



**NORTH TEXAS MUNICIPAL WATER DISTRICT**  
**501 E. Brown Street • Wylie, Texas 75098**  
**(972) 442-5405 – Phone • (972) 295-6440 – Fax**

**MINUTES OF REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
JULY 28, 2022**

The North Texas Municipal Water District (NTMWD) Board of Directors met in a regular meeting on Thursday, July 28, 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 Jack May called the meeting to order at approximately 2:30 p.m.

President May 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 John Sweeden offered the invocation.

**III. PLEDGE OF ALLEGIANCE**

President May led the Pledge of Allegiance.

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

President May 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:

	<b>DIRECTORS</b>	<b>ABSENT</b>	<b>REMOTE</b>
1	Anderson, Terry Sam		
2	Appolito, Robert	√	
3	Boren, Kalen		

4	Carr, John		
5	Crowley, Rick		
6	Crump, George		
7	Dyer, Phil		
8	Farmer, Joe	√	
9	Fuller, Marvin		
10	Gordon, Don		
11	Hollifield, David		
12	Imrie, Chip		
13	Johnson, Blair		
14	Kelley, Ron		
15	Kerr, James (Jim)		√
16	Kever, Geralyn		
17	May, Jack		
18	Patrick, Brenda Jean	√	
19	Peasley, Richard		
20	Roland, Randy		
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, Sara Thornton – Lloyd Gosselink Rochelle & Townsend
- Lewis Isaacks, Mark Walsh – Saunders Walsh & Beard
- Lissa Gregg – Freese & Nichols, Inc.

## **VI. OPENING REMARKS**

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

President Jack May welcomed new Board member, Rick Crowley. He is representing the City of Rockwall and was appointed by their City Council on July 5<sup>th</sup>. He is the previous City Manager of Rockwall. The position that Director Crowley has filled comes as Director Larry Parks made the decision to retire from the Board after more than 29 years of service.

President May advised that action item XII. A. would be addressed at this time.

## **XII. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION**

### **GENERAL / ADMINISTRATIVE AGENDA ITEMS**

- A. Adoption of Resolution No. 22-30 commending Director Larry Parks
- Consider adoption of Resolution No. 22-30 commending Director Larry Parks for over 29 years of service as a member of the NTMWD Board of Directors

Director Terry Sam Anderson made a motion to adopt Resolution No. 22-30.  
Director Marvin Fuller seconded motion.

Executive Director Jenna Covington read Resolution No. 22-30 commending Director Larry Parks for 29 years of service on the NTMWD Board of Directors.

The Board of Directors voted unanimously to approve Resolution No. 22-30.

President May and Executive Director Covington presented Director Parks with the Resolution, Texas Plaque, Water Drop and a NTMWD watch.

Director Parks expressed his appreciation to the Board and District staff and spoke fondly of his years of service.

Several Directors expressed appreciation to Larry Parks for his contributions to the District.

President May reviewed the following tentative list of meetings for August 2022:

- Wednesday, August 10<sup>th</sup> – Policy and Personnel Committee
- Wednesday, August 24<sup>th</sup> – Wastewater and Water Committees
- Thursday, August 25<sup>th</sup> – Board Meeting

President May advised that it was determined that there was no need to have another Budget Work Session in August as the July meeting resulted in good discussions.

He noted that there is a Board tour of the Environmental Services & Laboratory Building on Friday, August 5<sup>th</sup> from 9:30 a.m. – 11:30 a.m.

President May advised that Director Phil Dyer will be abstaining from discussion and voting on Agenda Item XII. F.

- 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 Covington advised that three project completions are included in the monthly construction report: 1) McKinney Lift Station; 2) South System Air Valve Improvements Phase 2; and 3) Renner Road to Plano Delivery Point No. 2 Pipeline.

Executive Director Covington introduced and welcomed Ike Obe who is the new Assistant Deputy Director of Human Resources for the District.

Executive Director Covington advised that at the end of July the "water year" is closing. The District will be assessing the volume of water used by each community.

Executive Director Covington advised that tomorrow she and David Kelly will be touring Bois d'Arc Lake and the Leonard Water Treatment Plant with Kathleen Jackson of the Texas Water Development Board.

Executive Director Covington advised that on Monday there will be a Member City Manager Breakfast, and later that day there is a WebEx meeting scheduled with Customer City Managers and Utility Directors.

**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.

Justin Jinright spoke regarding an on-going issue with his property.

**VIII. DISCUSSION ITEMS**

**A. Update on Sister Grove Regional Water Resource Recovery Facility**

Deputy Director Cesar Baptista provided an update on Sister Grove. He provided background information and a location map that reflects the associated pipelines and the facility. An update on the North McKinney Transfer Lift Station was included.

Mr. Baptista provided construction photos of the progress at the Lift Station and the 96-inch outfall pipeline. He advised that the Sister Grove facility is approximately 190 days behind schedule, delaying startup until 2024, and the North McKinney Transfer Lift Station is approximately 90 days behind schedule. Availability of needed materials is impacting the schedule. Mr. Baptista advised that the project as a whole is 30 – 35 percent complete.

In response to a Director's question, Mr. Baptista advised that this Phase I of the project is for flows of 16 million gallons per day (MGD), and once it is complete, work will begin on the next phase of 16 MGD. Ultimately, the Sister Grove facility will be permitted for 128 MGD.

**IX. EXECUTIVE SESSION**

At 3:14 p.m. President May announced the need for an Executive Session of the Board of Directors to discuss items IX. A. 1 – 4, pursuant to the Texas Government Code, Section 551.071 Consultation With Attorney.

**A. Consult with legal counsel regarding pending or contemplated litigation (Tex. Gov't Code Section 551.071)**

1. *Justin A. Jinright, et al., v. NTMWD*, cause No. 429-02373-2016, Collin County, Texas
2. *NTMWD v. S.J. Louis Construction of Texas, Ltd., ACT Pipe and Supply, Inc., J-M Manufacturing, Inc., d/b/a JM Eagle, Inc.*, Cause No. 429-06607-2019, 429th Judicial District, Collin County, Texas (121 Force Main)

3. Beck Branch Parallel Interceptor, Phase II Project
4. Buffalo Creek Parallel Interceptor, Phase I Project

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

**X. 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 4:06 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.

**XI. CONSENT AGENDA ITEMS**

President May inquired whether any Director would like to remove an item from the Consent Agenda for separate discussion. There were none.

Upon a motion by Director John Carr and a second by Director Blair Johnson, the Board of Directors voted unanimously to approve the Consent Agenda.

- A. **Approval of Regular Board Meeting Minutes - Consent Agenda Item No. 22-07-01**
  - Consider approval of June 23, 2022, Board of Directors Regular meeting minutes
- B. **Approval of Monthly Construction Report - Consent Agenda Item No. 22-07-02**
  - Consider approval of July 2022 Monthly Construction Report
- C. **Adoption of Resolution No. 22-31 authorizing the execution of an application to the Texas Commission on Environmental Quality (TCEQ) - Consent Agenda Item No. 22-07-03**
  - Consider adoption of Resolution No. 22-31 authorizing the Executive Director to execute an application with the TCEQ for the filing of water use permit applications for the Sabine Creek and City of Bonham's Wastewater Treatment Plants return flows in the amount of \$102,275 for legal fees and administrative fees for filing and posting
- D. **Authorize supplementing of the 2019 NTMWD Water Conservation Plan - Consent Agenda Item No. 22-07-04**
  - Consider authorizing the supplementing of the 2019 NTMWD Water Conservation Plan in order to comply with the requirements of the Texas Commission on Environmental Quality (TCEQ) for submission of water use permit applications for return flows from the Sabine Creek and City of Bonham's Wastewater Treatment Plants

- E. **Adoption of Resolution No. 22-32 authorizing an amendment to a development agreement with TDC-DRI McKinney Phase I, LLC (TDC) - Consent Agenda Item No. 22-07-05**
- Consider adoption of Resolution No. 22-32 authorizing the Executive Director to execute an amendment to a development agreement with TDC in the amount of \$120,000, which is to be reimbursed by TDC for Project No. 101-0605-22, Wylie to McKinney 24-inch Waterline Relocation
- F. **Adoption of Resolution No. 22-33 authorizing the execution of conveyance of property for the Sister Grove Regional Water Resource Recovery Facility (RWRRF) project - Consent Agenda Item No. 22-07-06**
- Consider adoption of Resolution No. 22-33 authorizing the Executive Director to execute a conveyance of property of approximately 3.28 acres to Rayburn Country Electric Cooperative for Project No. 301-0426-16, Sister Grove RWRRF

**XII. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION**

**GENERAL / ADMINISTRATIVE AGENDA ITEMS**

- A. ~~**Adoption of Resolution No. 22-30 commending Director Larry Parks**~~
- ~~• Consider adoption of Resolution No. 22-30 commending Director Larry Parks for over 29 years of service as a member of the NTMWD Board of Directors~~

This Item was addressed earlier in the meeting.

**B. TABLED ITEM:**

- Review of ongoing regional drought conditions and possible action to address those conditions

President May advised that this item was tabled at the 7/21 Board Work Session and Special Meeting. A motion, second and vote is needed to take this item from the table.

Director Phil Dyer made a motion to remove the item from the table. Director Marvin Fuller seconded the motion. The Board of Directors voted unanimously to approve the motion.

Executive Director Covington provided opening remarks and expressed appreciation to the Member and Customer cities that are actively working to implement their conservation plans.

Deputy Director Billy George provided an overview of this item, noting the information is that which was presented at the work session with some updates.

- Communications Director Wayne Larson reviewed this week's media release that included an update on the Wylie Water Treatment Plant. He advised that the Member and Customer cities are sharing the District's guidance regarding conservation with their residents and have implemented water conservation measures.

- Assistant Deputy Zeke Campbell explained the differences between permitted and sustained capacities for the water treatment plants. He advised that the Tawakoni and the Wylie water treatment plants combined can produce a sustained capacity of 750 MGD if all facilities are 100 percent operational.
- Assistant Deputy Galen Roberts provided information on the triggers and the Drought Response Stages included in the NTMWD Water Resource & Emergency Management Plan. Triggers are supply related and associated with demands, delivery or conveyance. The Drought Response Stages include increasing levels of conservation. Mr. Roberts provided an overview of actions the District will take for each Stage and the goals for reduced water usage that would result. He noted that by regulation of the Texas Commission on Environmental Quality (TCEQ), the Plan must be updated every five years with the next being in 2024.
- Billy George reviewed historical data for demands and rainfall.
- Lissa Gregg consultant with Freese & Nichols, Inc. reviewed a forecast model that includes a prediction of pumping compared to actual amounts of pumping for 2022.
- Billy George provided data on a weather forecast model for July 28 to August 6. He advised pumping is holding steady this week, but it needs to be watched daily. A weekly comparison of pumping volume does reflect that usage leveled off the second week in July when a call to action was made for conservation.

Mr. George advised that staff would continue to coordinate closely with the largest water demand cities; provide regular situational updates to Members and Customers; monitor changing conditions closely; and provide updates to the Board of Directors. He advised the goal is to maintain (or reduce) the demand level that was observed during the second week in July.

Executive Director Covington added that there has not been a significant drought since 2015 so water conservation education and messaging have been and will continue to be imperative. The District and the cities have worked together to respond to the current drought. She recommended that no action be taken today on this item. It was noted that a Special Meeting of the Board could be called in the event the Board needs to activate the Drought Response Stages.

#### **WATER AGENDA ITEMS**

**C. Authorize Amendment No. 7 to the Construction Manager At-Risk (CMAR) agreement for the Wylie Water Treatment Plant (WTP) projects – Administrative Memorandum No. 5845**

- Consider authorizing Amendment No. 7 to the CMAR agreement with MWH Constructors, Inc. in the amount of \$31,535,200.95 for partial guaranteed maximum price No. 3 for Project No. 101-0390-15, Wylie WTP Biologically Active Filtration; Project No. 101-0496-18, Wylie WTP Ammonia System Improvements and Project No. 101-0517-18, Wylie WTP II Structural and Mechanical Improvements – Phase I & II

Director Terry Anderson advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize Amendment No. 7 to the

Construction Manager At-Risk agreement for the Wylie Water Treatment Plant Biologically Active Filtration project, the Ammonia System Improvements project, and the Plant II Structural and Mechanical Improvements project. Amendment No. 7 includes the third partial Guaranteed Maximum Price.

Upon a motion by Director Terry Anderson and a second by Director Chip Imrie, the Board of Directors voted unanimously to approve. Director Phil Dyer was absent from the vote.

**D. Authorize execution of an interlocal agreement (ILA) with Tarrant Regional Water District and the City of Dallas for Raw Water Optimization and Reliability Evaluation - Administrative Memorandum No. 5846**

- Consider authorizing the Executive Director to execute an ILA with Tarrant Regional Water District and the City of Dallas in the amount of \$400,000 to study the feasibility and reliability of existing water supply and transmission Infrastructure

Director Terry Anderson advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize an Interlocal Agreement with Tarrant Regional Water District and the City of Dallas to study the feasibility and reliability of existing water supply and transmission infrastructure to deliver water from existing and proposed reservoirs for its optimum delivery and use in the North Central Texas region.

Upon a motion by Director Terry Anderson and a second by Director Chip Imrie, the Board of Directors voted unanimously to approve. Director Phil Dyer was absent from the vote.

**WASTEWATER AGENDA ITEMS**

**E. Authorize execution of a construction management services agreement for the South Mesquite Creek Regional Wastewater Treatment Plant (RWWTP) Peak Flow Management and Expansion project - Administrative Memorandum No. 5847**

- Consider authorizing the execution of a construction management services agreement with AECOM Technical Services, Inc. in the amount of \$3,909,004 to provide third-party construction management oversight and daily on-site representation for the CMAR's construction activity for Project No. 301-0525-18, South Mesquite Creek RWWTP Peak Flow Management and Expansion

Director Ron Kelley advised that the Wastewater Committee discussed this item at the June 22nd meeting.

This item authorizes funding for a construction management services agreement for the South Mesquite Creek Regional Wastewater Treatment Plant Peak Flow Management and Expansion project.

A Construction Manager At-Risk has been engaged to coordinate the various work packages to implement peak flow management and an 8 million gallons per day expansion at the Plant. Due to increasing project delivery and operational



demands across the NTMWD staff, it is necessary to engage a dedicated construction management team to administer the day-to-day project activities.

Upon a motion by Director Ron Kelley and a second by Director Blair Johnson, the Board of Directors voted unanimously to approve. . Director Phil Dyer was absent from the vote.

**F. Authorize execution of an engineering services agreement for the Upper East Fork Interceptor System 121 Force Main Improvements and 121 Parallel Force Main projects - Administrative Memorandum No. 5848**

- Consider authorizing the Executive Director to execute an engineering services agreement with Kimley-Horn & Associates, Inc. for the final design in the amount of \$2,047,500 for Project No. 501-0491-18, 121 Force Main Improvements; and the preliminary and final design in the amount of \$7,131,500 for Project No. 501-0612-22, 121 Parallel Force Main

Director Ron Kelley advised that the Wastewater Committee discussed this item at the June 22nd meeting.

This item will authorize engineering services agreements for the final design of the 121 Force Main Improvements project and preliminary and final design of the 121 Parallel Force Main project.

These design components are requested as separate projects to facilitate financing and asset tracking for the inter-related pipelines. The combination of these improvements will provide a new higher transfer capacity of 60 MGD from the Preston Road Lift Station to Wilson Creek Lift Station.

Upon a motion by Director Ron Kelley and a second by Director Lynn Shuyler, the Board of Directors voted to approve. ~~Director Phil Dyer abstained from voting on this item.~~ Director Phil Dyer was absent from the vote.

**G. Authorize execution of an engineering services agreement for the Upper East Fork Interceptor System Preston Road Lift Station Expansion project - Administrative Memorandum No. 5849**

- Consider authorizing the Executive Director to execute an engineering services agreement with HDR Engineering, Inc. in the amount of \$3,285,895 for final engineering design for Project No. 501-0559-20, Preston Road Lift Station Expansion

Director Ron Kelley advised that the Wastewater Committee discussed this item at the June 22nd meeting.

This item will authorize an engineering service agreement for final design of the Preston Road Lift Station Expansion project.

The Preston Road Lift Station currently transfers flow to the Wilson Creek Regional Wastewater Treatment Plant. Evolving growth and service demands in the Upper East Fork Interceptor System are driving the need for increased and accelerated

transfer capacity from the Preston Road Lift Station, and to send those flows to the new Sister Grove Regional Water Resource Facility (RWRRF) for treatment.

Upon a motion by Director Ron Kelley and a second by Director Chip Imrie, the Board of Directors voted unanimously to approve. Director Phil Dyer was absent from the vote.

**XIII. CLOSING ITEMS**

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

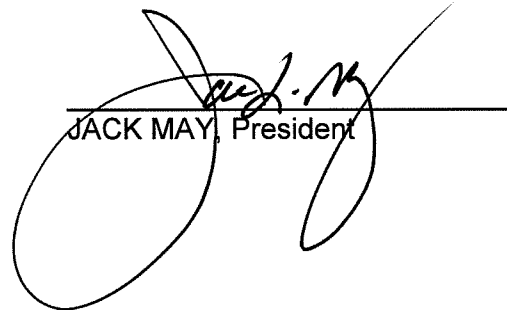
Director John Carr requested an update on the Lower East Fork Interceptor Study. Executive Director Covington responded it will be scheduled for an upcoming Wastewater Committee meeting.

Director Lynn Shuyler suggested that staff look into the possibility of the District pre-purchasing some of the equipment that contractors have been unable to secure at the onset of a construction project.

**XIV. ADJOURNMENT**

There being no further business, the meeting adjourned at approximately 5:39 p.m.

APPROVED:

  
\_\_\_\_\_  
JACK MAY, President

ATTEST:

  
\_\_\_\_\_  
GEORGE CRUMP, Secretary

