



NORTH TEXAS MUNICIPAL WATER DISTRICT

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MINUTES OF REGULAR MEETING OF THE BOARD OF DIRECTORS MAY 26, 2022

The North Texas Municipal Water District (NTMWD) Board of Directors met in a regular meeting on Thursday, May 26, 2022, 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 Phil Dyer called the meeting to order at approximately 2:30 p.m.

President Dyer advised the following regarding the meeting:

The meeting today is being conducted in person with two-way video and audio communication between Board members participating by videoconference, establishing a quorum. The public may attend the meeting in person. Audio and video of Board members participating by videoconference will be visible. Members of the public wishing to listen to live audio from the meeting may do so by calling in.

II. INVOCATION

Director Geralyn Kever offered the invocation.

III. PLEDGE OF ALLEGIANCE

President Dyer led the Pledge of Allegiance.

IV. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

President Dyer led the Pledge of Allegiance to the Texas Flag.

V. ROLL CALL/ANNOUNCEMENT OF QUORUM

The roll was called, and attendance was confirmed as follows:

| | DIRECTORS | ABSENT | REMOTE |
|---|---------------------|---------------|---------------|
| 1 | Anderson, Terry Sam | | |
| 2 | Appolito, Robert | | |
| 3 | Boren, Kalen | | |

| | | | |
|----|----------------------|---|--------------|
| 4 | Carr, John | √ | |
| 5 | Crump, George | | |
| 6 | Dyer, Phil | | |
| 7 | Farmer, Joe | | |
| 8 | Fuller, Marvin | | |
| 9 | Gordon, Don | | |
| 10 | Hollifield, David | | |
| 11 | Imrie, Chip | | |
| 12 | Johnson, Blair | | |
| 13 | Kelley, Ron | | |
| 14 | Kerr, James (Jim) | | |
| 15 | Kever, Geralyn | | |
| 16 | May, Jack | | |
| 17 | Murphy, John | | √ |
| 18 | Parks, Larry | | |
| 19 | Patrick, Brenda Jean | | √ (no video) |
| 20 | Peasley, Richard | | |
| 21 | Shuyler, Lynn | | |
| 22 | Stephens, Keith | √ | |
| 23 | Sutherland, Jody | | |
| 24 | Sweeden, John | √ | |
| 25 | Thompson, Larry | | |

The following NTMWD legal and professional consultants attended the meeting:

Lauren Kalisek, Sheila Gladstone, Sarah Glaser and Jessi Maynard – Lloyd Gosselink Rochelle & Townsend
Lewis Isaacks and Mark Walsh – Saunders Walsh & Beard
Nick Bulaich – Hilltop Securities
Molly Carson – McCall Parkhurst & Horton

VI. OPENING REMARKS

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

President Dyer announced that Directors Terry Anderson, John Carr, and Richard Peasley have been reappointed by their cities.

President Dyer advised that the 2022-2023 Standing Committee assignments are still being prepared. They will be emailed to Directors when available and will be included in the June Board Packet per Section 7.3 of the Board Policies Manual "all appointments must be reported to the Board of Directors at the next regular meeting and included in the formal minutes of that meeting". Committee assignments will become effective on July 1st.

President Dyer reviewed the tentative schedule of meetings for June as follows:

- Wednesday, June 8th – Executive and Finance Committees
- Wednesday, June 22nd – Wastewater and Water Committees
- Thursday, June 23rd – Board Meeting

- 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

Executive Director Jenna Covington advised that each year the District recognizes Board Members' service milestones, and she announced the following for 2022:

Director Robert Appolito

- Director Appolito is receiving his one-year service pin as an NTMWD Director.
- Mr. Appolito was appointed by the City of McKinney in 2021.
- He has served on the Legislative, Solid Waste, and Wastewater Committees and is Vice-Chair of the Real Estate Committee.

Director Kalen Boren

- Director Boren is receiving his one-year service pin as an NTMWD Director.
- Mr. Boren was appointed by the City of Forney in 2021.
- He has served on the Finance and Water Committees.

Director Geralyn Kever

- Director Kever is receiving her one-year service pin as an NTMWD Director.
- Ms. Kever was appointed by the City of McKinney in 2021.
- She has served on the Real Estate and Solid Waste Committees.

Director David Hollifield

- Director Hollifield is receiving his five-year service pin as an NTMWD Director.
- Mr. Hollifield was appointed by the City of Royse City in 2017.
- He has served on all but one standing committee and has served as Chairman of the Personnel and Real Estate Committees.

President Dyer presented service pins to these Directors.

Executive Director Covington advised that the John Bunker Sands Wetland Center was presented with the 2022 Texas Leopold Conservation Award. This is the most prestigious award for land stewardship in the state of Texas, recognizing landowners who inspire others with their dedication to land, water, and wildlife habitat management. It was received in partnership with the Texas Parks and Wildlife Lone Star Land Stewards Award program. A video of the JBS Wetland Center, including its functions, uses and educational value, was presented.

Executive Director Covington advised there will be a Board tour of the Main Stem Pump Station and the Wetland Center on June 3, 2022.

Executive Director Covington advised that there are some completed projects on the Consent Agenda to recognize. She commended staff on these projects.

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.

There were no requests for public comment.

VIII. EXECUTIVE SESSION

At 2:51 p.m. President Dyer announced the need for an Executive Session of the Board of Directors to discuss items VIII. A. and B., pursuant to the Texas Government Code, Sections 551.071 Consultation With Attorney, and 551.074 Personnel Matters.

- B. Consult with legal counsel regarding pending or contemplated litigation
(Tex. Gov’t Code Sections 551.071)
 - 1. Update on contractual issues with a contractor performing residuals removal, hauling and disposal
- A. Discuss Executive Director/General Manager Annual Evaluation
(Tex. Gov’t Code Sections 551.071 and 551.074)

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

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.

Open Session reconvened at 4:45 p.m. The public teleconference line was reconnected.

No action was taken in Executive Session. No action was taken in open session as a result of Executive Session.

X. CONSENT AGENDA ITEMS

President Dyer inquired whether any Director wished to remove any item from the Consent Agenda for separate discussion. Director Larry Parks requested that Consent Item X.D. (No. 22-05-04) be pulled from the Consent Agenda for separate discussion so that he may abstain from voting on this item.

Upon a motion to approve the remaining Consent Agenda Items by Director Geralyn Kever and a second by Director David Hollifield, the Board of Directors voted unanimously to approve Consent Agenda Items A. – C. and E. – J. Directors John Murphy and Brenda Jean Patrick were absent for the vote.

- A. **Approval of Regular Board Meeting Minutes - Consent Agenda Item No. 22-05-01**
 - Consider approval of April 28, 2022, Board of Directors Regular meeting minutes

- B. **Approval of Board Work Session Minutes - Consent Agenda Item No. 22-05-02**
- Consider approval of April 7, 2022, Board of Directors Work Session meeting minutes
- C. **Approval of Monthly Construction Report - Consent Agenda Item No. 22-05-03**
- Consider approval of May 2022 Monthly Construction Report
- D. ~~**Authorize adjustments to engineering services agreements on various Bois d'Arc Lake projects - Consent Agenda Item No. 22-05-04**~~
- ~~• Consider authorizing adjustments to six engineering services agreements with Freese and Nichols, Inc., CP&Y, Inc., Black & Veatch Corporation, HDR, Inc. and Pacheco Koch Consulting Engineers, Inc. resulting in the overall reduction of engineering services costs in the amount of (\$648,291) for:
Project No. 101-0358-14, Bois d'Arc Lake Raw Water Pump Station
Project No. 101-0424-16, Bois d'Arc Lake Raw Water Pipeline, Segment B
Project No. 101-0424-16, Bois d'Arc Lake Raw Water Pipeline, Segment C
Project No. 101-0425-16, Treated Water Pipeline from Leonard Water Treatment Plant to McKinney No. 4
Project No. 101-0436-16, Bois d'Arc Lake Boat Ramps and Lake Facilities~~
- E. **Authorize execution of a facility use agreement between NTMWD and the Texas Parks and Wildlife Department (TPWD) for use of the Bois d'Arc Lake (BDL) Operations Center - Consent Agenda Item No. 22-05-05**
- Consider authorizing the execution of a facility use agreement granting the TPWD access to the Bois d'Arc Lake Operations Center for the purpose of TPWD carrying out law enforcement and public safety activities on and around BDL for an initial 5-year term with the option to renew for an additional 5-year term
- F. **Adoption of Resolution 22-21 authorizing the use of Competitive Sealed Proposal (CSP) procurement method for construction of Bonham Water Treatment Plant (WTP) Intake Improvements project - Consent Agenda Item No. 22-05-06**
- Consider adoption of Resolution No. 22-21 authorizing the use of CSP procurement method under Texas Government Code Chapter 2269 for Project No. 101-0582-21, Bonham WTP Intake Improvements
- G. **Adoption of Resolution No. 22-22 authorizing conveyance of property at the Sister Grove Regional Water Resource Recovery Facility (RWRRF) - Consent Agenda Item No. 22-05-07**
- Consider adoption of Resolution No. 22-22 authorizing the Executive Director to execute a permanent easement with Rayburn Electric Cooperative in the form of approximately 8.893 acres for Project 301-0426-16, Sister Grove Regional Water Resource Recovery Facility (RWRRF)

- H. **Adoption of Resolution No. 22-23 authorizing the execution of a right-of-way acquisition program to acquire property for the Sister Grove Regional Water Resource Recovery Facility (RWRRF) project - Consent Agenda Item No. 22-05-08**
- Consider authorizing the Executive Director to execute a property acquisition program and adoption of Resolution No. 22-23 authorizing the use of eminent domain to acquire property for a fiber optic communication line for Project No. 301-0426-16, Sister Grove Regional Water Resource Recovery Facility (RWRRF)
- I. **Adoption of Resolution No. 22-24 authorizing the execution of an Interlocal Agreement (ILA) with the City of Sachse - Consent Agenda Item No. 22-05-09**
- Consider adoption of Resolution No. 22-24 authorizing the Executive Director to execute an ILA with the City of Sachse for easement rights during the expansion of Merritt Road for Project No. 101-0611-22, ILA between the City of Sachse and the NTMWD Regarding Encroachment on 72-inch Garland to Mesquite, Phase II Waterline Easement
- J. **Adoption of Resolution No. 22-25 authorizing the execution of an amendment to a right-of-way acquisition program for the McKinney East Side Extension Improvements project - Consent Agenda Item No. 22-05-10**
- Consider authorizing the Executive Director to amend a previously executed right-of-way acquisition program and adoption of Resolution No. 22-25 authorizing the use of eminent domain to acquire right-of-way for the Project No. 501-0551-19, McKinney East Side Extension Improvements

President Dyer requested a separate motion on Consent Item D.

- D. **Authorize adjustments to engineering services agreements on various Bois d'Arc Lake projects - Consent Agenda Item No. 22-05-04**
- Consider authorizing adjustments to six engineering services agreements with Freese and Nichols, Inc., CP&Y, Inc., Black & Veatch Corporation, HDR, Inc. and Pacheco Koch Consulting Engineers, Inc. resulting in the overall reduction of engineering services costs in the amount of (\$648,291) for:
Project No. 101-0358-14, Bois d'Arc Lake Raw Water Pump Station
Project No. 101-0424-16, Bois d'Arc Lake Raw Water Pipeline, Segment B
Project No. 101-0424-16, Bois d'Arc Lake Raw Water Pipeline, Segment C
Project No. 101-0425-16, Treated Water Pipeline from Leonard Water Treatment Plant to McKinney No. 4
Project No. 101-0436-16, Bois d'Arc Lake Boat Ramps and Lake Facilities

Upon a motion by Director Terry Sam Anderson and a second by Director Don Gordon, the Board of Directors voted to approve Consent Agenda Item D. Director Larry Parks abstained from voting on this item. Directors John Murphy and Brenda Jean Patrick were absent for the vote.

XI. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

GENERAL / ADMINISTRATIVE AGENDA ITEMS

President Dyer advised that Agenda Items XI. A. and B. are being moved to the end of the agenda.

~~A. Adoption of Resolution No. 22-26 regarding commending Director Phil Dyer's service as President in 2021-2022~~

- ~~• Consider adoption of Resolution No. 22-26 commending Director Phil Dyer for his service as President of the Board of Directors~~

~~B. Consider election of Officers for the Board of Directors for 2022-2023~~

- ~~• Consider election of Board of Directors Officers for 2022-2023 including Board President, Vice President and Secretary~~

C. Adoption of Resolution No. 22-27 authorizing NTMWD Regional Solid Waste System Revenue Bonds, Series 2022 - Administrative Memorandum No. 5833

- Consider adoption of Resolution No. 22-27 authorizing the issuance, sale and delivery of NTMWD Regional Solid Waste Disposal System Revenue Bonds, Series 2022, in the amount of approximately \$7,620,000; and approving and authorizing instruments and procedures relating thereto

Director Chip Imrie advised that this item was reviewed by the Finance Committee on April 13, 2022. The Finance Committee voted unanimously for the Board of Directors to adopt Resolution No. 22-27 authorizing the "issuance, sale and delivery of NTMWD Regional Solid Waste Disposal System Revenue Bonds, Series 2022, in the amount of approximately \$7,620,000; and approving and authorizing instruments and procedures relating thereto". Six bids were received. The Baker Group won the bid with an interest rate of 3.49%. Director Imrie advised Nick Bulaich with Hilltop Securities was present and available to answer questions regarding the sale of the bonds.

Upon a motion by Director Chip Imrie and a second by Director Lynn Shuyler, the Board of Directors voted unanimously to approve. Directors John Murphy and Brenda Jean Patrick were absent for the vote.

WASTEWATER AGENDA ITEMS

D. Authorize execution of an engineering services agreement for the Floyd Branch Regional Wastewater Treatment Plant Peak Flow and UV Improvements project - Administrative Memorandum No. 5834

- Consider authorizing the Executive Director to execute an engineering services agreement with CDM Smith, Inc. in the amount of \$3,229,089 for preliminary and final engineering design for Project No. 301-0610-22, Floyd Branch Regional Wastewater Treatment Plant Peak Flow and UV Improvements

Director George Crump advised that the Wastewater Committee discussed this item at the April 27th meeting.

This item will authorize an engineering service agreement for preliminary and final design of the Floyd Branch Regional Wastewater Treatment Plant peak flow and UV improvements project.

Preliminary and final design will incorporate recommendations of the Master Plan including improvements to the existing Plant, facilities to increase the peak flow storage, emergency standby power generation, new UV equipment, and an Operations Building. These improvements will reduce the risk of permit exceedances from peak wet weather events and will reduce the probability of sanitary sewer overflows events in the service area of the Plant.

Upon a motion by Director George Crump and a second by Director Marvin Fuller, the Board of Directors voted unanimously to approve. Directors John Murphy and Brenda Jean Patrick were absent for the vote.

E. Authorize execution of Amendment No. 8 to the Construction Manager At-Risk (CMAR) for the Sister Grove Regional Water Resource Recovery Facility (RWRRF) project - Administrative Memorandum No. 5835

- Consider authorizing the Executive Director to execute the eighth amendment to Change Order No. 2 in the amount of \$4,620,477.96 for Project No. 301-0426-16, Sister Grove Regional Water Resource Recovery Facility

Director George Crump advised that the Wastewater Committee discussed this item at the April 27th meeting.

This authorizes Amendment No. 8 for Change Order No. 2 to the Construction Manager At-Risk Agreement for the Sister Grove Regional Water Resource Recovery Facility project.

Change Order No. 2 includes additional work to construct the outfall piping made necessary due to a residential development located within City of Princeton. The residential development progression requires changes to the planned open-cut pipeline construction methods.

Upon a motion by Director George Crump and a second by Director James Kerr, the Board of Directors voted unanimously to approve. Directors John Murphy and Brenda Jean Patrick were absent for the vote.

F. Authorize execution of contract amendment with B.C. Golf Limited for the use of reclaimed water for the Buffalo Creek Golf Course - Administrative Memorandum No. 5836

- Consider authorizing the execution of a contract amendment to extend the contract terms with B.C. Golf Limited to eight years, when the Buffalo Creek Wastewater Treatment Plant is anticipated to be decommissioned

Director George Crump advised that the Wastewater Committee discussed this item at the April 27th meeting.

This authorizes execution of an extension to contract for the use of reclaimed water with B.C. Golf Limited for the Buffalo Creek Golf Course.

NTMWD and B.C. Golf Limited wish to execute the amendment to extend the term of the agreement eight years from November 30, 2022 to November 30, 2030 when the Buffalo Creek Wastewater Treatment Plant is anticipated to be decommissioned.

Upon a motion by Director George Crump and a second by Director Larry Parks, the Board of Directors voted unanimously to approve. Directors John Murphy and Brenda Jean Patrick were absent for the vote.

G. **Authorize execution of a Multijurisdictional Pretreatment Agreement (MJPA) and Pretreatment Budget Agreement with the City of Richardson - Administrative Memorandum No. 5837**

- Consider authorizing the execution of a MJPA and Pretreatment Budget Agreement with the City of Richardson, and the addition of an Environmental Specialist I for the Pretreatment Department to manage the additional workload related to the addition of the Richardson industries

Executive Director Covington requested that the Board take no action on this item due to further negotiations with the city of Richardson. She advised staff plans to bring this back at next month's Board meeting.

No action was taken by the Board based on staff's recommendation.

LAND ACQUISITION / RIGHT OF WAY ITEMS

H. **Authorize amendment to land acquisition program and Adoption of Resolution No. 22-28 authorizing the use of eminent domain to acquire property for the Bonham Water Treatment Plant Intake Improvements project - Administrative Memorandum No. 5838**

- Consider authorizing the Executive Director to amend a previously executed property acquisition program for additional funding in the amount of \$350,000 and adoption of Resolution No. 22-28 authorizing the use of eminent domain to acquire property and right-of-way for Project No. 101-0582-21, Bonham Water Treatment Plant Intake Improvements

Upon a motion by Director David Hollifield and a second by Director Chip Imrie, the Board of Directors voted unanimously to approve. Directors John Murphy and Brenda Jean Patrick were absent for the vote.

Items XI. A. and B. postponed earlier in this meeting were addressed at this time.

B. Consider election of Officers for the Board of Directors for 2022-2023

- Consider election of Board of Directors Officers for 2022-2023 including Board President, Vice President and Secretary

President Dyer advised that per the Board Policies Manual, the past three Presidents (Directors Larry Parks, Don Gordon and John Sweeden) met and Director Parks would provide the recommendation for the slate of officers.

Director Larry Parks advised that he and Directors Gordon and Sweeden recommend the following slate of officers for 2022-2023:

Director Jack May – President
Director Richard Peasley – Vice President
Director George Crump – Secretary

There were no nominations from the floor.

Director Larry Parks made the motion to recommend the following slate of officers: Jack May – President; Richard Peasley – Vice President, and George Crump - Secretary. Director Joe Farmer seconded motion. The Board of Directors voted unanimously to approve as nominated. Directors John Murphy and Brenda Jean Patrick were absent for the vote.

A. Adoption of Resolution No. 22-26 regarding commending Director Phil Dyer's service as President in 2021-2022

- Consider adoption of Resolution No. 22-26 commending Director Phil Dyer for his service as President of the Board of Directors

Vice-President May called for a motion on this item.

Director Terry Sam Anderson made a motion to adopt Resolution No. 22-26 as presented. Director Marvin Fuller seconded the motion.

Executive Director Covington read Resolution No. 22-26 recognizing Director Phil Dyer for his service as President for 2021-2022.

The Board of Directors voted unanimously to approve Resolution No. 22-26. Directors John Murphy and Brenda Jean Patrick were absent for the vote.

Vice-President May presented the Resolution to Director Phil Dyer at the podium. Director Dyer expressed his appreciation for staff and consultants who have assisted him during his term. Director Parks offered appreciation to Director Dyer for his service as President.

Several Directors recognized Director Larry Parks, noting this was his last meeting on the Board of Directors. He will be formally recognized at the July meeting.

At this time, it was noted that Director Hollifield previously provided an incorrect motion on Item XI. H. President Dyer readdressed this item and Director Hollifield provided a new motion. See Item XI. H. above.

XII. CLOSING ITEMS

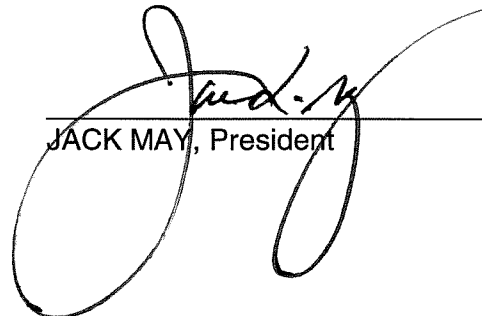
- A. Opportunity for Board members to provide feedback or request potential future agenda items.

There were no follow up items or requests for potential future agenda items.

XIII. ADJOURNMENT

There being no further business, the meeting adjourned at approximately 5:12 p.m.

APPROVED:



JACK MAY, President

ATTEST:



GEORGE CRUMP, Secretary

