



NORTH TEXAS MUNICIPAL WATER DISTRICT

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

MINUTES REGULAR MEETING OF THE BOARD OF DIRECTORS FEBRUARY 26, 2020

The North Texas Municipal Water District (NTMWD) Board of Directors met in regular meeting on Wednesday, February 26, 2020, 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 Don Gordon called the meeting to order at approximately 4:04 p.m.

II. INVOCATION

Director Lynn Shuyler offered the invocation.

III. PLEDGE OF ALLEGIANCE

President Don Gordon led the Pledge of Allegiance

IV. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

President Don Gordon led the Pledge of Allegiance to the Texas Flag.

V. ANNOUNCEMENT OF QUORUM

Secretary Darrell Grooms 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	Absent
2	Carr, John	
3	Crump, George	
4	Dyer, Phil	
5	Farmer, Joe	
6	Fuller, Marvin	
7	Gordon, Don	
8	Grooms, Darrell	
9	Hogan, Rod	Absent
10	Hollifield, David	
11	Imrie, Chip	
12	Johnson, Blair	
13	Joplin, Joe	

14	Kerr, James (Jim)	
15	May, Jack	
16	McKissick, Charles	
17	Murphy, John	Absent
18	Parks, Larry	
19	Patrick, Brenda Jean	
20	Peasley, Richard	
21	Shuyler, Lynn	
22	Stephens, Keith	
23	Sweeden, John	Absent
24	Princeton (Vacant)	
25	Princeton (Vacant)	

The following NTMWD legal and financial consultants attended the meeting:

Lauren Kalisek and Sheila Gladstone – Lloyd Gosselink Rochelle & Townsend
Lewis Isaacks and Mark Walsh – Saunders Walsh & Beard
Molly Carson and Alan Raynor – McCall Parkhurst & Horton
Nick Bulaich – Hilltop Securities

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.

Jason Weisz addressed the Board saying that his family owns acreage with highway frontage at Bois d’Arc Lake and stated he would like to receive a permit to build a marina there.

VII. OPENING REMARKS

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

There were no presentations or recognitions.

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

President Don Gordon advised that Director Larry Parks will abstain from voting on the Consent Agenda items and on Item No. IX. H. He also advised that the Public Utility Commission (PUC) will consider the wholesale water rate case tomorrow (February 27, 2020) at 9:30 a.m. The Executive Committee members will be attending the meeting in Austin along with NTMWD staff. The PUC meeting will be broadcast at NTMWD in the Executive Committee room beginning at 9:30 a.m. Notice was posted for a possible quorum at the District and all Directors are welcome to attend. He noted that the water rate case is No. 17 on the PUC’s agenda.

President Gordon noted that depending on the PUC making a decision tomorrow there may be a special Board meeting the week of March 2nd.

President Gordon announced the March 2020 meeting schedule as follows:

- Wednesday, March 11
 - 11:30 a.m. – Executive Committee
 - 1:30 p.m. – Legislative Committee
 - 2:45 p.m. – Finance/Audit Committee
- Thursday, March 26
 - 12:30 p.m. – Wastewater Committee
 - 2:15 p.m. – Water Committee
 - 4:00 p.m. – Regular Board Meeting
- The April 23rd Board meeting will be held at the JBS Wetland Center.
- Also, the Spring Board Planning Workshop will be held on Saturday, April 25, at the NTMWD offices.
 - Proposed topics are:
 - Long-Range planning and visioning (District 2040)
 - Long-Range water supply planning
 - Governance Topics
 - Director Roundtable on items of interest related to NTMWD governance including:
 - System programs, operations, financing and personnel
 - Interactions with NTMWD staff
 - Member City and Customers Relationships and Outreach

- 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 announced that there would not be a Bois d'Arc Lake construction update however there will be a progress video later in the meeting. He advised that the "notch" closure will begin in March. He provided the following list of handouts in the Board Member folders.

- Handouts include:
 - Board meeting summary
 - BDL Progress Report
 - 2018-19 Annual Report
 - Proposed updates to language in Board Policies Manual (Ad. Memo. No. 5526)
 - Water Consumption Report

Assistant Deputy Billy George provided an update on the Member Cities' and customers' water consumption/demand update (six months into water year.) He advised new historic annual consumption maximums are being set by six of the 13 Member Cities. This consumption is attributed to growth in the area.

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.

Director Larry Parks abstained from voting on the Consent Agenda items.

Director Joe Joplin made a motion to remove Item L. from the Consent Agenda for separate discussion. Director Blair Johnson seconded the motion. Board of Directors voted to approve the motion.

Upon a motion by Director Darrell Grooms and a second by Director Blair Johnson to approve the Consent Agenda items with the exception of Item L., the Board of Directors voted unanimously to approve.

- 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~~

Regarding Consent Item L.

- 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

Director Brenda Jean Patrick made a motion to approve Item L. Director Jack May seconded the motion. Discussion followed.

Director Joe Joplin inquired about the discussion in a previous meeting on this matter that included a dollar amount of \$80,000. Assistant Deputy Jim Shirley responded that the previous request was for \$75,000 to contract with Swagit Productions, LLC, for the recording service. This current item is for additional equipment. Director Joplin asked

specifically about purchasing a voting board, saying that there have been no previous issues recording the correct vote. Secretary Darrell Grooms responded that not only does this piece of equipment display the votes but also allows the President to queue the speakers in the order requested. Several directors expressed concern about the additional funds being requested.

Director John Carr moved to table this item in order to receive more information.

Mr. Shirley reminded the Board that during a previous Board Member training session certain shortcomings were identified and additional equipment was requested. The actual quote for this additional equipment is under \$100,000 and the agenda item request is for a not-to-exceed amount of \$200,000.

Director Marvin Fuller seconded the motion to table.

Attorney Lauren Kalisek advised the Board Members to first vote on the original motion to approve.

The Board of Directors voted to approve Item L. with the following Directors voting against:

Director John Carr
Director Marvin Fuller
Director Joe Joplin
Director James Kerr
Director Charles McKissick

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

Assistant Deputy John Montgomery presented this item. He reminded the Board Members that currently all records of the NTMWD are kept permanently. He advised this item is to adopt the State's retention schedule noting that records can be kept for a longer time period if needed and provided some examples. Mr. Montgomery advised that there will be no increase to the current staffing level, and that it will take six to 12 months for staff to review each type of record. It will take one to two years to train all the staff on the process. Executive Director Tom Kula added that there will be a savings on physical and computer memory space once the old non-permanent records meet their retention requirements and are disposed of.

Director Joe Farmer inquired about who will be the Records Officer. Mr. Montgomery advised that Deputy Director Rodney Rhoades is already named the Records Officer. Mr. Rhoades then introduced Kelly O'Brian who is the Records Manager.

Director Brenda Jean Patrick asked how long the meeting video recordings will be kept. Mr. Montgomery responded that the State requires a minimum of four months but that the Board may decide to retain them longer.

Upon a motion by Director James Kerr and a second by Director Chip Imrie, the Board of Directors voted unanimously to approve as presented.

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

Director Phil Dyer advised that the Finance/Audit Committee voted unanimously to recommend the Board of Directors adopt Resolution No. 20-07 authorizing financing agreement with the Texas Water Development Board for Sister Grove Regional Water Resource Recovery Facility. The use of Texas Water Development Board Funding is expected to yield over \$200 million over the life of the bonds.

Executive Director Kula advised that the NTMWD is the number one recipient of SWIFT funds, but this is the first request for Clean Water State Revolving funds.

Upon a motion by Director Phil Dyer and a second by Director Chip Imrie, the Board of Directors voted unanimously to approve as presented.

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

Director Jack May advised that the Water Committee reviewed this item today and voted to recommend the Board authorize execution of a First Amendment to the Standard Utility Agreement with Atmos Energy Corporation and make payment in the amount of \$2,140,204 for additional engineering, right of way, and construction costs to relocate Atmos gas lines around a cultural resources site located on NTMWD property in the upper portion of the reservoir and underneath FM 897.

Upon a motion by Director Jack May and a second by Director Brenda Jean Patrick, the Board of Directors voted unanimously to approve as presented.

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.

Director Jack May advised that the Water Committee reviewed this item today and voted to recommend the Board authorize execution of Amendment No. 9 to the CMAR Agreement for Partial Guaranteed Maximum Price No. 6 with Garney Companies, Inc. This action takes a credit for decreased scope for the work packages and unused design progression allowance for the Bois d'Arc Lake Raw Water Pipeline. The action will also provide funding for right-of-way preparation consisting of construction staking, erosion control, tunnels, and the purchase of large diameter valves.

Upon a motion by Director Jack May and a second by Director John Murphy, the Board of Directors voted unanimously to approve as presented.

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

Director Jack May advised that the Water Committee reviewed this item today and voted to recommend the Board authorize execution of a new potable water supply contract with Greater Texoma Utility Authority. The current contract allows GTUA to receive water through McKinney's system. Once NTMWD completes the North McKinney Pipeline, Phase III project, GTUA will receive water directly from NTMWD. This project is complete and NTMWD and GTUA wish to restate and enter into a new standard Potable Water Supply Contract.

Director Joe Farmer inquired about other counties possibly providing this water. Assistant Deputy R.J. Muraski responded that NTMWD has the capacity, and that while the GTUA currently uses a minimal amount of water the annual maximum in the agreement is based on future expected growth. He added that GTUA provides water to four cities and the amount requested is only a fraction of future capacity. In response to a question by Director John Carr, Mr. Muraski advised that the water will be supplied from Wylie but in the future will come from the Leonard Water Treatment Plant. Director Joplin requested clarification of NTMWD's obligation to serve customer cities. Director Jack May added that the cost of this water will be borne by the GTUA.

Upon a motion by Director Jack May and a second by Director Keith Stephens, the Board of Directors voted unanimously to approve as presented.

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

Director Jack May advised that the Water Committee reviewed this item today and voted to recommend the Board authorize execution of a construction contract with Flow-Line Construction, Inc., to relocate water and wastewater infrastructure to facilitate the TxDOT

project to widen FM 2478 (Custer Road) north of US Highway 380. Relocation of our pipeline qualifies for reimbursement costs at the completion of the project.

Upon a motion by Director Jack May and a second by Director Blair Johnson, the Board of Directors voted unanimously to approve as presented.

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

Director Jack May advised that the Water Committee reviewed this item today and voted to recommend the Board authorize execution of an engineering services agreement with Gupta & Associates, Inc. to provide fiber optic cable along a portion of the existing alignment and easement of the Texoma Raw Water Pipeline to extend the enhanced bandwidth and improve reliability of communications for the full distance between the Wylie Water Treatment Plant and Texoma Raw Water Pump Station.

Upon a motion by Director Jack May and a second by Director George Crump, the Board of Directors voted unanimously to approve as presented.

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

Director Jack May advised that the Water Committee reviewed this item today and voted to recommend the Board authorize execution of an engineering services agreement with Freese and Nichols, Inc. to design partial relocation of the 20-inch Wylie to Rockwall pipeline, and addition of certain system interconnecting piping to facilitate TxDOT's plan to widen State Highway 205 and to acquire easements for Phase II.

Upon a motion by Director Jack May and a second by Director John Carr, the Board of Directors voted to approve as presented. Director Larry Parks abstained from voting on this item.

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

Director David Hollifield advised that the Wastewater Committee reviewed this item today and voted to recommend the Board authorize this change order with credits for deficiencies totaling \$448,740 and additional work in the amount of \$421,925; with a net change order amount of \$26,815.

Upon a motion by Director David Hollifield and a second by Director Lynn Shuyler, the Board of Directors voted unanimously to approve as presented.

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

Director David Hollifield advised that the Wastewater Committee reviewed this item today and voted to recommend the Board authorize additional engineering services in the amount of \$365,500. This includes additional design, construction coordination, and project closeout services in the amount of \$421,500 with a credit of \$56,000 for design omissions.

Upon a motion by Director David Hollifield and a second by Director Lynn Shuyler, the Board of Directors voted unanimously to approve a presented.

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

Director David Hollifield advised the Board that the Wastewater Committee reviewed this item today and voted to recommend the Board authorize an engineering services agreement for final design of the outfall pipeline from Sister Grove Regional Water Resource Recovery Facility to the outfall structure.

Director Marvin Fuller requested some additional information on the construction of this project. Engineering Manager Bret Ellis advised that the original estimate was for two 78-inch pipelines at a cost of \$126 million. Given the subsurface rock conditions in the area, an alternate price was provided for a single 96-inch pipeline in the amount of \$83 million, which staff is recommending.

Upon a motion by Director David Hollifield and a second by Director Lynn Shuyler, the Board of Directors voted unanimously to approve as presented.

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

Director David Hollifield advised that the Wastewater Committee reviewed this item today and voted to recommend the Board authorize transfer of up to \$400,000 from the Regional Wastewater System Reserve for Maintenance Account into the FY 2019-20 Annual Operating Budget to fund an emergency repair at the South Mesquite Regional Wastewater Treatment Plant.

Upon a motion by Director David Hollifield and a second by Director Chip Imrie, the Board of Directors voted unanimously to approve as presented.

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

President Don Gordon advised that the proposed amendments to Board Policies Manual to Section II. have been discussed with the Executive, Personnel, and Policy Committees and will update the process of the ED/GM evaluation process as well as the filling of interim vacancies plan. He added that some very minor edits to wording in the proposed amendment to the ED/GM evaluation process have been suggested. A copy these suggested edits are included in a redlined version in the Board Member folders.

Director Joe Joplin asked when this matter went back to the Personnel Committee, adding that it should have after the Policy Committee review. He added that he and Director Terry Sam Anderson (who was absent at this meeting) worked on this for the past five years and were not aware a new plan had been implemented. President Gordon confirmed that proposed changes went to the Policy Committee and not Personnel, adding that it is important to stay on schedule with the evaluation process.

Director Joe Joplin moved to table this item not longer than one month. Motion was seconded by Director Lynn Shuyler.

Director Joe Farmer inquired why there was a need to make this amendment. Attorney Sheila Gladstone responded that the policy should reflect what is happening in regard to the evaluations and that at present that is not the case. She also stated there was concern as to confidentiality of the evaluations. Ms. Gladstone added that the consultant Katheryn Ray's contract has been amended, and the staff has been taken out of the process. It was also noted that Ms. Ray's first payment is due by March 1st.

Director Joplin stated that the Board only authorized a contract with Ms. Ray and moving forward was not authorized. He requested that the Personnel Committee be able to review the evaluation questions.

At this time Director Chip Imrie called the question and requested the vote be taken.

The Board of Directors voted on the motion to table the item. With 19 Board Members present the motion to table was approved. The following Directors voted against tabling the item.

Director Marvin Fuller
President Don Gordon
Secretary Darrell Grooms
Director David Hollifield
Director Blair Johnson
Director James Kerr
Director Jack May
Director Brenda Jean Patrick

Director Keith Stephens

X. DISCUSSION ITEMS

A. Bois d’Arc Lake update

Executive Director Tom Kula announced that Jeff McKitto would present this month’s Bois d’Arc video. The video is available on the NTMWD website and on the You-Tube Channel. He added that there is no construction update but that the “notch” closing will begin in March.

1. Construction update- None presented.
2. Property acquisition update- None presented.

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

Attorney Lauren Kalisek announced that the Public Utility Commission hearing is scheduled for tomorrow (February 27th) at 9:30 a.m. The District’s case is Number 17 on the agenda. She added that if needed a Special Board meeting would be called next week. It was noted that Directors may watch the hearing on-line.

At 5:46 p.m. President Gordon announced that an Executive Session of the Board of Directors was being called in order to discuss Agenda Item Nos. X.C. (1-5) pursuant to the Texas Government Code, Section 551.071, Consultation with Attorney.

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)

Open Session was reconvened at 6:06 p.m. No action was taken in Executive Session.

D. Review of items for follow up raised during meeting

No follow up items were discussed.

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

No potential future agenda items were requested.

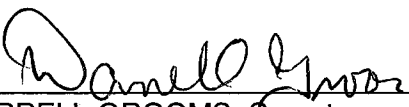
XI. ADJOURNMENT

There being no further business, the meeting adjourned at approximately 6:06 p.m. The next regular meeting of the NTMWD Board of Directors will be held Thursday, March 26th, at 4:00 p.m. at the North Texas Municipal Water District offices at 501 E. Brown Street, Wylie, Texas.

APPROVED:


DON GORDON, President

ATTEST:


DARRELL GROOMS, Secretary

