



NORTH TEXAS MUNICIPAL WATER DISTRICT
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**MINUTES OF REGULAR MEETING
OF THE BOARD OF DIRECTORS
NOVEMBER 17, 2022**

The North Texas Municipal Water District (NTMWD) Board of Directors met in a regular meeting on Thursday, November 17, 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 Terry Sam Anderson 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	Peasley, Richard	Left at 3:35 p.m.	
19	Roland, Randy		
20	Shuyler, Lynn	√	
21	Stephens, Keith		
22	Sutherland, Jody		
23	Sweeden, John		
24	Thompson, Larry		√

The following NTMWD legal and professional consultants attended the meeting:

- Lauren Kalisek(remote), Sara Thornton – Lloyd Gosselink Rochelle & Townsend
- Lewis Isaacks – Saunders Walsh & Beard
- Greg Piatt, Sydney Hill - GAP Consulting
- Bryan Fried - Amber Integrated
- Nick Bulaich – Hilltop Securities
- Molly Carson – McCall, Parkhurst & Horton
- Lissa Gregg – Freese and Nichols

VI. OPENING REMARKS

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

President May reminded everyone that the District offices will be closed for Thanksgiving on Thursday and Friday, November 24-25th.

President May reviewed the following tentative list of meetings for December:

- There will not be any committee meetings on Wednesday, November 30th.
- Thursday, December 8th: Long Range Water Supply Work Session - 1:00 p.m.
- Wednesday, December 14th: Legislative, Wastewater and Water Committees
- Thursday, December 15th: Board Meeting

- B. Executive Director's Status Report concerning legislation and regulatory matters, budgets, current projects and ongoing programs of the District including the

Regional Water System, Regional Wastewater System, Regional Solid Waste System, Watershed Protection, and Water Conservation

Executive Director Covington recognized that Veteran's Day was on November 11th and recognized the veterans in attendance at this meeting, as well as staff and Directors who served this country in a military capacity. She thanked them for their service.

Executive Director Covington advised that even though the District's offices will be closed for the Thanksgiving holidays, many District employees will remain on duty to ensure services are continued. She expressed her appreciation to them.

Executive Director Covington advised that Director Jim Kerr is the owner of the Allen Flower Shop which is a family run business and the second oldest business in the Town of Allen. She added that the Allen Chamber of Commerce recently held a ribbon cutting at the Flower Shop recognizing its 50th anniversary, and the oldest business in Allen, Rodenbaugh's, was also recognized by the Chamber for their 60th anniversary.

Executive Director Covington advised that there have been several inquiries regarding membership in the NTMWD. The City of Rowlett would like to become a member and a discussion with the City Manager of Rowlett was recently held to explain the process, however noted that the process has not been formalized. She advised a discussion with the Board will be held in early 2023 to discuss a potential policy on this matter. She also advised that an informal request has been made regarding the Town of Prosper becoming a member of the Regional Solid Waste System. Staff will make contact to discuss this. Additionally, there are early discussions with communities in Kaufman County that are considering a feasibility study to determine how to provide for the growing needs of their area. This will be discussed at an upcoming Water Committee meeting and an upcoming Board meeting.

Executive Director Covington spoke of the potential threat of a railroad labor strike. She advised that the District receives its chlorine and other bulk chemicals by rail. Staff will monitor the situation.

Executive Director Covington reviewed two recently completed projects: the Forney Mustang Creek Lift Station and the Rowlett Creek Regional Wastewater Treatment Plant Primary Clarifier Replacement.

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 a legal matter between his family and the District and his opinion regarding a potential solution.

VIII. DISCUSSION ITEMS

There were no discussion items.

IX. EXECUTIVE SESSION

At 2:49 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 551.071, Consultation With Attorney.

- A. Consult with legal counsel regarding pending or contemplated litigation (Tex. Gov't Code Section 551.071)
1. Update on Oklahoma Red River Boundary Commission
 2. 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 4:14 p.m. The public teleconference line was reconnected.

No action was taken in Executive Session.

President May advised that action will be taken in open session later in the agenda.

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 Sweeden and a second by Director Phil Dyer, the Board of Directors voted unanimously to approve the Consent Agenda.

- A. **Approval of Regular Board Meeting Minutes - Consent Agenda Item No. 22-11-01**
- Consider approval of October 27, 2022, Board of Directors Regular meeting minutes
- B. **Approval of Modification of Capital Projects Request - Consent Agenda Item No. 22-11-02**
- Consider approval of November 2022 Modification of Capital Projects Request
- C. **Adoption of Resolution No. 22-48 authorizing the amendment of a previously approved right-of-way acquisition program for the McKinney Delivery Point**

No. 3 to McKinney Delivery Point No. 4 Pipeline project - Consent Agenda Item No. 22-11-03

- Consider authorizing the Executive Director to amend a previously approved right-of-way acquisition program, and adoption of Resolution No. 22-48 authorizing the use of eminent domain to acquire property for Project No. 101-0505-18, McKinney Delivery Point No. 3 to McKinney Delivery Point No. 4 Pipeline

D. Adoption of Resolution No. 22-49 authorizing the amendment to a previously approved right-of-way acquisition program for the Beck Branch Parallel Interceptor project - Consent Agenda Item No. 22-11-04

- Consider authorizing the Executive Director to amend a previously approved right-of-way acquisition program, and adoption of Resolution No. 22-49 authorizing the use of eminent domain for Project No. 501-0439-16, Beck Branch Parallel Interceptor

XII. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

GENERAL / ADMINISTRATIVE SERVICES AGENDA ITEMS

A. Authorize Water System Variable Cost Rebates for Fiscal Year 2021-2022 – Administrative Memorandum No. 5871

- Consider authorizing Water System Variable Cost Rebates for Fiscal Year 2021-2022 in the amount of \$2,793,511.32

Executive Director Covington reviewed that the Regional Water System Variable Cost Policy was reviewed at the October Board meeting. At present the Regional Water System budget is \$2.79 million under budget in variable costs, which is \$167,000 less than was reported at the October meeting due to some late invoices. She advised that if the Board approves this item, the checks will be mailed tomorrow. She noted that the list of affected Customers and the amounts are provided in the agenda packet.

Upon a motion by Director Chip Imrie and a second by Director Jim Kerr, the Board of Directors voted unanimously to approve.

BOIS D'ARC LAKE AGENDA ITEMS

B. Authorize a termination agreement with Rayburn Country Electric Cooperative (RCEC) for the Bois d'Arc Lake Power Supply project – Administrative Memorandum No. 5872

- Consider authorizing the Executive Director to execute a termination agreement with RCEC for the electric transmission service to the Bois d'Arc Lake Raw Water Pump Station and the Leonard Water Treatment Plant. RCEC has completed both projects and the costs for those projects have been approved by the Public Utility Commission of Texas for recovery under the Transmission Cost of Service program, which allows NTMWD to unencumber funds in the amount of (\$5,229,000) reserved for Project No. 101-0362-14, Bois d'Arc Lake Power Supply

Director Terry Sam Anderson advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize a termination agreement for two projects undertaken by Rayburn Country Electric Cooperative, Inc. to supply electric transmission service to the Bois d'Arc Lake Raw Water Pump Station and the Leonard Water Treatment Plant.

The projects are complete and costs incurred by Rayburn County Electric Cooperative have been approved for reimbursement by the Public Utility Commission of Texas thereby satisfying NTMWD's obligation to reimburse \$5,229,000 of their costs.

A brief discussion followed to clarify that these funds will go into the Regional Water System Fund for other projects. Since these funds were originally obtained through debt issuance, use of the funds must be approved by the 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.

WATER AGENDA ITEMS

C. Authorize award of construction contract and inspection services on the Bonham Water Treatment Plant Intake Improvements project - Administrative Memorandum No. 5873

- Consider authorizing award of construction contract with Dredge America, Inc. in the amount of \$999,975 and authorizing internal inspection services in the amount of \$27,000 for Project No. 101-0582-21, Bonham Water Treatment Plant Intake Improvements

Director Terry Sam Anderson advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize award a construction contract and authorize inspection services for the Bonham Water Treatment Plant Intake Improvements project. This project will dredge the intake channel at the Bonham Water Treatment Plant and remove accumulated sediment.

Upon a motion by Director Terry Sam Anderson and a second by Director Geralyn Keever, the Board of Directors voted unanimously to approve.

D. Authorize construction Change Order No. 1 for the Plano-McKinney Water Transmission System, Phase I project - Administrative Memorandum No. 5874

- Consider authorizing Change Order No. 1 with Garney Companies, Inc. in the amount of \$525,171.88 for remobilization and additional work necessary to facilitate Texas Department of Transportation's proposed widening of Farm-to-Market Road FM 2551, Project No. No. 101-0544-19, Plano-McKinney Water Transmission System Phase I, Relocation of 84-inch and 42-inch Pipelines

President May advised this item was discussed at the Water Committee meeting.

Upon a motion by Director Terry Sam Anderson and a second by Director Phil Dyer, the Board of Directors voted unanimously to approve.

E. Authorize award of a construction contract and internal inspection services for the Forney-to-Terrell Pump Station Communications Tower project - Administrative Memorandum No. 5875

- Consider authorizing award of construction contract with Schofield Civil Construction, LLC in the amount of \$2,670,000 and authorizing internal inspections services in the amount of \$200,000 for Project No. 101-0542-19, Forney-to-Terrell Pump Station Communications Tower

Director Terry Sam Anderson advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize award of a construction contract and internal inspection services for construction of a new communications tower at the Forney-to-Terrell Pump Station to serve the southern area of the Water Transmission System.

Upon a motion by Terry Sam Anderson and a second by Director Chip Imrie, the Board of Directors voted unanimously to approve.

WASTEWATER AGENDA ITEMS

F. Authorize construction Change Order No. 6 for the Buffalo Creek Parallel Interceptor, Phase I project - Administrative Memorandum No. 5876

- Consider authorizing Change Order No. 6 with Mountain Cascade of Texas, LLC in the amount of \$384,011.82 to renew the required contractor flood insurance for work within the 100-year flood plain as a result of delays acquiring easements, and replace an existing pedestrian bridge and additional trail within an easement per easement settlement agreement for Project No. 507-0484-17, Buffalo Creek Parallel Interceptor, Phase I

President May advised that this item was discussed in today's Executive Session.

Director Ron Kelley advised that the Wastewater Committee discussed this item at the October 25th meeting. The purpose of this change order is to: (1) renew the required contractor flood insurance for work within the 100-year flood plain as a result of delays acquiring easements, and (2) replace an existing pedestrian bridge and additional trail within an easement per easement settlement agreement.

Upon a motion by Director Ron Kelley and a second by Director Keith Stephens, the Board of Directors voted unanimously to approve.

LAND ACQUISITION / RIGHT-OF-WAY AGENDA ITEMS

G. Adoption of Resolution No. 22-50 authorizing the execution of a Right-of-Way acquisition program for the Lake Texoma Pump Station 2019 Electrical Improvements, Phase I project - Administrative Memorandum No. 5877

- Consider adoption of Resolution No. 22-50 authorizing the Executive Director to execute a right-of-way acquisition program with a budget of \$13,000; and

authorizing the acquisition of a permanent easement for Project No. 101-0530-19, Lake Texoma Pump Station 2019 Electrical Improvements, Phase I

Director David Hollifield advised that the Real Estate Committee reviewed this item yesterday and voted to recommend the Executive Director to execute a right-of-way acquisition program for Lake Texoma Pump Station 2019 Electrical Improvements with a budget of \$13,000. Approval of this item provides the necessary property for construction of an electrical building that would supply power to meet our current and future pump station improvements.

Upon a motion by Director David Hollifield and a second by Director Rick Crowley, the Board of Directors voted unanimously to approve.

SOLID WASTE AGENDA ITEMS

H. **Authorize award of construction contract and inspection services agreement for the 121 Regional Disposal Facility (RDF) Sectors 6B and 6C Mass Excavation project - Administrative Memorandum No. 5878**

- Consider authorizing award of construction contract to Rigid Constructors, LLC in the amount of \$2,947,352 and award of inspection services agreement to Biggs and Mathews Environmental in the amount of \$184,000 for Project No. 401-0614-22, 121 RDF Sectors 6B and 6C Mass Excavation

Director James Kerr advised that the Solid Waste Committee reviewed this item yesterday and voted to recommend the Board authorize award of construction contract to Rigid Constructors, LLC and award of inspection services agreement to Biggs and Mathews Environmental for 121 RDF Sectors 6B and 6C Mass Excavation.

Upon a motion by Director Jim Kerr and a second by Director Randy Roland, the Board of Directors voted unanimously to approve.

XIII. CLOSING ITEMS

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

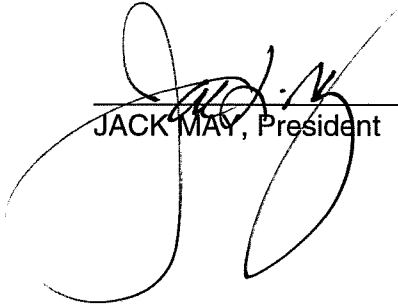
There were no comments regarding the meeting or potential future agenda items requested.

There were inquiries regarding the health of Director Shuyler and former Director Patrick.

XIV. ADJOURNMENT

There being no further business, the meeting adjourned at approximately 4:29 p.m.

APPROVED:



JACK MAY, President

ATTEST:



GEORGE CRUMP, Secretary

