Upon a motion by Director Darrell Grooms and a second by Director Terry Sam Anderson, the Board of Directors voted unanimously to authorize additional funding for Legal Support Services for Response to Petition Appealing Wholesale Water Rates Filed by the Cities of Garland, Mesquite, Plano, and Richardson before the Public Utility Commission of Texas in the amount of \$500,000 as presented.

- H. Consider Authorizing Execution of Multijurisdictional Pretreatment Agreement and Budget Agreement with City of Melissa
(Please refer to Administrative Memorandum No. 5273)

Upon a motion by Director James Kerr and a second by Director Rod Hogan, the Board of Directors voted unanimously to authorize the Executive Director to execute a Multijurisdictional Pretreatment Agreement and Budget Agreement with City of Melissa as presented.

- I. Consider Authorizing Change Order No. 11 with Archer Western Contractors, Ltd., on Project No. 101-0128-18, Lake Texoma Pump Station Modifications (Please refer to Administrative Memorandum No. 5274)

There was a brief discussion as to the delays and issues related to this project.

Upon a motion by Director Rod Hogan and a second by Director Darrell Grooms, the Board of Directors voted unanimously to authorize the Executive Director to execute Change Order No. 11 with Archer Western Contractors, Ltd., on Project No. 101-0128-18, Lake Texoma Pump Station Modifications in the amount of \$16,036.13 as presented.

- J. Consider Authorizing Execution of Interlocal Agreement with City of Sherman to Place Supervisory Control and Data Acquisition Equipment on the Gallagher Elevated Water Tank, Project No. 101-0128-08 (Please refer to Administrative Memorandum No. 5275)

Director Jack May expressed his appreciation to the City of Sherman on this matter.

Upon the recommendation of the Water Committee, a motion by Director May and a second by Director Darrell Grooms, the Board of Directors voted unanimously to authorize the Executive Director to execute an Interlocal Agreement with City of Sherman to Place Supervisory Control and Data Acquisition Equipment on the Gallagher Elevated Water Tank, Project No. 101-0128-08.

- K. Consider Authorizing Award of Construction Contract to Flow-Line Construction, Inc., on Project No. 101-0503-18, Water Pipeline Relocations at FM 3549 (Please refer to Administrative Memorandum No. 5276)

Upon a motion by Director Darrell Grooms and a second by Director Terry Sam Anderson, the Board of Directors voted unanimously to authorize the award of a construction contract to Flow-Line Construction, Inc., on Project No. 101-0503-18, Water Pipeline Relocations at FM 3549 in the amount of \$872,621 as presented.

- L. Consider Authorizing Right-of-Way Acquisition Program and Adoption of Resolution No. 18-49 Authorizing the Use of Eminent Domain to Acquire Right-of-Way for Project No. 101-0338-13, Meter Vault Standardization, Phase II, Set-Point Control, and Delegating Authority to Initiate Condemnation Proceedings to NTMWD Executive Director (Please refer to Administrative Memorandum No. 5277)

Upon a motion by Director James Kerr and a second by Director Darrell Grooms, the Board of Directors voted unanimously to authorize the Right-of-Way

Acquisition Program and Adoption of Resolution No. 18-49 Authorizing the Use of Eminent Domain to Acquire Right-of-Way for Project No. 101-0338-13, Meter Vault Standardization, Phase II, Set-Point Control, and Delegating Authority to Initiate Condemnation Proceedings to NTMWD Executive Director in the amount of \$145,000 as presented.

- M. Consider Authorizing Execution of Engineering Services Agreement with AECOM Technical Services, Inc., on Project No. 101-0509-18, High Service Pump Station 3-1 Expansion to 450 MGD
(Please refer to Administrative Memorandum No. 5278)

Upon the recommendation of the Water Committee, a motion by Director Jack May and a second by Director Darrell Grooms, the Board of Directors voted unanimously to authorize the Executive Director to execute an Engineering Services Agreement with AECOM Technical Services, Inc., in the amount of \$1,082,988 on Project No. 101-0509-18, High Service Pump Station 3-1 Expansion to 450 MGD.

- N. Consider Authorizing Execution of Amendment No. 6 to Construction Manager At-Risk Agreement with Garney Companies, Inc., for Partial Guaranteed Maximum Price on Project No. 101-0384-15, Leonard Water Treatment Plant
(Please refer to Administrative Memorandum No. 5279)

Upon the recommendation of the Water Committee, there was a motion to approve by Director Jack May and a second by Director Darrell Grooms.

Following the motion and second, and prior to the vote on this item, Assistant Deputy Cesar Baptista provided an overview of the components and basis for the Guaranteed Maximum Price (GMP.) Attorney Mark Walsh briefly reviewed the competitive bidding process and noted that the issues raised previously during public comment were related to a subcontractor on the project. Several Board members expressed concern over the amount of the award compared to the other bid received. Following input from the NTMWD staff and the District's attorneys, the President announced the Board would convene into Executive Session pursuant to Section 551.071 of the Texas Government Code to seek legal advice from its Attorneys.

Executive Session convened at 5:23 p.m. Open Session reconvened at 5:45 p.m. and the vote was taken.

The Board of Directors voted unanimously to authorize the Executive Director to execute Amendment No. 6 to the Construction Manager At-Risk Agreement with Garney Companies, Inc., for Partial Guaranteed Maximum Price in the amount of \$248,864,159.83 on Project No. 101-0384-15, Leonard Water Treatment Plant.

- O. Consider Authorizing Additional Engineering Services with Gupta & Associates, Inc., on Project No. 301-0400-15 South Mesquite Creek Regional Wastewater Treatment Plant 2015 Supervisory Control and Data Acquisition Improvements
(Please refer to Administrative Memorandum No. 5280)

Upon a motion by Director Joe Joplin and a second by Director Terry Sam Anderson, the Board of Directors voted unanimously to authorize Additional Engineering Services with Gupta & Associates, Inc., on Project No. 301-0400-15 South Mesquite Creek Regional Wastewater Treatment Plant 2015 Supervisory Control and Data Acquisition Improvements in the amount of \$40,913 as presented.

- P. Consider Authorizing Award of Construction Contract to Belt Construction, Inc., on Project No. 501-0439-16, Beck Branch Parallel Interceptor
(Please refer to Administrative Memorandum No. 5281)

Upon a motion by Director Darrell Grooms and a second by Director Joe Farmer, the Board of Directors voted unanimously to authorize the award of a construction contract to Belt Construction, Inc., on Project No. 501-0439-16, Beck Branch Parallel Interceptor in the amount of \$5,555,196 as presented.

- Q. Consider Authorizing Execution of Inspection Services Agreement with Freese and Nichols, Inc., on Project No. 501-0466-17, Rowlett Creek Parallel Trunk Sewer Extension
(Please refer to Administrative Memorandum No. 5282)

Upon a motion by Director Phil Dyer and a second by Director Joe Farmer, the Board of Directors, except for Director Larry Parks who abstained from voting, voted to authorize the Executive Director to execute an Inspection Services Agreement with Freese and Nichols, Inc., on Project No. 501-0466-17, Rowlett Creek Parallel Trunk Sewer Extension in the amount of \$243,650 as presented.

XI. DISCUSSION ITEMS

- A. Review of Items for Follow Up Raised During Meeting

1. Request for the purpose of the list of providers (Ref. X.A.) [Farmer]
2. Review policy for disposal of surplus land in regard to Eminent Domain [Lofland]


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

1. Request explanation and impact of water infrastructure funding bill (WRDA) that was adopted last week [May]
2. Request to re-visit the subject of video recording future Board meetings [Murphy]
3. Workshop or planning session item regarding the 72-inch water main break, and costs to test the pipeline; discuss whether it would be beneficial to purchase testing equipment versus contracting out this service [Carr]
4. Request update from Ron Hollifield regarding Water Supply Contract alternatives being discussed [Fuller]
5. Men's restroom expansion [Lofland]

XII. ADJOURNMENT

There being no further business, the meeting adjourned at approximately 5:57 p.m. The next regular meeting of the NTMWD Board of Directors will be held Thursday, November 15, at 4:00 p.m. at the North Texas Municipal Water District offices at 501 E. Brown Street, Wylie, Texas.

APPROVED:



JOHN SWEEDEN, President

ATTEST:



LARRY PARKS, Secretary

(Seal)

