



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, MARCH 28, 2019
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, March 28, 2019, 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 LARRY PARKS
- 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 Shannon Sauceman 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
 - 1. Recognition of Robert McCarthy's retirement
- 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. 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 – February 28, 2019
(Please refer to Consent Agenda Item No. 19-03-01)
- B. Consider approval of Board of Directors Special Meeting Minutes – February 28, 2019
(Please refer to Consent Agenda Item No. 19-03-02)
- C. Consider approval of Monthly Construction Report – March 2019
(Please refer to Consent Agenda Item No. 19-03-03)
- D. Consider authorizing contribution in aid of construction to the City of Dallas in the amount of \$63,000 on Project No. 101-0326-13, Casa View Pump Station Control Structure Improvements and Ground Storage Tank, Drainage Improvements
(Please refer to Consent Agenda Item No. 19-03-04)
- E. Consider adoption of Resolution No. 19-07 expressing official intent to reimburse costs of acquiring, constructing, and improving the Buffalo Creek Wastewater Interceptor System for cash financed expenditures incurred 60 days prior to March 28, 2019, and thereafter, in an amount not-to-exceed \$5,000,000
(Please refer to Consent Agenda Item No. 19-03-05)
- F. Consider authorizing execution of Hold Harmless, Indemnification, and Reimbursement Agreement with ICR Holdings, LLC, and the City of Plano for construction of retaining wall within Lower White Rock Creek Force Main easement
(Please refer to Consent Agenda Item No. 19-03-06)

IX. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Consider adoption of Resolution No. 19-11 authorizing the issuance, sale and delivery of NTMWD Mustang Creek Wastewater Interceptor System Contract Revenue Bonds, Series 2019, in the amount of approximately \$19,800,000; and approving and authorizing instruments and procedures relating thereto (Please refer to Administrative Memorandum No. 5361)
- B. Consider adoption of Resolution No. 19-12 authorizing the issuance, sale, and delivery of NTMWD Regional Water System Revenue Bonds, Series 2019, in the not-to-exceed amount of \$101,345,000 to fund Bois d'Arc Lake related projects; and approving and authorizing instruments and procedures relating thereto (Please refer to Administrative Memorandum No. 5362)
- C. Consider adoption of Resolution No. 19-13 authorizing the issuance, sale, and delivery of NTMWD Water System Revenue Bonds, Series 2019A, in the not-to-exceed amount of \$150,000,000; and approving and authorizing instruments and procedures relating thereto (Please refer to Administrative Memorandum No. 5363)
- D. Consider adoption of Resolution No. 19-14 authorizing the issuance, sale, and delivery of NTMWD Water System Revenue Refunding Bonds, Series 2019, in the not-to-exceed amount of \$115,000,000 to refund remaining principal amounts of 2009 bond issues to generate debt services savings; and approving and authorizing instruments and procedures relating thereto (Please refer to Administrative Memorandum No. 5364)
- E. Consider authorizing additional funding in the amount of \$400,000 with Lloyd, Gosselink, Rochelle & Townsend, PC, for legal support for response to petition appealing wholesale water rates filed by Cities of Garland, Mesquite, Plano, and Richardson before the Public Utility Commission (Please refer to Administrative Memorandum No. 5365)
- F. Consider adoption of Resolution No. 19-19 rejecting all bids and authorizing rebid of the Wylie Water Treatment Plant III and IV Filter Performance Improvements, Project No. ENG 16-15 (Please refer to Administrative Memorandum No. 5366)
- G. Consider authorizing award of construction contract with Clark Electric, Inc., in the amount of \$620,000 on Project No. 101-0414-16, High Service Pump Station 2-1 2016 Electrical Improvements, Phase II (Please refer to Administrative Memorandum No. 5367)
- H. Consider authorizing execution of engineering services agreement with JQ Infrastructure, LLC, in the amount of \$554,431 for final engineering design to fix active leaks and repair cracks in filter gallery concrete walls, Project No. 101-0422-16, Wylie Water Treatment Plant IV Filter Gallery Wall Structural Evaluation (Please refer to Administrative Memorandum No. 5368)

- I. Consider authorizing execution of professional services agreement with Texas A&M Engineering Extension Service in the amount of \$70,448 for preparation of Emergency Response Plan for Bois d’Arc Lake, Project No. 101-0344-13, Bois d’Arc Lake Dam and Intake Structure
(Please refer to Administrative Memorandum No. 5369)
- J. Consider authorizing execution of Amendment No. 3 to Settlement Agreement with Bois d’Arc Municipal Utility District for extension of water line to NTMWD Bois d’Arc Lake Operations Center and provision of water service and authorizing payment of \$110,215.50 for cost escalation as currently provided in the Settlement Agreement, Project No. 101-0344-13, Bois d’Arc Lake Dam and Intake Structure
(Please refer to Administrative Memorandum No. 5370)
- K. Consider authorizing execution of engineering services agreement with GSR Andrade Architects in the amount of \$330,000 for final engineering design of new operations building, Project No. 301-0524-19, Rowlett Creek Regional Wastewater Treatment Plant Operations Building
(Please refer to Administrative Memorandum No. 5371)
- L. Consider authorizing additional inspection services with Mbroh Engineering, Inc., in the amount of \$98,800 on Project No. 301-0346-14, Wilson Creek Regional Wastewater Treatment Plant Advanced Treatment and Headworks Improvements
(Please refer to Administrative Memorandum No. 5372)
- M. Consider authorizing additional electrical inspection services with Mbroh Engineering, Inc., in the amount of \$261,535 on Project No. 301-0328-13, Rowlett Creek Regional Wastewater Treatment Plant Peak Flow Management Improvements, Phase 1
(Please refer to Administrative Memorandum No. 5373)
- N. Consider adoption of Resolution No. 19-17 authorizing and directing the execution of the City of Melissa – Trinity East Fork Regional Wastewater System Contract and adoption of Resolution No. 19-18 authorizing and directing the execution of the Upper East Fork Interceptor System Supplemental Contract (City of Melissa, Texas)
(Please refer to Administrative Memorandum No. 5374)
- O. Consider authorizing award of construction contract to Crescent Constructors, Inc., in the amount of \$15,197,000 on Project No. 509-0455-17, Forney Mustang Creek Lift Station, Phase I
(Please refer to Administrative Memorandum No. 5375)
- P. Consider authorizing Change Order No. 3 with Archer Western Construction, LLC, in the amount of \$920,070.79 and 316 days of additional contract time on Project No. 501-0381-15, Lower White Rock Creek Lift Station Improvements
(Please refer to Administrative Memorandum No. 5376)

- Q. Consider authorizing additional inspection services with Dietz Engineering in the amount of \$190,365 on Lower White Rock Creek and Preston Road Lift Station Improvements, Project Nos. 501-0381-15 and 501-0391-15
(Please refer to Administrative Memorandum No. 5377)
- R. Consider authorizing execution of engineering services agreement with Biggs and Mathews Environmental in the amount of \$77,700 for construction phase services on Project No. 401-0527-19, 121 Regional Disposal Facility Bypass Lane Improvements
(Please refer to Administrative Memorandum No. 5378)
- S. Consider authorizing award of construction contract with Hammett Excavation, Inc., in the amount of \$417,530.30 to install clay liner and leachate collection system for the 121 Regional Disposal Facility on Project No. 401-0531-19, Sector 5C Construction
(Please refer to Administrative Memorandum No. 5379)
- T. Consider authorizing award of construction contract with Clean Air and Water Systems, LLC, in the amount of \$411,198.40 to purchase and install geosynthetic liner material for the 121 Regional Disposal Facility, Project No. 401-0531-19, Sector 5C Construction
(Please refer to Administrative Memorandum No. 5380)
- U. Consider authorizing execution of engineering services agreement with CP&Y, Inc., in the amount of \$15,000 on Project No. 401-0532-19, Lookout Drive Transfer Station Mechanical Room Ventilation Improvements
(Please refer to Administrative Memorandum No. 5381)
- V. Consider authorizing right-of-way acquisition program in the amount of \$58,000 and adoption of Resolution No. 19-15 authorizing the acquisition of right-of-way for Phase I of the North System Air Valve Improvements, Project No. 101-0442-16
(Please refer to Administrative Memorandum No. 5382)
- W. Consider adoption of Resolution No. 19-16 declaring 0.303 acres of property surplus to the needs of the NTMWD and conveying property at Tawakoni Water Treatment Plant to the City of Dallas for the amount of \$10,065
(Please refer to Administrative Memorandum No. 5383)
- X. Consider adoption of Resolution No. 19-20 authorizing Settlement of Pending Litigation styled NTMWD vs. Sloan Creek, Ltd., and PLF, Ltd., Cause No. 001-01737-2017; authorizing execution of Settlement Agreement and Agreed Judgment and taking steps required to effectuate the terms of the Settlement Agreement; and authorize additional funding of \$100,000, resulting in a total sum of \$900,000, to settle the above titled litigation
(Please refer to Administrative Memorandum No. 5384)
- X. DISCUSSION ITEMS
 - A. Update on Bois d’Arc Lake
 - 1. Bois d’Arc Lake acquisition program

- B. 86th Texas legislative session update
- C. 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. *Petition of the Cities of Garland, Mesquite, Plano, and Richardson Appealing Wholesale Water Rates Implemented by North Texas Municipal Water District*, Docket No. 49043 before the Public Utility Commission of Texas
 - 4. *Ex Parte, North Texas Municipal Water District*, Cause No. 429-01462-2018 in the 429th Judicial District, District Court of Collin County, Texas
 - 5. Facilitation with Member Cities Regarding Alternate Cost Methodologies to the Amendatory Water Supply Contract
- D. Update on pending 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. North Texas Municipal Water District v. Bar Constructors, et al., Cause No. 366-02550-2017 in the 366th Judicial District Court, Collin County, Texas
 - 3. NTMWD v. Sloan Creek, Cause No. 001-01737-2017, pending in Collin County, Texas
- E. Review of items for follow up raised during meeting
- F. Opportunity for Board members to request potential future agenda items
(No substantive discussion of items will take place at this time)

XI. ADJOURNMENT