



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, OCTOBER 22, 2020 2:30 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, October 22, 2020, at 2:30 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](tel:18446213956) and entering the following access code: [928 587 040](tel:928587040). 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.

Please note, if the Office of the Governor's March 16, 2020, action expires prior to the meeting, NTMWD will resume in-person meetings at its offices at 501 East Brown Street Wylie, Texas 75098 and there will not be an option to use the above listed teleconference line to attend the meeting so that NTMWD remains in compliance with the Texas Open Meetings Act.

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

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.

I. **CALL TO ORDER**

II. **INVOCATION**

III. **ROLL CALL/ANNOUNCEMENT OF QUORUM**

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. **EXECUTIVE SESSION (to begin at approximately 2:45 p.m. and end between 3:30 p.m. - 4:00 p.m.)**

The Presiding Officer will announce that the meeting will move into closed executive session and identify the agenda items to be discussed in executive session. The executive session will conclude so that the public meeting will resume between 3:30 p.m. - 4:00 p.m.

VII. **DISCUSSION ITEMS (to begin between 3:30 p.m. – 4:00 p.m.)**

- 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, and 50382 before the Public Utility Commission of Texas*
 - 2. Update on settlement status
- B. Update on litigation involving North Texas Municipal Water District/advice from legal counsel, including:
 - 1. Justin A. Jinright, et al., v. NTMWD, Cause No. 429-02373-2016 pending in Collin County, Texas
- C. Engineering update
 - 1. Update on Bois d’Arc Lake project
 - a. Construction update
 - 2. Update on Sister Grove Regional Water Resource Recovery Facility project

VIII. 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

IX. 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. **Approval of Regular Board Meeting Minutes – Consent Agenda Item No. 20-10-01**
 - Consider approval of September 24, 2020, Board of Directors Regular meeting minutes
- B. **Approval of Special Board Meeting Minutes – Consent Agenda Item No. 20-10-02**
 - Consider approval of September 8, 2020, Board of Directors Special meeting minutes
- C. **Approval of Special Board Meeting Minutes – Consent Agenda Item No. 20-10-03**
 - Consider approval of September 9, 2020, Board of Directors Special meeting minutes
- D. **Approval of Special Board Meeting Minutes – Consent Agenda Item No. 20-10-04**
 - Consider approval of September 16, 2020, Board of Directors Special meeting minutes
- E. **Approval of Special Board Meeting Minutes – Consent Agenda Item No. 20-10-05**
 - Consider approval of September 23, 2020, Board of Directors Special meeting minutes
- F. **Approval of Monthly Construction Report – Consent Agenda Item No. 20-10-06**
 - Consider approval of September 2020 Monthly Construction Report
- G. **Authorize execution of engineering services agreement on Wylie Water Treatment Plant III Outfall Improvements project – Consent Agenda Item No. 20-10-07**
 - Consider authorizing execution of engineering services agreement with Plummer Associates, Inc., in the amount of \$471,088 for final engineering

design on Project No. 101-0578-20, Wylie Water Treatment Plant III Outfall Improvements

- H. **Authorize execution of engineering services agreement on 121 Regional Disposal Facility South Slope Closure project – Consent Agenda Item No. 20-10-08**
- Consider authorizing the Interim Executive Director to execute an engineering services agreement with Biggs & Mathews Environmental in the amount of \$32,100 for final engineering design on Project No. 401-0575-20, 121 Regional Disposal Facility South Slope Closure
- I. **Adoption of Resolution No. 20-49 authorizing application filing and authorized representative resolution of financial assistance application for Buffalo Creek Interceptor Tunnel – Consent Agenda Item No. 20-10-09**
- Consider adoption of Resolution No. 20-49 authorizing application filing and authorized representative resolution of financial assistance application in the amount of \$39,616,000 on Buffalo Creek Interceptor Tunnel
- J. **Adoption of Resolution No. 20-50 expressing official intent to reimburse costs of Buffalo Creek Interceptor System – Consent Agenda Item No. 20-10-10**
- Consider adoption of Resolution No. 20-50 expressing official intent to reimburse costs (in an amount not-to-exceed \$2,000,000) of acquiring, constructing, and improving the Buffalo Creek Interceptor System
- K. **Adoption of Resolution No. 20-51 authorizing application filing and authorizing representative resolution of financial assistance application for South Mesquite Regional Wastewater Treatment Plant Peak Flow Management and Expansion – Consent Agenda Item No. 20-10-11**
- Consider adoption of Resolution No. 20-51 authorizing application filing and authorized representative resolution of financial assistance application in the amount of \$162,725,000 on South Mesquite Regional Wastewater Treatment Plant Peak Flow Management and Expansion
- L. **Adoption of Resolution No. 20-52 authorize intent to reimburse costs of acquiring, considering, and improving the Regional Wastewater System – Consent Agenda Item No. 20-10-12**
- Consider adoption of Resolution No. 20-52 expressing official intent to reimburse costs (in an amount not-to-exceed \$5,000,000) of acquiring, constructing, and improving the Regional Wastewater System
- X. **AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION**
- GENERAL/ADMINISTRATIVE SERVICES ITEMS**
- A. **Adoption of Resolution No. 20-48 authorizing the issuance, sale and delivery of NTMWD Sabine Creek Regional Wastewater System Contract Revenue Bonds, Series 2020 – Administrative Memorandum No. 5634**
- Consider authorizing the issuance, sale, and delivery of NTMWD Sabine Creek Regional Wastewater System Contract Revenue Bonds, Series 2020, in the

amount of approximately \$3,190,000 and approving and authorizing instruments and procedures relating thereto

BOIS D'ARC LAKE AGENDA ITEMS

- B. **Authorize execution of energy service agreement for Bois d'Arc Lake Dam and Leonard Water Treatment Plant facilities – Administrative Memorandum No. 5635**
- Consider authorizing the Interim Executive Director to execute an energy service agreement with Fannin County Electric Cooperative, Inc., for the term of five years for the Bois d'Arc Lake Dam and Leonard Water Treatment Plant facilities
- C. **Adoption of Resolution No. 20-53 authorizing Bois d'Arc Lake Shoreline Management Plan – Administrative Memorandum No. 5636**
- Consider adoption of Resolution No. 20-53 authorizing the adoption, implementation, and enforcement of the Bois d'Arc Lake Shoreline Management Plan
- D. **Authorize execution of Interlocal Agreement with Collin County for repairs to roads used during construction of Bois d'Arc Lake Treated Water Pipeline – Administrative Memorandum No. 5637**
- Consider authorizing the Interim Executive Director to execute an Interlocal Agreement with Collin County with a lump sum payment in the amount of \$2,000,000 to be paid to Collin County for post-construction repairs to roads used during the construction of the Bois d'Arc Lake Treated Water Pipeline from the Leonard Water Treatment Plant to McKinney No. 4, Project No. 101-0425-16

WATER SYSTEM AGENDA ITEMS

- E. **Authorize execution of engineering services agreement for Wylie Water Treatment Plant Finished Water Storage and Equalization project – Administrative Memorandum No. 5638**
- Consider authorizing the Interim Executive Director to execute an engineering services agreement with HDR Engineering, Inc., in the amount of \$599,737 for preliminary engineering design on Project No. 101-0577-20, Wylie Water Treatment Plant Finished Water Storage and Equalization
- F. **Authorize award of construction contract and execution of inspection services agreement on High Service Pump Station 3-1 Expansion to 450 MGD project – Administrative Memorandum No. 5639**
- Consider authorizing award of a construction contract to Archer Western Construction, LLC, in the amount of \$8,603,700 and authorizing execution of an inspection services agreement with Dietz Engineering in the amount of \$157,941 on Project No. 101-0509-18, High Service Pump Station 3-1 Expansion to 450 MGD

WASTEWATER SYSTEM AGENDA ITEMS

- G. **Authorize execution of Amendment No. 3 to Construction Manager At-Risk Agreement on Sister Grove Regional Water Resource Recovery Facility – Administrative Memorandum No. 5640**
- Consider authorizing the Interim Executive Director to execute Amendment No. 3 to the Construction Manager At-Risk Agreement with Garney Companies, Inc., in the amount of \$71,782,157.95 for partial Guaranteed Maximum Price No. 2, on Project No. 301-0426-16, Sister Grove Regional Water Resource Recovery Facility
- H. **Authorize additional legal services to defend lawsuit on Indian Creek Force Main No. 2 project – Administrative Memorandum No. 5641**
- Consider authorizing additional legal services with Saunders, Walsh & Beard, Attorneys & Counselors, in the amount of \$100,000 to defend a lawsuit filed by the contractor and assist with continued negotiations with the performance bond surety on Project No. 501-0454-17, Indian Creek Force Main No. 2
- I. **Authorize additional engineering services on Wilson Creek Transfer Force Mains project – Administrative Memorandum No. 5642**
- Consider authorizing additional engineering services with Espey Consultants, Inc., in the amount of \$235,579 for final engineering design on Project No. 501-0495-18, Wilson Creek Transfer Force Mains
- J. **Authorize execution of engineering services agreement on Sabine Creek Wastewater Treatment Plant Expansion project – Administrative Memorandum No. 5643**
- Consider authorizing execution of engineering services agreement with AECOM Technical Services, Inc., in the amount of \$2,945,000 for final engineering design of Project No. 308-0576-20, Sabine Creek Wastewater Treatment Plant Expansion to six (6) MGD

LAND ACQUISITION/RIGHT-OF-WAY AGENDA ITEMS

- K. **Authorize execution of right-of-way acquisition program and adoption of Resolution No. 20-55 authorizing use of eminent domain to acquire right-of-way for Sister Grove Regional Water Resource Recovery Facility Outfall Pipeline project – Administrative Memorandum No. 5644**
- Consider authorizing execution of a right-of-way acquisition program with a budget of \$25,000 and consider adoption of Resolution No. 20-55 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
- L. **Authorize property and right-of-way acquisition program and adoption of Resolution No. 20-56 authorizing use of eminent domain to acquire property and right-of-way for Meter Vault Standardization, Phase IV, Set Point Control project – Administrative Memorandum No. 5645**
- Consider authorizing execution of a property and right-of-way acquisition program with a budget of \$500,000 and adoption of Resolution No. 20-56 authorizing the use of eminent domain to acquire property and right-of-way for

the Meter Vault Standardization, Phase IV, Set-Point Control, Project No. 101-0338-13, and delegating authority to initiate condemnation proceedings to the Interim Executive Director

M. **Adoption of Resolution No. 20-57 authorizing additional funding for Forney Mustang Creek Lift Station, Phase I, property acquisition program – Administrative Memorandum No. 5646**

- Consider adoption of Resolution No. 20-57 authorizing additional funding in the amount of \$400,000, resulting in a total authorization of \$650,000, for the Forney Mustang Creek Lift Station, Phase I, Project No. 509-0455-17, property acquisition program

XI. **CLOSING ITEMS**

- A. Review of items for follow up raised during meeting
- B. Opportunity for Board members to request potential future agenda items
(No substantive discussion of items will take place at this time)

XII. **ADJOURNMENT**