



NORTH TEXAS MUNICIPAL WATER DISTRICT

**501 E. Brown Street • Wylie, Texas 75098
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**BOARD OF DIRECTORS
REGULAR MEETING (BY TELECONFERENCE)
THURSDAY, JUNE 25, 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, June 25, 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 Board meeting by calling 1 (844) 621-3956 and entering the following access code: 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. OATH OF OFFICE

VI. 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.

VII. OPENING REMARKS

- A. President's Remarks concerning current events, conduct of meeting, posted agenda items, committee assignments, and related matters
- B. Interim 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. 20-06-01**
- Consider approval of May 28, 2020, Board of Directors Regular meeting minutes
- B. **Monthly Construction Report – Consent Agenda Item No. 20-06-02**
- Consider approval of May 2020 Monthly Construction Report
- C. **Authorize engineering services agreement on Bypass Connection and Phase II Valve Improvements project – Consent Agenda Item No. 20-06-03**
- Consider authorizing the Interim Executive Director to execute an engineering services agreement with Pacheco Koch Consulting Engineers, Inc., in the amount of \$197,100 for final engineering design on Project No. 501-0565-20, Bypass Connection and Phase II Valve Improvements

IX. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

GENERAL/ADMINISTRATIVE SERVICES ITEMS

- A. **Amendment to Board Policies Manual, Section VII. Board of Directors Committee Policy – Administrative Memorandum No. 5575**
- Consider authorizing amendment to NTMWD Board Policies Manual, *Section VII. Board of Directors Committee Policy*
- B. **Adoption of Resolution No. 20-27 authorizing issuance, sale, and delivery of NTMWD Regional Wastewater System Contract Revenue Bonds, Series 2020A – Administrative Memorandum No. 5576**
- Consider adoption of Resolution No. 20-27 authorizing the issuance, sale, and delivery of approximately \$35.13 million of NTMWD Upper East Fork Wastewater Interceptor System Contract Revenue Bonds, Series 2020A, and approving and authorizing instruments and procedures relating thereto
- C. **Acceptance of FY20 Comprehensive Compensation and Benefits Study – Administrative Memorandum No. 5577**
- Consider authorizing acceptance of the FY20 Comprehensive Compensation and Benefits Study
- D. **Adoption of Resolution No. 20-29 recognizing and supporting Member City contract and settlement negotiations – Administrative Memorandum No. 5578**
- Consider adoption of Resolution No. 20-29 recognizing and supporting Member City contract and settlement negotiations
- E. **Authorize execution of architectural services agreement on Maintenance Facilities Central Region, Phase II – Administrative Memorandum No. 5579**
- Consider authorizing the Interim Executive Director to execute an architectural services agreement with Stantec Architecture, Inc., in the amount of \$1,070,826 for final architecture and engineering design on Project No. 101-0445-16, Maintenance Facilities Central Region, Phase II

WATER SYSTEM AGENDA ITEMS

- F. **Authorize Change Order No. 5 on Wylie Water Treatment Plant Water System Operations Center – Administrative Memorandum No. 5580**
- Consider authorizing Change Order No. 5 with MYCON General Contractors, Inc., with a reduction in the amount of \$486,044.73 to Project No. 101-0352-14, Wylie Water Treatment Plant Water System Operations Center
- G. **Authorize execution of engineering services agreement on Plano West Side Pipeline, Plano Delivery Point No. 3 to Richardson Delivery Point No. 2 – Administrative Memorandum No. 5581**
- Consider authorizing the Interim Executive Director to execute an engineering services agreement with Lockwood, Andrews and Newnam, Inc., in the amount of \$1,249,977 for final engineering design on Project No. 101-0566-20, Plano West Side Pipeline, Plano Delivery Point No. 3 to Richardson Delivery Point No. 2

- H. **Award of construction contract on Meter Vault Standardization, Set Point Control Implementation, Phase III – Administrative Memorandum No. 5582**
- Consider authorizing award of construction contract to Felix Construction Company in the amount of \$13,470,395 for Project No. 101-0338-13, Meter Vault Standardization, Set Point Control Implementation, Phase III
- I. **Designation of emergency action and authorize execution of construction contract on Texoma to Wylie Raw Water Pipeline Crossing at State Highway 121 – Administrative Memorandum No. 5583**
- Consider authorizing designation of emergency action and authorizing execution of construction contract with Garney Companies, Inc., in the amount of \$818,739.87 on Project No. 101-0557-20, Texoma to Wylie Raw Water Pipeline Crossing at State Highway 121, Tunnel Casing Extension
- J. **Authorize partial release of retainage on Trinity River Main Stem Pump Station and Raw Water Pipeline Project – Administrative Memorandum No. 5584**
- Consider authorizing partial release of retainage to Garney Companies, Inc., in the amount of \$1,219,957.28 on Project No. 101-0269-11, Trinity River Main Stem Pump Station and Raw Water Pipeline

WASTEWATER SYSTEM AGENDA ITEMS

- K. **Authorize transfer of funds and ratification of action by previous Executive Director in response to emergency conditions at Upper Rowlett Creek Lift Station and Upper Cottonwood Creek Lift Station – Administrative Memorandum No. 5585**
- Consider authorizing transfer of funds up to \$550,000 and authorizing ratification of the emergency procurement of goods and services in the amount of \$719,461.98 authorized by the previous Executive Director in response to emergency conditions resulting from check valve failures at Upper Rowlett Creek Lift Station and influent pipe leak at the Upper Cottonwood Creek Lift Station
- L. **Award of construction contract on Wilson Creek Lift Station Improvements project – Administrative Memorandum No. 5586**
- Consider authorizing award of construction contract to Crescent Constructors, Inc., in the amount of \$4,747,000 on Project No. 501-0448-16, Wilson Creek Lift Station Improvements
- M. **Additional inspection services for Wilson Creek Regional Wastewater Treatment Plant Advanced Treatment and Headworks Improvements project – Administrative Memorandum No. 5587**
- Consider authorizing additional inspection services with Mbroh Engineering, Inc., in the amount of \$138,600 for electrical inspection services on Project No. 301-0346-13, Wilson Creek Regional Wastewater Treatment Plant Advanced Treatment and Headworks Improvements

- N. **Authorize execution of engineering services agreement on Wilson Creek Regional Wastewater Treatment Plant Aeration Basin Improvements project – Administrative Memorandum No. 5588**
- Consider authorizing the Interim Executive Director to execute an engineering services agreement with Lockwood, Andrews, and Newnam, Inc., in the amount of \$977,384 for final engineering design on Wilson Creek Regional Wastewater Treatment Plant Aeration Basin Improvements

LAND ACQUISITION/RIGHT-OF-WAY AGENDA ITEMS

- O. **Authorize additional funding for pipeline relocations and adoption of Resolution No. 20-30 authorizing additional funding of right-of-way for Project No. 101-0506-18, Pipeline Relocations at FM 2478 (Custer Road) – Administrative Memorandum No. 5589**
- Consider authorizing additional funding for right-of-way acquisition program in the amount of \$320,000 resulting in a total authorization of \$1,000,000 and adoption of Resolution No. 20-30 authorizing additional funding of right-of-way for the pipeline relocations at FM 2478 (Custer Road), Project No. 101-0506-18
- P. **Authorize right-of-way acquisition program and adopt Resolution No. 20-29 authorizing the use of eminent domain to acquire right-of-way for the Upper East Fork Interceptor Rehabilitation and Improvements 2020 project – Administrative Memorandum No. 5590**
- Consider authorizing Interim Executive Director to execute a right-of-way acquisition program with a budget of \$30,000 and adoption of Resolution No. 20-29 authorizing the use of eminent domain to acquire right-of-way for the Upper East Fork Interceptor Rehabilitation and Improvements 2020, Project No. 501-0540-169 and delegating authority to initiate condemnation proceedings to the NTMWD Interim Executive Director

X. **DISCUSSION ITEMS**

- A. Bois d’Arc Lake Update
1. Construction update
 2. Property acquisition update
- B. Update on power agreement with Farmers Electric Cooperative for Tawakoni Water Treatment Plant
- 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)
 - 2. Mediation results for Upper East Fork Interceptor System Indian Creek Force Main No. 2, Project No. 501-0454-17
 - 3. Justin A. Jinright, et al., v. NTMWD, Cause No. 429-02373-2016 pending in Collin County, Texas 3. Loyd D. Johnson Family Ltd. Partnership No. 1, LLC, et al, v. NTMWD

- E. Update on accident at Seis Lagos Wastewater Treatment Plant on June 2, 2020

- F. Discuss Executive Director search process

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

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

XI. **ADJOURNMENT**