



NORTH TEXAS MUNICIPAL WATER DISTRICT

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MINUTES OF REGULAR MEETING (BY TELECONFERENCE) OF THE BOARD OF DIRECTORS MARCH 25, 2021

The North Texas Municipal Water District (NTMWD) Board of Directors met in regular meeting by teleconference on Thursday, March, 2021 at 2:30 p.m. Notice of the meeting was legally posted in accordance with Government Code, Title 551, Open Meetings.

I. CALL TO ORDER

President Larry Parks called the meeting to order at approximately 2:36 p.m.

President Parks advised the following regarding today's meeting:

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 into 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.

II. INVOCATION

Director Richard Peasley offered the invocation.

III. PLEDGE OF ALLEGIANCE

Director Richard Peasley led the Pledge of Allegiance.

IV. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

Director Richard Peasley led the Pledge of Allegiance to the Texas Flag.

V. ROLL CALL/ANNOUNCEMENT OF QUORUM

Secretary Phil Dyer called the roll and confirmed attendance by teleconference as follows:

1	Anderson, Terry Sam	
2	Appolito, Robert	
3	Carr, John	
4	Crump, George	
5	Dyer, Phil	
6	Farmer, Joe	
7	Fuller, Marvin	
8	Gordon, Don	
9	Grooms, Darrell	
10	Hollifield, David	
11	Imrie, Chip	
12	Johnson, Blair	
13	Joplin, Joe	
14	Kelley, Ron	
15	Kerr, James (Jim)	
16	May, Jack	
17	Murphy, John	
18	Obera, Marlo	
19	Parks, Larry	
20	Patrick, Brenda Jean	
21	Peasley, Richard	
22	Shuyler, Lynn	
23	Stephens, Keith	
24	Sweeden, John	

The following NTMWD legal and financial consultants attended the meeting:

Lauren Kalisek and Sara Thornton – Lloyd Gosselink Rochelle & Townsend
Lewis Isaacks, Mark Walsh and Katie Thiele – Saunders Walsh & Beard
Alan Raynor and Molly Carson – McCall Parkhurst & Horton

VI. INSTRUCTIONS FROM MODERATOR

Interim Executive Director Rodney Rhoades served as moderator for the teleconference and provided instructions to Board members, staff, and the public for conducting the meeting by teleconference. Instructions included:

- Remember to unmute your phone when you acknowledge your presence, provide comments, make a motion/second, and vote. Please then return to mute to minimize any background noise.
- Please announce your name when speaking and when making motions/seconds.
- Please speak clearly and try to be in a quiet location with now background noise.
- Also, please enunciate and project when speaking to ensure all listening can understand.
- If for some reason you drop off the call, simply follow the instructions to redial into teleconference.
- Audio for this meeting will be recorded and made available on our website in accordance with the current modified requirements.

- Secretary Phil Dyer will oversee the voting process and confirm the votes of each Director.
- The public line will be muted except during public comment to avoid noise disruptions so that we can do our best to make sure all participants can clearly hear the proceedings.

VII. OPENING REMARKS

- A. President's Remarks concerning current events, conduct of meeting, posted agenda items, committee assignments, and related matters

President Parks advised that Governor Abbott renewed the COVID-19 disaster declaration on March 6th for an additional 30 days; therefore, the NTMWD will continue meeting through teleconference.

President Parks advised he will be abstaining from voting on the Consent Agenda items.

President Parks reminded Directors to announce names when speaking and when making motions/seconds.

President Parks reviewed the tentative schedule of meetings for April 2020 as follows:

Wednesday, April 7, 2021

- 9:00 a.m. – Executive Committee meeting
- 11:00 a.m. – Personnel Committee meeting (tentative)
- 1:00 p.m. – Finance Committee meeting

Wednesday, April 21, 2021

- 2:45 p.m. – Water Committee meeting

Thursday, April 22, 2021

- 2:30 p.m. – Regular Board meeting

President Parks advised that he is appointing a Nominating Committee to recommend a slate of officers for 2021-2022 Board of Directors consisting of the past three Board Presidents as follows:

- Don Gordon, Chairman
- John Sweeden
- Terry Sam Anderson

The Committee will meet in April and provide a recommendation for consideration at the May 2021 Board meeting for the 2020-2021 Board of Directors Officers. An information packet will be provided.

- 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

Interim Executive Director Rodney Rhoades advised that at the April 22nd Board meeting, there will be a panel discussion on the impacts of the recent winter weather events. He advised that staff is in the process of planning the Bois d’Arc Lake site visit to the BDL Operations Center. More details to follow. Mr. Rhoades advised that the monthly Bois d’Arc Lake video has received the “Water Block” award from the Texas Chapter of the American Water Association and the Water Environment Association of Texas. The awards ceremony will be next week at the Texas Water Conference.

Mr. Rhoades advised that letters have been sent to the 13 Member Cities regarding the Director’s terms that expire on May 31, 2021.

o Directors with expiring terms are as follows:

1. James Kerr
2. Darrell Grooms (reappointed last week)
3. Lynn Shuyler
4. Don Gordon
5. Joe Joplin
6. Brenda Jean Patrick
7. Phil Dyer
8. John Sweeden
9. Chip Imrie
10. Blair Johnson
11. Keith Stephens
12. Vacant - Princeton

VIII. 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.

Corey Wells with Renda Environmental, Inc. addressed the Board via telephonic conference call. He advised his company is grateful for the opportunity to work with the District on the residuals removal and disposal project. He advised he is available to answer questions by phone regarding the letter recently sent to the District.

IX. EXECUTIVE SESSION

At 2:51 p.m. President Parks announced that an Executive Session of the Board of Directors was being called in order to discuss Agenda Item Nos. Section X. Items A. and B. on the agenda pursuant to Texas Government Code, Title 5, Subchapter D., Section 551.071, Consultation with Attorney.

President Parks confirmed with staff that the public access line was disconnected and that the audio recording was disabled during the Executive Session discussion.

X. DISCUSSION ITEMS

- A. Update on litigation involving North Texas Municipal Water District/advice from legal counsel, including:
 - 1. Provide update regarding possible easement encroachment by a contractor performing residuals removal, hauling, and disposal
- B. Update on water quality contaminants of emerging concern

Due to timing constraints, this item was not discussed and moved to the April Board agenda.

Open Session reconvened at 3:45 p.m. No action was taken in Executive Session. The public teleconference line was reconnected.

- C. Update on zebra mussels and other invasive species

Attorney Sara Thornton with Lloyd Gosselink Rochelle & Townsend presented this item. She reviewed that Zebra mussels have been found in numerous lakes throughout Texas, including Lake Texoma and Lavon Lake. She advised that Texas Parks & Wildlife Code Section 66.007 prohibits intrastate introduction and propagation of aquatic invasive species, and that Section 66.0073 addresses the draining of water from boats. These laws are enforced by Texas Parks & Wildlife.

Ms. Thornton advised that the federal law regarding the introduction of Zebra mussels in Lake Texoma is known as the Lacey Act. The NTMWD has two Lacey Act exemptions as long as the District moves water from Lake Texoma directly to the water treatment plant in Wylie where the invasive species would be extricated. Ms. Thornton added that there is some new federal legislation pending that would create an exemption for interstate transfer of water that meets certain requirements for drinking water purposes.

Discussion followed as to how the District plans to protect Bois d'Arc Lake from invasive species being introduced. Deputy Director Mike Rickman advised that in the event of a fishing tournament, the Texas Parks & Wildlife officials inspect all boats before they enter the water. It was noted that the invasive species can be introduced into a lake in other ways than from a boat. Mr. Rickman also advised that the Leonard treatment plant is designed to handle Zebra mussels however the intake at the Bois d'Arc Lake pump station is not designed the same way.

Ms. Thornton advised she is available to answer any future questions on this matter.

- D. Engineering update
 - 1. Update on Bois d'Arc Lake Operations Building

Jeff McKito, Public Relations Specialist, reviewed the Lake Operations Building design, and educational and historical displays planned for the interior of the building. Included are displays that explain the construction timeline for the lake, the roles of the District and Fannin County in the construction of the lake, and the historical influence of the Caddo Nation, Sam Rayburn, and the name Bois d'Arc Lake. Artifacts obtained during the archeological research will be available for viewing in display cases in the future.

Several Directors spoke positively regarding the project.

XI. CONSENT AGENDA ITEMS

Upon a motion by Director Darrell Grooms and a second by Director George Crump, the Board of Directors voted to approve the Consent Agenda items. President Parks abstained from voting on the Consent Agenda items.

- A. **Approval of Regular Board Meeting Minutes – Consent Agenda Item No. 21-03-01**
 - Consider approval of February 25, 2021, Board of Directors Regular meeting minutes
- B. **Approval of Monthly Construction Report – Consent Agenda Item No. 21-03-02**
 - Consider approval of March 2021 Monthly Construction Report
- C. **Authorize appointment of financial auditors for FY 2021 – Consent Agenda Item No. 21-03-03**
 - Consider authorizing appointing Crowe, LLP, for financial audit services for FY 2021 in the amount of \$122,500
- D. **Authorize legal services for negotiations with Texas Department of Transportation – Consent Agenda Item No. 21-03-04**
 - Consider authorizing legal services with Saunders, Walsh & Beard, Attorneys and Counselors, in the amount of \$15,000 for negotiations with Texas Department of Transportation on Project No. 101-0544-19, Plano-McKinney Water Transmission System, Phase I, Relocation of 84-inch and 42-inch Pipelines
- E. **Authorize partial release of retainage on Meter Vault Standardization project – Consent Agenda Item No. 21-03-05**
 - Consider authorizing partial release of retainage in the amount of \$295,282.37 with MELO Contracting, Inc., on Project No. 101-0338-13, Meter Vault Standardization, Set Point Control Implementation, Phase II
- F. **Authorize reallocation of funds for improvements at John Bunker Sands Wetland Center – Consent Agenda Item No. 21-03-06**
 - Consider authorizing the reallocation of \$33,334 previously paid to the John Bunker Sands Wetland Center for improvements to Martin Lane to construct fire protection improvements associated with the Center's expansion
- G. **Authorize execution of license agreement with Dallas Area Rapid Transit on Beck Branch Parallel Interceptor Improvements, Beck Branch Parallel Interceptor Phase II, and Plano Spring Creek Force Main Parallel projects – Consent Agenda Item No. 21-03-07**
 - Consider authorizing the Interim Executive Director to execute a license agreement with Dallas Area Rapid Transit, in the amount of \$6,364.44 on

Project No. 501-0439-16, Beck Branch Parallel Interceptor Improvements, Beck Branch Parallel Interceptor Phase II and Plano Spring Creek Force Main Parallel

H. **Authorize execution of inspection services agreement on North McKinney Interceptor Improvements and Richardson Spring Creek Trunk Sewer Improvements Inspection projects – Consent Agenda Item No. 21-03-08**

- Consider authorizing the Interim Executive Director to execute an inspection services agreement with Ace Pipe Cleaning, Inc., in the amount of \$321,150 on Project No. 501-0590-21, North McKinney Interceptor Improvements, Phase II, Texas Commission on Environmental Quality Re-inspection and Richardson Spring Creek Trunk Sewer Improvements Inspection

XII. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

GENERAL/ADMINISTRATIVE SERVICES AGENDA ITEMS

A. **Adoption of Resolution No. 21-15 commending Mike Rickman for over 18 years of service**

- Consider adoption of Resolution No. 21-15 commending Mike Rickman for over 18 years of service to the NTMWD

Interim Executive Director Rodney Rhoades recognized Deputy Director Mike Rickman for serving 18 years with the NTMWD, noting that he has over 50 years of experience in the water industry. Mr. Rhoades expressed his appreciation to Mr. Rickman and read Resolution No. 21-15.

Upon a motion by Director James Kerr and a second by Director Brenda Jean Patrick, the Board of Directors voted unanimously to approve Resolution 21-15.

President Parks and several Board members spoke in appreciation of Mr. Rickman. Mr. Rickman expressed his appreciation to the staff, Board members and family.

B. **Adoption of Resolution No. 21-16 commending Teresa Wigington for over 20 years of service**

- Consider adoption of Resolution No. 21-16 commending Teresa Wigington for over 20 years of service to the NTMWD

Interim Executive Director Rhoades expressed his appreciation to Teresa Wigington for her 20 years of service.

Assistant Deputy Eric Felthous expressed his appreciation to Ms. Wigington for her service in the Accounting Department and read Resolution No. 21-16. He added that Ms. Wigington was not present.

Upon a motion by Director Don Gordon and a second by Director Brenda Jean Patrick, the Board of Directors voted unanimously to approve Resolution No. 21-16.

C. **Adoption of Resolution No. 21-17 commending Steve Long for over 30 years of service**

- Consider adoption of Resolution No. 21-17 commending Steve Long for over 30 years of service to the NTMWD

Interim Executive Director Rhoades expressed his appreciation to Steve Long for his years of service and dedication to the District.

Deputy Director Cesar Baptista read Resolution No. 21-17 and expressed his appreciation to Steve Long for his contributions to the District.

Upon a motion by Director Jack May and a second by Director Phil Dyer, the Board of Directors voted unanimously to approve Resolution No. 21-17.

Several Directors congratulated Mr. Long and spoke in appreciation for his years of service.

Mr. Long thanked the Board and staff for the opportunity to serve the District and the people who live in the area.

D. Authorize execution of contract to perform financial management analysis of the Regional Water System pursuant to Settlement Agreement – Administrative Memorandum No. 5702

- Consider authorizing the Interim Executive Director to execute a contract for independent review with Amawalk Consulting Group, LLC, in the not-to-exceed amount of \$160,000 to perform a financial management analysis of the Regional Water System pursuant to Section III of the Settlement Agreement with the NTMWD Member Cities in reference to the rate case filed by the cities of Garland, Mesquite, Plano, and Richardson with the Public Utility Commission of Texas

Director Phil Dyer advised that this item was reviewed on March 10, 2021 by the Finance Committee. The Finance Committee voted unanimously for the Board of Directors to approve the contract with Amawalk Consulting Group, LLC, for the independent review.

Upon a motion by Director Phil Dyer and a second by Director Darrell Grooms, the Board of Directors voted unanimously to approve.

WATER SYSTEM AGENDA ITEMS

E. Adoption of Resolution No. 21-18 authorizing procurement of Bois d’Arc Lake startup equipment for operations – Administrative Memorandum No. 5703

- Consider adoption of Resolution No. 21-18 authorizing the procurement of Bois d’Arc Lake startup equipment for operations in the not-to-exceed amount of \$3,500,000, Project No. 101-0436-16, Bois d’Arc Lake Boat Ramps

Director Jack May advised that the Water Committee reviewed this item yesterday and voted to recommend the Board adopt Resolution No. 21-18 authorizing the purchase of major equipment required for Bois d’Arc Lake operations to effectively manage and maintain District facilities, and to ensure water quality standards in the Lake for the protection of public health, safety, and welfare. Equipment will be purchased in

accordance with the Texas Government Code and District procurement guidelines and policies.

Upon a motion by Director Jack May and a second by Director Joe Farmer, the Board of Directors voted unanimously to approve.

F. Authorize execution of Public Hunting Lands Agreement with Texas Parks and Wildlife Department – Administrative Memorandum No. 5704

- Consider authorizing execution of Public Hunting Lands Agreement with Texas Parks and Wildlife Department for Bois d'Arc Lake

Director George Crump advised that the Real Estate Committee met on March 24, 2021 and reviewed this item. The Committee voted to recommend the Board of Directors adopt Administrative Memorandum 5704 authorizing an agreement granting Texas Parks and Wildlife Department (TPWD) a license regarding authorized public hunting and public use activities at Bois d'Arc Lake.

The Agreement grants TPWD a license for the purpose of providing public access to approximately 5,305 water surface acres of the western portion of Bois d'Arc Lake to engage in public use and hunting activities.

A motion to adopt Administrative Memorandum 5704 was made by Director George Crump and seconded by Director Blair Johnson.

In response to a question from a Director, Director Grooms responded that hunting is allowed only in certain areas. Director Crump added that the District will comply with TPWD regarding hunting regulations and the District will have indemnity in this regard. Assistant Deputy Billy George provided some details of the Agreement and benefits to the District. Attorney Sara Thornton added that in Texas it is legal to hunt from public water, however the District can limit the areas. She added that similar agreements are used for other reservoirs in Texas. President Parks suggested the District hold an informational event to educate the public in use of the lake.

The Board of Directors voted unanimously to approve.

G. Authorize execution of potable water supply contract with Rose Hill Special Utility District – Administrative Memorandum No. 5705

- Consider authorizing execution of potable water supply contract with the Rose Hill Special Utility District with a contract term of 20 years

Director Jack May advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize execution of a Potable Water Supply Contract with Rose Hill Special Utility District as the current contract expires March 30, 2021.

Upon a motion by Director Jack May and a second by Director Chip Imrie, the Board of Directors voted unanimously to approve.

H. Authorize ratification of emergency procurement in response to Chapman Raw Water Pipeline failure – Administrative Memorandum No. 5706

- Consider authorizing ratification of emergency procurement of goods and services authorized by the Interim Executive Director in response to the

emergency conditions resulting from the 84-inch Chapman Raw Water Pipeline failures on December 3, 2020, in the amount of \$462,713

Director Jack May advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize ratification of emergency procurement of goods and services authorized by the Interim Executive Director in response to the emergency conditions associated with the 84-inch Chapman Raw Water Pipeline failures on December 3, 2020. He advised this is ratification of repairs already completed.

Upon a motion by Director Jack May and a second by Director James Kerr, the Board of Directors voted unanimously to approve.

I. Authorize award of construction contract and internal inspection services on Wylie Water Treatment Plant III Sludge Handling and Reclaimed Water Improvements project – Administrative Memorandum No. 5707

- Consider authorizing award of construction contract with Archer Western Construction, LLC, in the amount of \$16,789,920 and authorizing internal inspection services in the amount of \$361,200 on Project No. 101-0541-19, Wylie Water Treatment Plant III Sludge Handling and Reclaimed Water Improvements

Director Jack May advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize award of a construction contract for the Wylie Water Treatment Plant III Sludge Handling and Reclaimed Water Improvements project.

Reclaimed water and filter waste sludge are byproducts of the filtration process of the water treatment plants. These waste products must be efficiently managed in order to allow the filters to continue operating at rated capacities. These improvements include construction of equalization storage and replacement of sludge pumps to match current plant capacities and wasting needs.

Upon a motion by Director Jack May and a second by Director Chip Imrie, the Board of Directors voted unanimously to approve.

J. Authorize execution of engineering services agreement on Water System Operation and Maintenance manuals updates – Administrative Memorandum No. 5708

- Consider authorizing the Interim Executive Director to execute an engineering services agreement with Jacobs Engineering Group, Inc., in the amount of \$416,000 to develop and implement a process for updating Operation and Maintenance Manuals to incorporate changes resulting from Capital Improvement Projects, Project No. 101-0589-21, Water System Operation and Maintenance Manuals Updates

Director Jack May advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize an engineering service agreement to develop and implement a process to identify, prioritize, and execute necessary additions and updates to Water System operations manuals resulting from capital improvement projects.

Upon a motion by Director Jack May and a second by Director Phil Dyer, the Board of Directors voted unanimously to approve.

K. Authorize Change Order No. 4 on Renner Road to Plano Delivery Point No. 2 Pipeline project – Administrative Memorandum No. 5709

- Consider authorizing Change Order No. 4 with McKee Utility Contractors, Inc., in the amount of \$590,737.56, Project No. 101-0462-17, Renner Road to Plano Delivery Point No. 2 Pipeline

Director Jack May advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize funding for a construction change order to the Renner Road to Plano Delivery Point No. 2 Pipeline project. He advised adjustments to the pipeline alignment and installation method are required for actual field conditions in order to minimize traffic flow impacts.

Upon a motion by Director Jack May and a second by Director Terry Sam Anderson, the Board of Directors voted unanimously to approve.

L. Authorize execution of engineering services agreement on Northeast McKinney Pump Station project – Administrative Memorandum No. 5710

- Consider authorizing the Interim Executive Director to execute an engineering services agreement with CDM Smith in the amount of \$4,241,030 for final engineering design on Project No. 101-0591-21, Northeast McKinney Pump Station

Director Jack May advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize an engineering services agreement for the final design of the Northeast McKinney Pump Station. He advised that the Northeast McKinney pump station will serve as a key junction point to receive treated water from the Leonard Water Treatment and boost it into the existing NTMWD North Transmission System.

Upon a motion by Director Jack May and a second by Director Phil Dyer, the Board of Directors voted unanimously to approve.

WASTEWATER SYSTEM AGENDA ITEMS

M. Authorize execution of Amendment No. 7 to the Construction Manager At-Risk Agreement on Sister Grove Water Resource Recovery Facility project – Administrative Memorandum No. 5711

- Consider authorizing the Interim Executive Director to execute Amendment No. 7 to the Construction Manager At-Risk Agreement with Garney Companies, Inc., in the amount of \$26,853,233.03 for partial Guaranteed Maximum Price No. 6 and change to the substantial and final completion dates on Project No. 301-0426-16, Sister Grove Regional Water Resource Recovery Facility

Director Richard Peasley advised that the Wastewater Committee reviewed this item yesterday and voted to recommend the Board authorize funding for Amendment No. 7 to the Construction Manager At-Risk Agreement and change the substantial and final completion dates for Sister Grove Regional Water Resource Recovery Facility project. He advised this is the final amendment to the CMAR Agreement. He added that the substantial completion date is December 30, 2023 and the final completion date is March 20, 2024.

Upon a motion by Director Richard Peasley and a second by Director Don Gordon, the Board of Directors voted unanimously to approve.

XIII. CLOSING ITEMS

A. Review of items for follow up raised during meeting

Director George Crump advised Board members to review pages 80 and 81 of the agenda packet for more information related to Item XII. F. Director Jack May also suggested that listening to the more detailed Committee discussions on the agenda items would be helpful to answer questions.

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

There were no future potential agenda items requested.

VI. ADJOURNMENT

There being no further business, the meeting adjourned at approximately 5:44 p.m.

APPROVED:



LARRY PARKS, President

[Note: Technical difficulties experienced during the audio recording of this meeting resulted in occasional inability to clearly hear the discussion.]

