



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 (BY TELECONFERENCE)
THURSDAY, MARCH 26, 2020
3:00 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 by teleconference, accessible to the public, on Thursday, March 26, 2020, at 3:00 p.m.

In accordance with the COVID-19 public health threat and the related March 16, 2020, action by the Office of the Governor, temporarily suspending certain provisions of the Texas Open Meetings Act, NTMWD will hold its meeting by telephonic conference call.

In lieu of physical attendance of the meeting, the public may teleconference in to the March 26, 2020, Board meeting by calling (469) 210-7159 and entering the following access code: 138 994 37. Members of the public wishing to make public comment during the meeting should follow the instructions for on-line registration listed under Item IV below no later than the start time of the meeting. The meeting will be recorded and the audio recording will be available on the NTMWD website after the meeting.

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. ROLL CALL/ANNOUNCEMENT OF QUORUM

NTMWD staff will call the roll and confirm attendance of Board members by voice confirmation. The Board Secretary shall announce a quorum.

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.

IV. INSTRUCTIONS FROM MODERATOR

A member of NTMWD staff will serve as moderator for the teleconference and provide instructions to Board members, staff and the public for conducting the meeting by teleconference.

V. PUBLIC COMMENTS

INSTRUCTIONS FOR PUBLIC COMMENT ON-LINE REGISTRATION: Prior to the start of the Board meeting, members of the public wishing to provide public comment must submit via email to PublicRelations.Info@ntmwd.com their first and last name, organization, comment topic, mailing address and email address. During the public comment portion of the meeting, speakers will be recognized by name and asked to provide their comments. 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.

VI. OPENING REMARKS

- A. President's Remarks concerning current events, conduct of meeting, posted agenda items, committee assignments, and related matters
- B. 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
- *The Executive Director will provide an update on the District's response to COVID-19 and other updates as needed.*

VII. 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. 20-03-01**
- Consider approval of February 26, 2020, Board of Directors Regular meeting minutes
- B. **Special Board Meeting Minutes – Consent Agenda Item No. 20-03-02**
- Consider approval of January 8, 2020, Special Board Meeting Minutes
- C. **Special Board Meeting Minutes – Consent Agenda Item No. 20-03-03**
- Consider approval of March 4, 2020, Special Board Meeting Minutes
- D. **Monthly Construction Report – Consent Agenda Item No. 20-03-04**
- Consider approval of March 2020 Monthly Construction Report

- E. **Resolution Conveying Property to Oncor Electric Delivery Company – Consent Agenda Item No. 20-03-05**
 - Consider adoption of Resolution No. 20-08 conveying property at Wylie Water Treatment Plant Water System Operations Center site in the form of a 0.0735 acre permanent easement to Oncor Electric Delivery Company, LLC, Project No. 101-0352-14

- F. **Resolution authorizing encroachment agreement with Oncor Electric Delivery Company – Consent Agenda Item No. 20-03-06**
 - Consider adoption of Resolution No. 20-09 authorizing an encroachment agreement with Oncor Electric Delivery Company, LLC, at the Wylie Water Treatment Plant No. III site, Project No. 101-0518-18

- G. **Engineering Services Agreement for Contracted Project Management Services – Consent Agenda Item No. 20-03-07**
 - Consider authorizing execution of an engineering services agreement with Kimley-Horn and Associates, Inc., in the amount of \$162,600 for contracted project management services on Project No. 507-0484-17, Buffalo Creek Parallel Interceptor, Phase I; Project No. 507-0549-19, Buffalo Creek Force Main Parallel; Project No. 509-0455-17, Forney Mustang Creek Lift Station, Phase I

- H. **Legal Services for Sister Grove Regional Water Resource Recovery Facility – Consent Agenda Item No. 20-03-08**
 - Consider authorizing legal services with Lloyd Gosselink Rochelle & Townsend, PC, in the amount of \$25,000 for Project No. 301-0426-16, Sister Grove Regional Water Resource Recovery Facility

- I. **Conveyance of Permanent Easement to Oncor Electric Delivery Company – Consent Agenda Item No. 20-03-09**
 - Consider adoption of Resolution No. 20-10 conveying property at Casa View Pump Station site in the form of a 0.083 acre permanent easement to Oncor Electric Delivery Company, LLC, Project No. 101-0419-16

- J. **Credit to Engineering Services Agreement – Consent Agenda Item No. 20-03-10**
 - Consider authorizing a credit to the additional engineering services with Carollo Engineers, Inc., in the amount of \$26,160 on Project No. 309-0252-11, Stewart Creek West Wastewater Treatment Plant Expansion to 10 MGD

- K. **License Agreement with Dallas Area Rapid Transit – Consent Agenda Item No. 20-03-11**
 - Consider authorizing execution of license agreement with Dallas Area Rapid Transit for Project No. 501-0473-17, Plano Spring Creek Lift Station No. 2 Improvements

VIII. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

GENERAL/ADMINISTRATIVE SERVICES ITEMS

- A. **Regional Water System Contract Revenue Refunding Bonds – Administrative Memorandum No. 5529**

- Consider adoption of Resolution No. 20-11 authorizing the issuance, sale, and delivery of North Texas Municipal Water District Water System Revenue Refunding Bonds, Series 2020, in an approximate amount not-to-exceed amount of \$110 million, and approving and authorizing instruments and procedures relating thereto

BOIS D'ARC LAKE AGENDA ITEMS

B. Amendment No. 10 to Construction Manager At-Risk Agreement – Administrative Memorandum No. 5530

- Consider authorizing execution of Amendment No. 10 to the Construction Manager At-Risk (CMAR) Agreement for partial Guaranteed Maximum Price (GMP) No. 7 as follows:
 - Establish a partial GMP No. 7 in the amount of \$14,996,101.29 for CMAR construction services for right-of-way clearing, a stand-alone tunneling work package, and the purchase of small diameter gate and air release valves for the Treated Water Pipeline from Leonard Water Treatment Plant to McKinney No. 4.

WATER SYSTEM AGENDA ITEMS

C. Engineering Services Agreement for Wylie Water Treatment Plant II Structural and Mechanical Improvements – Administrative Memorandum No. 5531

- Consider authorizing execution of engineering services agreement with Jacobs Engineering Group, Inc., in the amount of \$1,526,183, for final engineering design on Project No. 101-0517-18, Wylie Water Treatment Plant II Structural and Mechanical Improvements, Phase II

D. Construction Manager At-Risk Agreement for Wylie Water Treatment Plant IV Filter Complex Wall Repairs – Administrative Memorandum No. 5532

- Consider authorizing a Construction Manager At-Risk agreement with Felix Construction Company in the amount of \$187,625 and authorize funding for pre-construction services and procurement services for the Wylie Water Treatment Plant IV Filter Complex Wall Repairs, Project No. 101-0422-16

E. Change Order No. 2 on Trinity River Main Stem Pump Station and Raw Water Pipeline – Administrative Memorandum No. 5533

- Consider authorizing Change Order No. 2 to Guaranteed Maximum Price with Garney Companies, Inc., for a reduction in the amount of \$2,000,000 on Project No. 101-0269-11, Trinity River Main Stem Pump Station and Raw Water Pipeline

F. Engineering Services Agreement for Texoma to Wylie Raw Water Pipeline Crossing – Administrative Memorandum No. 5534

- Consider authorizing execution of engineering services agreement with Freese and Nichols, Inc., in the amount of \$34,580 for final engineering design on Project No. 101-0557-20, Texoma to Wylie Raw Water Pipeline crossing at State Highway 121, Tunnel Casing Extension

WASTEWATER SYSTEM AGENDA ITEMS

- G. **Award of Construction Contract for Plano Spring Creek Lift Station No. 2 Improvements – Administrative Memorandum No. 5535**
- Consider authorizing award of construction contract to Eagle Contracting, LP, in the amount of \$8,329,000 for Project No. 501-0473-17, Plano Spring Creek Lift Station No. 2 Improvements
- H. **Change Order No. 20 and Partial Reduction in Retainage on Wilson Creek Regional Wastewater Treatment Plant Expansion Project – Administrative Memorandum No. 5536**
- Consider authorizing ratification of Change Order No. 20 with Sundt Construction, Inc., in the amount of \$30,735.28 and authorizing partial reduction in retainage in the amount of \$1,617,811.93 on Project No. 301-0437-16, Wilson Creek Regional Wastewater Treatment Plant Expansion
- I. **Additional Engineering Services on Wilson Creek Transfer Force Main Project – Administrative Memorandum No. 5537**
- Consider authorizing additional engineering services with Espey Consultants, Inc., in the amount of \$189,000, for final engineering design on Project No. 501-0495-18, Wilson Creek Transfer Force Main
- J. **Reduction in Engineering Services on Rowlett Creek Regional Wastewater Treatment Plant Peak Flow Management Improvements Project – Administrative Memorandum No. 5538**
- Consider authorizing a reduction in engineering services with CH2M HILL Engineers, Inc., in the amount of \$188,561.03 on Project No. 301-0328-13, Rowlett Creek Regional Wastewater Treatment Plant Peak Flow Management Improvements, Phase 1
- K. **Change Order on Rowlett Creek Regional Wastewater Treatment Plant Peak Flow Management Improvements Project – Administrative Memorandum No. 5539**
- Consider authorizing Change Order No. 22 with Pepper Lawson Waterworks, LLC, in the amount of \$188,561.03 on Project No. 301-0328-13, Rowlett Creek Wastewater Treatment Plant Peak Flow Management Improvements, Phase 1

SOLID WASTE AGENDA ITEMS

- L. **Award of Construction Contract for Sector 5D Construction, Clay Liner, and Leachate Collection System at 121 Regional Disposal Facility – Administrative Memorandum No. 5540**
- Consider authorizing award of construction contract with LD Kemp Excavating, Inc., in the amount of \$720,336.60 for Project No. ENG 19-16, Sector 5D Construction, Clay Liner and Leachate Collection System, 121 Regional Disposal Facility
- M. **Award of Construction Contract for Sector 5D Construction, Geosynthetic Liner Material Purchase and Install, 121 Regional Disposal Facility – Administrative Memorandum No. 5541**

- Consider authorizing award of construction contract with Patriot Environmental, LLC, in the amount of \$593,885.66 for Project No. ENG 19-17, Sector 5D Construction, Geosynthetic Liner Material Purchase and Install, 121 Regional Disposal Facility
- N. **Award of Construction Contract for 121 Regional Disposal Facility Intermediate Cover Improvements Project – Administrative Memorandum No. 5542**
- Consider authorizing award of construction contract with Hammett Excavation, Inc., in the amount of \$1,456,263.35 for Project No. 401-0560-20, 121 Regional Disposal Facility Intermediate Cover Improvements

LAND ACQUISITION/RIGHT-OF-WAY AGENDA ITEMS

- O. **Property Acquisition Program for North McKinney Transfer Station, Right-of-Way Acquisition Program for North McKinney Transfer Force Main, and Adoption of Resolution authorizing use of eminent domain to acquire property and right-of-way – Administrative Memorandum No. 5543**
- Consider authorizing execution of property acquisition program for North McKinney Transfer Lift Station project with a budget of \$955,000; authorizing execution of right-of-way acquisition program for North McKinney Transfer Force Main project with a budget of \$2,335,000; and consider adoption of Resolution No. 20-12 authorizing the use of eminent domain to acquire both the property for the North McKinney Transfer Lift Station, Project No. 501-0513-18, and the right-of-way for the North McKinney Transfer Force Main, Project No. 501-0514-18, and delegating authority to initiate condemnation proceedings to the NTMWD Executive Director
- P. **Right-of-Way Acquisition Program for Kaufman 20-Inch Waterline Assessment, Phase II, Project – Administrative Memorandum No. 5544**
- Consider authorizing execution of right-of-way acquisition program for Kaufman 20-Inch Waterline Assessment, Phase II, project with a budget of \$25,000; and consider adoption of Resolution No. 20-13 authorizing the use of eminent domain to acquire right-of-way for the Kaufman 20-Inch Waterline Assessment, Phase II, Project No. 101-0427-16, and delegating authority to initiate condemnation proceedings to the NTMWD Executive Director
- Q. **Right-of-Way Acquisition Program for Wilson Creek Transfer Force Main Project – Administrative Memorandum No. 5545**
- Consider authorizing execution of right-of-way acquisition program for Wilson Creek Transfer Force Main Project with a budget of \$3,310,000; and consider adoption of Resolution No. 20-14 authorizing the use of eminent domain to acquire right-of-way for the Wilson Creek Transfer Force Main, Project No. 501-0495-18, and delegating authority to initiate condemnation proceedings to the NTMWD Executive Director

OTHER AGENDA ITEM

R. **Final Settlement Agreement with Engineering Defendant on Wylie Water Treatment Plant IV Filter Complex Structural Evaluation Project – Administrative Memorandum No. 5546**

- Consider authorizing final settlement agreement with engineering defendant on Project No. 101-0422-16, Wylie Water Treatment Plant IV Filter Complex Structural Evaluation

IX. **DISCUSSION ITEMS**

A. 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

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)

X. **ADJOURNMENT**