



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, NOVEMBER 19, 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, November 19, 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 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.

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 4:00 p.m. – 4:30 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 4:00 p.m. - 4:30 p.m.

VII. **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, 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. Alan Thomas Decker vs. NTMWD, Phillips and Jordan, Inc., Archer Western Construction, LLC, and Hammett Excavation, Inc., filed in the 366th Judicial Court, Fannin County, Texas, Cause No. CV-20-44972
- C. Discuss findings from Seis Lagos incident that occurred on June 2, 2020
- D. Update on 60-Inch McKinney Parallel Pipeline, Phase I, failure
- E. Discuss employment law claims raised by former Public Relations Officer
- F. Update on Zebra Mussels in Texas

- G. Engineering update
 - 1. Update on Bois d'Arc Lake project
 - a. Construction update

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. 20-11-01**
 - Consider approval of October 22, 2020, Board of Directors Regular meeting minutes
- B. **Approval of Special Purpose Committee – PUC Issues Meeting Minutes – Consent Agenda Item No. 20-11-02**
 - Consider approval of August 12, 2020, Board of Directors Special Purpose Committee – PUC Issues meeting minutes
- C. **Approval of Monthly Construction Report – Consent Agenda Item No. 20-11-03**
 - Consider approval of November 2020 Monthly Construction Report
- D. **Authorize execution of professional services agreement for quality assurance – construction materials testing for Sister Grove Regional Water Resource Recovery Facility project – Consent Agenda Item No. 20-11-04**
 - Consider authorizing the Interim Executive Director to execute a professional services agreement with Kleinfelder in the amount of \$437,350 for quality assurance – construction materials testing on Project No. 301-0426-16, Sister Grove Regional Water Resource Recovery Facility
- E. **Authorize execution of amendment to the Project Utility Adjustment Agreement regarding construction of the I-635 East Road Improvements project – Consent Agenda Item No. 20-11-05**
 - Consider authorizing the Interim Executive Director to execute an amendment to the Project Utility Adjustment Agreement (PUAA) with Pegasus Link Constructors – LBJ for Project No. 101-0574-20, PUAA Between Pegasus and the NTMWD Regarding Construction of the I-635 East Road Improvements

- F. **Authorize additional contract project management services for various projects in the Upper East Fork Interceptor System – Consent Agenda Item No. 20-11-06**
- Consider authorizing additional contract project management services with Garver, LLC, in the amount of \$191,000 on projects in the Upper East Fork Interceptor System, Project Nos. 501-0439-16, 501-0473-17, and 501-0454-17

X. **AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION**

BOIS D'ARC LAKE AGENDA ITEMS

- A. **Authorize additional program management services for Bois d'Arc Lake Program Management project – Administrative Memorandum No. 5647**
- Consider authorizing additional program management services to the existing Program Management Services Agreement with Freese and Nichols, Inc., in the amount of \$4,184,775, on Project No. 101-0374-14, Bois d'Arc Lake Program Management
- B. **Authorize additional engineering services for construction management for Bois d'Arc Lake Construction Management Services program – Administrative Memorandum No. 5648**
- Consider authorizing additional engineering services for construction management with Freese and Nichols, Inc., in the amount of \$1,486,965 for Bois d'Arc Lake Construction Management Services, Project Nos. 101-0344-13, 101-0358-14, 101-0366-14, 101-0383-15, 101-0384-15, 101-0424-16, 101-0425-16, 101-0428-16, 101-0435-16, 101-0436-16
- C. **Authorize additional inspection services for Bois d'Arc Lake Inspection Services program – Administrative Memorandum No. 5649**
- Consider authorizing additional inspection services with Freese and Nichols, in the amount of \$1,969,541 for Bois d'Arc Lake Inspection Services, Project Nos. 101-0344-13, 101-0358-14, 101-0366-14, 101-0383-15, 101-0384-15, 101-0424-16, 101-0425-16, 101-0428-16, 101-0435-16, 101-0436-16

WATER SYSTEM AGENDA ITEMS

- D. **Authorize execution of Amendment No. 1 to Construction Manager At-Risk Agreement for Wylie Water Treatment Plant IV Filter Complex Wall Repairs project – Administrative Memorandum No. 5650**
- Consider authorizing the Interim Executive Director to execute Amendment No. 1 to the Construction Manager At-Risk Agreement with Felix Construction Company in the amount of \$744,495.84 for Construction, Early Work Package No. 1, on Project No. 101-0422-16, Wylie Water Treatment Plant IV Filter Complex Wall Repairs
- E. **Authorize wholesale water sales contract between the City of Garland and Dallas County Municipal Utility District No. 4 – Administrative Memorandum No. 5651**
- Consider authorizing the wholesale water sales contract between the City of Garland and Dallas County Municipal Utility District No. 4 for a term of 20 years

- F. **Authorize execution of engineering services agreement for North Plano and Texoma Section I Pipelines Condition Assessment project – Administrative Memorandum No. 5652**
- Consider authorizing the Interim Executive Director to execute an engineering services agreement with Pure Technologies US, Inc., in the amount of \$1,783,750 for condition assessment services on Project No. 101-0579-20, 42-inch North Plano and Texoma Section I Pipelines Condition Assessment

SOLID WASTE SYSTEM AGENDA ITEMS

- G. **Adoption of Resolution No. 20-58 authorizing modification of FY 2020-2021 Budget Resolution No. 20-42 adding a flat charge for Solid Waste Member City residents delivering to NTMWD transfer stations – Administrative Memorandum No. 5653**
- Consider adoption of Resolution No. 20-58 authorizing modifying FY 2020-2021 Budget Resolution No. 20-42 that adds a \$25 flat charge for Solid Waste Member City residents delivering 0.50 tons and less of construction and demolition debris waste to NTMWD transfer stations

GENERAL/ADMINISTRATIVE SERVICES ITEMS

- H. **Authorize ratification of actions by Interim Executive Director in response to emergency conditions associated with the 60-inch McKinney Parallel Pipeline, Phase I in Wylie, Texas, for reimbursement of expenditures for impacted homeowners – Administrative Memorandum No. 5654**
- Consider authorizing ratification of actions by Interim Executive Director in response to the emergency conditions associated with the 60-Inch McKinney Parallel Pipeline, Phase I in Wylie, Texas, for reimbursement of temporary lodging, meals, transportation and other related expenses for impacted homeowners during the period from November 10, 2020, to November 30, 2020, in an amount not to exceed \$20,000

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