



## NORTH TEXAS MUNICIPAL WATER DISTRICT

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### EXECUTIVE COMMITTEE MEETING MINUTES SEPTEMBER 8, 2021

The Presiding Officer will be present at the meeting location, the NTMWD Administrative Offices, 501 E. Brown Street, Wylie, Texas 75098, with two-way video and audio communication between Board members participating by videoconference, establishing a quorum. The public may attend the meeting in person at the meeting location. Audio and video of Board members participating by videoconference will be visible to members of the public in attendance at the meeting location. 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.

#### I. CALL TO ORDER

Vice-President Jack May served as Presiding Officer and called the meeting to order at approximately 1:00 p.m. on Wednesday, September 8, 2021. The meeting was held with two-way video and audio communication between Board members participating by videoconference, establishing a quorum.

The following Executive Committee members were present; therefore, a quorum was present.

Executive Committee Members		
1	Dyer, Phil, (President)	Remote
2	May, Jack, (Vice-President)	Present
3	Peasley, Richard (Secretary)	Remote
4	Parks, Larry (Past President)	Arrived 1:10 p.m.

Other Directors were in attendance along with Executive Director Jenna Covington and other members of the NTMWD management team.

The following consultants participated by telephone:

- Lauren Kalisek – Lloyd Gosselink Rochelle & Townsend
- Lewis Isaacks – Saunders Walsh & Beard

II. 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 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.

There were no requests for public comments.

III. OPENING REMARKS

- A. Chairman/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

Executive Director Covington advised that this is the first remote committee meeting under the Texas Open Meetings Act procedures for videoconference meetings. She reviewed that remote attendees must remain with cameras on to be considered "present". The agenda items were briefly reviewed.

IV. ACTION ITEMS

- A. Consider approval of minutes of Executive Committee meeting – July 7, 2021

Upon a motion by Director Phil Dyer and a second by Director Richard Peasley, the Executive Committee approved the minutes of July 7, 2021, by unanimous vote.

- B. Consider approval of Board of Directors Conference Schedule for FY 21-22 in accordance with Board Policies Manual

Vice-President May read the following:

- In accordance with Board Policies Manual, *"at the beginning of each fiscal year, the Executive Committee shall review the water, wastewater, and solid waste industry conventions and major conferences that have been scheduled for the coming year and authorize the appropriate meetings in accordance with the following guidelines:*
  - *A list of the authorized educational and/or development opportunities, along with a general description of the purpose of such events shall be furnished to each member of the Board as soon as practical after October 1. Generally, each Director shall be eligible to attend two educational events that are most applicable to his or her current committee appointment and/or development as a Director."*

He advised that staff kept the list the same as what was approved last year by the Committee. Executive Director Covington advised that early in the fiscal year the Board Members will be given the opportunity to submit their attendance choices to the staff. President Dyer suggested other staff might attend some of the conferences in lieu of his attending.

**PROPOSED FY 21-22 CONFERENCE SCHEDULE**

<b>Activity</b>	<b>Dates</b>	<b>Location</b>	<b>Recommended Attendees / Notes</b>
WEF/AWWA Utility Management Conference 2022	February 21-24, 2022	Orlando, FL	Open to all Directors
Texas Water Conservation Association (TWCA) Annual Convention	March 9-11, 2022	TBD	Open to all Directors
Texas Water (AWWAWAWEAT)	April 4-7, 2022	San Antonio, TX	Open to all Directors
Texas Water Day (sponsored by TWCA)	April 25-27, 2022 (Tentative)	Washington, DC	Executive Committee and Legislative Chairman
American Water Works Association (AWWA) Conference	June 12-15, 2022	San Antonio, TX	Executive and Water Committees
Texas Municipal League (TML) Newly Elected Officials Orientation	July 21-22, 2022	Allen, TX	Open to all Directors
Water Environment Federation Technical Exhibition and Conference (WEFTEC)	October 8-12, 2022	New Orleans, LA	Executive and Wastewater Committees

Upon motion by Director Phil Dyer and a second by Director Larry Parks, the Executive Committee voted unanimously to approve the FY 21-22 conference schedule.

V. DISCUSSION ITEMS

At 1:16 p.m. Vice-President May declared the need for an Executive Session of the Executive Committee to discuss Agenda Item No. V. A. on the agenda pursuant to Texas Government Code, Section 551.071, Consultation with Attorney and Section 551.076 Deliberation Regarding Security Devices or Security Audits; and, to discuss Item No. V. B. on the agenda pursuant to Texas Government Code, Section 551.074, Personnel.

- A. Update on physical security procedures

- FY21 is the first year under the new amended contract. Any excess RWS funds at fiscal year-end, September 30<sup>th</sup>, will be returned to the Member Cities no later than May 1<sup>st</sup> of the following year.
- There are no plans to have a Finance Committee Meeting in September or October.

## 2. Engineering and Capital Improvement Program

Deputy Director Cesar Baptista advised that the Main Stem Pump Station project was recognized by the Texas American Public Works Association as Project of the Year in the category of projects greater than \$75 million. He reviewed that the District substantially completed the \$103 million project late last year with about \$2 million in savings. The project included 16.5 miles of 72-inch pipeline, a 90 million-gallon-per-day pump station, a weir box, and pump additions at the East Fork Conveyance Pumps Station. He expressed appreciation to the project conveyance team for this award.

Mr. Baptista provided an update regarding the on-boarding of consultants that perform work for the District. Once every three years, Requests for Qualifications invitations are sent to consultants who wish to participate in the District's projects. This year, 90 Statements of Qualifications from consultants were received. The evaluation teams pre-qualified 75 firms to perform work on the 14 categories made available to the consultants. Previously, 70 firms submitted and 50 were pre-qualified. The final results will be released within the next few weeks and will be posted on the District's website. Mr. Baptista noted that only those in the pre-qualified list can perform work on capital improvement projects over the next three years. He added however, being on the list does not guarantee work to anyone because they still have to satisfy the State requirements of selecting a consultant based on demonstrated competence and qualifications. The selection process starts with being invited to an interview for a specific project. For example, if it is a water pipeline project, only those consultants listed in the water pipeline category will be considered for an interview. Usually up to 3 consultants are invited for interviews. Scoring is based on criteria that includes the proposed project team, performance history, project approach, and interview responses. After the interviews, the selection committee will rank and select the most qualified firm then they must be approved by the Deputy Director. The project team is then notified of the results and enters into negotiations with the consultant, seeing the entire process all the way through to obtaining approval from the Board of Directors. Mr. Baptista added that the process is transparent, and there are processes and procedures in place to meet State requirements relative to consultant selection and on-boarding. He expressed appreciation to the staff for all the work associated in reviewing the submittals and determining the pre-qualified list, and to the consultants for participating.

Vice-President May inquired as to how many categories a particular consultant may qualify for. Mr. Baptista responded that a consultant may submit for any 6 of the 14 categories.

### 3. Solid Waste and Integrated Services

Deputy Director Jeff Mayfield advised the assessment of sales tax at the transfer stations became effective September 1<sup>st</sup>. This was a component of the voluntary disclosure to the Texas Comptroller's office which was accepted. He advised that signs regarding the collection of sales taxes were posted at the sites approximately one month prior to September 1<sup>st</sup>.

Mr. Mayfield advised that the quarterly solid waste Member City meeting will be held September 9<sup>th</sup>.

Mr. Mayfield advised that staff recently discovered a residential development under construction immediately north of the northeast area of the closed Maxwell Creek landfill. Skorburg, the developer, had taken down the barb wire fencing and installed silt fencing up to 16 feet onto the District's property. Staff requested the developer stop construction activities on the District's property and relocate the silt fencing onto their property.

Mr. Mayfield advised both parties revisited the surveys and concluded that the developer surveyor is in error on their boundary survey. Skorburg hired a 2<sup>nd</sup> surveyor to confirm and is waiting for survey confirmation before relocating the silt fence. To date, the developer is cooperative but has stockpiled soil piles up to the silt fence which is within the landfill property.

The developer has indicated to staff their willingness to purchase the property from the District. Due to the complexity of the landfill permit, impact to groundwater and landfill gas monitoring wells and general risk involved, staff is recommending against selling the strip of property to the developer.

Mr. Mayfield advised that in consultation with the District's legal counsel there will be an Ad Memo on the September Board meeting agenda that would allow the District to file suit against the developer in case they resume construction. This approach is purely precautionary, and plans are to brief the entire Board at the upcoming September meeting.

### 4. Water and Wastewater

Deputy Director Billy George provided a Water System Update. He advised that an update on the 72-inch Texoma Pipeline Section I failure on August 31, 2021 and subsequent emergency repair will be provided at the September Water Committee Meeting. He advised that section of the Texoma Pipeline is jointly owned between NTMWD with 80% ownership and the Greater Texoma Utility Authority (GTUA) with 20% ownership. While GTUA is NTMWD's partner in the project, it is the City of Sherman who funds the 20% ownership through GTUA. A meeting with GTUA, City of Sherman, NTMWD and Freese & Nichols, Inc. is scheduled for next week to kick off the hydraulic analysis portion of the forensic evaluation. It was noted that the pipeline was inspected in July 2021 and there were no indicators of a failure.



Mr. George advised that the Fannin County Judge requested he attend the Fannin County Commissioners Court on Tuesday, September 14th to discuss NTMWD's payments to Fannin County taxing entities pursuant to NTMWD's agreement with Fannin County. Some questions have come up related to payments made by NTMWD pursuant to the agreement. Attorney Lewis Isaacks added that the District recently received some information regarding this year's payment and confirmation of that amount is currently in process.

Mr. George provided a Wastewater System update regarding the Floyd Branch RWWTP treatment disruption that occurred on August 11<sup>th</sup>. The NTMWD pretreatment team was able to support the TCEQ's and City of Richardson's investigation into the source of the acid that disrupted the secondary treatment processes at the WWTP that ultimately lead to investigators finding the individual responsible for the illicit dumping of acid. Enforcement action is being taken against the individual.

- E. Opportunity for Committee members to provide feedback on Executive Committee meeting

Director Richard Peasley asked Mr. Baptista whether the District does business with any international companies. Mr. Baptista responded that some of the bigger companies that the District does business with also perform work around the world but are based in the United States.

In response to a question from a Director in attendance, Mr. George advised he would provide more information regarding a release of reuse water in north Forney recently.

- F. Opportunity for Committee members to request potential future agenda items

There were no potential future agenda items requested.

VI. ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 2:37 p.m.

APPROVED:



PHIL DYER  
Chairman