



NORTH TEXAS MUNICIPAL WATER DISTRICT

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

BOARD OF DIRECTORS REGULAR MEETING (IN PERSON AND BY TELECONFERENCE) THURSDAY, AUGUST 26, 2021 3:00 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 teleconference, accessible to the public, on Thursday, August 26, 2021, at 3:00 p.m.

In accordance with the COVID-19 public health threat and the related March 16, 2020, action by the Office of the Governor, temporarily suspending certain provisions of the Texas Open Meetings Act, NTMWD will hold its meeting by telephonic conference call.

In lieu of physical attendance of the meeting, the public may teleconference in to the Board meeting by calling 1 (844) 621-3956 and entering the following access code: 928 587 040. Members of the public joining by teleconference and wishing to make public comment during the meeting should follow the instructions for on-line registration listed under Item VII. below no later than the start time of the meeting. The meeting will be recorded and the audio recording will be available on the NTMWD website after the meeting. In addition, the public may attend the meeting in person at 501 E. Brown Street Wylie, Texas 75098. Members of the public wishing to make public comment in person at the meeting should follow the registration instructions provided at the meeting location.

Please note, if the Office of the Governor's March 16, 2020, action expires prior to the meeting, NTMWD will resume fully in-person meetings at its offices at 501 East Brown Street Wylie, Texas 75098 and there will not be an option to use the above listed teleconference line to attend the meeting so that NTMWD remains in compliance with the Texas Open Meetings Act.

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.

AGENDA¹

I. CALL TO ORDER

¹Persons with disabilities who plan to attend the NTMWD Board of Directors 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.

II. **INVOCATION**

III. **PLEDGE OF ALLEGIANCE**

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

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

VI. **OPENING REMARKS**

- A. President's Remarks concerning current events, conduct of meeting, posted agenda items, committee assignments, and related matters
- B. Executive Director's Status Report concerning legislation and regulatory matters, budgets, current projects and ongoing programs of the District including the Regional Water System, Regional Wastewater System, Regional Solid Waste System, Watershed Protection, and Water Conservation

VII. **PUBLIC COMMENTS**

INSTRUCTIONS FOR PUBLIC COMMENT ON-LINE REGISTRATION: Prior to the start of the Board meeting, members of the public wishing to provide public comment must submit via email to PublicRelations.Info@ntmwd.com their first and last name, organization, comment topic, mailing address and email address. Members of the public attending in person should follow the registration instructions provided at the meeting. During the public comment portion of the meeting, speakers will be recognized by name and asked to provide their comments. The time limit is five (5) 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. **EXECUTIVE SESSION (to begin at approximately 3:15 p.m. and end between 4:15 p.m. – 4:30 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 between 4:15 p.m. - 4:30 p.m.

- A. Discussion on cybersecurity protections for NTMWD
(Tex. Gov't Code Sections 551.076 and 551.089)
- B. Consult with legal counsel regarding pending or contemplated litigation
(Tex. Gov't Code Section 551.071)
 - 1. *Brian Ferguson v. NTMWD*, Cause No. 366-02745-2021, Collin County, Texas
 - 2. *Gerald Jones v. NTMWD*, EEOC Charge No. 450-2021-02240
- C. Discussion and review of 2020-2021 Possible Water System Rebates
(Tex. Gov't Code Section 551.071)

IX. **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.**

X. DISCUSSION ITEMS

A. Update of FY21-22 Annual All Systems Budget

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. 21-08-01

- Consider approval of July 22, 2021, Board of Directors Regular meeting minutes

B. Approval of Board of Directors Work Session Meeting Minutes – Consent Agenda Item No. 21-08-02

- Consider approval of July 22, 2021, Board of Directors Work Session meeting minutes

C. Approval of Board of Directors Work Session Meeting Minutes – Consent Agenda Item No. 21-08-03

- Consider approval of July 20, 2021, Board of Directors Work Session meeting minutes

D. Approval of Monthly Construction Report – Consent Agenda Item No. 21-08-04

- Consider approval of August 2021 Monthly Construction Report

E. Adoption of Resolution No. 21-41 designating authorized NTMWD Representatives in the Texas Local Government Investment Pool (TexPool) - Consent Agenda Item No. 21-08-05

- Consider adoption of Resolution No. 21-41 amending authorized representatives for investments in TexPool

F. Adoption of Resolution No. 21-42 authorizing the designation of NTMWD's Records Manager as the Records Management Officer for NTMWD - Consent Agenda Item No. 21-08-06

- Consider adoption of Resolution No. 21-42 designating the position of Records Manager as the Records Management Officer as defined in the Local Government Records Act for the North Texas Municipal Water District

G. Authorize Amendment No. 14 to Construction Manager At-Risk agreement for FM 897 Relocation from US 82 to FM 1396 - Consent Agenda Item No. 21-08-07

- Consider authorizing Amendment No. 14 to the Construction Manager At-Risk Agreement with Austin Bridge and Road, Inc. for the final contract amount; and authorize final payment amount of \$32,286,252.23 for Project No. 101-0383-15, F.M. 897 Extension from U.S. 82 to F.M. 1396

- H. **Authorize Amendment No. 14 to Construction Manager At-Risk agreement for Fannin County Road and Bridge Improvements - Consent Agenda Item No. 21-08-08**
- Consider authorizing Amendment No. 14 to the Construction Manager At-Risk Agreement with Austin Bridge and Road, Inc. for the final contract amount; and authorize final payment amount of \$11,581,889.58 for Project No. 101-0435-16, Fannin County Road and Bridge Improvements
- I. **Adoption of Resolution No. 21-43 authorizing conveyance of property at the 121 Regional Disposal Facility Easement to City of Melissa - Consent Agenda Item No. 21-08-09**
- Consider adoption of Resolution No. 21-43 authorizing conveyance of property in the form of a 0.479 acre permanent water easement to the City of Melissa at the 121 Regional Disposal Facility
- J. **Authorize funding for construction materials testing for the Wylie WTP II Biological Active Filtration, Ammonia System Improvements and Wylie WTP II Structural and Mechanical Improvements- Phase I - Consent Agenda Item No. 21-08-10**
- Consider authorizing the Executive Director to execute a professional services agreement with Kleinfelder, Inc. in the amount of \$59,300 for independent construction materials testing and inspections services for Project No. 101-0390-15, Wylie WTP II Biological Active Filtration; 101-0496-18, Ammonia System Improvements; 101-0517-18, Wylie WTP II Structural and Mechanical Improvements- Phase I
- K. **Authorize funding for construction materials testing for the Wylie Water Treatment Plant (WTP) IV Filter Complex Wall Repairs - Consent Agenda Item No. 21-08-11**
- Consider authorizing the Executive Director to execute a professional services agreement with HVJ-North Texas – Chelliah Consultants, Inc. in the amount of \$27,756 for independent construction materials testing and verification services for Project No. 101-0422-16, Wylie WTP IV Filter Complex - Wall Repairs
- L. **Authorize execution of engineering services agreement for electrical improvement for six Wylie Water Treatment Plant II electrical buildings – Consent Agenda Item No. 21-08-12**
- Consider authorizing the Executive Director to execute an engineering services agreement with Mbroh Engineering, Inc. in the amount of \$331,429 to design electrical, civil, heating, ventilation and air conditioning improvements for six Wylie Water Treatment Plant II electrical buildings for Project No. 101-0596-21, Wylie Water Treatment Plant II 2021 Electrical Building Improvements
- M. **Authorize extending funding agreement with the Sulphur River Basin Authority – Consent Agenda Item No. 21-08-13**
- Consider authorizing the Executive Director to execute an extension to a funding agreement with the Sulphur River Basin Authority in the amount of \$67,000 to continue to fund the operations and Water Resource Planning efforts of the Sulphur River Basin Authority through August 31, 2022

XII. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

GENERAL/ADMINISTRATIVE SERVICES AGENDA ITEMS

- A. **Adoption of Resolution 21-44 authorizing Regional Water System Revenue Refunding Bonds, Series 2021A – Administrative Memorandum No. 5747**
- Consider adoption of Resolution No. 21-44 authorizing the issuance, sale and delivery of NTMWD Water System Revenue Refunding Bonds, Series 2021A, in the amount of approximately \$210,000,000; and approving and authorizing instruments and procedures relating thereto
- B. **Adoption of Resolution 21-45 authorizing Upper East Fork Wastewater Interceptor System Contract Revenue Bonds, Series 2021 – Administrative Memorandum No. 5748**
- Consider adoption of Resolution No. 21-45 authorizing the issuance, sale and delivery of NTMWD Upper East Fork Wastewater Interceptor System Contract Revenue Bonds, Series 2021, in the amount of approximately \$81,580,000; and approving and authorizing instruments and procedures relating thereto

WATER SYSTEM AGENDA ITEMS

- C. **Authorize Amendment No. 3 to Construction Manager At-Risk on Wylie Water Treatment Plant (WTP) Biologically Active Filtration , Ammonia System Improvements, and WTP II Structural and Mechanical Improvements projects – Administrative Memorandum No. 5749**
- Consider authorizing Amendment No. 3 to Construction Manager At-Risk with MWH Constructors, Inc. in the amount of \$30,654,586.47 for submission of partial Guaranteed Maximum Price No. 1 for construction of work packages including selective clearwell demolition and rehabilitation, yard piping, meter vaults, mechanical, electrical, instrumentation and controls, and construction materials testing and verification on Project No. 101-0390-15, Wylie WTP Biological Active Filtration; 101-0496-18, Ammonia System Improvements; 101-0517-18, Wylie WTP II Structural and Mechanical Improvements- Phase I
- D. **Authorize the execution of a potable water supply contract with Ables Springs Special Utility District – Administrative Memorandum No. 5750**
- Consider authorizing the execution of potable water supply contract with Ables Springs Special Utility District for a term of 20 years
- E. **Authorize additional inspection services for Transmission System Water Quality Analyzers – Administrative Memorandum No. 5751**
- Consider authorizing additional funding to Dietz Engineering in the amount of \$198,380 for additional inspection of installation, electrical, instrumentation, and control and monitoring elements for Project No. 101-0510-18, Transmission System Water Quality Analyzers
- F. **Authorize additional engineering services on F.M. 2514 Pipeline Relocations – Administrative Memorandum No. 5752**
- Consider authorizing additional engineering services with Criado Associates in the amount of \$31,184 for a preliminary engineering investigation regarding the impact of a future Interstate Highway 30 construction project on Project No. 101-0585-21, F.M. 2514 Pipeline Relocations

WASTEWATER AGENDA ITEMS

- G. **Authorize award of construction contract and internal inspection services on UEFIS North McKinney Transfer Lift Station and North McKinney Transfer Force Main – Administrative Memorandum No. 5753**
- Consider authorizing award of a construction contract with Crescent – McKee Joint Venture in the amount of \$85,787,000 and authorizing internal inspection costs of \$396,000 (Total \$86,183,000) for Project Nos. 501-0513-18 and 501-0514-18 North McKinney Transfer Lift Station and North McKinney Transfer Force Main
- H. **Authorize execution of program management services agreement for the Sister Grove Regional Water Resource Recovery Facility (RWRRF) and the North McKinney Transfer Lift Station projects – Administrative Memorandum No. 5754**
- Consider authorizing the Executive Director to execute a program management services agreement with Freese and Nichols, Inc. in the amount of \$7,256,746 for program management, construction management, inspection, technical and administrative resources to supplement NTMWD staff in the oversight and management of the projects related to the timely completion of the Sister Grove RWRRF for Project Nos. 301-0426-16 and 501-0513-18 Sister Grove Regional Water Resource Recovery Facility and North McKinney Transfer Lift Station
- I. **Authorize additional engineering services for the Sister Grove Regional Water Resource Recovery Facility – Administrative Memorandum No. 5755**
- Consider authorizing additional engineering services with CDM Smith, Inc. in the amount of \$1,524,899 for additional construction phase engineering services needed to support the review of submittals from the multiple contractors and to coordinate with the proposed program management team for Project No. 301-0426-16, Sister Grove Regional Water Resource Recovery Facility

XIII. CLOSING ITEMS

- A. Review of items for follow up raised during meeting
- B. Opportunity for Board members to request potential future agenda items
(No substantive discussion of items will take place at this time)

XIV. ADJOURNMENT