



## NORTH TEXAS MUNICIPAL WATER DISTRICT

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### EXECUTIVE COMMITTEE MEETING MINUTES DECEMBER 1, 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

President Phil Dyer served as Presiding Officer and called the meeting to order at approximately 1:00 p.m. on Wednesday, December 1, 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)       | In Person |
| 2                           | May, Jack, (Vice-President)   | Remote    |
| 3                           | Peasley, Richard (Secretary)  | Remote    |
| 4                           | Parks, Larry (Past President) | Remote    |

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
- Mark Walsh – 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 three (3) 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 comment.

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

President Phil Dyer offered welcoming remarks.

Executive Director Jenna Covington advised that Jeanne Chipperfield was selected for the Deputy Director of Administrative Services position and Wayne Larson was selected for the Director of Communications position. A brief background for each was provided. She advised that Jeanne Chipperfield is expected to start December 20, 2021 and Wayne Larson will start January 10, 2022. These appointments filled open senior executive positions.

Executive Director Covington reviewed the hiring process utilizing a recruiting company and the number of applicants received.

IV. ACTION ITEMS

- A. Consider approval of Executive Committee meeting minutes – November 2, 2021

Upon a motion by Director Larry Parks and a second by Director Jack May, the Executive Committee voted unanimously to approve the November 2, 2021 meeting minutes.

V. DISCUSSION ITEMS

At 1:09 p.m. President Dyer announced the need for an Executive Session of the Executive Committee to discuss Item V. A. on the agenda pursuant to Texas Government Code, Section 551.071, Consultation with Attorney; Item No. V. B. on the agenda pursuant to Texas Government Code, Section 551.074, Personnel Matters; and Item No. V. D. 1. 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.

President Dyer confirmed that the public access lines was disconnected, and the audio recording disabled.

- A. Update on litigation involving North Texas Municipal Water District/advice from legal counsel, including:
  - *Loyd D. Johnson Family Limited Partnership No. 1, and LDJ Operations, LLC v. North Texas Municipal Water District, Phillips and Jordan, Inc., Archer Western Construction, LLC, and Hammett Excavation, Inc., Cause No. CV-19-44384, Fannin County, Texas*
  - Apparent Low Bidder for the Plano-McKinney Water Transmission System, Phase I, Relocation of 84-inch and 42-inch Pipelines for Project No. 101-0544-19
- D. Departmental updates
  - 1. Administrative Services -
- B. Discuss compensation for Deputy Director of Administrative Services

Open Session was reconvened at 1:43 p.m. No action was taken in Executive Session.

V. DISCUSSION ITEMS- continued

- C. Agendas for December 2021 Board meeting and Committee meetings  
Executive Director Covington reviewed the following upcoming meetings:
  - 1. Solid Waste Committee meeting  
The Solid Waste Committee meeting is on Wednesday, December 15<sup>th</sup> at 1:00 p.m. The agenda is being developed.
  - 2. Water Committee meeting  
The Water Committee meeting is on Wednesday, December 15<sup>th</sup> at 3:00 p.m. The agenda is being developed.
  - 3. Regular Board meeting  
The Regular Board meeting is on Thursday, December 16<sup>th</sup> at 2:30 p.m. and the agenda is being developed.Executive Director Covington also noted that there is a tour of Bois d'Arc Lake planned for the Directors on December 9<sup>th</sup> departing Wylie at 8:00 a.m.
- D. Departmental updates
  - 1. Administrative Services  
Executive Director Covington advised that on November 11<sup>th</sup>, Amawalk presented the Draft Independent Review Report at the NTMWD Board Work Session. This is the Report required by the Regional Water System (RWS) Settlement Agreement. The Board Work Session was accessible to the public

and the recording is currently on the NTMWD website. The Final Independent Review Report was provided by Amawalk on November 23<sup>rd</sup>. This was within the 9 month time period required by the Settlement Agreement. The Final Report will be included in the December Board Packet as an action item, with staff's recommendation for the Board to "accept" the report. The path forward includes staff preparing several RWS Strategic Financial Plans (cost projections). These would show the potential benefits and costs of implementing, or partially implementing recommendations from this Report. Meetings are planned for January for the Consultants to share their findings with the Member Cities. A list of potential items will be prepared for consideration by the Board along with identifying which Committee(s) will hear those items. After the Board has accepted the report, it will be provided to the Member Cities.

## 2. Engineering and Capital Improvement Program

Deputy Director Cesar Baptista advised that there is a busy agenda this month relative to Bois d'Arc Lake Program and Leonard Water Treatment Plant Phase II Expansion to 140 MGD as follows:

- Bois d'Arc Lake Program.
  - 1) The first item is an amendment to the existing Interlocal Agreement (ILA) with the City of Bonham. Work on the Bonham Lake spillway is needed because of the hydraulic impact to Bois d'Arc Lake. To restore capacity to the Bonham Lake spillway some earthwork and minor concrete work will be performed by the City in lieu of the District performing the work. The ILA amendment memorializes the terms and provides a one-time payment to fund work as well as future maintenance work. This approach reduces the risk to the District as the City not only performs the work but is also responsible for meeting their lake permit requirements.
  - 2) The second item is a request for additional funding for archaeological work. This will be the final request since all the field work has been completed. There will be a lot of data analysis and report writing that will be performed for several years prior to submitting the artifacts to the Texas Archaeological Research Laboratory in Austin for curation. The previous amendment approved by the Board was December 2020. At that time, a future request of another \$7 million was noted, which has now grown to \$10.2 million. Over the past year, more burials and artifacts were discovered than originally anticipated. For example, at the last request 35 burials had been discovered and now the final count is 160 burials—that equates to nearly 200 remains since some of the burials were stacked. This request will complete the project.
- Leonard Water Treatment Plant Expansion
  - 1) The first item is a request for design services to expand the plant from 70 MGD to 140 MGD.

- 2) The second item is for the design of the second terminal storage reservoir.
- 3) The third item is for the expansion of the Raw Water Pump Station at the lake.

Mr. Baptista advised that all three items are needed and are complementary to each other in order to produce another 70 MGD of potable water, which is needed in year 2026. An item to construct a new High Service Pump Station will be presented to the Board for approval in the future. More information on the timing and the need for the future expansions will be shared during the update on the Long Range Water Supply Plan.

Mr. Baptista advised that all of the items listed will be presented to the Water Committee with the exception of the ILA amendment with the City of Bonham. Deputy Director Billy George will review the ILA as part of his Champion's update. Mr. Baptista also advised that he will be providing a construction update on the Bois d'Arc Lake Program during the Board meeting.

President Dyer inquired what the total archeological expense at Bois d'Arc Lake is. Mr. Baptista advised that the original estimate was \$12 million, and the total now is approximately \$49 million. President Dyer also inquired whether the ILA with the City of Bonham has always been anticipated or is this something new. Mr. Baptista advised that it was always anticipated.

Director Richard Peasley inquired what benefit there is to the District for the money spent on the archeological work at the Lake and suggested that the U.S. Army Corp of Engineers might be responsible for some of the cost. Mr. Baptista advised that this part of the project was required as part of the permitting process, and that educational benefits will be realized. Director Peasley asked what the amount of the previous approval was. Mr. Baptista responded that in December 2020, \$6 million was requested bringing the total to \$36.9 million. It was also stated at that time that an additional \$7 million would be needed. Director Brenda Jean Patrick, who attended the meeting, commented that besides the permitting requirement to preserve the remains of the Caddo ancestors it has been an honor for the District to help preserve the Caddo heritage. She requested to know what kind of documentation of the archeological work would be assembled for the use of the District. Billy George responded that the Lake office will display educational and historical information, as well as some artifacts. He noted it will take years to get those catalogued. Director Chip Imrie, who attended the meeting, added that the District had no choice but to collect the remains and artifacts. He added that due to COVID protocols the progress of the work was affected as to how the digs were completed. There were also a lot of surprises and external factors requiring extra time, and the work itself was a time-consuming process. Mr. Baptista added that there will be exhibits at the Lake Operations building. The artifacts collected were done so in conjunction with the Texas Historical Commission and are located at the Texas Archaeological Research Laboratory in Austin where reports will be submitted. He added that a lot of the requirements were included as part of the programmatic agreement with the Caddo Nation.

### 3. Solid Waste and Integrated Services

Executive Director Covington advised that at the December 16, 2021 Board meeting, an agenda item will be the construction bid award for the Multiple Systems Maintenance Facility. It is to be constructed on the Wylie Water Treatment Plant Campus. She advised this building will serve the Facilities Services group, part of the Maintenance Department and Environmental Services' Pretreatment staff, which will free up space in that building. She noted that the vacated Facilities Services building to be renovated for relocation of Fleet's Wylie Service Center.

### 4. Water and Wastewater

Billy George reviewed the following:

- Water System Update
  - The Bois d'Arc Lake staff will be moving out of the NTMWD Bonham office and into the new Lake Operations building on December 13, 2021. Staff is currently transitioning to the new office.
  - A request for qualifications (RFQ) has gone out to seek support from a qualified firm to assist NTMWD in soliciting and considering proposals for the first marina development on Bois d'Arc Lake. Staff discussed the process at the September Real Estate Committee and future updates will be provided as that process takes shape.
  - A water right reuse application for the Sister Grove Water Resource Recovery Facility is being pursued. A nuance in the Texas Administrative Code requires an amendment to NTMWD's 2019 Water Conservation Plan for all new water right applications, including reuse applications. Staff will bring resolutions to the Board authorizing the reuse application and another amending the 2019 Water Conservation Plan.
  
- Wastewater System Update
  - TCEQ performed an inspection of the Wilson Creek Regional Wastewater Treatment Plant (WWTP) on November 8, 2021. No significant issues were communicated during the inspection, and the District is awaiting the formal inspection report.
  - Staff learned this morning that the TCEQ will be conducting a Comprehensive Compliance Investigation inspection of the Rowlett Creek Regional WWTP and the Squabble Creek WWTP over the next two weeks. These are the TCEQ's routine inspections for general compliance.
  - Wastewater Operations conducted consultant interviews on November 17<sup>th</sup> for a two year lift station condition assessment project. The project will provide an update to the assessments completed in 2017.

Director Peasley thanked the staff for his tour of the Main Stem Pump Station earlier this week.

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

There was no feedback provided.

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

Executive Director Covington noted a policy regarding contractors involved in litigation with the District.

Director Jack May requested an update on the flow of funds from Members/Customers and the Texas Water Development Board.

Director Brenda Jean Patrick asked whether anyone has expressed interest in the District's efforts at the archaeological dig conducted for Bois d'Arc Lake, such as for a documentary.

Director Richard Peasley inquired about the Watershed Protection Plan cost and whether it is in the budget, and what other funding sources there are. Billy George responded that more information can be provided at a later time, adding that it is a voluntary plan and process by which stakeholder interests develop that plan. The value of having a plan in place is that once it is approved by the Environmental Protection Agency the District can become eligible for grant funding. He noted that the District worked with the City of McKinney and was recently awarded grant funds for a project in McKinney.

VI. ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 2:20 p.m.

APPROVED:



PHIL DYER  
Chairman