



## **NORTH TEXAS MUNICIPAL WATER DISTRICT**

**501 E. Brown Street • Wylie, Texas 75098  
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### **MINUTES OF REGULAR MEETING OF THE BOARD OF DIRECTORS FEBRUARY 23, 2023**

The North Texas Municipal Water District (NTMWD) Board of Directors met in a regular meeting on Thursday, February 23, 2023, 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 Joe Farmer 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>	√	
Kalen <b>BOREN</b>	√	
John <b>CARR</b>	Absent	
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>	√	
Don <b>PASCHAL</b>	√	
Richard <b>PEASLEY</b>	√	
Randy <b>ROLAND</b>	√	
Lynn <b>SHUYLER</b>	Absent	
Keith <b>STEPHENS</b>		√
Jody <b>SUTHERLAND</b>	Absent	
John <b>SWEEDEN</b>		√
Larry <b>THOMPSON</b>	√	

The following NTMWD legal and professional consultants attended the meeting:

- Lauren Kalisek – Lloyd Gosselink Rochelle & Townsend

**VI. OPENING REMARKS**

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

President May welcomed newly appointed Board member from the City of McKinney, Don Paschal.

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

- March 8: Policy and Finance Committees
- March 17: Board tour of the 121 Regional Disposal Facility
- March 22: Real Estate and Water Committees
- March 23: Regular 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 Jenna Covington thanked the Board for attending the Customer Premium Work Session held last week. A follow-up Work Session will be scheduled in April.

Executive Director Covington announced completion of the Floyd Branch Regional Wastewater Treatment Plant Process Optimization and Improvement Project.

Executive Director Covington reviewed that in March 2022 the Board of Directors adopted a five-year Strategic Plan. She advised that next month staff will provide a review of progress made in the first 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.

There were no requests for public comments.

**VIII. DISCUSSION ITEMS**

- A. Bois d’Arc Lake Update

Deputy Director Cesar Baptista provided an update regarding the Permittee Compliance Certification, noting it was received February 15, 2023. He also

provided a construction update and advised that the project completion is anticipated in June 2023. He noted that the project is expected to have unused funding of \$937,000.

Mr. Baptista reviewed the unavailability of the Mitigation Property Builder's Risk Insurance and advised that solutions are being considered. Mr. Baptista also advised that the planned Floating Boathouse remains pending due to the required Lake level not having yet reached 525.

Mr. Baptista provided an update on the Leonard Water Treatment Plant, and Raw and Treated Water Pipelines. Bacteriological testing will be conducted at 47 sampling points and treatment of water should be March 13th. This date may be impacted somewhat by the District's annual temporary change in disinfection being scheduled from March 6<sup>th</sup> until April 3<sup>rd</sup>.

Assistant Deputy Galen Roberts updated the Board on the status of opening Bois d'Arc Lake to the public. He advised that today the Lake level is at elevation 524.5, having risen approximately four (4) feet in the past month. Normal elevation will be at 534. Mr. Roberts reviewed that the District owns the property around the Lake up to elevation 541, including three public boat ramps. A map of the Lake and location of ramps was provided.

Mr. Roberts advised that the District did some timber clearing to create boat lanes above elevation 520, however noted it is impossible to identify all hazards under the water. He advised that staff is recommending the Lake be at elevation 532 prior to opening all three District owned boat ramps simultaneously. He added that an analysis of the potential for the Lake to reach elevation 532 reflects the mid-range of the timeline to be the end of 2023, however noted that rainfall will impact the timeline. Under the wettest conditions, that could be in the Spring of 2023.

Mr. Roberts advised that in regard to public safety, the Fannin County Sheriff's Department and the Texas Parks and Wildlife Department (TPWD) will have all resources in place to operate at the Lake this Spring.

Mr. Roberts advised that the initial opening of the Lake will require authorization by the Board of Directors to open the public boat ramps, the installation of wayfinding signs by TxDOT, coordination with Fannin County and TPWD, website and social media communications regarding the opening, and the planning of a grand opening day.

**B. Review Construction Inspection Services Request Process**

Cesar Baptista advised this item is being provided in response to a request from a Director. He provided an overview of the types of projects the District undertakes and the uses of internal and outsourced inspection services. A chart listing the number of inspectors per current project was provided. Mr. Baptista added that it is the District's priority to maintain 100 percent utilization of internal staff, however considerations must be made as to the type, schedule, location, and expertise needed for each project.

Mr. Baptista provided an overview of the selection process for outsourced inspection services. He provided an example chart of projects and assigned inspectors that is maintained by the District in order to manage the inspectors.

In response to a Director's question, Mr. Baptista confirmed that whether inspection services are internal or outsourced, the costs are charged to the project.

C. Communications Department Update

Communication Manager Wayne Larsen provided some background on the Communications Department and a summary of department growth. He provided an overview of public education, including water conservation, and public relations conducted by the staff. This department was instrumental in planning the Bois d'Arc Lake Dedication event.

Mr. Larsen provided an overview of new programs and efforts planned for 2023.

Several Directors offered general comments and questions.

**IX. EXECUTIVE SESSION**

At 3:39 p.m. President May announced the need for an Executive Session of the Board of Directors to discuss items IX. A. 1. and 2. on the agenda pursuant to the Texas Government Code, Section 551.071, Consultation With Attorney.

A. Consultation with Attorney  
(Tex. Gov't Code Section 551.071)

1. Manuel Cole v. North Texas Municipal Water District, Cause No. 429-06813-2021
2. Progressive County Mutual Insurance Company V. NTMWD, Cause No. 003-04136-2021

**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 3:50 p.m. The public teleconference line was reconnected.

No action was taken in Executive Session. No action was taken in Open Session.

**XI. CONSENT AGENDA ITEMS**

President May inquired whether any Director would like to remove an item from the Consent Agenda for separate discussion. There were no requests for separate discussion of Consent Agenda items.

Upon a motion by Director Geralyn Keever to approve the Consent Agenda items and a second by Director Phil Dyer, the Board of Directors voted unanimously to approve the Consent Agenda.

- A. **Approval of Regular Board Meeting Minutes - Consent Agenda Item No. 23-02-01**
- Consider approval of January 26, 2023, Board of Directors Regular meeting minutes
- B. **Approval of Modification of Capital Projects Request - Consent Agenda Item No. 23-02-02**
- Consider approval of January 2023 Modification of Capital Projects Request
- C. **Authorize execution of an amendment to the Construction Manager At-Risk (CMAR) for the Bois d'Arc Lake Dam and Intake Structure project - Consent Agenda Item No. 23-02-03**
- Consider authorizing the Executive Director to execute Amendment No. 17 to the CMAR with Archer Western Construction, LLC to close eight work packages, reduce the Guaranteed Maximum Price, add contract time and reduce retainage resulting in a credit in the amount of (\$937,490.46) for Project No. 101-0344-13, Bois d'Arc Lake Dam and Intake Structure
- D. **Adoption of Resolution No. 23-03 authorizing the conveyance of property to the City of Allen - Consent Agenda Item No. 23-02-04**
- Consider adoption of Resolution No. 23-03 authorizing the Executive Director to execute transaction documents and convey property in fee simple of approximately 1.25 acres to the City of Allen near the North System Exchange Parkway Ground Storage Tank site for Project No. 101-0385-15
- E. **Adoption of Resolution No. 23-04 authorizing the conveyance of property to Oncor Electric Delivery Company, LLC (Oncor) - Consent Agenda Item No. 23-02-05**
- Consider adoption of Resolution No. 23-04 authorizing the Executive Director to execute a conveyance of property of approximately 0.064 acres of permanent easement to Oncor for Project No. 501-0513-18, North McKinney Transfer Lift Station
- F. **Authorization to declare certain NTMWD property as salvage or surplus and authorize the execution of a contract to facilitate sale of such assets - Consent Agenda Item No. 23-02-06**
- Consider declaring certain NTMWD property as salvage or surplus and authorizing the Executive Director to execute a contract with René Bates Auctioneers, Inc., for the auction sale of such assets listed in Consent Agenda Item No. 23-02-06
- G. **Adoption of Resolution No. 23-05 authorizing the First Amendment to the Interlocal Cooperation Agreement (ILA) with the City of Melissa - Consent Agenda Item No. 23-02-07**
- Consider adoption of Resolution No. 23-05 authorizing the Executive Director to execute the First Amendment to the ILA with the City of Melissa regarding the Stiff Creek Sewer Capital Improvements project

**XII. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION**

**WATER AGENDA ITEMS**

**A. Authorize execution of a potable water supply contract with Wylie Northeast Special Utility District (SUD) - Administrative Memorandum No. 5887**

- Consider authorizing the execution of a potable water supply contract with current customer, Wylie Northeast SUD, with a contract term of 20 years

Director Terry Sam Anderson advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize execution of a Potable Water Supply Contract with Wylie Northeast Special Utility District, a current customer of NTMWD.

Director Terry Sam Anderson made a motion to approve. Motion was seconded by Director Jim Kerr.

Prior to the vote, a question was raised as to the rates applied in the contract. Executive Director Covington responded that the new contract template allows for the Board to set the rate.

The Board of Directors voted unanimously to approve.

**WASTEWATER AGENDA ITEMS**

**B. Authorize construction Change Order No. 8 for the Buffalo Creek Parallel Interceptor , Phase I project - Administrative Memorandum No. 5888**

- Consider authorizing Change Order No. 8 with Mountain Cascade of Texas, LLC for additional vents and odor control improvements for Project No. 507-0484-17, Buffalo Creek Parallel Interceptor, Phase I

Director Ron Kelley advised that the Wastewater Committee reviewed this item yesterday and voted to recommend the Board authorize funding for Change Order No. 8 with Mountain Cascade of Texas, LLC for additional vents and odor control systems on the Buffalo Creek Parallel Interceptor, Phase I project.

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

**C. Authorize construction Change Order No. 4 for the Upper East Fork Interceptor System Relocation of 60-inch Wastewater Pipeline project - Administrative Memorandum No. 5889**

- Consider authorizing Change Order No. 4 with McKee Utility Contractors, Inc. in the amount of \$672,459.72, which is subject to Texas Department of Transportation reimbursement to resolve a utility conflict with the existing 60-inch NTMWD interceptors and additional pavement replacement necessary to facilitate the relocation for Project No. 101-0544-19, Upper East Fork Interceptor System Relocation of 60-inch Wastewater Pipeline

Director Ron Kelley advised that the Wastewater Committee reviewed this item yesterday and voted to recommend the Board authorize funding for Change Order No. 4 with McKee Utility Contractors, Inc. for resolving a utility conflict for the Upper East Fork Interceptor System Relocation of 60-inch Wastewater Pipeline project, which is subject to Texas Department of Transportation reimbursement.

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

**XIII. CLOSING ITEMS**

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

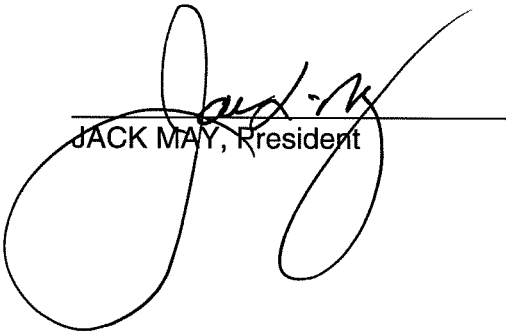
Director Don Gordon requested a report on the sustainability of the new retirement system. Related to that, President May requested a report on the impact of the early retirement program. Deputy Director Jeanne Chipperfield advised that a report will be provided to the Finance Committee, likely around June 2023.

Brief discussion followed as to the health of current and former Board Members.

**XIV. ADJOURNMENT**

There being no further business, the meeting adjourned at approximately 3:59 p.m.

APPROVED:



JACK MAY, President

ATTEST:



GEORGE CRUMP, Secretary

