



NORTH TEXAS MUNICIPAL WATER DISTRICT

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**WATER COMMITTEE MEETING MINUTES
MAY 26, 2021**

I. CALL TO ORDER

Chairman Jack May called the meeting of the North Texas Municipal Water District (NTMWD) Water Committee to order at 2:46 p.m. on Wednesday, May 26, 2021.

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, the public may teleconference into the meeting by calling toll free (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 II. 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.

General instructions were provided to attendees. The role was called, and teleconference attendance was confirmed of the Water Committee members including Chairman Jack May, Directors Terry Sam Anderson, Joe Farmer, Marvin Fuller, Joe Joplin and Keith Stephens. Director Chip Imrie was absent. Any reference to unanimous votes refers to a unanimous vote of the Committee members present.

Members of the Executive Committee were present as well as other Board members and members of the NTMWD management team. Lauren Kalisek and Sara Thornton with Lloyd Gosselink Rochelle & Townsend attended via teleconference.

II. PUBLIC COMMENTS (FOR TELECONFERENCE COMMITTEE MEETINGS ONLY)

INSTRUCTIONS FOR PUBLIC COMMENT ON-LINE REGISTRATION: Prior to the start of the Water Committee 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 Committee may not discuss these items but may respond with factual or policy information. Public comment is provided for

committee meetings held by teleconference during the COVID-19 health threat to confirm the opportunity for two-way communication with the public during the meeting.

There were no requests for public comments.

III. OPENING REMARKS

- A. Chairman/Executive Director/Committee Champion Status Report concerning legislation and regulatory matters, budgets, current projects and ongoing programs of the District including the Regional Water System, Watershed Protection, and Water Conservation

Assistant Deputy Billy George advised that Cliff Keheley, City Manager from the City of Mesquite, is in attendance and will speak on Item V. A.

Mr. George reviewed the following:

- The Texas Commission on Environmental Quality conducted a triennial Comprehensive Compliance Inspection at the NTMWD Bonham Water Treatment Plant. On April 27th, and the inspector noted “no areas of non-compliance”. Mr. George noted being proud of the team there who take care of business in such a professional manner.
- Also related to Bonham, on the night of April 23rd storms knocked down several power poles that resulted in power outage to both the NTMWD Bonham Water Treatment Plant and the City of Bonham pump station that pushes all of the city’s potable water into their system. The following morning, the city was in a precarious situation with water levels in their towers falling much faster than Oncor could restore power. NTMWD’s Maintenance and Operations teams responded very quickly by deploying portable generators and procuring several others along with electricians and other support personnel. The team was able to establish temporary power and water tower levels rose with only 30 minutes to spare before Bonham’s system pressures fell below regulatory minimums. It was a close call, and the city expressed their sincere appreciation for NTMWD’s assistance.
- The Town of Prosper has decided to participate in the regional Water My Yard program by installing a rain gauge within their town limits. For awareness and as a reminder, NTMWD supports the expansion of the Water My Yard program in customers by taking over annual maintenance of the weather stations after the customer pays to have them installed. We appreciate Prosper’s proactive action to promote conservation activities.
- As construction continues at Bois d’Arc Lake (BDL) and water levels continue to rise with recent rains, we are receiving more and more questions about when Bois d’Arc Lake will be open for recreation. There are a few milestones that must be met before the lake is ready to be opened to the public. NTMWD must complete construction and have sufficient rains to fill the lake to a safe level for public access. In addition, NTMWD’s partner agencies who have public safety

responsibilities must be ready with their staffing, training and equipping to perform their functions on the lake. To ensure that, the District, the Fannin County Sheriff's Department and Texas Parks and Wildlife (TPWD) are coordinating in relation to opening the lake for public access. NTMWD will be meeting monthly with the Sheriff's Department and TPWD to coordinate public agency readiness related to BDL. Staff does anticipate a future Board action that will officially open the BDL public boat ramps. That date is not known at this time, but periodic updates will be given on progress toward opening.

- Staff will provide a drought outlook and water supply update at the June Water Committee meeting. One of today's items will touch on water availability when staff reports on the status of recent and pending water right applications, and a more comprehensive look at water availability next month.
- There is a Bois d'Arc Lake Watershed Protection Plan kickoff meeting with stakeholders and regional partners in Bonham, Texas on June 9, 2021. David Cowan, Watershed Manager, is leading the effort for NTMWD. A related press release will be issued today.
- Bois d'Arc Lake water elevation information will be posted to the NTMWD website soon.

IV. ACTION ITEMS

- A. Consider approval of Water Committee meeting minutes – April 21, 2021

Upon a motion by Director Terry Sam Anderson and a second by Director Joe Joplin the Water Committee voted unanimously to approve the meeting minutes for April 21, 2021.

Chairman May moved Item V.A. up on the agenda.

V. DISCUSSION

- A. Discuss City of Mesquite seeking to provide water to City of Crandall

Chairman May advised City of Mesquite staff is participating in the meeting to respond to any questions.

Assistant Deputy R.J. Muraski presented this item. He reviewed that in the Member City contract, Section III. states that any Member City wishing to sell water outside its Extraterritorial Jurisdiction (ETJ) it must come to the Board for authorization.

Mr. Muraski advised that the City of Crandall, a current customer of NTMWD, is seeking additional water through the City of Mesquite. Both Crandall and Mesquite signed a Memorandum of Understanding (MOU) laying out key points for constructing water distribution infrastructure from Mesquite to Crandall. Mesquite understands that Board approval is required to finalize a customer contract with Crandall. This arrangement would be temporary until Crandall builds a new

delivery point connected to NTMWD's system. Mr. Muraski noted that there is no capacity limitation on NTMWD or Mesquite's system for this potential action to convey water to Crandall temporarily. A map reflecting the service areas for Mesquite and Crandall was provided and included the location of Mesquite's pump station and the proposed infrastructure need to provide service to Crandall. Mr. Muraski stated that this agreement is mutually beneficial to both cities.

Mesquite City Manager Cliff Keheley spoke in favor of this item. He advised that he hopes to have all details settled and ready for approval by October 1st. In response to a Director's question, he advised that at this time there is not an ending date included in the proposed agreement with Crandall.

In response to Director's questions, Mr. Muraski advised that Crandall gets water from the District now and Crandall is included in the District's long-range planning.

IV. ACTION ITEMS

B. **Authorize execution of agreement with the City of Leonard, Texas, concerning public safety and emergency management related to the Leonard Water Treatment Plant – Administrative Memorandum No. 5725**

- Consider recommendation on authorizing execution of agreement with the City of Leonard, Texas, concerning public safety and emergency management related to the Leonard Water Treatment Plant with an initial five-year term with one additional five-year extension at a cost of \$30,000 per year

Billy George presented this item. He advised this item is to consider NTMWD entering into an agreement with the City of Leonard to provide temporary financial assistance for Leonard's public safety program and emergency management efforts related to the Leonard Water Treatment Plant. A location map depicting the water treatment plant in relation to Leonard's city limits was provided.

Mr. George reviewed that staff discussions began with the City of Leonard in 2015 when they had only one full-time police officer, and a volunteer fire department with no ambulance service in the city. District staff realized that the water treatment plant may have a need for emergency services and that could present a possible financial burden to the City of Leonard. Staff met with Leonard representatives in February 2020 to discuss a possible partnership to improve public safety responsiveness for the water treatment plant. Mr. George noted that currently Leonard has five full-time police officers and now has ambulance service within city limits.

Mr. George advised discussions continued in October 2020 and it was learned that continuous ambulance service is being housed in the City of Leonard and the city is establishing a public safety facility. Possible hazard-specific training opportunities for Leonard personnel were discussed along with the District providing \$30,000 to supplement Leonard's expenses. In November 2020, staff discussed a possible public safety agreement with the Water Committee. In April 2021, the Leonard City Council also discussed a possible public safety agreement.

Mr. George advised that the District's legal counsel drafted an agreement that includes the following:

- Recognition that hazards present at the NTMWD Leonard WTP are unique near the City of Leonard.
- Temporary financial participation to the City of Leonard for the increased public safety and emergency response burdens for the City: \$30,000 per year.
- City of Leonard agree to exercise police powers and volunteer fire department support in connection with the Leonard WTP.
- City agrees to use funding within the scope of the purpose of NTMWD's payment.
- No additional funding shall be provided to support the City's public safety programming

Chairman May inquired whether District staff could provide some of the training for Leonard's public safety personnel. Mr. George responded that the emergency management group could provide some of the training. Director Marvin Fuller added that perhaps the city of Wylie could also be involved with the training.

Upon a motion by Director Joe Farmer and a second by Director Joe Joplin, the Water Committee voted unanimously to recommend approval to the Board of Directors.

C. Authorize Amendment No. 2 to Construction Manager At-Risk Agreement on Wylie Water Treatment Plant projects – Administrative Memorandum No. 5726

- Consider recommendation on authorizing Amendment No. 2 to the Construction Manager At-Risk Agreement (CMAR) with Montgomery Watson Harza Constructors for additional CMAR pre-construction and procurement services in an amount of \$167,920 on Project No. 101-0390-15, Wylie WTP Biologically Active Filtration, No. 101-0496-18, Wylie WTP Ammonia System Improvements, and No. 101-0517-18, Wylie WTP II Structural and Mechanical Improvements

Engineering Manager Jeff Ray presented this item. This advised this item is to recommend funding for Amendment No. 2 to the Construction Manager At-Risk agreement for Wylie Water Treatment Plant Biologically Active Filtration (BAF) project, WTP II Structural and Mechanical Improvements project, and the Ammonia System Improvements project, to include services to investigate the underdrains at Wylie WTP's I through IV.

Mr. Ray explained that Filter media stratification surveys at points throughout the Wylie complex indicate that the gravel layers above the filter underdrain blocks are out of prescribed gradation and surface variance tolerances in many locations. This supporting gravel layer is engineered as a barrier against the migration of finer sand and anthracite into the underdrain system, resulting in improper/incomplete backwashing if too much sand accumulates. The condition of the gravel layer presents a strong possibility that sand has migrated into the underdrain system.

Mr. Ray reviewed how the filters are designed and provided example photos of the underground drain areas. He added there are twelve areas throughout the four Wylie plants that need to be evaluated.

Upon a motion by Director Joe Joplin and a second by Director Keith Stephens, the Water Committee voted unanimously to recommend approval to the Board of Directors.

V. DISCUSSION ITEMS

- A. Discuss City of Mesquite seeking to provide water to City of Crandall

This item was discussed earlier in the meeting.

- B. Discuss status of pending Texas Commission on Environmental Quality water right applications

Billy George presented this item. He reviewed that the District filed an application to amend Lavon Lake Water Right (Amendment K). He advised the application seeks an amendment to overdraft Lavon Lake an additional 264,543 acre-feet of water per year when the elevation of Lavon Lake is at or above 492 feet msl in lieu of conveying its authorized return flows, SRA contract water, or TRA contract water to Lavon Lake. The Texas Commission on Environmental Quality (TCEQ) completed a technical review of the application and provided a draft permit for review in January 2021. A final draft permit has been shared with other entities in the Trinity River Basin and TCEQ is expected to issue notice of the application soon.

Mr. George advised the District filed an application for temporary water rights to overdraft Lake Lavon on June 16, 2020. The application seeks to divert and use not to exceed 139,040 acre-feet of water for a period of three years from Lake Lavon for municipal purposes. This temporary water use permit will replace an existing temporary water use permit that expires on July 3, 2021. Mr. George noted that TCEQ will only issue three-year temporary permits. TCEQ completed a technical review and prepared a draft permit on December 3, 2020. A final draft permit has been shared with other entities in the Trinity River Basin, and a notice of application was issued December 21, 2020. Dallas filed a protest in January 2021 which has been settled and withdrawn on May 3, 2021. The final permit was issued on May 13, 2021.

- C. Discuss Texas Commission on Environmental Quality Proposed Agreed Order Docket No. 2019-1212-MLM-E

Billy George presented this item. He advised that the Texas Commission on Environmental Quality (TCEQ) as identified violations with the Water and Wastewater infrastructures which are resulting in an administrative penalty of \$138,225 being assessed to the District. Mr. George advised that only one violation for Water was identified related to the August 30, 2018 North Garland System 72" water main break, which resulted in 22.3 million gallons of water being released and 490 fish being killed. Mr. George provided an overview of the pipeline

failure and the resulting inspections and repairs that were made. A location map was provided. The remainder of violations are in Wastewater and those have been reported to the Wastewater Committee.

Mr. George advised that the District's attorneys are reviewing the TCEQ documents and are negotiating an "Agreed Order" that would eliminate paying the fine amount to TCEQ and instead put the same amount of money toward a Supplemental Environmental Project (SEP) project that would result in environmental improvements. Additionally, attorneys are protesting the penalty amounts and hope to reduce the penalty by approximately \$1,000 as well as considering a possible assessment to responsible contractors for unauthorized discharges in Wastewater.

D. Discuss possible amendments to Texas Water Code Standards of Emergency Operations

Government Relations Advisor David Kelly presented this item. He advised that Senate Bill 3 is the Senate-passed omnibus electric reliability package in response to Winter Storm Uri. The House has passed five separate bills addressing the storm and is working to combine all of the bills into a consensus package. The original version of SB 3 included requirements for water utilities to submit emergency preparedness plans to TCEQ that would have required the complete backup of our water system on generation power. The water community responded supporting the legislative intent but seeking changes that made the provisions more practical to implement and less financially burdensome while still providing improved liability.

The NTMWD joined a coalition organized by the Texas Water Conservation Association to propose an amendment to the water sections of the bill. The House committee has accepted that amendment and it is much improved, giving several options for ensuring reliability while not forcing the actual installation of generators. Mr. Kelly advised that there now 14 options to select from, greatly reducing the potential financial burden that would have occurred if installed generators were being required.

Billy George reviewed that last year the Board authorized a preliminary engineering project to identify load requirements of facilities. There will be some backup generation for the Wylie complex. He noted that if SB 3 passes and is signed by the Governor, TCEQ will write the regulations and that will take quite a while.

Director Marvin Fuller inquired about the estimated financial burden for the District as the Bill is written now. Assistant Deputy R.J. Muraski responded that the preliminary engineering study cost \$800,000 and it is anticipated that generation for the Wylie complex will cost an estimated \$10 million to \$15 million.

E. Opportunity for Committee members to provide feedback on Water Committee meeting

There was no feedback from Committee members. Chairman May advised this will be his last Water Committee meeting as Chair and thanked everyone for their service.


- F. Opportunity for Committee 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 of the Water Committee adjourned at 3:55 p.m.

APPROVED:



JACK MAY
Chairman