



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:

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

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

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 23rd and Monday, December 26th. 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:

- o Wednesday, January 11th – Executive and Finance Committees
- o Wednesday, January 25th – Real Estate and Water Committees
- o Thursday, January 26th – 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 32nd 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 88th 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

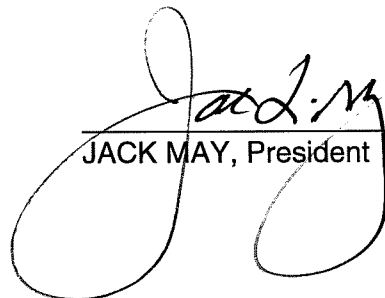
- A. Opportunity for Board members to provide feedback or request potential future agenda items.

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

XIV. ADJOURNMENT

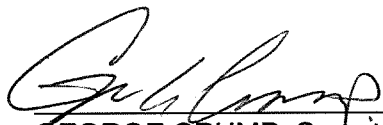
There being no further business, the meeting adjourned at approximately 5:02 p.m.

APPROVED:



JACK MAY, President

ATTEST:



GEORGE CRUMP, Secretary

