



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, APRIL 23, 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 by teleconference, accessible to the public, on Thursday, April 23, 2020, at 4:00 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 April 23, 2020, Board meeting by calling [1-844-621-3956](tel:1-844-621-3956) and entering the following access code: [928 587 040](tel:928-587-040). Members of the public wishing to make public comment during the meeting should follow the instructions for on-line registration listed under Item V. 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

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. 20-04-01**
 - Consider approval of March 26, 2020, Board of Directors Regular meeting minutes
- B. **Monthly Construction Report – Consent Agenda Item No. 20-04-02**
 - Consider approval of April 2020 Monthly Construction Report
- C. **Declaration of NTMWD Property as Salvage or Surplus and authorizing entering contract to facilitate sale of such assets – Consent Agenda Item No. 20-04-03**
 - Consider declaring certain NTMWD property as salvage or surplus and authorizing the Executive Director to enter into a contract with Rene Bates Auctioneers, Inc., for the auction sale of such assets as listed in Consent Agenda Item No. 20-04-03

- D. **Authorize legal services for Indian Creek Force Main No. 2 Project – Consent Agenda Item No. 20-04-04**
- Consider authorizing legal services in the amount of \$20,000 with Saunders, Walsh & Beard, Attorneys & Counselors for Project No. 501-0454-17, Indian Creek Force Main No. 2

VIII. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

GENERAL/ADMINISTRATIVE SERVICES ITEMS

- A. **Adoption of Resolution commending Thomas W. Kula’s service to the NTMWD**
- Consider adoption of Resolution No. 20-18 commending Thomas W. Kula for six years of dedicated service to the NTMWD
- B. **Authorize issuance, sale, and delivery of Panther Creek Regional Wastewater System Treatment Plant Contract Revenue Bonds, Series 2020 – Administrative Memorandum No. 5547**
- Consider adoption of Resolution No. 20-15 authorizing the issuance, sale and delivery of approximately \$5,200,000 of NTMWD Panther Creek Regional Wastewater System Treatment Plant Contract Revenue Bonds, Series 2020, and approving and authorizing instruments and procedures relating thereto
- C. **Authorize issuance, sale, and delivery of Mustang Creek Wastewater Interceptor System Contract Revenue Bonds, Series 2020 – Administrative Memorandum No. 5548**
- Consider adoption of Resolution No. 20-16 authorizing the issuance, sale, and delivery of approximately \$4,215,000 of NTMWD Mustang Creek Wastewater Interceptor System Contract Revenue Bonds, Series 2020, and approving and authorizing instruments and procedures relating thereto
- D. **Appointment of auditors for FY 2020 audit services – Administrative Memorandum No. 5549**
- Consider authorizing appointment of Crowe, LLP, in the amount of \$634,250 for annual audit services in the amount of \$634,250 starting in FY 20 and subject to review for renewal annually
- E. **Authorize final settlement agreement with Denali Water Solutions – Administrative Memorandum No. 5550**
- Consider authorizing final settlement agreement with Denali Water Solutions related to Wylie Water Treatment Plant Complex, water treatment residuals removal and disposal

BOIS D’ARC LAKE AGENDA ITEMS

- F. **Authorize Amendment No. 11 to Construction Manager At-Risk Agreement (CMAR) – Administrative Memorandum No. 5551**
- Consider authorizing execution of Amendment No. 11 to the CMAR agreement for partial guaranteed maximum price No. 8 as follows:
 - Decrease the Bois d’Arc Lake Raw Water Pipeline by \$4,823,672.39 due to a reduction in work package scope, Project No. 101-0424-16; and,

- Additional funding of \$49,309,074.72 for installation of large diameter water pipeline and the cathodic protection system for the treated water pipeline from Leonard Water Treatment Plant to McKinney No. 4, Project No. 101-0425-16

WATER SYSTEM AGENDA ITEMS

- G. **Authorize additional inspection services for Wylie Water Treatment Plant IV Expansion Project – Administrative Memorandum No. 5552**
- Consider authorizing additional inspection services with Mbroh Engineering, Inc., in the amount of \$180,000 for Project No. 101-0387-15, Wylie Water Treatment Plant IV 70 MGD Expansion to 210 MGD
- H. **Award of Construction Contract for Kaufman 20-inch Waterline Assessment, Phase II Project – Administrative Memorandum No. 5553**
- Consider authorizing award of construction contract with Mountain Cascade of Texas, LLC, in the amount of \$1,215,500 for Project No. 101-0427-16, Kaufman 20-inch Waterline Assessment, Phase II
- I. **Authorize filing for temporary water use permit regarding Lavon Lake – Administrative Memorandum No. 5554**
- Consider adoption of Resolution No. 20-17 authorizing filing of temporary water use permit application, which authorizes the Executive Director to execute and prosecute an application for temporary water use permit authorizing the overdraft of Lavon Lake for a three-year period

WASTEWATER SYSTEM AGENDA ITEMS

- J. **Authorize engineering services agreement for Panther Creek Wastewater Treatment Plant Expansion – Administrative Memorandum No. 5555**
- Consider authorizing execution of engineering services agreement with HDR Engineering, Inc., in the amount of \$5,364,255 for preliminary and final engineering design for Project No. 307-0493-18, Panther Creek Wastewater Treatment Plant Expansion to 15 MGD
- K. **Authorize engineering services agreement for Forney Mustang Creek Lift Station, Phase II, and Forney Force Main Improvements Project – Administrative Memorandum No. 5556**
- Consider authorizing execution of engineering services agreement with Hazen and Sawyer in the amount of \$1,331,400 for final engineering design for Project No. 509-0561-20, Forney Mustang Creek Lift Station Phase II and Forney Force Main Improvements
- L. **Authorize award of construction contract for Beck Branch Parallel Interceptor Improvements Project – Administrative Memorandum No. 5557**
- Consider authorizing award of construction contract to ARK Contracting Services, LLC, in the amount of \$21,014.584 for Project No. 501-0439-16, Beck Branch Parallel Interceptor Improvements, Beck Branch Parallel Interceptor, Phase II, and Plano Spring Creek Force Main Parallel

M. **Ratification of action on Executive Director evaluation and employment contract**

- Consider authorizing ratification of action taken at April 16, 2020, Special Board meeting wherein public access teleconference line failed on Executive Director evaluation and employment contract

N. **Authorize action on Executive Director vacancy**

- Consider action on Executive Director vacancy, including appointment of interim Executive Director and search process

IX. **DISCUSSION ITEMS**

A. Update on Boardroom Technology

B. Appointment of Nominating Committee to develop recommendation for slate of officers for 2020-2021

C. 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

D. Update on litigation involving North Texas Municipal Water District/advice from legal counsel, including:

1. 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)

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)

X. **ADJOURNMENT**