



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 WEDNESDAY, FEBRUARY 26, 2020 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 Wednesday, February 26, 2020, 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**
- 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
- 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. **Regular Board Meeting Minutes – Consent Agenda Item No. 20-02-01**
 - Consider approval of January 23, 2020, Board of Directors Regular meeting minutes
- B. **Special Board Meeting Minutes – Consent Agenda Item No. 20-02-02**
 - Consider approval of January 23, 2020, Special Board Meeting Minutes
- C. **Monthly Construction Report – Consent Agenda Item No. 20-02-03**
 - Consider approval of February 2020 Monthly Construction Report
- D. **Resolution No. 20-04 conveying property to Atmos Energy Corporation – Consent Agenda Item No. 20-02-04**
 - Consider adoption of Resolution No. 20-04 conveying property at Bois d'Arc Lake in the form of a 9.84 acre permanent easement to Atmos Energy Corporation, Project No. 101-0344-13, Bois d'Arc Lake Dam and Intake Structure
- E. **Amendment No. 14 to Construction Manager At-Risk Agreement – Consent Agenda Item No. 20-02-05**
 - Consider authorizing execution of Amendment No. 14, including Change Order No. 3, to the Construction Manager At-Risk Agreement with Archer Western Construction, LLC, resulting in a net decrease of \$287,515.91 to the guaranteed maximum price for scopes of work removed from the project and authorizing release of retainage and final payment for two completed work packages, Project No. 101-0344-13, Bois d'Arc Lake Dam and Intake Structure
- F. **Additional funding for legal services for Bois d'Arc Lake Power Supply Project – Consent Agenda Item No. 20-02-06**
 - Consider authorizing additional funding in the amount of \$45,000 for legal services as required to prepare wholesale power supply and electric service agreements with Fannin County Electric Cooperative, Project No. 101-0362-14, Bois d'Arc Lake Power Supply

- G. **Resolution No. 20-05 conveying property at Wylie Water Treatment Plant Water System Operations Center site – Consent Agenda Item No. 20-02-07**
- Consider adoption of Resolution No. 20-05 conveying property at Wylie Water Treatment Plant Water System Operations Center site in the form of 0.967 acres of permanent easements and 0.113 acres of right-of-way to the City of Wylie, and 0.312 acres of permanent easements to Oncor Electric Delivery Company, LLC, Project No. 101-0352-14
- H. **Engineering Services Agreement for Water Transmission System Supervisory Control and Data Acquisition Network Split Project – Consent Agenda Item No. 20-02-08**
- Consider authorizing execution of an engineering services agreement with Gupta & Associates, Inc., in the amount of \$257,284.50 for final engineering design on Project No. 101-0556-20, Water Transmission System Supervisory Control and Data Acquisition Network Split
- I. **Engineering Services Agreement for Preston Road Lift Station Expansion Project – Consent Agenda Item No. 20-02-09**
- Consider authorizing execution of engineering services agreement with HDR Engineering, Inc., in the amount of \$483,483 for preliminary engineering design on Project No. 501-0559-20, Preston Road Lift Station Expansion
- J. **Engineering Services Agreement for South Mesquite Regional Wastewater Treatment Plant Conveyance System Capacity Assessment and Assurance Project – Consent Agenda Item No. 20-02-10**
- Consider authorizing execution of engineering services agreement with Freese and Nichols, Inc., in the amount of \$200,000 on Project No. 301-0555-20, South Mesquite Regional Wastewater Treatment Plant Conveyance System Capacity Assessment and Capacity Assurance, Phase IV-B
- K. **Resolution No. 20-06 authorizing entering into agreements for cooperative purchasing efforts – Consent Agenda Item No. 20-02-11**
- Consider adoption of Resolution No. 20-06 authorizing NTMWD Executive Director to enter into agreements with qualified entities for cooperative purchasing efforts
- L. **Funding for Board room audio/visual system improvements – Consent Agenda Item No. 20-02-12**
- Consider authorizing funding for Board room audio/visual system upgrades and feature enhancements to expand control and functionality in an amount not-to-exceed \$200,000
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- IX. **AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION**

GENERAL/ADMINISTRATIVE SERVICES ITEMS

- A. **Amendment to NTMWD’s Administration and Finance Policies Manual – Administrative Memorandum No. 5514**
- Consider authorizing amendment to NTMWD’s Administration and Finance Policies Manual to establish that all NTMWD records will be retained in accordance with the Texas State Library and Archives Commission retention schedules

- B. **Resolution No. 20-07 authorizing financing agreement with Texas Water Development Board – Administrative Memorandum No. 5515**
- Consider adoption of Resolution No. 20-07 authorizing financing agreement with the Texas Water Development Board for Sister Grove Regional Water Resource Recovery Facility

WATER SYSTEM AGENDA ITEMS

- C. **First Amendment to Standard Utility Agreement with Atmos Energy Corporation – Administrative Memorandum No. 5516**
- Consider authorizing execution of First Amendment to the Standard Utility Agreement with Atmos Energy Corporation and make payment in the amount of \$2,140,204, Project No. 101-0344-13, Bois d’Arc Lake Dam and Intake Structure
- D. **Amendment No. 9 to Construction Manager At-Risk Agreement – Administrative Memorandum No. 5517**
- Consider authorizing Amendment No. 9 to Construction Manager At-Risk Agreement for partial guaranteed maximum price No. 6 as follows:
 - decrease the Bois d’Arc Lake raw water pipeline by \$2,000,681.90 due to a reduction in work package scope and design progression allowance, Project No. 101-0424-16; and
 - additional funding of \$14,498,186.07 for right-of-way preparation and purchase of large diameter butterfly valves for the Treated Water Pipeline from Leonard Water Treatment Plant to McKinney No. 4, Project No. 101-0425-16;
 - Resulting in a net increase of \$12,497,504.17 to the agreement.
- E. **Potable Water Supply Contract with Greater Texoma Utility Authority – Administrative Memorandum No. 5518**
- Consider authorizing execution of Potable Water Supply Contract with Greater Texoma Utility Authority for a term of 30 years
- F. **Award of Construction Contract – Administrative Memorandum No. 5519**
- Consider authorizing award of construction contract to Flow-Line Construction, Inc., in the amount of \$4,343,662 on Project No. 101-0506-18, Pipeline Relocations at FM 2478
- G. **Engineering Services Agreement for Texoma Fiber Optic Improvements Project – Administrative Memorandum No. 5520**
- Consider authorizing execution of engineering services agreement with Gupta & Associates, Inc., in the amount of \$596,898.35 for final engineering design on Project No. 101-0558-20, Texoma Fiber Optic Improvements
- H. **Engineering Services Agreement for Wylie to Rockwall Pipeline Relocation Project – Administrative Memorandum No. 5521**
- Consider authorizing execution of engineering services agreement with Freese and Nichols, Inc., in the amount of \$1,029,962 for final engineering design on Project No. 101-0526-18, Wylie to Rockwall Pipeline Relocation

WASTEWATER SYSTEM AGENDA ITEMS

- I. **Change Order on Stewart Creek West Wastewater Treatment Plant Expansion Project – Administrative Memorandum No. 5522**
 - Consider authorizing Change Order No. 28 with MWH Constructors, Inc., for a decrease of \$26,815 on Project No. 309-0252-11, Stewart Creek West Wastewater Treatment Plant Expansion to 10 MGD

- J. **Additional engineering services on Stewart Creek West Wastewater Treatment Plant Expansion Project – Administrative Memorandum No. 5523**
 - Consider authorizing additional engineering services with Carollo Engineers, Inc., in the amount of \$365,500 on Project No. 309-0252-11, Stewart Creek West Wastewater Treatment Plant Expansion to 10 MGD

- K. **Engineering Services Agreement for Sister Grove Regional Water Resource Recovery Facility – Administrative Memorandum No. 5524**
 - Consider authorizing execution of engineering services agreement with CDM Smith, Inc., in the amount of \$3,017,570 for final engineering design of the outfall pipeline on Project No. 301-0426-16, Sister Grove Regional Water Resource Recovery Facility

- L. **Fund transfer from reserve for maintenance account for South Mesquite Regional Wastewater Treatment Plant Repair of 48-inch pipe – Administrative Memorandum No. 5525**
 - Consider authorizing transfer of funds from the Regional Wastewater System Reserve for Maintenance Account of up to \$400,000 into the FY 2019-20 Annual Operating Budget for the emergency repair of 48-inch pipe at South Mesquite Regional Wastewater Treatment Plant

ADDITIONAL GENERAL/ADMINISTRATIVE SERVICES ITEMS

- M. **Amendment of Board Policies Manual – Administrative Memorandum No. 5526**
 - Consider authorizing amendment to Board Policies Manual, Section II. Executive Director/General Manager

- X. **DISCUSSION ITEMS**
 - A. Bois d’Arc Lake update
 1. Construction update
 2. Property acquisition update

 - B. Discuss status of Member City contract matters including:
 1. *Petitions of the Cities of Garland, Mesquite, Plano and Richardson Appealing Wholesale Water Rates Implemented by North Texas Municipal Water District*, Docket Nos. 46662, 47863, 49043, 50382 before the Public Utility Commission of Texas
 2. Facilitation with Member Cities regarding alternate cost methodologies to the Amendatory Water Supply Contract

- C. Update on litigation involving North Texas Municipal Water District/advice from legal counsel, including:
 - 1. North Texas Municipal Water District v. Bar Constructors, Black & Veatch, et al., Cause No. 366-02550-2017 pending in Collin County, Texas
 - 2. Justin A. Jinright, et al., v. NTMWD, Cause No. 429-02373-2016 in Collin County, Texas
 - 3. Loyd D. Johnson Family Ltd. Partnership No. 1, LLC, et al, v. NTMWD, 336th Judicial District Court in Fannin County, Texas
 - 4. Update on dispute related to Water Treatment Plant Operations Contract and potential litigation relating to same
 - 5. North Texas Municipal Water District v. S.J. Louis Construction of Texas, Ltd., ACT Pipe and Supply, Inc., North American Pipe Corporation, J-M Manufacturing, Inc., d/b/a JM Eagle, Inc., Cause No. 429-06607-2019, 429th Judicial District, Collin County, Texas (121 Force Main)

- D. Review of items for follow up raised during meeting

- E. Opportunity for Board members to request potential future agenda items
(No substantive discussion of items will take place at this time)

XI. **ADJOURNMENT**