



NORTH TEXAS MUNICIPAL WATER DISTRICT

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

TO: BOARD OF DIRECTORS

FROM: JEANNE CHIPPERFIELD, DEPUTY DIRECTOR - ADMINISTRATIVE SERVICES

DATE: OCTOBER 21, 2022

SUBJECT: REGULAR MEETING – THURSDAY, OCTOBER 27, 2022

I am sending this month's memo on Jenna's behalf while she is away on a well-deserved vacation with her family.

With the dedication of Bois d'Arc Lake on October 14, this month has been historic for the entire District. The dedication ceremony was an exciting event that brought together current and former Directors; current and former staff; many city and state officials; a host of contractors, consultants and partners that worked on the project; as well as community members eager to witness the ribbon cutting of a project decades in the making.

I want to offer my appreciation to all the staff, consultants and vendors who had a hand in the execution of the event. Tremendous effort and countless hours were expended to ensure the celebration matched the momentousness of the day.

Strategic Initiative 2.3.3 - Establish a Centralized Motor Pool on the Wylie Campus

A major accomplishment for the Solid Waste/Fleet Maintenance Department is the establishment of a Centralized Motor Pool on the Wylie Campus. The centralized pool will assist in right sizing the fleet, optimizing the use of high MPG hybrid vehicles and will greatly increase vehicle accessibility, including a variety of trucks, SUVs, and sedans that some departments may not otherwise have access to.

The reallocation of 22 vehicles from various departments into the Motor Pool Program has been completed, and an automated Keyper Kiosk has been installed in the lobby of the Engineering building. These vehicles are parked on the Northeast corner of the engineering parking lot. Training sessions on the reservation system have been conducted and finalized. The program went live on October 10th, 2022, which now allows motor pool access to all district employees, 24 hours a day 7 days a week. To date, there is an average of 15 rentals per week.

This initiative will be complete with the addition of Motor Pool parking signage, which is estimated to be installed in November.

Modification of Capital Projects Request

A change you may notice in this month's Board Packet is the renaming of the Monthly Construction Report to the Modification of Capital Projects Request. While updating the Board Policies Manual, we decided to change the title of this document to better reflect the purpose. As you are aware, this document shows project changes greater than \$100,000 but less than \$500,000 and is part of the Consent Agenda.

Board Dinner in Celebration of Bois d'Arc Lake

As mentioned in Executive Committee, we are planning a dinner for the Board and their guests. While the dedication event on October 14th was a wonderful way to publicly acknowledge the Bois d'Arc Lake Project, we have been working on an event designed specifically for the Directors and Senior Executive Team to celebrate this historic milestone. On November 10th after our Long-Range Water Supply Workshop, the District will host a dinner at the steakhouse Texas in Richardson for you and a guest. More details will follow, but I wanted to give you a heads up about this special event.



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**BOARD OF DIRECTORS
REGULAR MEETING (IN PERSON AND BY VIDEOCONFERENCE)
THURSDAY, OCTOBER 27, 2022
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, October 27, 2022, 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 or by videoconference 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 available on the NTMWD website after the meeting.

Members of the public wishing to listen to live audio of 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.

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. DISCUSSION ITEMS

- A. Update on Sister Grove Regional Water Resource Recovery Facility
- B. Review of the fiscal year 2022 Regional Water System Variable Costs
- C. Review current fiscal year Capital projects

IX. EXECUTIVE SESSION (to begin at approximately 3:00 p.m. and end approximately at 4:00 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 at approximately 4:00 p.m.

- A. Update on Oklahoma Red River Boundary Commission
(Tex. Gov’t Code Section 551.071)

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.

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. 22-10-01**
 - Consider approval of September 22, 2022, Board of Directors Regular meeting minutes
- B. **Approval of Modification of Capital Projects Request - Consent Agenda Item No. 22-10-02**
 - Consider approval of October 2022 Modification of Capital Projects Request
- C. **Ratification and approval of cost of professional services incurred with the sale of the Buffalo Creek Wastewater Interceptor System Contract Revenue Bonds Series 2022 - Consent Agenda Item No. 22-10-03**
 - Consider ratification and approval of the actions of the Executive Director authorizing professional services with McCall Parkhurst & Horton in the amount of \$128,891.55 and Hilltop Securities, Inc. in the amount of \$71,961.25 for a total of \$200,852.80 for costs incurred with the sale of the Buffalo Creek Wastewater Interceptor System Contract Revenue Bonds, Series 2022

- D. **Adoption of Resolution No. 22-46 authorizing the execution of an application to the Texas Commission on Environmental Quality (TCEQ) amending Water Use Permit No. 12152 - Consent Agenda Item No. 22-10-04**
- Consider adoption of Resolution No. 22-46 authorizing the Executive Director to file an application and necessary documents to amend Water Use Permit No. 12152 which allows NTMWD to transport water made available by the City of Dallas in Lake Tawakoni to Lake Lavon

XII. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

WASTEWATER AGENDA ITEMS

- A. **Authorize Change Order No. 37 and an engineering services agreement (ESA) for the Rowlett Creek Regional Wastewater Treatment Plant Peak Flow Management Improvements, Phase I project – Administrative Memorandum No. 5869**
- Consider authorizing Change Order No. 37 with Pepper Lawson Waterworks, LLC in the amount of \$ 765,000 to replace the 304 stainless steel permeate piping to 316 stainless steel; and an ESA fee reduction in the amount of (\$322,936) for Project No. 301-0328-13, Rowlett Creek Regional Wastewater Treatment Plant (RWWTP) Peak Flow Management Improvements, Phase I

SOLID WASTE AGENDA ITEMS

- B. **Adoption of Resolution No. 22-47 authorizing annexation and zoning processes with the City of Melissa - Administrative Memorandum No. 5870**
- Consider adopting Resolution No. 22-47 authorizing the Executive Director to proceed with annexation and zoning processes with the City of Melissa for the 12.677-acre Fleet Maintenance Annex Facility property adjacent to the 121 Regional Disposal Facility for Project No. 401-0569-20, 121 Regional Disposal Facility Fleet Maintenance Facility and Fleet Maintenance Annex Facility Improvements

XIII. CLOSING ITEMS

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

XIV. ADJOURNMENT

REQUIRED LEGAL NOTICES

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.

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 30.05, Penal Code (criminal trespass), a person may not enter this property with a firearm. 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.

NORTH TEXAS MUNICIPAL WATER DISTRICT

OCTOBER 2022

CONSENT AGENDA ITEM NO. 22-10-01

SEPTEMBER 2022 REGULAR BOARD MEETING MINUTES

RECOMMENDATION

The Executive Director and NTMWD staff recommend the Board of Directors approve the minutes of the regular Board meeting held on Thursday, September 22, 2022 as presented. (See attached.)



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MINUTES OF REGULAR MEETING OF THE BOARD OF DIRECTORS SEPTEMBER 22, 2022

The North Texas Municipal Water District (NTMWD) Board of Directors met in a regular meeting on Thursday, September 22, 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 Randy Roland 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:

	DIRECTORS	ABSENT	REMOTE
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	Sweedden, John		
25	Thompson, Larry		

The following NTMWD legal and professional consultants attended the meeting:

- Lauren Kalisek, Sheila Gladstone – Lloyd Gosselink Rochelle & Townsend
- 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 May reviewed the tentative list of meetings for October 2022 as follows:

- Wednesday, October 12th - Executive and Legislative Committees
- Wednesday, October 26th – Wastewater and Water Committees
- Thursday, October 27th – Board Meeting

He also reminded everyone that the Bois d'Arc Lake Dedication is on Friday, October 14th. He requested that Directors RSVP to staff.

President May advised that for Directors who did not attend the Executive Committee meeting on September 7th, the Committee reviewed and voted on the FY 22-23 Conference Schedule. Along with the customary selection of conferences, this year the Texas Water Development Board's Water for Texas Conference in January was added. The conference schedule was provided to Directors. Completed registration forms may be submitted to staff at a later date.

- 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 announced that the Procurement Department has received an award and Deputy Director Jeanne Chipperfield made the presentation. Ms. Chipperfield advised that the 2022 Achievement of Excellence in Procurement was received by the District's Procurement Department from the National Procurement Institute. She advised this is the first time that the District has applied for and received the award. Ms. Chipperfield explained that there were 171 successful applicants from across the nation and Canada, with the District being 1 of 15 Special District recipients. The Procurement Department staff were introduced. It was noted that the District's Procurement Department has been in existence for three years.

Executive Director Covington noted that new signage is displayed in the Board room that includes the Strategic Plan and CORE Values. She expressed appreciation to Director Brenda Jean Patrick for suggesting these items be displayed.

Executive Director Covington advised that the Directors' folders today include a summary of the budget and an update on Bois d'Arc Lake.

Executive Director Covington added that included on today's Consent Agenda is the Construction Report and noted that it includes two project completions at Wilson Creek. One is the aeration basin improvement project and the second is the operations building, storage and parking improvements.

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 comments.

VIII. DISCUSSION ITEMS

- A. Update on Bois d'Arc Lake

Deputy Director Cesar Baptista provided an update on Bois d'Arc Lake. He first offered congratulations to everyone involved in this project since it began in 2018. He advised that a Certificate of Substantial Completion was issued for the Dam on August 26, 2022. Final completion is contingent on vegetation growth at 80 percent. It was noted that the lake's elevation is at 516.4 feet, or 40 percent full. Mr. Baptista advised that staff are on-site to begin managing operations. Mr. Baptista provided aerial photos of the Dam and surrounding areas, including vegetation that suffered during this summer's drought.

Mr. Baptista provided an overview of the status and the schedule for the Stiff Creek Tunnel treated water pipeline. Photos of the Raw Water Pump Station and High Service Pump Station were provided.

Mr. Baptista advised that the Operations Administration Building is complete and the Operations Team has moved into the facility. Photos of the building and training room were provided. An overview of the testing process for the Leonard Water Treatment Plant was provided, and he added that the Texas Commission on Environmental Quality (TCEQ) must approve the treatment process. A report will be provided to them in November and they have 120 days to review the report. After approval, the NTMWD may send treated water into the transmission system.

In response to a Director's question, Deputy Director Billy George advised that for the past three years, the District has been adding and training staff to be able to run operations of the Lake and related facilities. He advised that all personnel are certified and trained.

IX. EXECUTIVE SESSION

At 3:03 p.m. President May announced the need for an Executive Session of the Board of Directors to discuss items IX. A. on the agenda pursuant to the Texas Government Code, Section 551.074, Personnel Matters.

- A. Discuss duties, performance and evaluation of FY 23 salaries and benefits of the Executive Director, Deputy Director – Administrative Services, 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)

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 4:54 p.m. The public teleconference line was reconnected.

No action was taken in 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 Don Gordon and a second by Director Chip Imrie, the Board of Directors voted unanimously to approve the Consent Agenda. Director David Hollifield was absent from the vote.

- A. **Approval of Regular Board Meeting Minutes - Consent Agenda Item No. 22-09-01**
- Consider approval of August 25, 2022, Board of Directors Regular meeting minutes
- B. **Approval of Monthly Construction Report - Consent Agenda Item No. 22-09-02**
- Consider approval of September 2022 Monthly Construction Report
- C. **Authorize funding extension agreement with the Sulphur River Basin Authority - Consent Agenda Item No. 22-09-03**
- Consider authorizing the Executive Director to execute an extension to a funding agreement with the Sulphur River Basin Authority in the amount of \$67,000 for Water Resource Planning in the Sulphur River Basin
- D. **Adoption of Resolution No. 22-40 authorizing the execution of an Interlocal Cooperation Agreement (ILA) with the City of Plano - Consent Agenda Item No. 22-09-04**
- Consider authorizing the Executive Director to execute an ILA with the City of Plano for improvements to its sewer system, upstream of North Texas Municipal Water District's Plano Spring Creek Lift Station for Project No. 501-0618-22 ILA between the City of Plano and the NTMWD Regarding City Improvements to its Sewer System Upstream of the Plano Spring Creek Lift Station No. 2

XII. **AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION**

GENERAL / ADMINISTRATIVE AGENDA ITEMS

- A. **Adoption of Resolution No. 22-41 commending Director Brenda Jean Patrick**
- Consider adoption of Resolution No. 22-41 commending Director Brenda Jean Patrick for her service as a member of the NTMWD Board of Directors

Upon a motion by Director Terry Sam Anderson and a second by Director Marvin Fuller, the Board of Directors voted unanimously to approve Resolution No. 22-41. Director David Hollifield was absent from the vote.

Executive Director Covington read Resolution No. 22-41 recognizing Director Brenda Jean Patrick for her service on the North Texas Municipal Water District Board of Directors since 2019.

Several directors spoke in appreciation and fondness for Director Patrick. Director Marvin Fuller read a prepared statement from former Executive Assistant Melisa Fuller.

- B. **Amendments to Board Policies Manual - Administrative Memorandum No. 5857**
- Consider authorizing the amendments to NTMWD Board Policies Manual as follows: Section I., District Policy; Section II., Executive Director/General Manager; Section IV., Board of Directors Rules of Procedures; Section VI., Education and Development Expenses; Section VII., Board of Directors

Committee Policy; Section VIII., Standards of Conduct; Section IX., Board of Directors Meeting Agenda and Action Items; Section XI., Board Member Retirement Recognition Program and Section XII., Board/Staff Communication Policy

President May advised that the Policy Committee reviewed this item on August 10th and September 7th and voted unanimously to recommend the amendments to the Board Policies Manual per the proposed revisions.

Upon a motion by Director John Sweeden and a second by Director James Kerr, the Board of Directors voted unanimously to approve. Director David Hollifield was absent from the vote.

C. **Amendments to Personnel Policies Manual - Administrative Memorandum No. 5858**

- Consider authorizing the amendments to NTMWD Personnel Policies Manual as follows: Section I., Employment Practices; Section II., Employee Conduct and Safety; Section III., Complaint Resolution; Section IV., Compensation and Reimbursement; Section V., Time-Off Benefits; Section VI., Health and Related Benefits

President May requested Deputy Director Jeanne Chipperfield provide an overview of the compensation package recommendations included in this amendment. Ms. Chipperfield explained that approval of this item would increase employees' vacation time by five (5) days or 40 hours. She added that to accomplish this, two (2) personal days and three (3) sick days would be reallocated to vacation time. Ms. Chipperfield advised that increasing the number of vacation days provides more flexibility for existing employees and will help with recruitment of new employees. She noted that 15 days of vacation is becoming more common for employers. Vacation time is awarded new employees after one-year of service.

Director John Carr advised that the Personnel Committee reviewed recommended amendments at the May 11th meeting. At the August 10th meeting, the Personnel Committee reviewed additional recommendations regarding the time off policies for sick, vacation, and personal time; implementation of a Vacation Sell Back Program; and, changes to the how holidays are counted towards overtime premium pay eligibility to enhance our employees' total compensation package.

The Policy Committee reviewed the amendments on September 7th. The Personnel and Policy Committees voted unanimously for the Board of Directors to approve these amendments to the NTMWD Personnel Policies Manual.

After considering comments received from Board Members during the Policy Committee, staff has made a minor clarification to Section 2.5.3 to allow for the off-duty use of alcohol at the John Bunker Sands Wetlands Center in addition to Bois d'Arc Lake or while attending work-related functions such as a conference.

Upon a motion by Director John Carr and a second by Director Chip Imrie, the Board of Directors voted unanimously to approve. Director David Hollifield was absent from the vote.

D. Adoption of Resolution No. 22-42 approving appropriations for 2022-23 All Systems Annual Budget, amending the 2021-22 Annual Budget and providing rates and charges for system services - Administrative Memorandum No. 5859

- Consider adoption of Resolution No. 22-42 approving appropriations for the 2022-23 All Systems Budget in the amount of \$670,976,265; amending the 2021-22 Annual All Systems Budget in the amount of \$599,615,905 and providing rates and charges for the system services of the NTMWD

Director Chip Imrie advised that this item was reviewed by the Finance Committee on June 8, 2022, in the Budget Work Session on July 21, 2022, by the full Board on August 25, 2022, and by the Finance Committee again on September 8, 2022. The Finance Committee voted unanimously for the Board of Directors to adopt Resolution No. 22-42 approving appropriations for the 2022-23 All Systems Budget in the amount of \$670,976,265, amending the 2021-22 Annual All Systems Budget in the amount of \$599,615,905 and providing rates and charges for the system services of the NTMWD.

Upon a motion by Director Chip Imrie and a second by Director Blair Johnson, the Board of Directors voted unanimously to approve Resolution No. 22-42. Director David Hollifield was absent from the vote.

E. Adoption of Resolution No. 22-43 authorizing Restatement No. 1 to the Retiree Health Insurance Program - Administrative Memorandum No. 5860

- Consider adoption of Resolution No. 22-43 authorizing Restatement No. 1 of the Retiree Health Insurance Program for Employees of the NTMWD clarifying eligibility of prior service credits

Director John Carr advised that the Personnel Committee discussed this item on May 11th and the Policy Committee reviewed this item on September 7th and voted to recommend the restatement of the Retiree Health Insurance Program for Employees of NTMWD to clarify that only NTMWD service will count toward service credit requirement for Retiree Health Insurance Program for employees hired on or after October 1, 2022.

Upon a motion by Director John Carr and a second by Director Don Gordon, the Board of Directors voted to approve Resolution No. 22-43. Director Marvin Fuller abstained from voting on this item. Director David Hollifield was absent from the vote.

WATER AGENDA ITEMS

F. Authorize execution of an engineering services agreement (ESA) for the McKinney Delivery Point project - Administrative Memorandum No. 5861

- Consider authorizing an ESA for additional engineering services with HDR, Inc. in the amount of \$2,182,540 to advance the pipeline design from 60% to 100% level, including bid phase and construction phase services for Project No. 101-0505-18, McKinney Delivery Point No. 3 to McKinney Delivery Point No. 4 Pipeline

Director Terry Sam Anderson advised that the Water Committee reviewed this

item yesterday and voted to recommend the Board authorize additional engineering services for advancing the water pipeline improvements for this major project from 60% design level through construction.

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

G. Authorize Change Order No. 3 for the Wylie Water Treatment Plant (WTP) III Sludge Handling and Reclaimed Water Improvements project - Administrative Memorandum No. 5862

- Consider authorizing Change Order No. 3 with Archer Western Construction, LLC reducing the scope for all basin work at the Wylie WTP III resulting in a construction credit in the amount of (\$2,677,075) for Project No. 101-0541-19, Wylie Water Treatment Plant III Sludge Handling and Reclaimed Water Improvements

Director Terry Sam Anderson advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize a credit to the construction contract for reducing all basin work scope at Wylie Water Treatment Plant III. This reduction will remove certain contract components that will be accomplished at a later date.

Upon a motion by Director Terry Sam Anderson and a second by Director James Kerr, the Board of Directors voted unanimously to approve. Director David Hollifield was absent from the vote.

H. Authorize the amended and restated wholesale water sales agreement between the City of Mesquite and Kaufman County Municipal Utility District (MUD) No. 12 - Administrative Memorandum No. 5863

- Consider approving the amended and restated wholesale water sales agreement between the City of Mesquite and Kaufman County (MUD) No. 12 for a contract term of 30 years

Director Terry Sam Anderson advised that the Water Committee reviewed this item yesterday and voted to recommend the Board approve the amended and restated wholesale water sales contract between the City of Mesquite and the Kaufman County Municipal Utility District No. 12, which is located outside the city limits and the extraterritorial jurisdiction. This agreement amends and restates a wholesale water sales contract approved by the Board in 2006.

Upon a motion by Director Terry Sam Anderson and a second by Director Geryl Keever, the Board of Directors voted unanimously to approve. Director David Hollifield was absent from the vote.

WASTEWATER AGENDA ITEMS

I. Authorize an engineering services agreement (ESA) for the Beck Branch, Prairie Creek, and Renner Road Lift Station (LS) Improvements project - Administrative Memorandum No. 5864

- Consider authorizing the Executive Director to execute an ESA with Wade Trim, Inc. in the amount of \$435,163 for preliminary engineering design for Project No. 501-0616-22, Beck Branch, Prairie Creek, and Renner Road Lift Stations Improvements

Director Ron Kelley advised that the Wastewater Committee discussed this item at the August meeting. He stated that this item will authorize a preliminary design engineering services agreement for the Beck Branch Lift Station, Prairie Creek Lift Station and Renner Road Lift Station Improvements project. A condition assessment identified needed improvements to these lift stations that will be included in this project to improve their performance and extend their useful lives.

Upon a motion by Director Ron Kelley and a second by Director Rick Crowley, the Board of Directors voted unanimously to approve. Director David Hollifield was absent from the vote.

J. **Authorize an engineering services agreement (ESA) for the Princeton Lift Station Expansion project - Administrative Memorandum No. 5865**

- Consider authorizing the Executive Director to execute an ESA with AECOM Technical Services, Inc. in the amount of \$1,140,000 for preliminary engineering design for Project No. 501-0617-22, Princeton Lift Station Expansion

Director Ron Kelley advised that the Wastewater Committee discussed this item at the August meeting. He stated this item will authorize a preliminary engineering services agreement to prepare a conceptual design and capital improvement plan to serve the needs of the Princeton sub-basin. The City of Princeton is experiencing rapid growth and additional wastewater conveyance capacity is needed to meet expected flow projections.

Upon a motion by Director Ron Kelley and a second by Director Larry Thompson, the Board of Directors voted unanimously to approve. Director David Hollifield was absent from the vote.

K. **Authorize award of construction contract and inspection services for the Sloan Creek Force Main project - Administrative Memorandum No. 5866**

- Consider authorizing award of construction contract with Wilson Contractor Services, LLC in the amount of \$11,221,632.85, and authorizing an inspection services agreement with TEC Consulting, LLC in the amount of \$434,700 for Project No. 501-0523-18, Sloan Creek Force Main

Director Ron Kelley advised that the Wastewater Committee discussed this item at the August meeting. He stated this item will authorize award of a construction contract and inspection agreement for the Sloan Creek Force Main project. This is to construct a new force main and gravity sewer to serve the projected growth within the City of Allen and the Town of Fairview.

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

LAND ACQUISITION / RIGHT OF WAY AGENDA ITEMS

L. Adoption of Resolution No. 22-44 authorizing the execution of a Right-of-Way acquisition program for Waterline Relocations along State Highways in Dallas, Rockwall, and Kaufman counties - Administrative Memorandum No. 5867

- Consider adoption of Resolution No. 22-44 authorizing the Executive Director to execute a Right-of-Way acquisition program with a budget of \$200,000; and authorizing the use of eminent domain to acquire easements for Project No. 101-0607-22, Waterline Relocations along State Highways in Dallas, Rockwall, and Kaufman Counties

Director John Sweeden advised that the Real Estate Committee reviewed this item yesterday and voted to recommend the Board authorize the Executive Director to execute a right-of-way acquisition program for the Waterline Relocations along State Highways in Dallas, Rockwall and Kaufman counties in the amount of \$200,000.00. Approval of this item facilitates TxDOT's much needed roadway improvements.

In response to a Director's question regarding location of this project, Deputy Director Cesar Baptista reviewed the waterline relocations on the map and advised this project is to help facilitate TxDOT's roadway expansion.

Upon a motion by Director John Sweeden and a second by Director James Kerr, the Board of Directors voted unanimously to approve Resolution No. 22-44. Director David Hollifield was absent from the vote.

M. Adoption of Resolution No. 22-45 authorizing the amendment to a previously approved property acquisition program and authorizing the execution of a new property acquisition program for the Rowlett Creek Regional Wastewater Treatment Plant Improvements project - Administrative Memorandum No. 5868

- Consider adoption of Resolution No. 22-45 authorizing the Executive Director to amend a previously approved property acquisition program in the amount of \$1,200,000 of additional funding for Project No. 301-0524-19; and approving a new property acquisition program with a budget of \$50,000 for Project No. 301-0471-17

Director John Sweeden advised that the Real Estate Committee reviewed this item yesterday and voted to recommend the Board authorize the Executive Director to:

- 1.) Amend the property acquisition program for the Rowlett Creek Regional Wastewater Treatment Plant to add an adjacent property south of the plant and provide additional funding in the amount of \$1,200,000; and,
- 2.) Execute a property acquisition program for the Rowlett Creek Regional Wastewater Plant Peak Flow Management Improvements with a budget of \$50,000.

Upon a motion by Director John Sweeden and a second by Director Ron Kelley, the Board of Directors voted unanimously to approve Resolution No. 22-45. Director David Hollifield was absent from the vote.

XIII. CLOSING ITEMS

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

Director Richard Peasley requested a future discussion item regarding water conservation efforts and how the cities and members are participating.

XIV. ADJOURNMENT

There being no further business, the meeting adjourned at approximately 5:33 p.m.

APPROVED:

JACK MAY, President

ATTEST:

GEORGE CRUMP, Secretary

NORTH TEXAS MUNICIPAL WATER DISTRICT

OCTOBER 2022

CONSENT AGENDA ITEM NO. 22-10-02

MODIFICATION OF CAPITAL PROJECTS REQUEST

RECOMMENDATION

The Executive Director and NTMWD staff recommend the Board of Directors authorize the Modification of Capital Projects Request in accordance with NTMWD's Board Policies Manual for project changes greater than \$100,000 and less than \$500,000.

I. CONSTRUCTION CHANGE ORDERS ONLY

WATER SYSTEM

a. None.

WASTEWATER SYSTEM

a. Project No. 507-0484-17, Buffalo Creek Parallel Interceptor, Phase I, Change Order No. 5.

Description	Amount	Days
Original Contract Amount	\$24,630,180.00	610
Prior Change Order(s) Total	\$204,806.94	45
Proposed Change Order No. 5		
CMR #2 - Demolition of existing and construction of new concrete sand storage bins at the Buffalo Creek Golf Course (BCGC)	\$39,788.05	0
CMR #3 - Additional field density testing	\$75,896.63	0
CMR #11 - Internal to external drop manhole change	\$113,715.12	14
CMR #17 - Relocate conflicting 10-inch sewer line	\$59,006.91	10
CMR #24 - Tunneling subcontractor remobilization	\$18,000.00	0
CMR #25 - Clearing subcontractor remobilization	\$11,500.00	0
CMR #27 - Additional Oncon required wire work at the BCGC pump station	\$43,858.72	5
CMR #38 - Remove and dispose of BCGC starter shack	\$7,936.67	0
CMR #30 - Temporary power at BCGC pump station	\$23,000.00	0
Proposed Change Order No. 5 Increase	\$392,702.10	29
Revised Contract Amounts	\$25,227,689.04	684

Original Completion Dates: Substantial – September 4, 2022; Final – November 3, 2022

Revised Completion Dates: Substantial – November 17, 2022; Final – January 16, 2023

Funding in the amount of \$392,702.10 for Change Order No. 5 to Mountain Cascade of Texas, LLC, is available in the Buffalo Creek Wastewater Interceptor System 2020 Construction Fund.

SOLID WASTE SYSTEM

- a. None.

II. AUTHORIZATION TO ISSUE CONSTRUCTION FINAL PAYMENT ONLY

Work on the following projects is substantially complete with only minor deficiencies remaining. Final payment in the total amounts shown will be made on these projects when completion of all deficiency items is verified.

WATER SYSTEM

- a. None.

WASTEWATER SYSTEM

- a. Project No. 301-0468-17, Wilson Creek RWWTP Electrical Improvements, Phase II

Description	Amount	Days
Original Contract Amount	\$14,456,000.00	732
Prior Change Order(s) Total	\$730,293.00	265
Previous Payments	\$15,186,293.00	
Proposed Final Payment to Facility Solutions Group, Inc.	\$759,314.65	
Final Contract Amounts	\$15,186,293.00	997

Original Completion Dates: Substantial – September 28, 2020; Final – October 28, 2020

Revised Completion Dates: Substantial – June 20, 2021; Final – July 20, 2021

No additional funding is requested for final payment.

SOLID WASTE SYSTEM

- a. None.

III. CONSTRUCTION CHANGE ORDER AND AUTHORIZATION TO ISSUE FINAL PAYMENT ONLY

Work on the following projects is substantially complete with only minor deficiencies remaining. Final payment in the total amounts shown will be made on these projects when all work associated with the change order shown on the tabulation shall have been completed and accepted, and completion of all deficiency items is verified.

WATER SYSTEM

- a. None.

WASTEWATER SYSTEM

- a. None.

SOLID WASTE SYSTEM

a. None.

IV. CONSTRUCTION MANAGER AT-RISK (CMAR) PARTIAL RELEASE OF RETAINAGE:

WATER SYSTEM

a. Project No. 101-0422-16, Wylie Water Treatment Plant IV Filter Complex – Wall Repairs

Description	Initial Authorization	Actual Amounts
Early Work Package (EWP) Filter No. 4 Repairs Original Construction Cost – Administrative Memorandum No. 5650	\$564,012.00	\$526,127.13
EWP Prior Construction Change Order(s) February 2021 and August 2021 Engineering Activity Reports	\$42,962.00	\$42,962.00
EWP Total Authorized Contingencies	\$55,138.02	\$47,777.45
EWP Total Work	\$662,112.02	\$616,866.58
EWP Certified Payments		\$586,023.25
Proposed Release of EWP 5% Retainage for Completed Subcontract Work		\$30,843.33

Funding was previously authorized to Felix Construction Company from the Regional Water System Capital Improvement Fund. No Additional funding is requested at this time.

WASTEWATER SYSTEM

a. None.

SOLID WASTE SYSTEM

a. None.

V. AMENDMENTS TO ENGINEERING, INSPECTION AND/OR LEGAL SERVICES ONLY:

WATER SYSTEM

a. Project No. 101-0338-13, Meter Vault Standardization Set Point Control Implementation Phase IV

DESCRIPTION	AMOUNT
Original ESA	\$1,240,450.00
Prior Additional Services	\$147,915.00

Proposed Additional Services	\$144,910.00
Additional design coordination associated with member/customer preferences, property acquisition issues, and unknown field conditions at certain meter sites.	\$144,910.00
Revised ESA Amount	\$1,533,275.00

Funding in the amount of \$144,910.00 to Kimley-Horn and Associates, Inc., is available in the Regional Water System Capital Improvement Fund.

b. Project No. 101-0585-21, F.M. 2514 Pipeline Relocations

DESCRIPTION	AMOUNT
Original ESA	\$106,993.00
Prior Additional Services	\$205,490.92
Additional Services	\$72,687.50
Final Engineering Services for the F.M. 1378 Texas Department of Transportation (TxDOT) Relocation Project	
Revised ESA Amount	\$385,171.42

Funding in the amount of \$72,687.50 for additional engineering services to Criado & Associates, Inc., is available in the Regional Water System Capital Improvement Fund. District anticipates partial reimbursement from TxDOT for this project.

c. Project No. 101-0384-15, Bois d'Arc Lake Leonard Water Treatment Plant

DESCRIPTION	AMOUNT
Original ESA	\$15,360,000.00
Prior Additional Services	\$2,206,460.00
Additional Services	\$65,000.00
Final Engineering Services for the supervisory control and data acquisition (SCADA) reporting database with Hach WIMS (Water Information Management Solution) software	
Revised ESA Amount	\$17,631,460.00

Funding in the amount of \$65,000.00 for additional engineering services to Jacobs Engineering Group, Inc., is available in the Regional Water System SWIFT Construction Funds contingent upon Texas Water Development Board approval of the contract and release of funding.

WASTEWATER SYSTEM

a. Project No. 501-0439-16, Beck Branch Parallel Interceptor

DESCRIPTION	AMOUNT
Original ESA	\$1,062,125.00
Prior Additional Services	\$629,543.00
Additional Services	\$2,500.00
Prepare field notes for Parcel 80 for easement acquisition	
Revised ESA Amount	\$1,694,168.00

Funding in the amount of \$2,500.00 for additional engineering services to Lockwood, Andrews & Newnam, Inc, is available in the Upper East Fork Interceptor System 2017 Construction Fund.

b. Project No. 301-0432-16, Floyd Branch Regional Wastewater Treatment Plant Process Optimization Improvements

DESCRIPTION	AMOUNT
Original Inspection Services Agreement (ISA)	\$187,480.00
Prior Additional Services	\$231,843.00
Proposed Additional Services	\$78,807.00
Additional inspection effort needed to assure completion of Biomag startup, supervisory control and data acquisition (SCADA) review and testing and electrical completion	\$78,807.00
Revised ISA Amount	\$419,323.00

Funding in the amount of \$78,807.00 for additional inspections to Dietz Engineering is available in the Regional Wastewater System 2019 Construction Fund.

c. Project Nos. 501-0500-18, 505-0501-18, 506-0538-19 Wastewater Conveyance System 2018 Manhole and Pipeline Improvements

DESCRIPTION	AMOUNT
Original Inspection Services Agreement (ISA)	\$339,250.00
Prior Additional Services	\$395,600.00
Proposed Additional Services	\$85,000.00
Additional funding is necessary to continue inspection services. Construction duration has been impacted by	

contractor production, weather delays and material delivery delays.	
Revised ISA Amount	\$819,850.00

Funding in the amount of \$85,000.00 to Dietz Engineering is available in the funding sources identified below.

Project Number	System	Original ISA Amount	Previous Additional Services	Proposed Additional Services (current request)	Revised ISA Amount (current request)	Funding Source (current request)
501-0500-18	Upper East Fork Interceptor System	\$250,750.00	\$395,600.00	\$35,000.00	\$681,350.00	Upper East Fork Interceptor System 2019 Construction Fund
505-0501-18	Parker Creek Interceptor System	\$ 59,000.00	\$0.00	\$30,000.00	\$89,000.00	FY22 / FY23 Operating Budget
506-0538-19	Sabine Creek Interceptor System	\$29,500.00	\$0.00	\$20,000.00	\$49,500.00	FY22 / FY23 Operating Budget
Totals		\$339,250.00	\$395,600.00	\$85,000.00	\$819,850.00	

SOLID WASTE SYSTEM

- a. None.

NORTH TEXAS MUNICIPAL WATER DISTRICT

OCTOBER 2022

CONSENT AGENDA ITEM NO. 22-10-03

BUFFALO CREEK WASTEWATER INTERCEPTOR SYSTEM CONTRACT REVENUE BONDS, SERIES 2022 AND PRINCIPAL LOAN FORGIVENESS

RATIFICATION OF ACTIONS TAKEN BY THE EXECUTIVE DIRECTOR FOR COSTS OF ISSUANCE INCURRED IN CONJUNCTION WITH THE SALE OF THE BUFFALO CREEK WASTEWATER INTERCEPTOR SYSTEM CONTRACT REVENUE BONDS, SERIES 2022 AND PRINCIPAL LOAN FORGIVENESS

ACTION (*What*)

Ratify the actions of the Executive Director to authorize costs of issuance incurred in conjunction with the sale of \$38,615,000 Buffalo Creek Wastewater Interceptor System Contract Revenue Bonds, Series 2022 and \$1,000,000 Principal Loan Forgiveness.

PURPOSE (*Why*)

Bond Counsel and Financial Advisory services provided for the sale of bonds are typically expensed at the time of closing of the bond sale. As a requirement to qualify for funding through Texas Water Development Board's (TWDB) Clean Water State Revolving Fund (CWSRF) program equivalency funding, services associated with cost of issuance must be paid from a different funding source.

RECOMMENDATION

The Executive Director and NTMWD staff recommend the Board of Directors ratify action of the Executive Director to authorize professional services incurred with the sale of the Buffalo Creek Wastewater Interceptor System Contract Revenue Bonds Series 2022 and Principal Loan Forgiveness.

Consultants: (1) McCall Parkhurst & Horton (2) Hilltop Securities Inc.

Scope: Cost of issuance for the sale of \$38,615,000 Buffalo Creek Wastewater Interceptor Wastewater System Contract Revenue Bonds Series 2022 and \$1,000,000 Principal Loan Forgiveness

Amount: \$200,852.80

Strategic Objective: 2.3: Rigorous Financial Management

DRIVER(S) FOR THIS PROJECT

<input type="checkbox"/> Regulatory Compliance	<input type="checkbox"/> Asset Condition
<input type="checkbox"/> Capacity	<input type="checkbox"/> Redundancy/Resiliency
<input type="checkbox"/> Relocation or External Requests	<input type="checkbox"/> Operational Efficiency
<input type="checkbox"/> Safety	<input checked="" type="checkbox"/> Administrative
<input type="checkbox"/> Policy	<input type="checkbox"/> Other _____

- On March 3, 2020, NTMWD submitted a Project Information Form (“PIF”) to the Texas Water Development Board (“TWDB”) for financial assistance from TWDB’s Clean Water State Revolving Fund (“CWSRF”) to fund \$39.615M costs for the Buffalo Creek Interceptor Gravity Tunnel.
- On October 22, 2020, NTMWD authorized filing the application for financial assistance.
- On January 22, 2021, the TWDB formally invited NTMWD to submit an application for funding.
- On March 30, 2021, NTMWD submitted a final application for financial assistance utilizing the CWSRF program through TWDB.
- On August 24, 2021, the TWDB notified NTMWD that the project is eligible for equivalency loan funding.
- On December 16, 2021, the TWDB authorized a commitment for financial assistance with a commitment of:
 - \$39.615M to expire on June 30, 2022
 - \$38.615M – Contract Revenue Bonds, Series 2022
 - \$1.000M – Principal Loan Forgiveness
- On April 28, 2022, NTMWD issued a private placement memorandum authorizing the issuance, sale and delivery of \$38,615,000 Buffalo Creek Wastewater Interceptor System Contract Revenue Bonds Series 2022.
- On May 26, 2022, TWDB and NTMWD closed on the sale of \$38,615,000 Buffalo Creek Wastewater Interceptor System Revenue Bonds Series 2022 and \$1,000,000 Principal Loan Forgiveness. NTMWD received invoices associated with the sale of the bonds from McCall Parkhurst & Horton in the amount of \$128,891.55 and Hilltop Securities Inc. in the amount of \$71,961.25.

FUNDING

FUND(S): Funding in the amount of \$128,891.55 to McCall Parkhurst & Horton and \$71,961.25 to Hilltop Securities Inc. is to be made available in the Buffalo Creek Wastewater Interceptor System 2020 Construction Fund.

NORTH TEXAS MUNICIPAL WATER DISTRICT

OCTOBER 2022

CONSENT AGENDA ITEM NO. 22-10-04

ADOPTION OF A RESOLUTION AUTHORIZING THE NTMWD
EXECUTIVE DIRECTOR TO EXECUTE AN APPLICATION TO THE TEXAS
COMMISSION ON ENVIRONMENTAL QUALITY FOR FILING OF AN APPLICATION TO
AMEND WATER USE PERMIT NO. 12152

RESOLUTION 22-46

ACTION (*What*)

Authorize Executive Director to file an application and necessary documents to secure authorization for the transport and use of water made available to the North Texas Municipal Water District by the City of Dallas in Lake Tawakoni.

PURPOSE (*Why*)

This application will allow NTMWD to transport water made available by the City of Dallas in Lake Tawakoni to Lake Lavon to meet the needs of NTMWD Member Cities and Customers.

RECOMMENDATION

The Executive Director and NTMWD staff recommend the Board of Directors adopt Resolution No. 22-46, "A Resolution Authorizing the Filing of an Application to Amend Water Use Permit No. 12152."

Consultant: Lloyd, Gosselink, Rochelle, & Townsend, P.C.

Scope: Filing of an application to amend Water Use Permit No. 12152

Project: N/A

Amount: \$50,000

Strategic Objective: 1.4 Reliable and Resilient Systems

DRIVER(S) FOR THIS PROJECT

<input type="checkbox"/> Regulatory Compliance	<input type="checkbox"/> Asset Condition
<input checked="" type="checkbox"/> Capacity	<input type="checkbox"/> Redundancy/Resiliency
<input type="checkbox"/> Relocation or External Requests	<input type="checkbox"/> Operational Efficiency
<input type="checkbox"/> Safety	<input checked="" type="checkbox"/> Administrative
<input type="checkbox"/> Policy	<input type="checkbox"/> Other _____

BACKGROUND

PROJECT PURPOSE

- NTMWD is authorized to use and divert return flows from certain wastewater treatment facilities in the Lake Ray Hubbard watershed pursuant to Certificate of Adjudication No. 08-2410F ("2410F").
- A 2008 agreement between the City of Dallas and NTMWD facilitates the release of NTMWD return flows downstream of Lake Ray Hubbard by the City of Dallas.
- NTMWD return flows downstream of Lake Ray Hubbard are diverted by NTMWD from the East Fork of the Trinity River into the East Fork Wetlands before being transported to Lake Lavon for storage and subsequent use at the Wylie Water Treatment Plant.
- The City of Dallas currently has limitations at the Lake Ray Hubbard Dam that prevent the release of the full volume of NTMWD return flows downstream.
- The 2008 agreement allows the City of Dallas to provide water from an alternate source, if needed.
- The NTMWD and City of Dallas agree that the limitation preventing the full release of NTMWD return flows may be temporarily offset by Dallas providing an equivalent volume of water to NTMWD in Lake Tawakoni.
- NTMWD has existing infrastructure and a bed and banks authorization (Water Use Permit No. 12152) to transport Lake Tawakoni water purchased from the Sabine River Authority to Lake Lavon.
- An amendment to Water Use Permit No. 12152 is required to authorize NTMWD's transport of Lake Tawakoni water made available by the City of Dallas to Lake Lavon.
- Employ the firm of Lloyd, Gosselink, Rochelle, & Townsend, P.C., to act as counsel on the filing of the application to amend Water Use Permit No. 12152.

FUNDING

FUND(S): Funding in the amount of \$50,000 to Lloyd, Gosselink, Rochelle, & Townsend, P.C. is to be made available in the 2022-23 Annual Operating Budget.

NORTH TEXAS MUNICIPAL WATER DISTRICT

RESOLUTION NO. 22-46

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION TO AMEND WATER USE PERMIT NO. 12152

WHEREAS, the North Texas Municipal Water District (the “District”) provides wholesale treated water to member cities and customers in its service area covering all or parts of Collin, Dallas, Denton, Fannin, Grayson, Hopkins, Hunt, Kaufman, Rains, Rockwall and Van Zandt Counties in North Central Texas; and

WHEREAS, the District is also a regional wholesale wastewater provider that owns and operates a regional wastewater system throughout portions of Collin, Dallas, Kaufman, and Rockwall Counties; and

WHEREAS, the District has a statutory obligation to plan and secure adequate water supplies for existing and future member cities and customers; and

WHEREAS, the District is authorized to use and divert return flows from certain wastewater treatment facilities in the Lake Ray Hubbard watershed (“District Return Flows”) pursuant to Certificate of Adjudication No. 08-2410F (“2410F”); and

WHEREAS, the District entered into that certain “Contract Between City of Dallas and North Texas Municipal Water District” on December 19, 2008 (the “Contract”), which facilitates the release of District Return Flows downstream of Lake Ray Hubbard by the City of Dallas (“Dallas”) for subsequent diversion and use by the District on an interim basis consistent with 2410F; and

WHEREAS, Dallas has limitations at the Lake Ray Hubbard Dam that prevent the release of the full volume of District Return Flows; and

WHEREAS, the Contract allows the provision of water from an alternate source; and

WHEREAS, the District and Dallas agree that District Returns Flows may be offset by Dallas’s provision of water from Lake Tawakoni; and

WHEREAS, in order for the District to use Lake Tawakoni water as an alternate source, the District requires a bed and banks authorization pursuant to Texas Water Code § 11.042; and

WHEREAS, the District has an existing bed and banks authorization, Water Use Permit No. 12152, to transport Lake Tawakoni water purchased from the Sabine River Authority to Lake Lavon

WHEREAS, the District can obtain a bed and bank authorization to transport Dallas Lake Tawakoni water by amending Water Use Permit No. 12152 to add Dallas Lake Tawakoni water as an additional water supply source for conveyance to Lake Lavon; and

WHEREAS, the District proposes to file an amendment to Water Use Permit No. 12152 with the Texas Commission on Environmental Quality (the “Commission”) to seek authorization to add Dallas Lake Tawakoni water as an additional source of water conveyed by the bed and

banks of an unnamed tributary of the East Fork Trinity River and Lake Lavon on the East Fork Trinity River, tributary of the Trinity River, Trinity River Basin (the "Application"); and

WHEREAS, District funding for services utilized for filing this application in the amount of \$50,000 is to be made available in the 2022-23 Annual Operating Budget; and

WHEREAS, 30 Texas Administrative Code § 295.14 requires that an application for a water right be executed by a duly authorized official of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTH TEXAS MUNICIPAL WATER DISTRICT, THAT:

1. The Executive Director of the District is hereby authorized on behalf of the Board of Directors to execute the Application and any other documents as are necessary to secure authorization for the use of the bed and banks to afford additional water supplies for the District's use in addressing the needs of its current and future member cities and customers; and
2. The Executive Director of the District is hereby authorized and directed on behalf of the Board of Directors to file the Application and to appear and arrange for the appearances of persons representing the District at the hearings and other proceedings on the Application before the Commission, and otherwise direct the prosecution, settlement, and compromise of the Application on behalf of the Board of Directors, as appropriate.

THIS RESOLUTION ADOPTED BY THE NTMWD BOARD OF DIRECTORS IN A REGULAR MEETING ON OCTOBER 27, 2022, IN THE ADMINISTRATIVE OFFICES OF THE DISTRICT, WYLIE, TEXAS.

George Crump, Secretary

Jack May, President

(SEAL)

NORTH TEXAS MUNICIPAL WATER DISTRICT

OCTOBER 2022

ADMINISTRATIVE MEMORANDUM NO. 5869

REGIONAL WASTEWATER SYSTEM
ROWLETT CREEK REGIONAL WASTEWATER TREATMENT PLANT
PEAK FLOW MANAGEMENT IMPROVEMENTS, PHASE I
PROJECT NO. 301-0328-13

CHANGE ORDER NO. 37
AND
ENGINEERING SERVICES AGREEMENT
REDUCTION OF ENGINEERING SERVICES FEE

ACTION (*What*)

Authorize funding for a construction change order to replace the 304 stainless steel permeate piping to 316 stainless steel.

PURPOSE (*Why*)

Replacement of membrane bioreactor permeate lines with higher corrosive resistant pipes is needed due to corrosion at certain locations of the installed lines and fittings, and relocation of the chemical injection point. CH2M Hill Engineers, a subsidiary of Jacobs Engineering Group, Inc. acknowledged the need to relocate the chemical injection point and replacement of the corroded pipes and submitted a proposed contract credit to resolve the issue. Pepper Lawson Waterworks LLC has also submitted a credit for the work due to deficiency of the welded joints.

RECOMMENDATION

The Executive Director, NTMWD staff and CH2M HILL Engineers Inc., a subsidiary of Jacobs Engineering Group, Inc., recommend the Board of Directors authorize the award of contracts as follows:

Contractor: Pepper Lawson Waterworks LLC
Consultant: CH2M Hill Engineers, a subsidiary of Jacobs Engineering Group, Inc. (Jacobs)

Scope: Construction, Change Order No. 37 & Reduction in Engineering Services Fee

Project: No. 301-0328-13, Rowlett Creek Regional Wastewater Treatment Plant (RWWTTP)
Peak Flow Management Improvements, Phase I

Amount: Construction Contract, change order: \$ 765,000
Engineering Services Agreement, fee reduction (\$ 322,936)

Strategic Objective: 1.2 Successfully Deliver Capital Program
1.4 Reliable and Resilient Systems

This will be an item on the October 26, 2022, Wastewater Committee meeting agenda.

DRIVER(S) FOR THIS PROJECT

<input checked="" type="checkbox"/> Regulatory Compliance	<input type="checkbox"/> Asset Condition
<input checked="" type="checkbox"/> Capacity	<input type="checkbox"/> Redundancy/Resiliency
<input type="checkbox"/> Relocation or External Requests	<input type="checkbox"/> Operational Efficiency
<input type="checkbox"/> Safety	<input type="checkbox"/> Administrative
<input type="checkbox"/> Policy	<input type="checkbox"/> Other _____

BACKGROUND

PROJECT PURPOSE

- Provide up to 60 million gallons per day (MGD) of additional peak flow treatment capacity (implemented in multiple phases) to reduce dependence on transfer force main to Wilson Creek RWWTP during high flow events.
- The first phase consists of new membrane bioreactor (MBR) filtration process trains, consolidated headworks, wet weather pump station, ultraviolet disinfection, and post-aeration for the added peak flow capacity.
- First phase MBR process trains add 17.5 MGD of peak flow treatment capacity, increasing the total peak treatment capacity from 60 MGD to 77.5 MGD.

PROJECT COMPONENTS

- New headworks, grit facility, main flow splitter structure, wet weather pump station, MBR facility, ultraviolet (UV) disinfection facility, and post-aeration facility
- Relocate two existing mechanical screens and washer/compactors from existing headworks
- New interceptor diversion structure
- New headworks odor control facility
- Relocation of two existing odor control facilities
- New yard piping, site electrical, civil improvements and miscellaneous structures
- Improvements to an existing chlorine contact basin
- New server room within the existing Operations Building
- Addition of three emergency generators and one electrical building
- Improvements and expansion to the plant effluent connection structure
- Relocation of existing utilities
- Expansion of an existing storm water pond
- Associated electrical and instrumentation and control improvements
- Demolition and removal of some existing facilities

PROPOSED CHANGE ORDER

- The new MBR train was commissioned in August 2021. The train was shut down in October 2021 to evaluate options to address high ammonia and low alkalinity in the process flow, which were causing high ammonia levels in the effluent of the MBR train.
- During preparations to re-start the MBR train in March 2022, leaks on the MBR permeate lines were observed. Analysis performed indicated corrosion on the pipe welds, on the dismantling joints and on the piping bends close to the chemical injection point due to chemical dripping into the piping. Pipe corrosion along a portion of the system warranted the need to replace the damaged pipes and fittings.
- The proposed change order is for the cost of the materials to replace a section of the recently installed 304L stainless steel membrane permeate pipes with 316L stainless steel pipes, as well as associated fittings including the dismantling joints. The chemical injection point will be relocated per the Engineer's recommendation and additional flushing points will be installed in the chemical lines.

- An agreement to contribute to the cost of this work between NTMWD, the Engineer and the Contractor is recommended:
 - NTMWD to contribute with a total of \$442,064.00 for the materials cost corresponding to the upgrade of pipes and fittings to a higher corrosive resistant material, 316L stainless steel, and installation of new flushing points in the chemical lines. Materials costs do not include markups by the Contractor. This cost includes two allowances in the total amount of \$73,256.00 to install the flushing points and potential modifications to the chemical lines due to the flushing points' installation. The allowance work will be recorded on a time and materials (cost of work) basis and a credit will be provided for unused funds.
 - Engineer to contribute with a total credit of \$322,936.00 for the materials cost corresponding to the original cost of the pipes and fittings that are required to be replaced, the cost to relocate the chemical injection location and a portion of the labor to replace these pipes. This contribution will be processed as a reduction of the engineering services fee without reduction to the Engineer's scope of services.
 - Contractor to contribute with a total credit of \$450,000.00 for the pickling and passivation costs of the new 316L stainless steel pipes, cleaning and testing of pipes, electrical and instrumentation and control costs associated to the disassembly of existing pipes and installation of the new pipes, management and a portion of the labor associated with this work.
 - A contract time extension of 365 days, to extend the final completion date to June 7, 2023, is being added to the contract

Description	Amount
Total cost of the Replacement of MBR permeate lines and additional flushing points	\$1,215,000.00
Contractor Contribution	(\$450,000.00)
Engineer Contribution	(\$322,936.00)
Total NTMWD Funding Request	\$442,064.00

- This agreement is final and the parties involved will not submit additional claims associated with this work.

SUMMARY OF CHANGE ORDER NO. 37

Description	Amount	Days
Original Contract Amount	\$46,487,500.00	1,095
Prior Change Order(s) Total	\$3,198,695.02	803
Proposed Change Order No. 37		
Replacement of MBR permeate lines and additional flushing points	\$1,215,000.00	365
Contractor's Contribution	(\$450,000.00)	
Proposed Change Order Amounts	\$765,000.00	365
Revised Contract Amount	\$50,451,195.02	2,263

PROPOSED REDUCTION OF ENGINEERING SERVICES FEE

- Jacobs proposes to reduce the engineering services fee by \$322,936.00 without a reduction in the scope of services provided in the engineering services agreement for payment of the materials cost corresponding to the original cost of the pipes and fittings to be replaced, the cost to relocate the chemical injection location and the cost to demolish and reinstall the pipes. The amount of this credit can be reallocated to the construction contract.

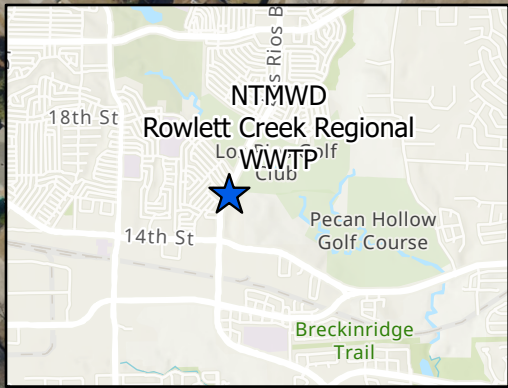
ENGINEERING SERVICES FEE

DESCRIPTION	AMOUNT
Original ESA	\$3,458,000.00
Prior Additional Services	\$704,992.97
Proposed Credit for Change Order No. 37	(\$322,936.00)
Revised ESA Amount	\$3,840,056.97

FUNDING

FUND(S): Funding in the amount of \$765,000.00 to Pepper Lawson Waterworks, LLC, is to be made available utilizing the Regional Wastewater System Extendable Commercial Paper (ECP) Program as the appropriation source; actual issuance of ECP notes will occur as cash needs arise.

Funding in the amount of (\$322,936.00) from CH2M Hill Engineers, a subsidiary of Jacobs Engineering Group, will be credited as follows: (\$189,630.00) will be credited back to the Regional Wastewater System 2021A Construction Fund, (\$92,539.23) will be credited back to the Regional Wastewater System Capital Improvement Fund, and (\$40,766.77) will be credited back to the Regional Wastewater System 2016 Construction Fund.



**Replacement of
Permeate Pipes in
MBR Building**



 Proposed Wastewater Building



**Rowlett Creek Regional Wastewater
Treatment Plant Peak Flow Management Improvements, Phase I
Project No. 301-0328-13
Administrative Memo No. 5869**



NORTH TEXAS MUNICIPAL WATER DISTRICT

OCTOBER 2022

ADMINISTRATIVE MEMORANDUM NO. 5870

REGIONAL SOLID WASTE SYSTEM
121 REGIONAL DISPOSAL FACILITY
FLEET MAINTENANCE FACILITY AND
FLEET MAINTENANCE ANNEX FACILITY IMPROVEMENTS
PROJECT NO. 401-0569-20

RESOLUTION NO. 22-47

ACTION (*What*)

Approve a resolution authorizing the Executive Director to request annexation the remaining 9.1-acre portion of the Fleet Maintenance Annex Facility property into the City of Melissa and rezone the entire 12.677-acre Fleet Maintenance Annex Facility property to Planned Development District matching the adjacent Fleet Maintenance Facility property zoning.

PURPOSE (*Why*)

Currently only 3.577 acres of the Fleet Maintenance Annex Facility is within the City of Melissa. The remaining 9.1 acres are within the City of Melissa's extraterritorial jurisdiction. To facilitate development of the property for fleet operations, the District is requesting annexation of the remaining 9.1 acres as well as requesting the City of Melissa zone the entire 12.677 property into a Planned Development District.

RECOMMENDATION

The Executive Director, NTMWD staff, and Saunders, Walsh & Beard, Attorneys and Counselors recommend that the Board of Directors adopt Resolution No. 22-47, "*A Resolution Authorizing the Executive Director to proceed with Annexation and Zoning Processes with the City of Melissa for the 12.677-acre Fleet Maintenance Annex Facility Property Adjacent to the 121 Regional Disposal Facility,*" as follows:

Permitting Authority: City of Melissa

Purpose: Annexation and Rezoning of 12.677-acre Fleet Maintenance Annex property adjacent to the 121 Regional Disposal Facility

Project: Project No. 401-0569-20, 121 Regional Disposal Facility Fleet Maintenance Facility and Fleet Maintenance Annex Facility Improvements

Strategic Objective: 1.3 Proactive Asset and Maintenance Management
1.4 Reliable and Resilient Systems

This item was discussed during the September 21, 2022, Real Estate Committee meeting.

DRIVER(S) FOR THIS PROJECT

<input type="checkbox"/> Regulatory Compliance	<input checked="" type="checkbox"/> Asset Condition
<input checked="" type="checkbox"/> Capacity	<input type="checkbox"/> Redundancy/Resiliency
<input type="checkbox"/> Relocation or External Requests	<input checked="" type="checkbox"/> Operational Efficiency
<input type="checkbox"/> Safety	<input type="checkbox"/> Administrative
<input type="checkbox"/> Policy	<input type="checkbox"/> Other _____

PROJECT PURPOSE

- Design of site improvements and building configuration and systems as required for expansion of the Fleet Maintenance Facility
- Design of interior renovations to the Fleet Maintenance Facility and Fleet Maintenance Annex Facility
- Approximately 12.677 acres of land are recommended for annexation and rezoning as shown in the attached map.

PROJECT COMPONENTS

- Fleet Maintenance Facility
 - Approximately 18,000 square feet (sf) of a new one-story building addition for administrative office space and five additional fleet maintenance work bays.
 - Approximately 8,730 sf interior renovation of existing Fleet Maintenance Facility.
 - Renovate 5 existing truck bays in the Fleet Maintenance Facility.
- Fleet Maintenance Annex Facility
 - Install fiber optic internet to the newly-acquired Annex Building.
 - Limited network distribution within the Annex Building to allow use as a temporary base for administrative operations during the Fleet Maintenance Facility construction. Further network configuration and buildout of the Annex Building will be considered at a later time under a separate contract.
 - Approximately 116,000 sf of 8-inch pavement for an access road between the Fleet Maintenance Facility and the Fleet Maintenance Annex Facility.
 - Adjustment of 57,000 sf of berm earthwork from west of the Fleet Maintenance Facility to northwest of the Fleet Maintenance Annex Facility.

SUPPORT SERVICES

- Pacheco Koch Consulting Engineers, LLC (Pacheco Koch) will provide as part of their existing engineering services agreement for this project:
 - Zoning and annexation coordination with the City of Melissa
 - Land surveying services
 - Preliminary and final plat
 - Easement documents
 - Easement monuments

FUNDING

FUND(S): No additional funding is requested.

NORTH TEXAS MUNICIPAL WATER DISTRICT

RESOLUTION NO. 22-47

A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO PROCEED WITH ANNEXATION AND ZONING PROCESSES WITH THE CITY OF MELISSA FOR THE 12.677-ACRE FLEET MAINTENANCE ANNEX FACILITY PROPERTY ADJACENT TO THE 121 REGIONAL DISPOSAL FACILITY PROJECT NO. 401-0569-20

WHEREAS, During the process of NTMWD obtaining the permit for the 121 Regional Disposal Facility in 2001, the City of Melissa (City) and NTMWD entered into a Final Agreement which required NTMWD “to request annexation by the City of certain NTMWD property within and adjacent to the permit boundary of the proposed 121 RDF.” “Such request shall be made subsequent to the issuance of a final and non-appealable order from TNRCC issuing a permit for the construction and operation of the 121 RDF.” The effective date of the Final Agreement with the City was April 12, 2001, and the NTMWD Board of Directors authorized annexation of 121 RDF property via Administration Memorandum No. 2815 in November 2005; and

WHEREAS, property located between State Highway (SH) 121 and the 121 RDF was acquired by NTMWD via Administration Memorandum No. 5508 in December 2019; and

WHEREAS, development of the 12.677 acres of property will solidify the buffer along SH 121 and the Solid Waste System has a need for and plans on improving the property’s existing building; and

WHEREAS, the adjacent property includes the Fleet Maintenance Shop which is currently zoned in a Planned Development District; and

WHEREAS, the NTMWD Board of Directors previously authorized the Engineering Services Agreement with Pacheco Koch Consulting Engineers, LLC (Pacheco Koch) for the 121 RDF Fleet Maintenance Facility and Fleet Maintenance Annex Facility Improvements, Project No. 401-0569-20, by Administration Memo No. 5831 in April 2022. Adequate funds for annexation and rezoning are available as part of this Engineering Services Agreement.

NOW, THEREFORE, THE BOARD OF DIRECTORS IN A REGULAR MEETING DETERMINES AND RESOLVES THAT:

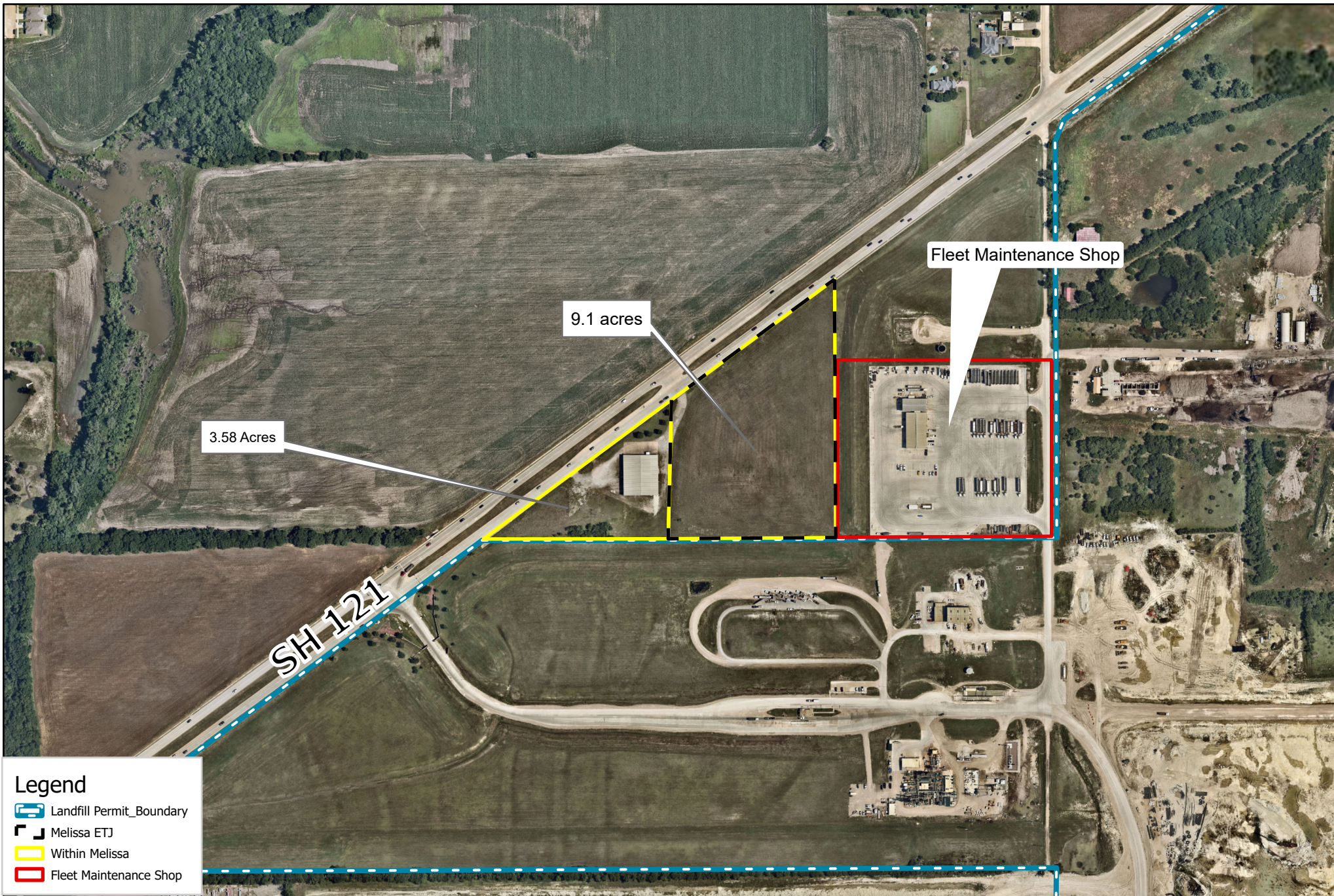
1. The public welfare and convenience are to be served by the annexation the remaining 9.1 acres by the City of Melissa and the rezoning of the total 12.677 acres to the Planned Development District commensurate with the adjacent property.
2. The Executive Director is authorized to take all steps necessary to coordinate with the City of Melissa through NTMWD’s representative, Pacheco Koch, to hire professionals necessary to annex and rezone the property described.
3. The Executive Director is authorized to execute documents requesting annexation of the approximately 9.1 acre property and any other documents necessary to facilitate the rezoning request to a Planned Development District. .

THIS RESOLUTION ADOPTED BY THE NTMWD BOARD OF DIRECTORS IN A REGULAR MEETING ON OCTOBER 27, 2022, IN THE ADMINISTRATIVE OFFICES OF THE NTMWD, WYLIE, TEXAS.

GEORGE CRUMP, Secretary

JACK MAY, President

(SEAL)



121 Regional Disposal Facility
Annexation and Rezoning of 12.677 Acre
Fleet Maintenance Annex Facility Property to City of Melissa
Project No. 401-0569-20
Administrative Memorandum No. 5870

