



## **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, JULY 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, July 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 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.

### **AMENDED AGENDA<sup>1</sup>**

**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.

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<sup>1</sup>Persons 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](mailto: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. 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

**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. 20-07-01**
  - Consider approval of June 25, 2020, Board of Directors Regular meeting minutes
- B. **Special Board Meeting Minutes – Consent Agenda Item No. 20-07-02**
  - Consider approval of June 25, 2020, Board of Directors Special meeting minutes
- C. **Monthly Construction Report – Consent Agenda Item No. 20-07-03**
  - Consider approval of June 2020 Monthly Construction Report
- D. **Authorize adoption of Resolution No. 20-31 authorizing encroachment agreement with Rayburn County Electric Cooperative – Consent Agenda Item No. 20-07-04**
  - Consider authorizing adoption of Resolution No. 20-31 authorizing an encroachment agreement with Rayburn County Electric Cooperative, at the Treated Water Pipeline from Leonard Water Treatment Plant to McKinney No. 4, Project No. 101-0425-16

- E. **Authorize ratification of actions of Interim Executive Director to reimburse professional services incurred as cost of issuance of Regional Wastewater System Revenue Bonds, Series 2020 – Consent Agenda Item No. 20-07-05**
- Consider authorizing ratification of actions of Interim Executive Director to reimburse professional services incurred as cost of issuance in the amount of \$943,179.82 to McCall Parkhurst & Horton and Hilltop Securities, Inc., with the sale of \$458,920,000 Regional Wastewater System Revenue Bonds, Series 2020
- F. **Authorize additional legal services for 121 Force Main Improvements project– Consent Agenda Item No. 20-07-06**
- Consider authorizing additional legal services with Saunders, Walsh & Beard, Attorneys & Counselors in the amount of \$150,000 for Project No. 501-0491-18, 121 Force Main Improvements, Phase I
- G. **Authorize award of construction contract for Environmental Services Building Paving Improvements project – Consent Agenda Item No. 20-07-07**
- Consider authorizing award of construction contract with Reliable Paving, Inc., in the amount of \$114,922 on Project No. 101-0545-19, Environmental Services Building Paving Improvements
- H. **Authorize execution of engineering services agreement for Wylie Water Treatment Plant II Sedimentation Basin Troughs Improvements – Consent Agenda Item No. 20-07-08**
- Consider authorizing the Interim Executive Director to execute an engineering services agreement with AG&E Structural Engenuity in the amount of \$66,123 for final engineering design on Project No. 101-0568-20, Wylie Water Treatment Plant II Sedimentation Basin Troughs Improvements

VIII. **AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION**

**GENERAL/ADMINISTRATIVE SERVICES ITEMS**

- A. **Authorize amendment to NTMWD Administration and Finance Policies Manual, Section VII. Board of Directors Committee Policy – Administrative Memorandum No. 5591**
- Consider authorizing amendment to NTMWD Administration and Finance Policies Manual, *Section VI. Purchasing and Section XI, Fund Balance Policy*

**BOIS D'ARC LAKE AGENDA ITEMS**

- B. **Authorize additional engineering services for Leonard Water Treatment Plant project – Administrative Memorandum No. 5592**
- Consider authorizing additional engineering services with Jacobs Engineering Group, Inc., in the amount of \$1,496,720 on Project No. 101-0384-15, Leonard Water Treatment Plant
- C. **Authorize Amendment No. 14 to Construction Manager At-Risk Agreement for Partial Guaranteed Maximum Price for Leonard Water Treatment Plant and Bois d'Arc Lake Boat Ramps and Lake Facilities projects – Administrative Memorandum No. 5593**

- Consider authorizing the Interim Executive Director to execute Amendment No. 14 to the Construction Manager At-Risk agreement for Partial Guaranteed Maximum Price No. 7 with Garney Companies, Inc., in the amount of \$18,582,436 on Project No. 101-0384-15 Leonard Water Treatment Plant and Project No. 101-0436-16 Bois d’Arc Lake Boat Ramps and Lake Facilities
- D. **Authorize additional archeological services for Bois d’Arc Lake – Administrative Memorandum No. 5594**
  - Consider authorizing additional archeological services with AR Consultants, Inc., in the amount of \$7,345,470 on Project No. 101-0237-11, Bois d’Arc Lake Archeological Services
- E. **Authorize adoption of Resolution No. 20-32 authorizing release of surplus funds from the FM 897 Relocation project – Administrative Memorandum No. 5595**
  - Consider adoption of Resolution No. 20-32 authorizing the release of surplus funds in the amount of \$1,675,000 from the FM 897 Relocation, Project No. 101-0383-15
- F. **Authorize adoption of Resolution No. 20-33 authorizing funding to acquire remaining properties for Bois d’Arc Lake Mitigation project – Administrative Memorandum No. 5596**
  - Consider adoption of Resolution No. 20-33 authorizing funding in the amount of \$1,675,000 to acquire remaining properties for the Bois d’Arc Lake Mitigation Project, Project No. 101-0366-14

**WATER SYSTEM AGENDA ITEMS**

- G. **Authorize award of construction contract and inspection services agreement on Wylie Water Treatment Plants Human Machine Interface and Data Server Upgrades – Administrative Memorandum No. 5597**
  - Consider authorizing award of construction contract with Prime Controls, LP, in the amount of \$3,156,520 and inspection services agreement with Dietz Engineering in the amount of \$623,480 on Project No. 101-0515-18, Wylie Water Treatment Plants Human Machine Interface and Data Server Upgrades
- H. **Authorize award of construction contract for Wylie Rockwall Farmersville 48-inch Pipeline Improvements project– Administrative Memorandum No. 5598**
  - Consider authorizing award of construction contract with McKee Utility Contractors, Inc., in the amount of \$10,295,000 for Project No. 101-0490-18, Wylie Rockwall Farmersville 48-inch pipeline, Phase II, Improvements
- I. **Authorize additional engineering services for Transmission System Water Quality Analyzers project – Administrative Memorandum No. 5599**
  - Consider authorizing additional engineering services with Gupta & Associates, Inc., in the amount of \$146,222 on Project No. 101-0510-18, Transmission System Water Quality Analyzers

**WASTEWATER SYSTEM AGENDA ITEMS**

- J. **Authorize remainder of pre-construction and procurement services for the Construction Manager At-Risk for Sister Grove Regional Water Resource Recovery Facility – Administrative Memorandum No. 5600**
- Consider authorizing the remainder of pre-construction and procurement services for the Construction Manager At-Risk with Garney Companies, Inc., in the amount of \$1,153,988, on Project No. 301-0426-16, Sister Grove Regional Water Resource Recovery Facility
- K. **Authorize execution of engineering services agreement for Buffalo Creek Interceptor Tunnel – Administrative Memorandum No. 5601**
- Consider authorizing the Interim Executive Director to execute engineering services agreement with Gresham Smith in the amount of \$2,391,254 for final engineering design on Project No. 507-0549-19, Buffalo Creek Interceptor Tunnel
- L. **Authorize additional engineering services and adoption of Resolution No. 20-34 authorizing use of competitive sealed proposal procurement method for North McKinney Transfer Lift Station and North McKinney Transfer Force Main projects – Administrative Memorandum No. 5602**
- Consider authorizing additional engineering services with AECOM Technical Services, Inc., in the amount of \$566,633 on Project No. 501-0513-18, North McKinney Transfer Lift Station and adoption of Resolution No. 20-34 authorizing use of competitive sealed proposal procurement method under Texas Government Code Chapter 2269 for the North McKinney Transfer Lift Station, Project No. 501-0513-18, and the North McKinney Transfer Force Main, Project No. 501-0514-18
- M. **Authorize Change Order No. 15 and release of retainage on Princeton Lift Station Improvements project – Administrative Memorandum No. 5603**
- Consider authorizing construction Change Order No. 15 with Crescent Constructors, Inc., in the amount of \$438,591 and an additional 140 days and authorize release of retainage in the amount of \$165,561.78 on Project No. 501-0401-15, Princeton Lift Station Improvements

**LAND ACQUISITION/RIGHT-OF-WAY AGENDA ITEMS**

- N. **Authorize execution of right-of-way acquisition program and adoption of Resolution No. 20-35 authorizing use of eminent domain to acquire right-of-way for the Sister Grove Regional Water Resource Recovery Facility Outfall Pipeline project – Administrative Memorandum No. 5604**
- Consider authorizing the Interim Executive Director to execute a right-of-way acquisition program for with a budget of \$3,193,000; and, adoption of Resolution No. 20-35 authorizing the use of eminent domain to acquire right-of-way for the Sister Grove Regional Water Resource Recovery Facility, Outfall Pipeline, Project No. 301-0426-16, and delegating authority to initiate condemnation proceedings to the NTMWD Interim Executive Director

**ADDITIONAL GENERAL/ADMINISTRATIVE SERVICES ITEMS**

- O. **Authorize possible settlement agreement with Justin A. Jinright – Administrative Memorandum No. 5605**
- Consider authorizing possible settlement agreement with Justin A. Jinright relating to lawsuit styled *Justin Jinright v. North Texas Municipal Water District*, Cause No. 429-02373-2016, associated with construction of the North McKinney Pipeline, Phases I and II
- P. **Possible action on 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
  3. Authorization of Interim Executive Director to represent the District in settlement discussions subject to final review and approval of the Board of Directors

**IX. DISCUSSION ITEMS**

- A. Bois d’Arc Lake Update
1. Construction update
  2. Property acquisition update
- B. Update on on-going construction projects for Wylie Water Treatment Plants I and IV
- C. Update on litigation involving North Texas Municipal Water District/advice from legal counsel, including:
1. Loyd D. Johnson Family Ltd. Partnership No. 1, LLC, et al, v. NTMWD
- 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)***

**X. ADJOURNMENT**