



## **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 (IN PERSON AND BY VIDEOCONFERENCE) THURSDAY, SEPTEMBER 23, 2021 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 in person and by videoconference, accessible to the public, on Thursday, September 23, 2021, at 2:30 p.m., at the following meeting location: NTMWD Administrative Offices, 501 E. Brown Street, Wylie, Texas 75098.

The Presiding Officer and a quorum of the Board of Directors will be present at the meeting location with two-way video and audio communication between Board members participating at the meeting location and by videoconference. The public may attend the meeting in person at the meeting location. Audio and video of Board members participating by videoconference will be broadcast live and will be visible to members of the public. The meeting will be recorded and the audio recording will be available on the NTMWD website after the meeting.

Members of the public wishing to listen to live audio from the meeting may do so by calling in at **(469) 210-7159** or toll free **(844) 621-3956** and entering the following access code: **928 587 040**. Please note this line will not provide for two-way communication and public comment at the meeting must be made in person at the meeting location.

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**

**I. CALL TO ORDER**

**II. INVOCATION**

**III. PLEDGE OF ALLEGIANCE**

**IV. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG**

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

**VI. OPENING REMARKS**

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

- B. 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. PUBLIC COMMENTS**

Prior to the start of the meeting, speakers must complete and submit a “Public Comment Registration Form.” During the public comment portion of the meeting, speakers will be recognized by name and asked to provide their comments. The time limit is three (3) 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.

**VIII. EXECUTIVE SESSION (to begin at approximately 2:45 p.m. and end between 3:30 p.m. – 3:45 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. – 3:45 p.m.

- A. Consult with legal counsel regarding pending or contemplated litigation (Tex. Gov’t Code Sections 551.071)
1. *Brian Ferguson v. NTMWD*, Cause No. 366-02745-2021, Collin County, Texas
  2. Maxwell Creek Landfill Property Boundary dispute
  3. Provide update regarding possible easement encroachment by a contractor performing residuals removal, hauling, and disposal
  4. *Justin A. Jinright, et al., v. NTMWD*, Cause No. 429-02373-2016, Collin County, Texas
- B. Update on physical security procedures (Tex. Gov’t Code Sections 551.071 and 551.076)
- C. Update on long range water supply (Tex. Gov’t Code Sections 551.071 and 551.072)
- D. Discuss FY 22 salary and benefits of the Executive Director, Deputy Director – Engineering and Capital Improvement Program, Deputy Director – Solid Waste and Integrated Services and Deputy Director – Water and Wastewater (Tex. Gov’t Code Section 551.074)

**IX. RECONVENE INTO REGULAR SESSION**

In accordance with Texas Government Code, Chapter 551, the Board of Directors of NTMWD will reconvene into regular session to consider action, if any, on matters discussed in Executive Session.

- A. **Adoption of Resolution No. 21-51 authorizing funding for potential litigation arising out of the boundary dispute at the Maxwell Creek Landfill – Administrative Memorandum No. 5765**
- Consider adoption of Resolution No. 21-51 authorizing funding in the amount of \$50,000 to Saunders, Walsh and Beard Attorneys and Counselors to provide legal services for potential litigation with Manors at Woodbridge, Ltd

to resolve a boundary dispute and fence issue

**X. DISCUSSION ITEMS**

- A. Update on FY 21-22 Annual All Systems Budget
- B. Update on Bois d'Arc Lake

**XI. 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. 21-09-01**
  - Consider approval of August 26, 2021, Board of Directors Regular meeting minutes
- B. **Approval of Board of Directors Work Session Meeting Minutes – Consent Agenda Item No. 21-09-02**
  - Consider approval of August 26, 2021, Board of Directors Work Session meeting minutes
- C. **Approval of Board of Directors Work Session Meeting Minutes – Consent Agenda Item No. 21-09-03**
  - Consider approval of August 19, 2021, Board of Directors Work Session meeting minutes
- D. **Approval of Monthly Construction Report – Consent Agenda Item No. 21-09-04**
  - Consider approval of September 2021 Monthly Construction Report
- E. **Amendment to the Administration and Finance Policies Manual, Section 6, Purchasing - Consent Agenda Item No. 21-09-05**
  - Consider authorizing amendment to the NTMWD Administration and Finance Policies Manual, *Section 6, Purchasing*
- F. **Amendment to the Personnel Policies Manual - Consent Agenda Item No. 21-09-06**
  - Consider authorizing amendment to NTMWD Personnel Policies Manual, *Section I. Employment Practices, Section II. Employee Conduct and Safety, Section III. Complaint Resolution, and Section IV. Compensation and Reimbursement*
- G. **Adoption of Resolution 21-46 authorizing conveyance of property to RES Texas Mitigation, LLC - Consent Agenda Item No. 21-09-07**
  - Consider adoption of Resolution 21-46 authorizing conveyance of property in the form of 4.012-acre permanent easement to RES Texas Mitigation, LLC at the Bois d'Arc Lake Mitigation Property, Project No. 101-0366-14, Bois d'Arc Lake Mitigation Property
- H. **Authorize encroachment and use agreement with the John Bunker Sands Wetland Center Inc. - Consent Agenda Item No. 21-09-08**

- Consider authorizing an encroachment and use agreement between NTMWD and John Bunker Sands Wetland Center to allow for the placement of an On-Site Sewage Facility on NTMWD property at the East Fork Wetlands
- I. **Authorize execution of joint funding agreement with the United States Geological Survey for Zebra Mussel Monitoring - Consent Agenda Item No. 21-09-09**
  - Consider authorizing execution of a joint funding agreement between NTMWD and the United States Geological Survey in the amount of \$187,000 for continuation of zebra mussel monitoring program
- J. **Authorize execution of joint funding agreement with the United States Geological Survey for Surface Water Data Collection and Water Quality Monitoring - Consent Agenda Item No. 21-09-10**
  - Consider authorizing execution of a joint funding agreement between NTMWD and the United States Geological Survey in the amount of \$137,705 for surface water data collection and water quality monitoring
- K. **Adoption of Resolution No. 21-47 authorizing the execution of a development agreement with Murphy Oil USA, Inc. - Consent Agenda Item No. 21-09-11**
  - Consider adoption of Resolution No. 21-47 authorizing the Executive Director to execute a development agreement in the amount of \$4,000 for internal inspection services and \$1,000 for legal services with Saunders, Walsh and Beard Attorneys and Counselors, Project No. 101-0597-21, Dallas-to-Mesquite 14-inch Waterline Improvements

**XII. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION**

**GENERAL/ADMINISTRATIVE SERVICES AGENDA ITEMS**

- A. **Authorize Water System Rebates for Fiscal Year 2020-2021 – Administrative Memorandum No. 5756**
  - Consider authorizing Water System Rebates for Fiscal Year 2020-2021 in the amount of \$8,963,296.96
- B. **Adoption of Resolution No. 21-48 approving appropriations for 2021-2022 All Systems Annual Budget, amending the 2020-21 Annual All Systems Budget and providing rates and charges for system services – Administrative Memorandum No. 5757**
  - Consider adoption of Resolution No. 21-48 approving appropriations for the 2021-22 All Systems Annual Budget in the amount of \$589,669,345, amending the 2020-21 Annual All Systems Budget in the amount of \$590,941,065 and providing rates and charges for the System services of the NTMWD

**WATER SYSTEM AGENDA ITEMS**

- C. **Authorize award of construction contract and internal inspection services for the Tawakoni Water Treatment Plant - Administrative Memorandum No. 5758**
  - Consider authorizing award of construction contract with Heritage Constructors, Inc. in the amount of \$9,480,000, and authorizing internal inspection services costs of \$273,000 for Project No. 101-0548-19, Bonham and Tawakoni Water Treatment Plant Improvements

- D. **Authorize award of construction contract and internal inspection services for the Bonham Water Treatment Plant – Administrative Memorandum No. 5759**
- Consider authorizing award of construction contract with Eagle Contracting, LP in the amount of \$5,327,000, and authorizing internal inspection services costs of \$278,900 for Project No. 101-0548-19, Bonham and Tawakoni Water Treatment Plant Improvements
- E. **Authorize additional engineering services agreement for F.M. 2514 Pipeline Relocations - Administrative Memorandum No. 5760**
- Consider authorizing additional engineering services with Criado Associates in the amount of \$161,930 for final design regarding the impact of a future Interstate Highway (IH-30) construction project, Project No. 101-0585-21, F.M. 2514 Pipeline Relocations

#### **WASTEWATER AGENDA ITEMS**

- F. **Authorize execution of engineering services agreement on South Mesquite Creek Regional Wastewater Treatment Plant Peak Flow Management and Expansion project – Administrative Memorandum No. 5761**
- Consider authorizing the Executive Director to execute an engineering services agreement with Carollo Engineers, Inc. in the amount of \$10,866,700 for final design of peak wet weather improvements and preliminary engineering to expand the facility on Project No. 301-0525-18, South Mesquite Creek Regional Wastewater Treatment Plant Peak Flow Management and Expansion
- G. **Authorize execution of engineering services agreement for the Lower East Fork Regional Water Resources Recovery Facility Conceptual Study – Administrative Memorandum No. 5762**
- Consider authorizing the Executive Director to execute an engineering services agreement with Freese and Nichols, Inc. in the amount of \$750,000 for a conceptual study to address wastewater treatment needs on Project No. 301-0598-21, Lower East Fork Regional Water Resources Recovery Facility Conceptual Study

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

- H. **Authorize execution of right-of-way acquisition program and adoption of Resolution No. 21-49 authorizing the use of eminent domain to acquire right-of-way for the Forney Mustang Creek Lift Station Phase II and Forney Force Main Improvements – Administrative Memorandum No. 5763**
- Consider authorizing the Executive Director to execute a right-of-way acquisition program with a budget of \$1,648,000 and adoption of Resolution No. 21-49 authorizing the use of eminent domain to acquire right-of-way for Project No. 509-0561-20, Forney Mustang Creek Lift Station Phase II and Forney Force Main Improvements
- I. **Authorize execution of right-of-way acquisition program and adoption of Resolution No. 21-50 to acquire permanent and temporary easements for the relocation of the Wylie to Plano 14-inch and the Wylie to McKinney 20-inch pipelines – Administrative Memorandum No. 5764**
- Consider authorizing the Executive Director to execute a right-of-way acquisition program with a budget of \$120,000 and adoption of Resolution No. 21-50 authorizing the acquisition of right-of-way for Project No. 301-0585-21, F.M. 2514 Pipeline Relocations

**XIII. 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)***

**XIV. ADJOURNMENT**

***Persons with disabilities who plan to attend the NTMWD 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.***

***Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun. Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly. Pursuant to Section 30.05, Penal Code (criminal trespass), a person may not enter this property with a firearm***