



## **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: JENNA COVINGTON, EXECUTIVE DIRECTOR  
DATE: JANUARY 20, 2023  
SUBJECT: REGULAR MEETING – THURSDAY, JANUARY 26, 2023

As we roll into 2023, the District is looking forward to another productive year with new challenges and achievements. Several “big rock” items will be in front of the Board of Directors this year including advancing our next water supply strategies, initiation of Bois d’Arc Lake shoreline development decisions, the possible development of Member City annexation policy and consideration of changes to the Customer Premium for water. While these are important topics, the District has a history of undertaking major issues thoughtfully and methodically. As such, staff will endeavor to provide the Board with sufficient time, information, and feedback to assist in your deliberation and decision making.

### **Strategic Initiative Highlight - 1.3.2 - Develop a Risk-Based Condition Monitoring Program for Critical Asset Types**

An asset’s life cycle is continuously changing, a routine review of an asset’s condition is used to improve the lifespan and level of service of critical assets and effectively manage maintenance resources. To holistically monitor and maintain our assets, a multi-departmental team that draws members from across the District has been assembled to coordinate and implement this initiative. This initiative is meant to proactively inform the prioritization of capital, operations, and maintenance funds from a position of knowledge.

This team is coordinating and centralizing the work of the Asset Managers in each system to catalog and assess the condition of each major asset we own and plan for future maintenance or replacement. The risk-based condition monitoring program they are developing incorporates a routine life-cycle review of a critical asset’s condition to maintain maintenance plans. During this review each asset receives a rating based on the intersection of the consequence of failure of that asset and the probability of failure. This rating then informs the development of maintenance and ultimately replacement plans and a criticality prioritization for maintenance resources.

The team is currently continuing development of a risk-based model that will result in identification and classification of all critical asset types as well as a cyclical and continuous process of asset condition monitoring and routine maintenance and replacement. Future tasks for the team as they complete this initiative are the development of maintenance tasks for NTMWD’s critical asset types and then the completion of the first round of condition assessments on critical assets that have not been evaluated under this methodology.

## **Six Month Board Schedule**

Staff is very mindful of the incredible time commitments required by the Directors and attempt to make our time with you as efficient and purposeful as possible. With all the activities involving the Board in 2023, we have put together a tentative outlook for the next six months. Brian Brooks and his team will be meeting monthly following the Board Meeting to firm up the schedule and add another month to the six month outlook.

Generally speaking, we maintain the fourth Thursday for the Regular Board Meeting as well as the second and fourth Wednesdays for Committees. The third week of the month is when we try to schedule any workshops or tours. Below is the tentative schedule for the next six months:

### **February**

- 2/8 – Executive Committee
- 2/16 – Board Work Session: Customer Premium
- 2/22 – Water Committee, Wastewater Committee
- 2/23 – Board Meeting

### **March**

- 3/8 – Policy Committee, Finance Committee
- 3/17 – 121 RDF Tour
- 3/22 – Water Committee, Real Estate Committee
- 3/23 – Board Meeting

### **April**

- 4/12 – Executive Committee, Legislative Committee
- 4/20 – Board Work Session
- 4/26 – Water Committee, Wastewater Committee
- 4/27 – Board Meeting

### **May**

- 5/10 – Executive Committee, Personnel Committee
- 5/19 – Sister Grove WRRF Tour
- 5/24 – Water Committee, Real Estate Committee
- 5/25 – Board Meeting
- Not scheduled – President's Dinner

### **June**

- 6/7 – Executive Committee, Finance Committee
- 6/15 – Board Work Session
- 6/21 – Water Committee, Wastewater Committee
- 6/22 – Board Meeting

### **July**

- 7/12 - Executive Committee, Personnel Committee
- 7/26 – Water Committee, Real Estate Committee
- 7/27 – Board Meeting



## **NORTH TEXAS MUNICIPAL WATER DISTRICT**

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**BOARD OF DIRECTORS  
REGULAR MEETING (IN PERSON AND BY VIDEOCONFERENCE)  
THURSDAY, JANUARY 26, 2023  
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, January 26, 2023, 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, recognitions, 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. Consider development of a Member City annexation policy

**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. Consultation with Attorney  
(Tex. Gov’t Code Section 551.071)  
1. Consider development of a Member City annexation policy

**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. 23-01-01**  
• Consider approval of December 15, 2022, Board of Directors Regular meeting minutes
- B. **Approval of Board of Directors Work Session Meeting Minutes - Consent Agenda Item No. 23-01-02**  
• Consider approval of December 8, 2022, Board of Directors Work Session meeting minutes
- C. **Approval of Modification of Capital Projects Request - Consent Agenda Item No. 23-01-03**  
• Consider approval of January 2023 Modification of Capital Projects Request

- D. **Adoption of Resolution No. 23-01 authorizing the conveyance of property to Farmers Electric Cooperative - Consent Agenda Item No. 23-01-04**
- Consider adoption of Resolution No. 23-01 authorizing the Executive Director to execute a conveyance of property in the form of 0.027 acres of permanent easement to Farmers Electric Cooperative.
- E. **Adoption of Resolution No. 23-02 authorizing the execution of an amendment to a right-of-way acquisition program for the McKinney East Side Extension Improvements project - Consent Agenda Item No. 23-01-05**
- Consider authorizing the Executive Director to amend a previously executed right-of-way acquisition program to add a permanent easement; adoption of Resolution No. 23-02 authorizing the use of eminent domain for Project No. 501-0551-19, McKinney East Side Extension Improvements

**XII. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION**

**GENERAL / ADMINISTRATIVE AGENDA ITEMS**

- A. **Acceptance of Annual Audit Report for fiscal year 2022 - Administrative Memorandum No. 5884**
- Consider acceptance of the Annual Audit Report included in the Annual Comprehensive Financial Report

**WATER AGENDA ITEMS**

- B. **Authorize execution of an interlocal agreement (ILA) with Tarrant Regional Water District (TRWD) - Administrative Memorandum No. 5885**
- Consider authorizing the Executive Director to execute an ILA with TRWD in the amount of \$63,000 for a conceptual level study to evaluate the potential for collaboration on the Cedar Creek Wetlands project
- C. **Authorize award of construction contract and inspection services on the East System Control Valve project - Administrative Memorandum No. 5886**
- Consider authorizing award of construction contract with MELA Contracting Inc., in the amount of \$4,109,000 and authorizing internal inspection services in the amount of \$450,000 for Project No. 101-0604-22, East System Control Valve

**XIII. CLOSING ITEMS**

- A. Opportunity for Board members to provide feedback or request potential future agenda items.
- B. Premier of video “Bois d’Arc Lake: Continuing the Legacy of Service”

**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**

JANUARY 2023

CONSENT AGENDA ITEM NO. 23-01-01

DECEMBER 2022 REGULAR BOARD MEETING MINUTES

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## **RECOMMENDATION**

The Executive Director and NTMWD staff recommend the Board of Directors approve the minutes of the regular Board meeting held on Thursday, December 15, 2022, as presented. (See attached.)

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## **NORTH TEXAS MUNICIPAL WATER DISTRICT**

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

### **MINUTES OF REGULAR MEETING OF THE BOARD OF DIRECTORS DECEMBER 15, 2022**

The North Texas Municipal Water District (NTMWD) Board of Directors met in a regular meeting on Thursday, December 15, 2022, at 2:30 p.m. Notice of the meeting was legally posted in accordance with Government Code, Title 551, Open Meetings.

#### **I. CALL TO ORDER**

President Jack May called the meeting to order at approximately 2:30 p.m.

President May advised the following regarding the meeting:

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

#### **II. INVOCATION**

Director John Carr offered the invocation.

#### **III. PLEDGE OF ALLEGIANCE**

President May led the Pledge of Allegiance.

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

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

#### **V. ROLL CALL/ANNOUNCEMENT OF QUORUM**

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

| <b><i>DIRECTOR</i></b>    | <b><i>IN PERSON</i></b> | <b><i>REMOTE</i></b> |
|---------------------------|-------------------------|----------------------|
| Terry Sam <b>ANDERSON</b> | √                       |                      |
| Robert <b>APPOLITO</b>    | Absent                  |                      |



|                         |        |   |
|-------------------------|--------|---|
| Kalen <b>BOREN</b>      | √      |   |
| John <b>CARR</b>        | √      |   |
| Rick <b>CROWLEY</b>     | √      |   |
| George <b>CRUMP</b>     | √      |   |
| Phil <b>DYER</b>        | √      |   |
| Joe <b>FARMER</b>       |        | √ |
| Marvin <b>FULLER</b>    | √      |   |
| Don <b>GORDON</b>       | √      |   |
| David <b>HOLLIFIELD</b> | √      |   |
| Chip <b>IMRIE</b>       | √      |   |
| Blair <b>JOHNSON</b>    |        | √ |
| Ronald <b>KELLEY</b>    | √      |   |
| James <b>KERR</b>       |        | √ |
| Geralyn <b>KEVER</b>    | Absent |   |
| Jack <b>MAY</b>         | √      |   |
| Richard <b>PEASLEY</b>  | √      |   |
| Randy <b>ROLAND</b>     | √      |   |
| Lynn <b>SHUYLER</b>     | Absent |   |
| Keith <b>STEPHENS</b>   | √      |   |
| Jody <b>SUTHERLAND</b>  | √      |   |
| John <b>SWEEDEN</b>     | Absent |   |
| Larry <b>THOMPSON</b>   | √      |   |

The following NTMWD legal and professional consultants attended the meeting:

- Lauren Kalisek, Sara Thornton (Remote) – Lloyd Gosselink Rochelle & Townsend
- Mark Walsh – Saunders Walsh & Beard
- Tom Gooch, Lissa Gregg – Freese and Nichols, Inc.

**VI. OPENING REMARKS**

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

President Jack May recognized Jim Shirley, Assistant Deputy of Information Technology, who will be retiring from the District at the end of this month. President May presented Mr. Shirley with a Proclamation honoring his retirement from the District. Mr. Shirley's family was present for this recognition. Executive Director Jenna Covington read the Proclamation. Mr. Shirley offered words of appreciation to the District and staff.

President May advised that the NTMWD offices will be closed for the Christmas holidays on Friday, December 23<sup>rd</sup> and Monday, December 26<sup>th</sup>. He voiced his appreciation to the employees who will be working throughout the holidays to ensure continued services to the communities served by the District.

President May reviewed the tentative schedule of meetings for January 2023 as follows:

- Wednesday, January 11<sup>th</sup> – Executive and Finance Committees
- Wednesday, January 25<sup>th</sup> – Real Estate and Water Committees
- Thursday, January 26<sup>th</sup> – 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 announced that the District recently received an award from the Government Finance Officers Association (GFOA) for the 32<sup>nd</sup> year. It is a Certificate of Achievement in Excellence in Financial Reporting. The Solid Waste Department also recently received two Safety Awards from the Solid Waste Association of North America. She congratulated staff on these awards.

Executive Director Covington also reviewed the Board of Director's activity for 2022 and reviewed accomplishments and challenges experienced in 2022. She recognized the administrative staff for their efforts over the past year.

**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 involving policy changes.

**VIII. DISCUSSION ITEMS**

A. Update on Bois d’Arc Lake

President May advised that prior to the Bois d’Arc update, Fannin County Judge Randy Moore would like to address the Board of Directors.

Judge Moore addressed the Board regarding Bois d’Arc Lake, and the coordination between Fannin County and NTMWD to complete this project. He also spoke positively regarding the lake construction, Riverby Ranch mitigation, and rising property values in Fannin County. Judge Moore also mentioned that recent tornadoes in the Leonard area resulted in some damage and minor injuries. He also said that he is nearing the end of his term as Judge and introduced Newt Cunningham who will be sworn in as the next Judge for Fannin County. Mr. Cunningham spoke briefly about continued communication between him and the District. Judge Moore brought county maps that include Bois d’Arc Lake to provide to the staff and the public.

Deputy Director Baptista provided the update on Bois d’Arc Lake. Mr. Baptista provided an update on the recent tornado at Leonard, advising that District staff did not incur any injuries. He advised that the current lake elevation is at 519.7 feet. Photos of the dam area were provided. Mr. Baptista advised that the mitigation property insurance is not available, however the contract between the District and the mitigation contractor, RES, states they must provide replacements of the vegetation, which now has approximately 80 percent coverage over 17,000 acres. He advised that the District legal staff are currently working with RES regarding the insurance issue.

Mr. Baptista provided an overview of the CWA 404 Permit compliance and advised that the Cultural Resources aspect has transitioned to the District Permitting Department. Photos of the reinternments at the Oakwood Cemetery were provided. An update on the treated water pipeline was provided. Mr. Baptista advised that start up and testing of the raw water pump station and the high service pump station is occurring this week. He added that leaks were discovered in Segment E of the treated water pipeline and that repair process was reviewed.

In regard to regulatory compliance, Mr. Baptista advised that the NTMWD prepared and submitted a plan to TCEQ (Texas Commission on Environmental Quality) stating the regulatory compliance steps for the new system. He provided an overview of the STEP-2 Submittal that was completed following the Leonard Water Treatment Plant 100 hour run.

**IX. EXECUTIVE SESSION**

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

1. Beck Branch Parallel Interceptor, Phase II Project

- B. Long Range Water Supply Plan  
(Tex. Gov't Code Section 551.071 and 551.072)

At 3:24 p.m. President May announced the need for an Executive Session of the Board of Directors to discuss items IX. A. and B. on the agenda pursuant to the Texas Government Code, Section 551.071, Consultation With Attorney and Section 551.072, Deliberation Regarding Real Property.

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 4:37 p.m. The public teleconference line was reconnected.

No action was taken in Executive Session.

President May advised that action on Item IX.A.1. will be taken later in the agenda (Consent Item F.)

XI. **CONSENT AGENDA ITEMS**

President May inquired whether any Director would like to remove an item from the Consent Agenda for separate discussion. Director Marvin Fuller requested Item G. be pulled from the Consent Agenda for separate discussion.

Upon a motion by Director Terry Sam Anderson to approve the Consent Agenda items except for Item G. and a second by Director Marvin Fuller, the Board of Directors voted unanimously to approve the Consent Agenda, Items A. through F. Director Jim Kerr was absent from the vote.

- A. **Approval of Regular Board Meeting Minutes - Consent Agenda Item No. 22-12-01**
- Consider approval of November 17, 2022, Board of Directors Regular meeting minutes
- B. **Approval of Modification of Capital Projects Request - Consent Agenda Item No. 22-12-02**
- Consider approval of December 2022 Modification of Capital Projects Request
- C. **Approval of North Texas Municipal Water District's (NTMWD) Legislative Position Statement - Consent Agenda Item No. 22-12-03**
- Consider authorizing the approval of NTMWD's Legislative Position Statement for policy issues in the 88<sup>th</sup> Texas Legislature and the 2023 session of the Oklahoma Legislature

- D. **Authorize the execution of a Memorandum of Understanding (MOU) between NTMWD and the Fannin County Sheriff's Department - Consent Agenda Item No. 22-12-04**
- Consider authorizing the Board of Directors to execute a MOU between NTMWD and the Fannin County Sheriff's Department for Shared Governance Communications and Dispatch Services Systems for an initial 3-year term with automatic annual renewal
- E. **Authorize additional engineering services for the Water Transmission System CIP Update project - Consent Agenda Item No. 22-12-05**
- Consider authorizing additional engineering services with Hazen and Sawyer in the amount of \$70,000 to determine the feasibility of constructing one shared pipeline in NTMWD's South Transmission System for Project No. 101-0588-21, Water Transmission System CIP Update
- F. **Authorize legal services for the Beck Branch Parallel Interceptor Improvements Phase II project - Consent Agenda Item No. 22-12-06**
- Consider authorizing legal services with Saunders, Walsh & Beard, Attorney & Counselors, in the amount of \$15,000 for Project No. 501-0439-16, Beck Branch Parallel Interceptor Improvements, Beck Branch Parallel Interceptor Phase II and Plano Spring Creek Force Main Parallel

*Item G. below was discussed and voted on separately from the above Consent Agenda items.*

- G. **Adoption of Resolution No. 22-51 authorizing the conveyance of property to the City of Lavon - Consent Agenda Item No. 22-12-07**
- Consider adoption of Resolution No. 22-51 authorizing the Executive Director to execute transaction documents and convey property in fee simple to the City of Lavon along the Lake Texoma Outfall to Wylie Water Treatment Plant Raw Water Pipeline project

Director Marvin Fuller requested further explanation of this item.

Deputy Director Baptista responded that NTMWD acquired a small tract of land while acquiring easements for the Lake Texoma Outfall to Wylie Water Treatment Plant Raw Water Pipeline Project in the City of Lavon. Major housing developments within the City of Lavon require a roadway and utilities be constructed over the tract of land. NTMWD desires to convey the land to City of Lavon, while retaining easement rights for existing facilities. The 0.478 acres is not needed by the District for its operations and cannot be used independently by anyone other than City of Lavon.

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

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

### **WATER AGENDA ITEMS**

A. **Authorize a budget amendment for the Plano Water Transmission Facilities System project – Administrative Memorandum No. 5879**

- Consider authorizing a budget amendment in the amount of \$200,000 for the replacement of a 36-inch valve within the Plano Water Transmission Facilities System

Director Terry Sam Anderson advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize a budget amendment for the replacement of a 36-inch valve on Phase I in the Plano Water Transmission Facilities System. The City of Plano has already submitted the funds to NTMWD for the replacement.

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

B. **Authorize execution of an engineering services agreement (ESA) for the Wylie Water Treatment Plants (WTP) I, II, III, and IV Filter Media Improvements project – Administrative Memorandum No. 5880**

- Consider authorizing the Executive Director to execute an ESA with Carollo Engineers, Inc., in the amount of \$1,769,387 to conduct a preliminary engineering study, including field pilot testing for Project No. 101-0615-22, Wylie Water Treatment Plants I, II, III, and IV Filter Media Improvements

Director Terry Sam Anderson advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize an Engineering Services Agreement to conduct a preliminary engineering study, including field pilot testing, for the filters at all four Wylie water treatment plants.

Director Phil Dyer inquired regarding the process and cost of this project. Staff responded that the lifespan of the filter media is ten to twelve years and the BAF (Biologically Active Filtration) conversion requires significant evaluation.

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

C. **Authorize execution of an engineering services agreement (ESA) for the pipeline relocations associated with the Texas Department of Transportation's (TxDOT's) expansions for US Highway 380, FM 1641 and FM 741 - Administrative Memorandum No. 5881**

- Consider authorizing the Executive Director to execute an ESA with Halff Associates, Inc., in the amount of \$3,910,000, for final engineering design for Project No. 101-0619-22, Pipeline Relocations at US 380, FM 1641 and FM 741

Director Terry Sam Anderson advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize execution of an engineering services agreement with Halff Associates, Inc. for final engineering

design of relocations associated with The Texas Department of Transportation's planned expansions for US Highway 380, FM 1641 and FM 741. Some relocation expenses are eligible for reimbursement by TxDOT. He reviewed the Committee's discussion regarding upsizing the pipelines for future use. It was noted that TxDOT will reimburse the District at 80 to 85 percent.

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

#### **WASTEWATER AGENDA ITEMS**

**D. Authorize Amendment No. 2 to the Construction Manager At-Risk (CMAR) agreement for the South Mesquite Creek Regional Wastewater Treatment Plant (RWWTP) Peak Flow Management and Expansion project - Administrative Memorandum No. 5882**

- Consider authorizing the Executive Director to execute the second amendment to the CMAR agreement with Archer Western Construction, LLC in the amount of \$8,556,427.36 for partial Guaranteed Maximum Price No. 2 for construction of work packages including early peak relief construction for Project No. 301-0525-18, South Mesquite Creek Regional Wastewater Treatment Plant Peak Flow Management and Expansion

Director Ron Kelley advised that the Wastewater Committee reviewed this item yesterday and voted to recommend the Board authorize funding for Amendment No. 2 to the Construction Manager At-Risk Agreement for South Mesquite Creek Regional Wastewater Treatment Plant Peak Flow Management and Expansion project. Future amendments will be presented to the Board as remaining work packages are developed, procured and evaluated.

Director Randy Roland inquired what the total project cost will be. Executive Director Covington responded that the total is approximately \$221 million. She stated that there will be three subsequent GMP packages.

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

**E. Adoption of Resolution No. 22-52 authorizing the execution of an Interlocal Agreement (ILA) between NTMWD and the City of Lucas - Administrative Memorandum No. 5883**

- Consider adoption of Resolution No. 22-52 authorizing an ILA with the City of Lucas to facilitate construction of a truck wash station at the Wilson Creek Regional Wastewater Treatment Plant

Director Ron Kelley advised that the Wastewater Committee reviewed this item yesterday and voted to recommend the Board authorize an Interlocal Cooperation Agreement between the City of Lucas and the North Texas Municipal Water District

to facilitate construction of a truck wash station at the Wilson Creek Regional Wastewater Treatment Plant.

In an effort to reduce odors associated with the transportation of biosolids through the local community, the Wilson Creek Oversight Committee recommended that an on-site vehicle washdown station at the Wilson Creek Plant would allow NTMWD to eliminate odors more effectively, which is a stated purpose of the Settlement Agreement.

Upon a motion by Director Ron Kelley and a second by Director Keith Stephens, the Board of Directors voted unanimously to approve. Director Jim Kerr was absent from the vote.

**XIII. CLOSING ITEMS**

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

President May advised that he previously requested an update on the Wylie Water Treatment Plant IV.

**XIV. ADJOURNMENT**

There being no further business, the meeting adjourned at approximately 5:02 p.m.

APPROVED:

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

ATTEST:

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



# **NORTH TEXAS MUNICIPAL WATER DISTRICT**

JANUARY 2023

CONSENT AGENDA ITEM NO. 23-01-02

DECEMBER 2022 BOARD WORK SESSION MEETING MINUTES

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## **RECOMMENDATION**

The Executive Director and NTMWD staff recommend the Board of Directors approve the minutes of the Board Work Session held on Thursday, December 8, 2022 as presented. (See attached.)

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## NORTH TEXAS MUNICIPAL WATER DISTRICT

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

### MINUTES OF WORK SESSION MEETING OF THE BOARD OF DIRECTORS DECEMBER 8, 2022

The North Texas Municipal Water District (NTMWD) Board of Directors met in a Work Session Meeting on Thursday, December 8, 2022, at 1:00 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 1:00 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 in person and 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. ROLL CALL/ANNOUNCEMENT OF QUORUM

The roll was called and attendance was confirmed as follows:

| <i><b>DIRECTOR</b></i>    | <i><b>IN PERSON</b></i> | <i><b>REMOTE</b></i> |
|---------------------------|-------------------------|----------------------|
| Terry Sam <b>ANDERSON</b> | √                       |                      |
| Robert <b>APPOLITO</b>    | Absent                  |                      |
| Kalen <b>BOREN</b>        |                         | √                    |
| John <b>CARR</b>          | √                       |                      |
| Rick <b>CROWLEY</b>       | √                       |                      |
| George <b>CRUMP</b>       | √                       |                      |

|                         |        |   |
|-------------------------|--------|---|
| Phil <b>DYER</b>        | √      |   |
| Joe <b>FARMER</b>       | √      |   |
| Marvin <b>FULLER</b>    |        | √ |
| Don <b>GORDON</b>       | √      |   |
| David <b>HOLLIFIELD</b> | √      |   |
| Chip <b>IMRIE</b>       | √      |   |
| Blair <b>JOHNSON</b>    | √      |   |
| Ronald <b>KELLEY</b>    | √      |   |
| James <b>KERR</b>       | √      |   |
| Geralyn <b>KEVER</b>    | √      |   |
| Jack <b>MAY</b>         | √      |   |
| Richard <b>PEASLEY</b>  | √      |   |
| Randy <b>ROLAND</b>     | √      |   |
| Lynn <b>SHUYLER</b>     | Absent |   |
| Keith <b>STEPHENS</b>   | √      |   |
| Jody <b>SUTHERLAND</b>  |        | √ |
| John <b>SWEEDEN</b>     | Absent |   |
| Larry <b>THOMPSON</b>   | Absent |   |

The following NTMWD legal and professional consultants attended the meeting:

- Sara Thornton and Jessie Spears– Lloyd Gosselink Rochelle & Townsend
- Tom Gooch and Lissa Gregg – Freese and Nichols, Inc.

**III. OPENING REMARKS**

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

President May advised that there is one discussion item on this agenda. The meeting will begin in open session and then an Executive Session will be convened for the remainder of the discussion.

- B. Executive Director's Status Report concerning legislation and regulatory matters, budgets, current projects and ongoing programs of the District including the Regional Water System, Regional Wastewater System, Regional Solid Waste System, Watershed Protection, and Water Conservation

Executive Director Jenna Covington advised that this is the fifth Long Range Water Supply meeting held over the past 16 months. She added that this is the first "Plan" for the District and plans are to review and revise (if needed) every five years. Today the staff will provide suggestions on how to move forward with water supply strategies and next steps will be discussed. Executive Director Covington advised the Board Members that plans are to transition these types of discussions from the full Board to the Water Committee, noting that all Board Members are welcome and encouraged to attend those committee meetings.

#### IV. 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.

Brian Galuardi representing the City of Rowlett addressed the Board regarding Rowlett's interest in becoming a Member of the District. He introduced Rowlett's Mayor Blake Margolis and City Manager Brian Funderburk. A petition of signatures from Rowlett's residents was presented to President May as the first step in the application for Rowlett to become a Member City.

#### V. DISCUSSION ITEMS

- A. Update and Findings on Long Range Water Supply Plan
1. Overall Long Range Water Supply Plan
  2. Future Water Supply Needs
  3. Water Management Strategies

Assistant Deputy R.J. Muraski provided an overview of the agenda and introduced the speakers for today's Work Session. He briefly reviewed the handouts provided. Those included a list of 25 water management strategies and descriptions, as well as a map. Mr. Muraski provided a review of the previous work session discussions. A schedule of tasks was also provided.

Consultant Tom Gooch with Freese and Nichols presented a graph of future water needs based on expected demands and current supply sources. He reviewed the sources and projects that the District has underway to meet the area's needs. He advised that a new water source will be needed by the year 2036, based on the expectation that the population will double between 2025 and 2080.

Mr. Gooch provided an overview of the near-term strategies that should be implemented by 2040, including a map reflecting them. The near-term strategies include groundwater, reuse, blending additional Texoma water, desalination, developing new reservoirs, making

use of existing reservoirs, and aqua storage and recovery. Deputy Director Billy George presented a slide reflecting the impacts of water conservation.

Mr. Gooch advised that there are risks that must be considered to developing the strategies that include permitting uncertainties, droughts, uncertain negotiations and partnerships, and costs. All of these must be evaluated and would take from five (5) to 45 years to develop. He noted that the District will need to pursue multiple strategies in parallel.

Lissa Gregg, Consultant with Freese and Nichols, provided an overview of the content of a matrix that was provided to the Directors. She explained that the data is grouped by near-term and medium to long-term strategies. Content of the matrix for each strategy includes supply quantity, number of years of supply, capital cost (2021 dollars) for treatment plant capacity, treated water cost, scores for each of 1 to 10, certainty of an outcome, permitting, legal, and time. Several graphs were provided reflecting comparisons for each strategy and various evaluation criteria. Discussion among Board Members followed.

Meeting recessed at 2:39 p.m. and reconvened at 2:52 p.m.

At 2:53 p.m. President May announced the need for an Executive Session of the Board of Directors to discuss item V. A., pursuant to the Texas Government Code, Sections 551.071 Consultation With Attorney, and 551.072 Real Property.

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

Open Session reconvened at 4:19 p.m. The public teleconference line was reconnected.

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

Billy George provided a general review of today's meeting and the path going forward. He reiterated this is the last planned work session for the Board on this matter.

**VI. ADJOURNMENT**

There being no further business, the meeting adjourned at approximately 4:23 p.m.

APPROVED:

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

ATTEST:

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

# NORTH TEXAS MUNICIPAL WATER DISTRICT

JANUARY 2023

CONSENT AGENDA ITEM NO. 23-01-03

## MODIFICATION OF CAPITAL PROJECTS REQUEST

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### 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.

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#### 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. 7.

| Description   | Amount                 | Days       |
|---|------------------------|------------|
| Original Contract Amount  | \$24,630,180.00        | 610        |
| Prior Change Order(s) Total   | \$981,520.86           | 84         |
| <b>Proposed Change Order No. 7</b>  |                        |            |
| Mobilization and standby costs associated with City of Heath stop work notice | \$459,403.28           | 21         |
| <b>Proposed Change Order No. 7 Increase</b>                                   | <b>\$459,403.28</b>    | <b>21</b>  |
| <b>Revised Contract Amounts</b>   | <b>\$26,071,104.14</b> | <b>715</b> |

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

Revised Completion Dates: Substantial – December 18, 2022; Final – February 16, 2023

Funding in the amount of \$459,403.28 for Change Order No. 7 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. None.

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. Project No. 301-0516-18, Orr Road Improvements, Change Order No. 2

| Description  | Amount                | Days       |
|--|-----------------------|------------|
| Original Contract Amount   | \$2,135,578.28        | 210        |
| Prior Change Order(s) Total  | \$2,185.57            | 0          |
| <b>Change Order No. 2</b>  |                       |            |
| Additional flowable fill and testing services have been authorized by Collin County. The cost represents NTMWD's portion of the change order in accordance with the ILA between Collin County, Town of Fairview and NTMWD (Reference Administrative Memorandum Nos. 5265 and 5700. Administration Memorandum No. 5700 was approved at the February 2021 NTMWD Board of Directors meeting.) | \$18,436.98           | 0          |
| <b>Change Order No. 2 Increase</b>   | <b>\$18,436.98</b>    | <b>0</b>   |
| <b>Final Contract Amounts</b>  | <b>\$2,156,200.83</b> | <b>210</b> |

Original Completion Dates: December 31, 2021

Final Completion Date: October 24, 2022

Funding in the amount of \$18,436.98 for Change Order No. 2 to Collin County, is available in the Regional Wastewater System 2019 Construction Fund

b. Project No. 501-0454-17, Indian Creek Force Main No. 2, Phase III McKamy Trail and Air Release Valves, Change Order No. 3.

| Description | Amount | Days |
|-------------|--------|------|
|-------------|--------|------|

|  |                       |            |
|--|-----------------------|------------|
| Original Contract Amount   | \$2,904,215.75        | 300        |
| Prior Change Order(s) Total  | \$117,960.98          | 44         |
| <b>Proposed Change Order No. 3</b>   |                       |            |
| Credit for unused Change Order No. 1 - Plano Police Department Off-Duty Officer                              | (\$21,420.00)         | 0          |
| Credit for unused Bid item No. 11 - Closed Circuit Television (CCTV) Legacy Boring STA 196+50.00             | (\$1,244.32)          | 0          |
| Additional quantity for Bid Item No. 16 - Concrete Pavement Replacement (Phase II) – STA 126+00.00           | \$7,967.82            | 0          |
| Credit for unused Bid item No. 17 – Concrete Pavement Replacement (Phase III) – STA 19+00.00 to 60+00.00     | (\$110,766.44)        | 0          |
| Additional quantity for Bid Item No. 18 - Curb and Gutter Replacement  | \$13,240.00           | 0          |
| Credit for unused Bid item No. 31 – Construction Entrance/Exit   | (\$3,200.00)          | 0          |
| Credit for unused Bid item No. 33 - Additional 24-inch DR 11 DIPS Polyethylene (PE) Pipe                     | (\$117,744.90)        | 0          |
| Credit for unused Bid item No. 34 - Additional Electrofusion for Butt Fused Pipe Joints as directed by OWNER | (\$16,000.00)         | 0          |
| Credit for unused Bid item No. 35 - Additional Flowable Fill as directed by OWNER                            | (\$13,500.00)         | 0          |
| Credit for unused Bid item No. 36 - Additional Concrete Pavement Replacement as directed by OWNER            | (\$13,062.00)         | 0          |
| <b>Proposed Change Order No. 3 Decrease</b>  | <b>(\$275,729.84)</b> | <b>0</b>   |
| <b>Previous Payments</b>   | <b>\$2,511,758.11</b> |            |
| <b>Proposed Final Payment</b>  | <b>\$234,688.78</b>   |            |
| <b>Revised Contract Amounts</b>  | <b>\$2,746,446.89</b> | <b>344</b> |

Original Completion Dates: Substantial – May 5, 2022; Final – July 4, 2022  
Revised Completion Dates: Substantial – July 3, 2022; Final – August 17, 2022

Funding in the amount of (\$275,729.84) for Change Order No. 3 to Wilson Contractor Services, LLC, will be credited back to the Upper East Fork Interceptor System 2020 Construction Fund

SOLID WASTE SYSTEM

- a. None.

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

WATER SYSTEM

- a. Project No. 101-0445-16, Multiple Systems Maintenance Facilities Central Region, Phase II



| DESCRIPTION  | AMOUNT                |
|--|-----------------------|
| Original ESA   | \$1,070,826.00        |
| Prior Additional Services                              | \$231,720.95          |
| <b>Proposed Additional Services</b>                    | <b>\$5,735.00</b>     |
| Additional services to review requests for information |                       |
| <b>Revised ESA Amount</b>                              | <b>\$1,308,281.95</b> |

This facility supports both Water and Wastewater departments therefore, funding in the amount of \$5,735.00 for Amendment No. 4 to Stantec Architecture, Inc., is to be split 80% from the Regional Water System, 15% from the Regional Wastewater System and 5% from the Upper East Fork Interceptor System. \$4,588.00 is to be made available from the Regional Water System Capital Improvement Fund, \$860.25 is to be made available from the Regional Wastewater System 2020 Construction Fund, and \$286.75 is to be made available from the Upper East Fork Interceptor System 2020 Construction Fund.

- b. Project No. 101-0344-13, Bois d'Arc Lake Dam and Intake Structure, Leonard Water Treatment Plant Terminal Storage Reservoir; Project No. 101-0358-14, Bois d'Arc Lake Raw Water Pump Station; Project No. 101-0384-15, Leonard Water Treatment Plant; Project No. 101-0428-16, Leonard Water Treatment Plant High Service Pump Station; Additional Inspection Services Agreements as follows:

| DESCRIPTION   | AMOUNT                |
|---|-----------------------|
| Current Inspection Services Agreement (ISA) – Project No. 101-0344-13 | \$172,400.00          |
| Current ISA – Project No. 101-0358-14                                 | \$1,064,275.00        |
| Current ISA – Project No. 101-0384-15                                 | \$1,431,625.00        |
| Current ISA – Project No. 101-0428-16                                 | \$733,675.00          |
| <b>Proposed Change in Services</b>                                    |                       |
| Project No. 101-0344-13 – ISA – <b>Decrease</b>                       | (\$31,000.00)         |
| Project No. 101-0358-14 – ISA - <b>Increase</b>                       | \$36,000.00           |
| Project No. 101-0384-15 – ISA - <b>Increase</b>                       | \$103,000.00          |
| Project No. 101-0428-16 – ISA - <b>Increase</b>                       | \$72,000.00           |
| <b>Revised Contract Amounts</b>                                       |                       |
| Project No. 101-0344-13 – Revised ISA                                 | <b>\$141,400.00</b>   |
| Project No. 101-0358-14 – Revised ISA                                 | <b>\$1,100,275.00</b> |
| Project No. 101-0384-15 – Revised ISA                                 | <b>\$1,534,625.00</b> |
| Project No. 101-0428-16 – Revised ISA                                 | <b>\$805,675.00</b>   |

Funding in the amount of \$180,000.00 to Mbroh Engineering, 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.

c. Project No. 101-0510-18, Transmission System Water Quality Analyzers

| <b>DESCRIPTION</b>                 | <b>AMOUNT</b>       |
|------------------------------------|---------------------|
| Original ESA                       | \$363,457.50        |
| Prior Additional Services          | \$446,223.50        |
| <b>Additional Services</b>         | <b>\$300.00</b>     |
| Project controls record correction | \$300.00            |
| <b>Revised ESA Amount</b>          | <b>\$809,981.00</b> |

Funding in the amount of \$300.00 to Gupta & Associates, Inc., is available in the Regional Water System Capital Improvement Fund

WASTEWATER SYSTEM

a. None.

SOLID WASTE SYSTEM

a. None.

# NORTH TEXAS MUNICIPAL WATER DISTRICT

JANUARY 2023

CONSENT AGENDA ITEM NO. 23-01-04

## REGIONAL WATER SYSTEM CONVEYANCE OF PROPERTY AT THE WYLIE WATER TREATMENT PLANT IN THE FORM OF A PERMANENT EASEMENT TO FARMERS ELECTRIC COOPERATIVE

### RESOLUTION NO. 23-01

---

#### ACTION (*What*)

Adopt a resolution to authorize the Executive Director to execute a permanent easement with Farmers Electric Cooperative.

---

#### PURPOSE (*Why*)

NTMWD conveyed land to City of Wylie at the Wylie Water Treatment Plant (WTP) for the expansion of Eubanks Lane along the eastern boundary of the WTP. Farmers Electric Cooperative must relocate existing power poles as part of the roadway expansion. NTMWD must convey an easement to allow for the relocation.

---

#### RECOMMENDATION

The Executive Director and NTMWD staff recommend the Board of Directors adopt Resolution No. 23-01, *"A Resolution for Conveyance of Property in the form of a Permanent Easement to Farmers Electric Cooperative at the Wylie Water Treatment Plant."*

Acquiring Party: Farmers Electric Cooperative (FEC)

Scope: Execution of a permanent easement

Project: Wylie Water Treatment Plant

Strategic Objective: 3.3 Durable Strategic Partnerships

This was an item on the January 25, 2023, Real Estate Committee agenda.

---

#### 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 checked="" 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 _____            |

PROJECT PURPOSE

- The purpose of this consent agenda item is to authorize the Executive Director to execute a permanent easement with FEC.
- FEC needs a 0.027 acre easement from NTMWD to facilitate relocation of power lines in support of the City of Wylie's widening of Eubanks Lane.
- The permanent easement is written for electric transmission lines.

---

FUNDING

FUND(S): No funding is requested.

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**NORTH TEXAS MUNICIPAL WATER DISTRICT**

**RESOLUTION NO. 23-01**

**A RESOLUTION FOR CONVEYANCE OF PROPERTY IN THE FORM OF A PERMANENT EASEMENT TO FARMERS ELECTRIC COOPERATIVE AT THE WYLIE WATER TREATMENT PLANT**

**WHEREAS**, in 2022 NTMWD conveyed land to City of Wylie (Wylie) for the expansion of Eubanks Lane, in accordance to a 2016 Interlocal Agreement between NTMWD and Wylie; and,

**WHEREAS**, Farmers Electric Cooperative (FEC) has existing poles and overhead power lines along Eubanks Lane at the eastern border of the Wylie Water Treatment Plant; and,

**WHEREAS**, the expansion of Eubanks Lane is eminent; and,

**WHEREAS**, it is necessary to convey a permanent easement to FEC required for the installation, operation, and maintenance of the poles and overhead power lines.

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

1. There is a public need for, and the public welfare and convenience are to be served by the conveyance of 0.027 acres of NTMWD property to Farmers Electric Cooperative.
2. It is the recommendation of the Executive Director and NTMWD staff that the Board authorize conveyance of a permanent easement located at and near the Wylie Water Treatment Plant.
3. The Executive Director is authorized to execute the easement with Farmers Electric Cooperative.

**THIS RESOLUTION ADOPTED BY THE NTMWD BOARD OF DIRECTORS IN A REGULAR MEETING ON JANUARY 26, 2023, IN THE ADMINISTRATIVE OFFICES OF THE NTMWD, WYLIE, TEXAS.**

---

**GEORGE CRUMP, Secretary**

---

**JACK MAY, President**

**(SEAL)**

UTILITY EASEMENT AND COVENANT OF ACCESS



NAME: NTMWD – (EUBANKS RD PROJECT)

GRID: \_\_\_\_\_

SERVICE ORDER NO.: 2022072772

STATE OF TEXAS  
COUNTY OF Collin

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned hereinafter called "Grantor" (whether one or more) for good and valuable consideration, which may include approval and execution of an Electric Service Agreement by FARMERS ELECTRIC COOPERATIVE, INC., 2000 East Interstate 30, Greenville, Texas, 75402 (hereinafter called the "Cooperative"), does hereby covenant access to and grant, sell and convey unto the Cooperative an easement and right-of-way upon and across the following property of grantor as described in Exhibit A.

The easement, right-of-way, rights and privileges herein granted shall be used for electric power lines and other utility lines (overhead and/or underground) consisting of poles, conductors, guy wires, anchors and associated overhead appurtenances and/or underground cable, surface mounted equipment, associated underground appurtenances, including constructing, operating, maintaining, inspecting, rebuilding, replacing, removing and relocating electric lines, transmission and distribution facilities or equipment, other utility lines, as well as reading any meter or performing any act related to the provision of utility service. The Cooperative is specifically granted pedestrian and vehicular ingress and egress.

The easement rights herein described shall be no broader than reasonably necessary to provide electric and other utility service. The width of the easement is described in Exhibit A. The height of the easement shall be from fifteen (15) feet beneath the surface of the ground to a height of seventy (70) feet above the ground.

The easement, right and privilege herein granted shall be perpetual, appurtenant to the land, and shall inure to the benefit of the Cooperative's successors and assigns. Grantor represents that he/she is the owner of the above described tract of land and binds himself/herself, his/her heirs, assigns and legal representatives to warrant and forever defend the easement and rights described herein to the Cooperative, its successors and assigns.

The Cooperative shall have the right to use so much of the surface of the herein described property of Grantor as may be reasonably necessary to construct and install within the right-of-way granted hereby, the facilities that may at any time be necessary for the purposes herein specified.

The Cooperative shall have the right to clear the right-of-way of all obstructions, to cut and trim trees within the right-of-way or use other methods as it deems necessary to clear the right-of-way.

Grantor further covenants that Grantor, his/her heirs, successors and assigns shall facilitate and assist Cooperative personnel in exercising their rights and privileges herein described at all reasonable times and shall not build, construct or cause to be erected any building or other structure that may interfere with the provision of electric service or the exercise of the right granted to the Cooperative herein.

The electric power lines and other utility lines (overhead and/or underground) permitted pursuant to this easement right-of-way are described on the attached Exhibit B, which is incorporated herein fully by reference. No other poles or any other facilities or appurtenances are allowed without the express consent of the Grantor, which may be withheld for any reason or no reason at all. Grantee agrees to exercise Grantee's rights in a manner that does not unduly or unreasonably interfere with Grantor's use of the property.

The undersigned agrees that all electric power lines and other utility lines (overhead and/or underground) including any main service entrance equipment, installed on the above described lands at the Cooperative's expense shall remain the property of the Cooperative, removable at the option of the Cooperative, should said lines be abandoned.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

GRANTOR:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

THE STATE OF TEXAS

COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person or persons whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Signature \_\_\_\_\_ Printed Name \_\_\_\_\_ Notary Seal: \_\_\_\_\_

THE STATE OF TEXAS

COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person or persons whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Signature \_\_\_\_\_ Printed Name \_\_\_\_\_ Notary Seal: \_\_\_\_\_

**EACH SIGNATURE WILL NEED TO BE NOTARIZED AND STAMPED OR THE EASEMENT IS UNACCEPTABLE.  
PLEASE SEND THE ORIGINAL COMPLETELY EXECUTED EASEMENTS TO:  
FARMERS ELECTRIC COOPERATIVE, 2000 I-30 EAST, GREENVILLE, TEXAS 75402, ATTN: ENG COORDINATORS**

**DO NOT WRITE BELOW THIS LINE**

**EXHIBIT A**  
**10' WIDE ELECTRIC EASEMENT**  
**PART OF THE FRANCISCO DE LA PINA SURVEY,**  
**ABSTRACT NO. 688**  
**CITY OF WYLIE, COLLIN COUNTY, TEXAS**

BEING a 1,169-square-foot tract of land in the Francisco de la Pina Survey, Abstract No. 688, Collin County, Texas, and being part of a called 19.28-acre tract described in deed to North Texas Municipal Water District (NTMWD), recorded as Volume 684, Page 384 in the Deed Records of Collin County, Texas (DRCCT), and being more particularly described as follows:

**COMMENCING** at a 1/2-inch steel rod with yellow cap stamped "HALFF" (hereinafter referred to as YCSRF) found on the southeasterly line of a tract of land described in deed to Dallas Area Rapid Transit (DART), recorded as Volume 3424, Page 126, DRCCT, for the northeast corner of said 19.28-acre tract and also being the northeast corner of a called 0.0574 acre right-of-way dedication designated as Parcel No. 6 and described in deed to the City of Wylie, recorded as Instrument Number 2022000071174 in the Official Public Records of Collin County (OPRCCT), and having coordinates of:

X=2,575,483.73 feet

Y=7,061,717.77 feet;

THENCE S 77°27'21" W, with the common north line of said Parcel No. 6 and the south line of said DART tract, for a distance of 17.97 feet to a YCSRF;

THENCE S 00°30'31" W, with the west right-of-way line of said of Eubanks Lane and the west line of said Parcel No. 6, for a distance of 7.19 feet to the **POINT OF BEGINNING**, and having coordinates of:

X=2,575,466.13 feet

Y=7,061,706.68 feet;

THENCE S 00°30'31" W, continuing with the west right-of-way line of Eubanks Lane and the west line of said Parcel No. 6, for a distance of 118.06 feet to a point from which a YCSRF on the north line of a called 3.6 acre tract of land described in deed to Kansas City Railway Company, recorded as Instrument Number 94-0096329 in the OPRCCT, bears S 00°30'31" W for a distance of 20.15 feet;

THENCE over and across said NTMWD tract the following two (2) courses and distances:

1. S 88°10'17" W for a distance of 10.01 feet;
2. N 00°30'31" E, parallel with and ten (10) feet west of the west right-of-way line of said Eubanks Lane the west line of said Parcel No. 6., for a distance of 115.77 feet;

THENCE N 75°26'09" E, for a distance of 10.36 feet to the **POINT OF BEGINNING** and containing 1,169 square feet or 0.027 acres of land.

*Wayne C. Terry*  
09/26/2022



**Notes:**

-A graphical exhibit of even date accompanies these field notes.  
-The coordinates and bearings shown hereon are based on the the Texas Coordinate System of 1983, North Central Zone (4202). All distances are in U.S. Survey Feet and reported at the surface by applying a scale factor of 1.000152710.

SEPTEMBER 2022      3101-22      Sheet 1 of 2

**rdelta**  
ENGINEERS

618 Main Street  
Garland, TX 75040  
Ph. (972) 494-5031  
Fax (972) 487-2270  
www.rdelta.com  
TBPE No. F-1515  
TBPLS No. 10155000

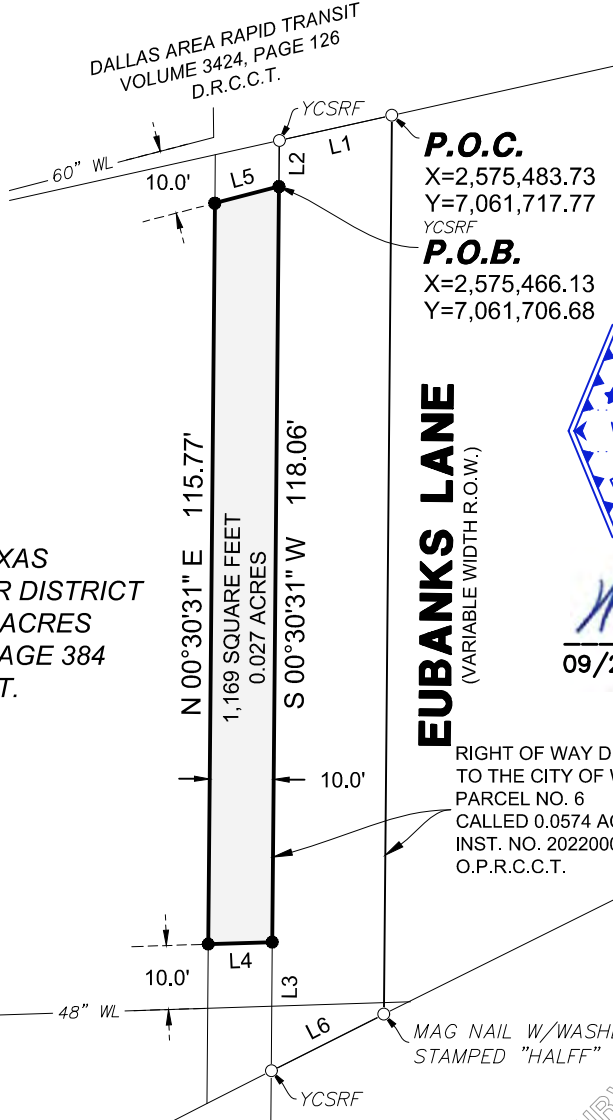
# EXHIBIT A

## 10' WIDE ELECTRIC EASEMENT

### PART OF THE FRANCISCO DE LA PINA SURVEY, ABSTRACT NO. 688

### CITY OF WYLIE, COLLIN COUNTY, TEXAS

| Line Table |               |        |
|------------|---------------|--------|
| Line #     | Direction     | Length |
| L1         | S77° 27' 21"W | 17.97' |
| L2         | S00° 30' 31"W | 7.19'  |
| L3         | S00° 30' 31"W | 20.15' |
| L4         | S88° 10' 17"W | 10.01' |
| L5         | N75° 26' 09"E | 10.36' |
| L6         | N63° 14' 07"E | 19.70' |



**P.O.C.**  
X=2,575,483.73  
Y=7,061,717.77

YCSRF  
**P.O.B.**  
X=2,575,466.13  
Y=7,061,706.68



*Wayne C. Terry*  
09/26/2022

**EUBANKS LANE**  
(VARIABLE WIDTH R.O.W.)

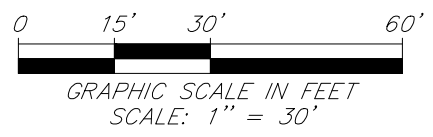
RIGHT OF WAY DEDICATION  
TO THE CITY OF WYLIE  
PARCEL NO. 6  
CALLED 0.0574 ACRES  
INST. NO. 2022000071174  
O.P.R.C.C.T.

NORTH TEXAS  
MUNICIPAL WATER DISTRICT  
CALLED 19.28 ACRES  
VOLUME 684, PAGE 384  
D.R.C.C.T.

**Notes:**  
-The waterlines graphically depicted hereon were not field verified by R-Delta Engineers, Inc. Their locations were provided by NTMWD. The graphics are illustrative of the criteria for limitations of rights only and are not locative.  
-Field notes of even date accompany this graphical exhibit.  
-The coordinates and bearings shown hereon are based on the the Texas Coordinate System of 1983, North Central Zone (4202). All distances are in U.S. Survey Feet and reported at the surface by applying a scale factor of 1.000152710.

**LEGEND**

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCING
- R.O.W. = RIGHT-OF-WAY
- D.R.C.C.T. = DEED RECORDS OF COLLIN COUNTY, TEXAS
- O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
- WL = WATER LINE
- YCSRF = 1/2" STEEL ROD WITH YELLOW CAP STAMPED "HALFF" FOUND
- = DENOTES MONUMENT AS DESCRIBED
- = DENOTES UNMARKED CORNER

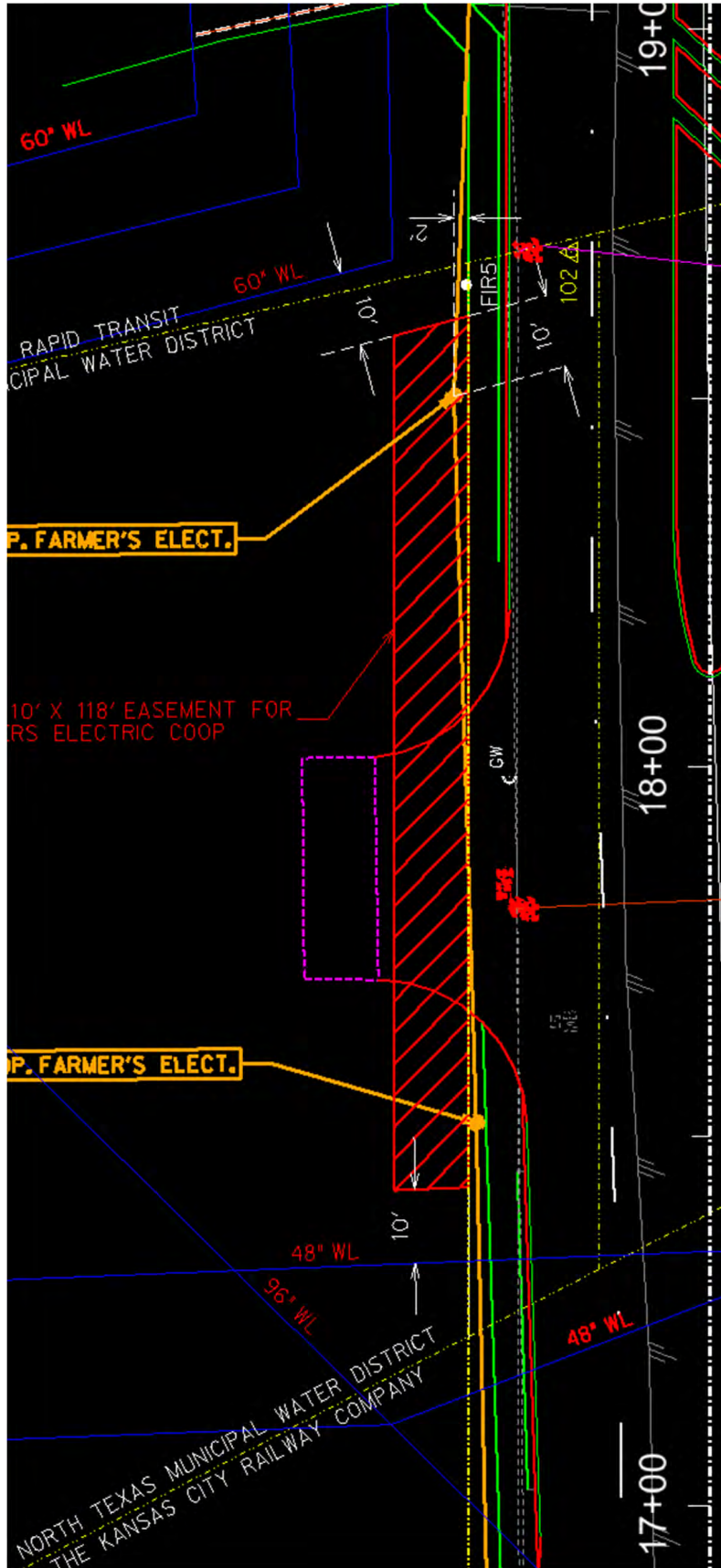


ABSTRACT-688  
FRANCISCO DE LA PINA SURVEY

|                            |         |   |
|----------------------------|---------|---|
| SEPTEMBER 2022             | 3101-22 | Sheet 2 of 2  |
| <b>rdelta</b><br>ENGINEERS |         | 618 Main Street<br>Garland, TX 75040<br>Ph. (972) 494-5031<br>Fax (972) 487-2270<br>www.rdelta.com<br>TBPE No. F-1515<br>TBPLS No. 10155000 |



# EXHIBIT B





**Conveyance of Utility Easement  
 Farmers Electric Cooperative, Inc.  
 Wylie Water Treatment Plant  
 Consent Agenda Item No. 23-01-04**



# NORTH TEXAS MUNICIPAL WATER DISTRICT

JANUARY 2023

CONSENT AGENDA ITEM NO. 23-01-05

## UPPER EAST FORK INTERCEPTOR SYSTEM MCKINNEY EAST SIDE EXTENSION IMPROVEMENTS PROJECT NO. 501-0551-19

RESOLUTION NO. 23 - 02

### RIGHT-OF-WAY ACQUISITION PROGRAM

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#### ACTION (*What*)

Authorize resolution to amend the previously approved Right-of-Way acquisition program to add a permanent easement for this project.

---

#### PURPOSE (*Why*)

Texas Department of Transportation (TxDOT) plans to widen State Highway 5, which affects the project's pipeline crossing. The proposed and existing manholes must be installed outside the proposed expansion area, requiring additional permanent easement.

---

#### RECOMMENDATION

The Executive Director and NTMWD staff recommend the Board of Directors:

- 1) Authorize the Executive Director to amend a previously executed right-of-way acquisition program for the McKinney East Side Extension Improvements, Project No. 501-0551-19, to add a permanent easement; and,
- 2) Adopt Resolution No. 23-02, *"A Resolution Authorizing the Use of Eminent Domain to Acquire Right-of-Way for the McKinney East Side Extension Improvements, Project No. 501-0551-19, and Delegating Authority to Initiate Condemnation Proceedings to the NTMWD Executive Director."*

Consultant: N/A

Scope: Right-of-way acquisition and the necessary support services to facilitate the purchasing of easements for the project

Project: 501-0551-19, McKinney East Side Extension Improvements

Funds: N/A

Strategic Objective: 3.3.Durable Strategic Partnerships

This was an item on the May 26, 2021 and May 25, 2022, Real Estate Committee agendas.

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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

- Ad Memo 5729 and Resolution 21-26, May 2021, approved a ROW acquisition program for Project No. 501-0551-19, McKinney East Side Extension Improvements, for the acquisition of temporary construction easements needed for replacing the pipelines within existing permanent easements.
- Consent Agenda Item No. 22-05-10 and Resolution 22-25, May 2022, amended the previously approved ROW acquisition program by adding the acquisition of temporary and permanent access easements.
- Texas Department of Transportation (TxDOT) plans to widen State Highway 5, specifically within the area of the McKinney East Side pipeline crossing.
- Planned and existing manholes interfere with a proposed TxDOT acquisition.
- TxDOT will not approve the highway crossing utility permit until the manholes are designed to be relocated outside the proposed TxDOT acquisition area.
- The pipeline route must incur a slight bend near the proposed property line to accommodate the manhole relocation.
- An additional permanent easement is needed for the pipeline and appurtenance relocations.

SUPPORT SERVICES

- Employ the firm of Saunders, Walsh & Beard, Attorneys & Counselors, to act as counsel on the acquisition of easements.
- Employ an appraiser to provide appropriate reports.
- Employ a title company to provide professional services related to certain property ownership issues.
- Employ contracted land agents or acquisition company(s) to assist in easement acquisition.
- Employ survey services to perform title survey for purchase and acquisition, and verify property lines and potential easement locations when necessary.

---

FUNDING

FUND(S): No additional funding is requested.

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# NORTH TEXAS MUNICIPAL WATER DISTRICT

## RESOLUTION NO. 23-02

### A RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN TO ACQUIRE RIGHT-OF-WAY FOR THE MCKINNEY EAST SIDE EXTENSION IMPROVEMENTS, PROJECT NO. 501-0551-19, AND DELEGATING AUTHORITY TO INITIATE CONDEMNATION PROCEEDINGS TO THE NTMWD EXECUTIVE DIRECTOR

**WHEREAS**, the NTMWD Board of Directors previously authorized a Right-of-Way Acquisition Program for McKinney East Side Extension Improvements, Project No. 501-0551-19 (Project) by Administrative Memorandum No. 5729 and Resolution No. 21-26; and,

**WHEREAS**, the NTMWD Board of Directors previously authorized an amendment to the Right-of-Way Acquisition Program to allow for the addition of temporary and permanent access easements by Consent Agenda Item No. 22-05-10 and Resolution No. 22-25; and,

**WHEREAS**, Texas Department of Transportation (TxDOT) has plans to widen State Highway 5, specifically at the location of the for McKinney East Side pipeline crossing; and,

**WHEREAS**, planned and existing manholes interfere with a proposed TxDOT acquisition; and,

**WHEREAS**, TxDOT will not approve the highway crossing utility permit until the manholes are designed to be relocated outside the proposed TxDOT acquisition; and,

**WHEREAS**, the pipeline route must incur a slight bend near the proposed property line to accommodate the manhole relocation; and,

**WHEREAS**, the Project requires a permanent easement to allow for the pipeline and appurtenance relocations; and,

**WHEREAS**, it may be necessary to acquire the easements required for the Project through the use of eminent domain in the event negotiations are unsuccessful; and,

**WHEREAS**, it may be necessary to hire contracted land agents or acquisition companies, appraisers, and attorneys, in order to negotiate easements required for the Project.

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

1. There is a public need for and that the public welfare and convenience are to be served by the improvements associated with the McKinney East Side Extension Improvements, Project No. 501-0551-19.
2. It is in the best interest and is necessary to acquire a permanent easement for the Project, and across the properties described in Exhibit "A" attached hereto, and incorporated by reference herein, to provide the required working area for prosecution of the work, and operation and maintenance of the facilities.
3. The Executive Director is authorized to employ surveyors to assist in the acquisition process, as required.

4. The power to initiate eminent domain proceedings is hereby delegated to the Executive Director and she is hereby authorized to take all steps necessary to acquire the easements for the Project; including the hiring of negotiators, appraisers, Title Company, and attorneys.
5. The Executive Director is authorized to employ the firm of Saunders, Walsh & Beard, Attorneys and Counselors, to represent the NTMWD in these land transactions; including filing of Petitions for Condemnation on properties when the Executive Director determines the property cannot be secured through negotiations and after issuance of a final offer letter in accordance therewith.

**THIS RESOLUTION ADOPTED BY THE NTMWD BOARD OF DIRECTORS IN A REGULAR MEETING ON JANUARY 26, 2023, IN THE ADMINISTRATIVE OFFICES OF THE NTMWD, WYLIE, TEXAS.**

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**GEORGE CRUMP, Secretary**

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**JACK MAY, President**

**(SEAL)**



 Proposed Permanent Easement  
 Existing Easement



**McKinney East Side Extension Improvements**  
**Project No. 501-0551-19**  
**Consent Agenda Item No. 23-01-05**



# NORTH TEXAS MUNICIPAL WATER DISTRICT

JANUARY 2023

ADMINISTRATIVE MEMORANDUM NO. 5884

## ANNUAL COMPREHENSIVE FINANCIAL REPORT

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### ACTION (*What*)

Accept submission of the 2021-2022 Annual Comprehensive Financial Report (ACFR).

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### PURPOSE (*Why*)

The ACFR is submitted to the Board annually for review and approval in support of both fiscal responsibility and transparency efforts. This report is a detailed review of the District's financial condition for the fiscal year ending September 30, 2022 provided by external auditors.

---

### RECOMMENDATION

Recommend acceptance of the 2021-2022 ACFR.

External auditors, Crowe LLP, provided the Finance Committee with a review of the annual audit's deliverables; their comments on the District's internal controls; and required audit communications on January 11, 2023.

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                     |

### BACKGROUND

- A copy of the 2021-2022 ACFR will be provided prior to the Board meeting.
  - The ACFR will be submitted to the Government Finance Officers Association for review and consideration for a Certificate of Achievement for Excellence in Financial Reporting.
  - The District has received this certificate each year since 1990.
-



# NORTH TEXAS MUNICIPAL WATER DISTRICT

JANUARY 2023

ADMINISTRATIVE MEMORANDUM NO. 5885

## INTERLOCAL AGREEMENT BETWEEN NORTH TEXAS MUNICIPAL WATER DISTRICT AND TARRANT REGIONAL WATER DISTRICT FOR A CONCEPTUAL LEVEL STUDY TO EVALUATE THE POTENTIAL FOR COLLABORATION ON THE CEDAR CREEK WETLANDS PROJECT

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### ACTION *(What)*

Authorize the Executive Director to execute an Interlocal Agreement (ILA) with Tarrant Regional Water District (TRWD) to study conceptual level options for incorporating NTMWD's available treated return flows into TRWD's Cedar Creek Wetlands Project.

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### PURPOSE *(Why)*

TRWD is in final design phase of the Cedar Creek Wetlands Project and NTMWD anticipates having access to return flow volumes in excess of the capacity of its East Fork Wetlands. The study will explore the feasibility and potential options for incorporating NTMWD's available return flows into the Wetlands Project, and how these options may or may not provide overall water supply system benefits to both Parties.

---

### RECOMMENDATION

The Executive Director and NTMWD staff recommend the Board of Directors to authorize the Executive Director to execute an ILA as follows.

#### Contracting

Party: NTMWD and TRWD

Purpose: Execution of Interlocal Agreement

Amount: \$63,000

Strategic Objective: 1.4 Reliable and Resilient system  
3.3 Durable Strategic Partnerships

This will be an item on the January 25, 2023, Water Committee agenda.

---

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 type="checkbox"/> Administrative         |
| <input type="checkbox"/> Policy                          | <input type="checkbox"/> Other _____            |

BACKGROUND

- TRWD has entered into the final design phase of the Cedar Creek Wetlands which will be a constructed wetland system that will provide additional water supply by making use of available treated return flows in the Trinity River and diversions from the Trinity River will be filtered through the Cedar Creek Wetlands.
- NTMWD owns and operates the East Fork Wetlands and the Main Stem Pump Station, which make use of treated return flows in the East Fork of the Trinity River and the main stem of the Trinity River to provide additional NTMWD water supply. NTMWD anticipates having access to return flow volumes in excess of the capacity of its East Fork Wetlands as treated return flows increase in these watersheds
- The proximity of the proposed location of the Cedar Creek Wetlands Project to NTMWD facilities and the anticipated increase in future treated return flows result in potential benefits for TRWD and NTMWD that may be realized by partnering on the Cedar Creek Wetlands Project.
- This ILA will allow NTMWD and TRWD to determine the feasibility of partnering on the Wetlands Project and the potential mechanisms for doing so.
- TRWD will administer the consultant services contract with Plummer Associates Inc. for this effort.
- Implementation of any future projects identified through the effort will require specific contractual agreement(s) between the respective Parties.
- The term of this Agreement shall be for four (4) years, commencing on the Effective Date.
- The Parties (NTMWD and TRWD) agree to share in the cost of the total estimated cost of the Project in an amount not to exceed \$90,000.
- A copy of the Scope of Work is attached.
- A copy of the agreement is attached.

FUNDING

| Description             | Amount              |
|-------------------------|---------------------|
| Study Total Amount      | \$ 90,000.00        |
| NTMWD share             | \$ 63,000.00 (70%)  |
| TRWD share              | \$ 27,000.00 (30%)  |
| <b>Amount Requested</b> | <b>\$ 90,000.00</b> |

FUND(S): NTMWD funding for \$63,000 is to be made available in the Shared Services Annual Operating Budget (Account No: 100-5714-531490 Raw Water Development).

## **TRWD and NTMWD Cedar Creek Wetlands Collaboration Conceptual Level Study**

Tarrant Regional Water District (TRWD) owns and operates the Richland-Chambers (RC) Wetlands and is currently in the design phase for the Cedar Creek (CC) Wetlands. Similar to the RC Wetlands, the CC Wetlands will be a constructed wetland system that will provide additional water supply by making use of TRWD customer return flows in the Trinity River. Construction will follow final design, and the CC Wetlands are currently anticipated to be online by 2031 or 2032. Diversions from the Trinity River will be filtered through the CC Wetlands before being transported to Cedar Creek Reservoir for subsequent storage and transmission by TRWD through its existing infrastructure.

The North Texas Municipal Water District (NTMWD) owns and operates the East Fork Wetlands and the Main Stem Pump Station, which make use of treated return flows in the East Fork of the Trinity River and the Trinity River to provide additional NTMWD water supply. As wastewater discharges increase in these watersheds, NTMWD anticipates having return flow volumes in excess of the capacity of its East Fork Wetlands.

Given the proximity of the proposed location of the CC Wetlands to NTMWD facilities and the anticipated increase in NTMWD future treated return flows, there are potential benefits for TRWD and NTMWD that may be realized by partnering on the CC Wetlands Project. TRWD and NTMWD desire to further study this concept. The purpose of this study is to evaluate at a conceptual level the potential options for incorporating NTMWD's treated return flows into the CC Wetlands project.

### ***Task 1 – Available Return Flows and Cedar Creek Wetlands Capacity***

1. TRWD and NTMWD will provide information to Consultant regarding available return flows:
  - a. TRWD permitted return flows for both RC and CC Wetlands
  - b. TRWD potential future return flows for both RC and CC Wetlands from the Trinity River watershed
  - c. NTMWD permitted return flows and potential future return flows from the East Fork of the Trinity River and the Trinity River watershed
2. Consultant will review return flow data provided by TRWD and NTMWD and develop at least three (3) scenarios of available return flows over time:
  - a. Currently permitted return flows only
  - b. Currently permitted and potential future expected return flows
  - c. Currently permitted and potential future maximum return flows
3. TRWD will provide available design data for CC Wetlands to Consultant.
4. For each return flow scenario described above, Consultant will identify approximate timing of when the Cedar Creek Wetlands capacity will no longer be able to accommodate available return flows if all water treated in the CC Wetlands is discharged into Cedar Creek Reservoir.
5. TRWD has determined that Cedar Creek Reservoir can assimilate 156 MGD from the Cedar Creek Wetland System. If water from NTMWD can be diverted to locations other than Cedar Creek Reservoir, Consultant will use the "Wetland Sizing Technical Memorandum Cedar Creek Constructed Wetlands," September 2022, by Plummer, to determine additional land and pumping capacity needs for the CC Wetlands project.

***Task 2 – Identify and Evaluate Potential Points of Integration***

1. With input from both TRWD and NTMWD, Consultant will identify up to five (5) potential alternatives for integrating NTMWD's return flows into the Cedar Creek Wetlands design. Considerations for each alternative may include aspects such as wetland and pumping operations, points of delivery and diversion, need for new infrastructure, and possible interconnections between NTMWD and TRWD existing infrastructure.
2. Consultant will evaluate each alternative on a planning level basis, identifying the benefits and potential hurdles of each.

***Task 3 – Coordination with Legal Counsel Regarding Potential Cost Share Mechanisms (Special Services – only to be completed upon written authorization of TRWD)***

1. Consultant will coordinate with legal counsel for TRWD and NTMWD on an as-needed basis to provide technical information necessary for the evaluation of potential cost sharing mechanisms.
2. This scope item may include up to one (1) workshop with TRWD, NTMWD and legal counsel for both entities.

***Task 4 – Technical Memorandum***

1. Consultant will develop a technical memorandum documenting the conceptual level analysis completed and the results of said analysis. Potential benefits and hurdles of each alternative, including conceptual level cost estimates will be thoroughly explored and itemized within the technical memorandum.
2. Technical memorandum will provide recommendations for the most viable alternative(s) for integrating NTMWD return flows into the CC Wetlands project.

**INTERLOCAL AGREEMENT BETWEEN TARRANT REGIONAL WATER DISTRICT  
AND NORTH TEXAS MUNICIPAL WATER DISTRICT FOR A CONCEPTUAL  
LEVEL STUDY TO EVALUATE THE POTENTIAL FOR COLLABORATION ON THE  
CEDAR CREEK WETLANDS PROJECT**

THIS INTERLOCAL AGREEMENT FOR A CONCEPTUAL LEVEL STUDY (the “Conceptual Study”) TO EVALUATE THE POTENTIAL FOR COLLABORATION ON THE CEDAR CREEK WETLANDS PROJECT (the “Agreement”) is made and entered into as of the date on which the Agreement becomes fully executed by the signatures of both parties to the Agreement. (the “Effective Date”), by and between the Tarrant Regional Water District, a conservation and reclamation district created and operating pursuant to Article XVI, Sec. 59 of the Texas Constitution (“TRWD”), and the North Texas Municipal Water District, a conservation and reclamation district created and operating pursuant to Article XVI, Sec. 59 of the Texas Constitution (“NTMWD”), also each referred to as a “Party,” or collectively, the “Parties.”

**W I T N E S S E T H :**

WHEREAS, the Parties stipulate and acknowledge they have requisite legal authority to enter into this Agreement; and,

WHEREAS, TRWD has entered into the final design phase of the Cedar Creek Wetlands Project (the “Wetlands Project”), which will be a constructed wetland system that will provide additional water supply by making use of available treated return flows in the Trinity River; and,

WHEREAS, diversions from the Trinity River will be filtered through the Cedar Creek Wetlands before being transported to Cedar Creek Reservoir for subsequent storage and transmission by TRWD through its existing infrastructure; and,

WHEREAS, NTMWD owns and operates the East Fork Wetlands and the Main Stem Pump Station, which make use of treated return flows in the East Fork of the Trinity River and the main stem of the Trinity River to provide additional NTMWD water supply; and,

WHEREAS, NTMWD anticipates having access to return flow volumes in excess of the capacity of its East Fork Wetlands as treated return flows increase in these watersheds; and,

WHEREAS, the proximity of the proposed location of the Wetlands Project to NTMWD facilities and the anticipated increase in future treated return flows result in potential benefits for TRWD and NTMWD that may be realized by partnering on the Wetlands Project; and,

WHEREAS, the Parties desire to evaluate at a conceptual level the potential options for incorporating NTMWD’s available treated return flows into the Wetlands Project; and,

WHEREAS, the purpose of this Agreement is to determine the feasibility of partnering on the Wetlands Project and the potential mechanisms for doing so; and,

WHEREAS, the Parties intend to share in the costs of the conceptual level study of a potential partnership on the Wetlands Project; and,

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the sufficiency of which are hereby conclusively acknowledged, and subject to the terms and conditions hereinafter set forth, TRWD and NTMWD, mutually undertake, promise, and agree as follows:

## AGREEMENT

Section 1. **PROJECT PURPOSE.** The Parties agree to jointly study the feasibility and potential options for incorporating NTMWD's available return flows into the Wetlands Project, and how these options may or may not provide overall water supply system benefits to both Parties.

Section 2. **PROJECT CONTRACTOR.** Alan Plummer and Associates, Inc., is the contractor ("Contractor") for the Conceptual Study. Attached as **Exhibit A** is Contractor's scope of work for the Conceptual Study (the "Study Scope"). TRWD shall manage the Conceptual Study contract with Contractor and advise NTMWD of any contractual disputes that may arise between TRWD and Contractor. The Study Scope may be amended or modified, but only upon the prior written agreement of the Parties.

Section 3. **TERM OF AGREEMENT.** The initial term of this Agreement shall be for four (4) years, commencing on the Effective Date, after which the Agreement shall automatically renew and extend for successive one-year terms. Following the initial four (4) year term, either Party may withdraw from this Agreement by providing written notice at least thirty (30) days prior to (i) the first renewal date of the Agreement; or (ii) the date of any subsequent one-year renewal. The withdrawing party shall be required to pay its cost shares of the Conceptual Study fee as provided in Section 4, including any excess amount of cost shares agreed to as provided in Section 5, no later than thirty (30) days from the date of such Party's written notice to the other Parties of its withdrawal from the Agreement.

Section 4. **COST SHARING.** The Parties agree to share in the cost of the total estimated not-to-exceed fee for the Study Scope of \$90,000.00, with TRWD and NTMWD paying thirty percent (30%) and seventy percent (70%) of the total amount paid to Contractor, respectively. The not-to-exceed cost shares of the Study Scope fee for which each Party is responsible is as follows:

TRWD: \$27,000.00 (30%)  
NTMWD: \$ 63,000.00 (70%)

Section 5. **FEES IN EXCESS OF COST ESTIMATE.** If the total cost of the Conceptual Study exceeds the fee estimate of \$90,000.00, upon written approval of the Parties, the Parties agree that the excess amount will be divided between the Parties and paid proportionally as described in Section 4.

Section 6. **PAYMENT OF INVOICES.** Contractor shall invoice TRWD as work on the Conceptual Study progresses. NTMWD shall remit its share of payment reflected in Section 4 to

TRWD within thirty (30) calendar days of receipt of written request from TRWD for payment and a copy of the invoice from Contractor. The obligations of the Parties to make payments to TRWD shall be absolute and unconditional and shall not be subject to diminution by set-off, counterclaim, abatement or otherwise.

Section 7. PAYMENT FROM CURRENT REVENUES. The Parties agree that the payments required by this Agreement for the performance of governmental functions or services shall be made from current revenues available to each paying Party.

Section 8. MODIFICATION. This Agreement may be changed or modified only by written agreement of the Parties and only after having obtained approval from the governing bodies of all the Parties.

Section 9. FORCE MAJEURE. If by reason of force majeure any Party hereto shall be rendered unable wholly or in part to carry out its obligations under this Agreement, then if such Party shall give notice and full particulars of such force majeure in writing to the other Party within a reasonable time after occurrence of the event or cause relied on, the obligation of the Party giving such notice, so far as it is affected by such force majeure, shall be suspended during the continuance of the inability then claimed, but for no longer period, and any such Party shall endeavor to remove or overcome such inability with all reasonable dispatch. The term "force majeure" as employed herein shall mean acts of God, strikes, lockouts, or other industrial disturbances, acts of public enemy, orders of any kind of the Government of the United States or the State of Texas, or any civil or military authority, insurrection, riots, epidemics (including pandemics), landslides, lightning, earthquake, fires, hurricanes, storms, floods, washouts, droughts, arrests, restraint of government and people, civil disturbances, explosions, breakage or accidents to machinery, pipelines or canals, partial or entire failure of water supply, or on account of any other causes not reasonably within the control of the Party claiming such inability.

Section 10. REGULATORY BODIES AND LAWS. This Agreement is subject to all applicable Federal and State Laws and any applicable permits, ordinances, rules, orders, and regulations of any local, state, or federal governmental authority having or asserting jurisdiction, but nothing contained herein shall be construed as a waiver of any right to question or contest any such law, ordinance, order, rule, or regulation in any forum, having jurisdiction.

Section 11. NOTICES. Unless otherwise provided herein, any notice, communication, request, reply, or advice (herein severally and collectively, for convenience, called "Notice") herein provided or permitted to be given, made, or accepted by any Party to any other Party must be in writing and may be given or be served by depositing the same in the United States mail, addressed to the Party to be notified and sent via first-class mail and by certified mail/return-receipt requested, or by delivering the same to an officer of such Party. Notice deposited in the mail in the manners hereinabove described shall be deemed to be effective, unless otherwise stated herein, from and after the expiration of three (3) days after it is so deposited. Notice given in any other manner shall be effective only if and when received by the Party to be notified. For the purposes of Notice, the addresses of the Parties shall, until changed as hereinafter provided, be as follows:

If to TRWD, to:

Tarrant Regional Water District  
Attn: General Manager  
800 E Northside Drive  
Fort Worth, TX 76102

If to NTMWD, to:

North Texas Municipal Water District  
Attn: Executive Director/General Manager  
P.O. Box 2408  
Wylie, Texas 75098

The Parties hereto shall have the right from time to time and at any time to change their respective addresses and each shall have the right to specify as its address any other address by at least fifteen (15) days written notice to the other Parties hereto.

Section 12. SEVERABILITY. The Parties hereto specifically agree that in case any one or more of the sections, subsections, provisions, clauses, or words of this Agreement or the application of such sections, subsections, provisions, clauses, or words to any situation or circumstance should be, or should be held to be, for any reason, invalid or unconstitutional, under the laws or constitutions of the State of Texas or the United States of America, or in contravention of any such laws or constitutions, such invalidity, unconstitutionality, or contravention shall not affect any other sections, subsections, provisions, clauses, or words of this Agreement or the application of such sections, subsections, provisions, clauses, or words to any other situation or circumstance, and it is intended that this Agreement shall be severable and shall be construed and applied as if any such invalid or unconstitutional section, subsection, provision, clause, or word had not been included herein, and the rights and obligations of the Parties hereto shall be construed and remain in force accordingly.

Section 13. GOVERNING LAW; VENUE. All Parties agree that this Agreement shall be construed under the laws of the State of Texas, and obligations under the Agreement shall be performed in Tarrant County, Texas. In the event that any legal proceeding is brought to enforce this Agreement or any provision hereof, the same shall be brought in the State District Court of Collin County, Texas. The Parties agree to submit to the jurisdiction of said court.

Section 14. SOLE AGREEMENT. This Agreement constitutes the sole and only agreement of TRWD and NTMWD and supersedes any prior understanding or oral or written agreements between TRWD and NTMWD with respect to the subject matter of this Agreement.

Section 15. NO THIRD-PARTY BENEFICIARIES. This Agreement shall inure only to the benefit of the Parties hereto and third persons not privy hereto shall not, in any form or manner, be considered a third-party beneficiary of this Agreement.



Section 16. WAIVER. Any waiver at any time by any Party of its rights with respect to default under this Agreement shall not be deemed a waiver of such rights with respect to any subsequent default or matter.

Section 17. REMEDIES. Nothing in this Agreement shall be construed as, in any manner, to abridge, limit or deprive any Party hereunto of any means which it could otherwise have of enforcing any right or remedy either in law or in equity for breach of any of the provisions hereof.

Section 18. RELATIONSHIP OF THE PARTIES. This Agreement shall not be interpreted or construed to create an association, joint venture, or partnership between the Parties or to impose any partnership obligation or liability upon any of the Parties. None of the Parties shall have any right, power, or authority to enter into any agreement or undertaking for, or act on behalf of, or to act as or be an agent or representative of, or to otherwise bind, any of the other Parties.

Section 19. SUCCESSION AND ASSIGNMENT. This Agreement is binding upon and shall inure to the benefit of the Parties, their heirs, successors and assigns. This Agreement may not be assigned by any Party hereto without the prior written notice to, and prior written approval by, the other Parties, which consent may be withheld without cause.

Section 20. RECITALS AND EXHIBITS INCORPORATED. The recitals contained in the preamble hereof and the exhibits hereto are hereby found to be true, and such recitals and exhibits are hereby made a part of this Agreement for all purposes.

Section 21. AUTHORITY TO EXECUTE. Each person signing on behalf of the Parties hereby confirms that they have the authority to execute this Agreement on behalf of the Party indicated by their signature.

IN WITNESS WHEREOF, the Parties hereto acting under authority of their respective governing bodies have caused this Agreement to be duly executed in several counterparts, each of which shall constitute an original, all as of the Effective Date of this Agreement.

**TARRANT REGIONAL WATER DISTRICT**

By: \_\_\_\_\_  
Dan Buhman, P.E. Date \_\_\_\_\_  
General Manager

**NORTH TEXAS MUNICIPAL WATER DISTRICT**

By: \_\_\_\_\_  
Jennafer P Covington, P.E. Date \_\_\_\_\_  
Executive Director/General Manager

# NORTH TEXAS MUNICIPAL WATER DISTRICT

JANUARY 2023

ADMINISTRATIVE MEMORANDUM NO. 5886

REGIONAL WATER SYSTEM  
EAST SYSTEM CONTROL VALVE  
PROJECT NO. 101-0604-22

TABULATION OF BIDS AND AWARD OF CONTRACT  
AND AUTHORIZE INSPECTION SERVICES

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## ACTION (*What*)

Authorize award of a construction contract and internal inspection services for the installation of the East System Control Valve on the Wylie Water Treatment Plant site.

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## PURPOSE (*Why*)

The objective of the project is to provide hydraulic control direct treated water into the East Transmission System under varying demand conditions. This project allows NTMWD to utilize the existing pumping capacity at High Service Pump Station (HSPS) 3-1 to meet these needs with minimal additional infrastructure.

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## RECOMMENDATION

The Executive Director, NTMWD staff and Pape-Dawson Engineers, Inc. recommend the Board of Directors authorize the award of a construction contract as follows:

Contractor: MELA Contracting, Inc.

Scope: Construction

Project: No. 101-0604-22, East System Control Valve

Amount: Construction Contract: \$4,109,000  
Internal Inspection Services: \$ 450,000

Strategic Objectives: 1.1 High quality services

This will be an item on the January 25, 2023, Water Committee meeting agenda.

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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 type="checkbox"/> Administrative         |
| <input type="checkbox"/> Policy                          | <input type="checkbox"/> Other _____            |

BACKGROUND

PROJECT PURPOSE

- The primary goal of this project is to provide hydraulic control necessary to supplement the projected water demands in the East System.
- The new 48-inch bypass and valve will allow NTMWD to utilize existing pumping capacity at HSPS 3-1 to accommodate increased demands with minimal additional infrastructure. An existing control valve in the same vicinity will remain in service to allowed continued flow control under certain lower-demand conditions.

PROJECT COMPONENTS

- Installation of above ground piping with a magnetic flow meter, motor operated butterfly valve, and motor operated control valve, connection to existing 90-inch discharge header and existing 48-inch pipeline, installation of isolation gate valves and blow off valves, installation of concrete pad and driveway with parking spaces, 8-inch water line relocation, and integration of system in supervisory control and data acquisition (SCADA) network.

TABULATION OF BIDS

Sealed bids for construction were received at 2:00 p.m. on Wednesday, December 21, 2022, as tabulated below:

| Bidder                                 | Total Bid      | Recommendation                                  |
|--|----------------|---|
| MELA Contracting, Inc.                 | \$4,109,000.00 | Lowest responsible bid<br>Recommended for Award |
| Felix Construction                     | \$4,611,600.00 |   |
| ENGINEER'S OPINION OF<br>PROBABLE COST | \$2,888,000.00 |   |

### RECEIPT AND EVALUATION OF BIDS

Although efforts were made to solicit bidding interest among many contractors who have performed or shown interest in similar projects in the past, only two bids were submitted. Outreach indicates that many potential bidders are pursuing other interests at this time and that this project provided relative minimal interest to most.

The bidders that did participate are well-known to the District and have both demonstrated adequate capabilities to successfully complete this project. Although the bids are relatively higher than the Engineer's opinion of probable cost they are relatively close to one another, suggesting a common understanding of the real effort and current market conditions that will come to bear.

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### LOWEST RESPONSIBLE BIDDER HISTORY

MELA Contracting, Inc. has successfully completed or is currently in construction on several projects for NTMWD:

- Project No. 101-0304-12, Royse City No. 1 Tank and Delivery Point Improvements (completed April 2018)
- Project No. 101-0305-12, Garland No. 4 Delivery Point Improvements (completed April 2018)
- Project No. 101-0338-13, NTMWD Meter Vault Standardization, Set Point Control Implementation, Phase II (currently in construction)
- Project No. 101-0444-16, Wylie Water Treatment Plant I Clearwell Repairs and Miscellaneous Improvements (completed February 2018)

Based on their standing as lowest responsible bidder, the information provided, and reports by the supplied references, the NTMWD staff and Pape-Dawson Engineers, Inc. recommend award of the contract to MELA Contracting, Inc.

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### INTERNAL INSPECTION SERVICES

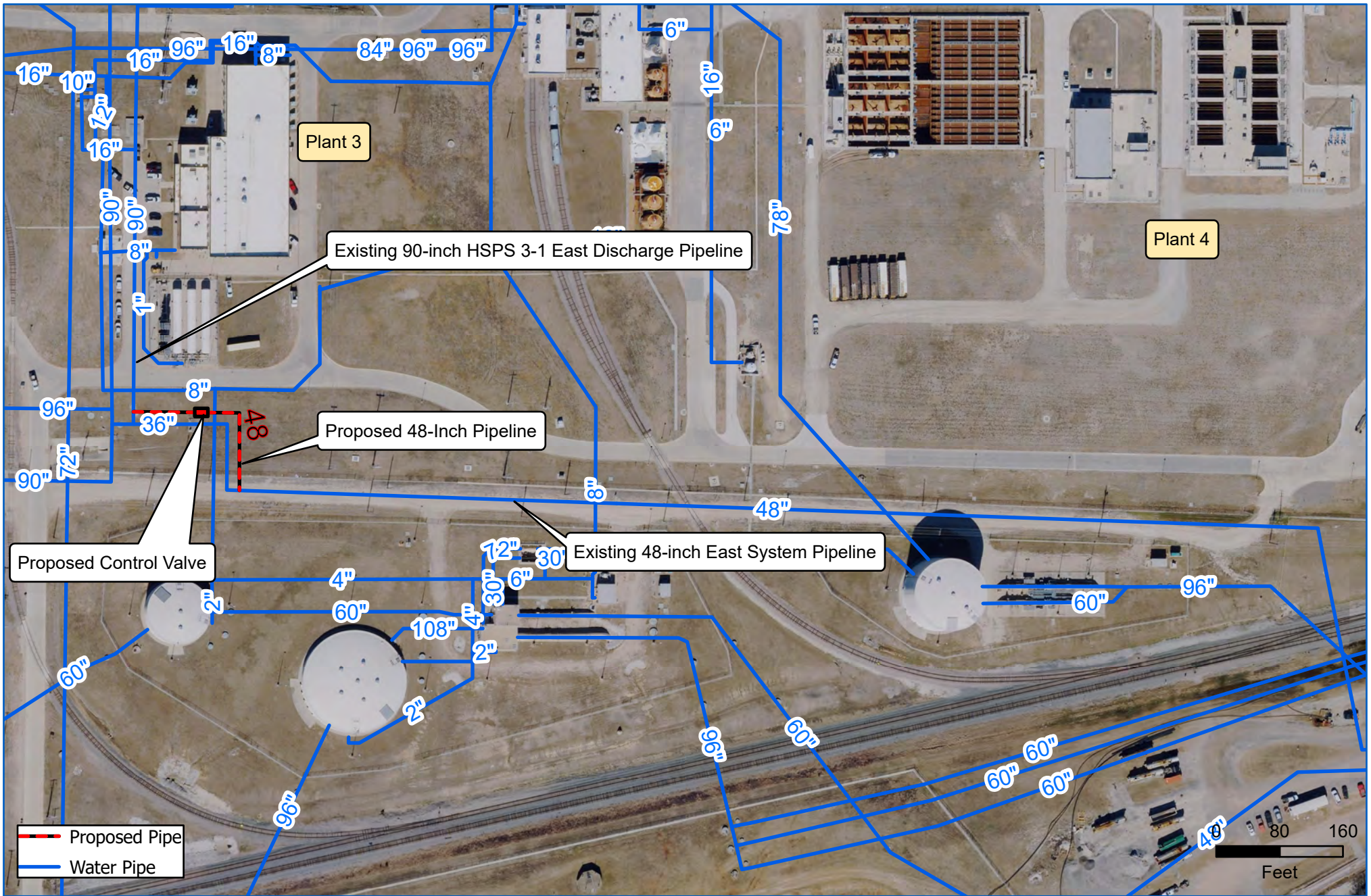
NTMWD will utilize its own inspection staff to cover all inspection tasks. The costs to the NTMWD related to this internal inspection coverage is approximately \$450,000.

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### FUNDING

FUND(S): Funding in the amount of \$4,109,000 to Mela Contracting and \$450,000 for NTMWD Internal Inspection is to be made available in the Regional Water System 2021 Construction Fund.

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**East System Control Valve  
 Project No. 101-0604-22  
 Administrative Memorandum No. 5886**

