



**NORTH TEXAS MUNICIPAL WATER DISTRICT**  
**501 E. Brown Street • Wylie, Texas 75098 (972)**  
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**MINUTES OF REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
MARCH 28, 2024**

The North Texas Municipal Water District (NTMWD) Board of Directors met in a regular meeting on Thursday, March 28, 2024, 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 Richard Peasley called the meeting to order at approximately 2:30 p.m.

President Peasley 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 Jack May offered the invocation.

**III. PLEDGE OF ALLEGIANCE**

Assistant Deputy Zeke Campbell and the Operations Team led the Pledge of Allegiance.

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

Assistant Deputy Zeke Campbell and the Operations Team 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>DIRECTOR</b>	<b>IN PERSON</b>	<b>REMOTE</b>
Terry Sam <b>ANDERSON</b>	Absent	
Kalen <b>BOREN</b>	Absent	
John <b>CARR</b>		√
Rick <b>CROWLEY</b>	√	
George <b>CRUMP</b>	√	
Lori Barnett <b>DODSON</b>		√
Phil <b>DYER</b>		√
Joe <b>FARMER</b>	√	
Marvin <b>FULLER</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>	√	
Rick <b>MANN</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>		√
John <b>SWEEDEN</b>	√	
Larry <b>THOMPSON</b>	√	

The following NTMWD legal and professional consultants attended the meeting:

- Lauren Kalisek, Sara Thornton – Lloyd Gosselink Rochelle & Townsend
- Lewis Isaacks, Mark Walsh – Saunders, Walsh, & Beard

**VI. OPENING REMARKS**

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

President Peasley stated that as mentioned in this month's Executive Committee meeting, he asked that a Special Working Group be formed to examine ways to enhance communication and engagement with the District's Customers. The following Directors volunteered to serve in this group: Directors John Carr, Rick Crowley, David Hollifield, Randy Roland, and Jody Sutherland. Director Marvin Fuller will lead the group.

President Peasley stated that the group will be tasked with:

- Identifying current methods for Customer engagement with the Board and staff.
- Determining the District's awareness of the Customer viewpoint and identify areas of Customer concerns the District may not be addressing.
- Brainstorming potential approaches to address the gaps in understanding and communication.
- Developing recommendations.
- Presenting findings to the Executive Committee.

President Peasley expressed his appreciation to these Directors.

President Peasley announced that Director David Hollifield has been reappointed by the City of Royse City at their March 26<sup>th</sup> Council meeting.

President Peasley reviewed the tentative meeting schedule for April 2024 as follows:

- Wednesday, April 10: Executive and Finance Committees
- Wednesday, April 24: Water and Wastewater Committees
- Thursday, April 25: Board Meeting

President Peasley offered comments regarding the Real Estate and Water committee meetings he attended this week.

- 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 announced that the American Water Works Association has recognized the Operations Team at the Wylie Water Treatment Plant IV with the *Partnership for Safe Water Director's Award*. This award recognizes the District's optimization efforts and water quality accomplishments. The award will be presented at the American Water Works Association Conference in Anaheim, California in May. Zeke Campbell introduced the Operations Team.

**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 comment.

**VIII. DISCUSSION ITEMS****A. NTMWD Strategic Plan Annual Update**

Executive Director Covington provided opening remarks on this item. She advised that some modifications to the Plan are being proposed, adding that there are no plans to change the Vision, Mission, Values or Goals as previously adopted. She advised that David Kelly, Government Affairs and Special Projects Manager, is responsible for coordinating and managing the Plan and would provide an overview.

David Kelly stated that originally the Plan was developed in 2015 and in 2022, the Plan was rearranged. He added it is used to as a "bottom up" tool for operations of the District. He reviewed the Objectives and the status of Initiatives within the Plan. Proposed updates to the following were reviewed in detail that included:

- One proposed additional Objective in Goal 4 People [ 4.4 Employer of Choice]
- Seven initiatives completed and come off the Plan
- Four initiatives transition to the next phase including:  
[ Bois d'Arc Lake Phase 1; Lower East Fork Wastewater Systems; Long Range Water Supply Plan; Emergency Preparedness]
- Major Modifications made to several Initiatives including:  
[Cloud First becomes Technology Modernization; PFAS is now a standalone Initiative]
- Ten new Initiatives are added to the Plan

Executive Director Covington offered closing remarks and advised that consideration of these proposed changes will be on the April Board of Directors agenda.

Discussion and feedback from Directors followed.

*At 3:45 p.m. President Peasley announced a 10 minute recess.*

**IX. EXECUTIVE SESSION**

At 3:58 p.m. President Peasley announced the need for an Executive Session of the Board of Directors to discuss items:

**A. Texas Government Code, Section 551.071 Consultation with Attorney**

1. ARK Contracting Services, LLC v. North Texas Municipal Water District; Lockwood Andrews & Newnam, Inc.; Freese and Nichols, Inc.; and Garver, LLC - 471st District, Collin County

2. City of Heath v. North Texas Municipal Water District, City of Forney and the City of Rockwall - 5th Court of Appeals, Dallas, Texas; Case No. 05-23-00558-CV; From the 439th Judicial District Court, Rockwall County, Texas, Trial Court Cause No. 1-22-0704
3. Alan Thomas Decker v. NTMWD, Phillips and Jordan, Inc., Archer Western Construction, LLC, and Hammett Excavation in the 336th District Court of Fannin County, Texas
4. North Texas Municipal Water District vs. Encore Wire Corporation, Case No. 001-00768-2022, Collin County, Texas
5. Legal briefing on March 14, 2024, Sanitary Sewer Overflow at Lower White Rock Creek Lift Station

President Peasley 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 5:35 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 Peasley inquired whether any Director would like to remove an item from the Consent Agenda for separate discussion. He requested Item E. be pulled from the Consent Agenda.

Upon a motion by Director Geralyn Keever to approve the Consent Agenda items A – D and F - G, and a second by Director Larry Thompsen, the Board of Directors voted unanimously to approve the Consent Agenda items. Directors Carr, Kerr, Roland and Sutherland were absent from the vote.

**A. February 2024 Regular Board Meeting Minutes**

The Executive Director and NTMWD staff recommend the Board of Directors approve the minutes of the regular Board meeting held on Thursday, February 22, 2024, as presented.

**B. February 2024 Board Work Session Meeting Minutes**

The Executive Director and NTMWD staff recommend the Board of Directors approve the minutes of the Board Work Session meeting held on Thursday, February 29, 2024, as presented.

**C. Modification of Capital Projects Request**

Recommend the Board of Directors approve the March 2024, Modification of Capital Projects Request as presented.

- D. **Wylie Water Treatment Plant Backup Power Improvements- Authorization for Alternate Project Delivery Method; Project No. 101-0564-20; Resolution No. 24-12**  
Authorize the use of Construction Manager At-Risk (CMAR) project delivery method for the Wylie Water Treatment Plant (WTP) Backup Power Improvements project.

*Item E. was pulled from the Consent Agenda for separate discussion and vote.*

- E. **Multiple Systems Maintenance Facilities Central Region, Phase II; Engineering Services Agreement, Additional Services No. 6; Project No. 101-0445-16**  
Authorize additional construction phase support services to Stantec Architecture, Inc. for the Multiple System Maintenance Facilities Central Region, Phase II.

Deputy Director Cesar Baptista briefed the Board on this item. He advised that this building is approximately 40,000 square feet and is intended to house the District's Environmental Services Department, Maintenance Department, and storage. The contractor for this building, Tegrity, is behind schedule due to several challenges including staffing, subcontractors, and supplier issues. The building was scheduled to be completed in September 2023 and is only halfway done at this time. The owner has been on-site several times and is committed to completing the job with a new completion target of October 2024.

The cost of this agreement is \$126,114.

Upon a motion by Director Geralyn Keever and a second by Director Don Paschal, the Board of Directors voted unanimously to approve Consent Item E. Directors Carr, Kerr, Roland and Sutherland were absent from the vote.

- F. **Gateway Drive Transfer Station, Environmental Site Assessment Project No. 401-0644-24; Engineering Services Agreement**  
Authorization of an engineering services agreement to conduct a Phase I Environmental Site Assessment and records search for the future site of the Gateway Drive Transfer Station.
- G. **Memorandum of Understanding between the North Texas Municipal Water District and the City of Plano for Providing Electricity to the 121 RDF Landfill Odor Management System**  
Approve Memorandum of Understanding between the North Texas Municipal Water District and the City of Plano for providing electricity to the 121 Regional Disposal Facility Odor Management System.

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

### **WATER AGENDA ITEMS**

- A. **Per- and Polyfluoroalkyl Substances (PFAS) Management Roadmap Project No. 101-0645-24; Engineering Services Agreement**  
Authorize an engineering services agreement for the development of the Per-and Polyfluoroalkyl Substances (PFAS) Management Roadmap.

Director John Sweeden advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize an engineering services agreement for the development of the PFAS Management Roadmap.

This Roadmap involves a holistic approach for assessing the District's water, wastewater, and solid waste systems in relation to response and management of PFAS within and between these systems. The outcome of the Roadmap will guide decisions and investments related to PFAS compliance within the next 5-10 years.

Upon a motion by Director John Sweeden and a second by Director Don Paschal, the Board of Directors voted unanimously to approve. Directors Carr, Kerr, Roland and Sutherland were absent from the vote.

**B. Leonard Water Treatment Plant Phase II; Project No. 101-0600-21; Tabulation of Bids and Award of Contract**

Authorize award of a construction contract for the Leonard Water Treatment Plant Phase II Expansion Project.

Director John Sweeden advised that the Water Committee discussed this item yesterday and voted to recommend the Board authorize award of a construction contract for the Leonard Water Treatment Plant Phase II Expansion Project.

This contract is for an additional 70 million gallons per day water treatment capacity at Leonard Water Treatment Plant making additional use of the Bois d'Arc Lake water supply for growing regional water demands.

Upon a motion by Director John Sweeden and a second by Director Larry Thompson, the Board of Directors voted unanimously to approve. Directors Carr, Kerr, Roland and Sutherland were absent from the vote.

**C. Leonard Water Treatment Plant Phase II; Project No. 101-0600-21  
Leonard WTP Terminal Storage Reservoir Phase II; Project No. 101 0601 21  
Bois d'Arc Lake Raw Water Pump Station Phase II; Project No. 101 0602 21  
Leonard WTP High Service Pump Station Phase II; Project No. 101 0603 22  
Additional Services for Construction Management and Inspection – Construction Phase**

Recommend Board authorization for additional construction management and inspection services, and Internal Inspection Services for the construction of four projects that comprise the Bois d'Arc Lake System Phase II Program.

Director John Sweeden advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize additional construction management and inspection services, and Internal Inspection Services for the construction of four projects that comprise the Bois d'Arc Lake System Phase II Program.

This agreement will provide outsourced technical and administrative resources for the daily activities related with the oversight, construction management, and quality assurance, and supplemental inspection support of the NTMWD internal Inspectors during the construction across the four projects of the Bois d'Arc Lake System Phase II Program.

Upon a motion by Director John Sweeden and a second by Director Rick Crowley, the Board of Directors voted unanimously to approve. Directors Carr, Kerr, Roland and Sutherland were absent from the vote.

**D. Development Agreement between the North Texas Municipal Water District and the Kansas City Southern Railway Company regarding a future Rail Spur project in Wylie, Texas; Project No. 101-0646-24; Resolution No. 24-10**

Authorize the execution of a Development Agreement between the North Texas Municipal Water District and the Kansas City Southern Railway Company, d/b/a CPKC.

Director John Sweeden advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize the execution of a Development Agreement between the NTMWD and the Kansas City Southern Railway Company, d/b/a CPKC.

CPKC is constructing a spur track that will cross NTMWD's Lake Texoma 96-inch raw waterline and NTMWD's Wylie to Rockwall 48-inch waterline, in Wylie, Texas. The CPKC project will require steel casing to be installed around NTMWD's waterlines to protect the pipelines from heavy railroad loads.

Upon a motion by Director John Sweeden and a second by Director Don Paschal, the Board of Directors voted unanimously to approve Resolution No. 24-10. Directors Carr, Kerr, Roland and Sutherland were absent from the vote.

**E. Contract for reservation, diversion, and use of raw water by and between the City of Garland and the North Texas Municipal Water District**

Authorize execution of a Contract between the North Texas Municipal Water District and the City of Garland for reservation, diversion, and use of raw water for industrial use from Lavon Lake.

Director John Sweeden advised that the Water Committee reviewed this item yesterday and voted to recommend the Board authorize execution a contract between the NTMWD and the City of Garland for reservation, diversion, and use of raw water for industrial use from Lavon Lake.

This will renew the long-standing agreement to allow the City of Garland continued access to raw water at its electric power generation facility adjacent to Lavon Lake.

Upon a motion by Director John Sweeden and a second by Director Don Paschal, the Board of Directors voted unanimously to approve. Directors Carr, Kerr, Roland and Sutherland were absent from the vote.

**WASTEWATER AGENDA ITEMS**

**F. North McKinney Parallel Interceptor Mitigation Projects; Project No. 501-0504-18; Tabulation of Bids and Award of Contract and Inspection Services**

Authorize award of a construction contract and internal inspection services.

Director Keith Stephens advised that the Wastewater Committee discussed this item at its February meeting. This action will authorize award of a construction contract and internal inspection services for mitigation work as required by the United States Army Corps of Engineers easement agreement for the North McKinney Parallel Interceptor.

Upon a motion by Director Keith Stephens and a second by Director Rick Mann, the Board of Directors voted unanimously to approve. Directors Carr, Kerr, Roland and Sutherland were absent from the vote.

### LAND ACQUISITION / RIGHT OF WAY AGENDA ITEMS

#### **G. Future Opening and Operation of Public Recreational Areas and Associated Facilities on Bois d'Arc Lake; Resolution No. 24-11**

Adopt a resolution authorizing the future opening and operation of public recreational areas and associated facilities on Bois d'Arc Lake to the public and authorize the Executive Director or their designee to take certain actions associated with the initial and subsequent openings and closures of the lake.

Director Ron Kelley advised that the Real Estate Committee reviewed this item yesterday and voted to recommend the Board adopt a resolution authorizing the future opening and operation of public recreational areas and associated facilities on Bois d'Arc Lake to the public and authorize the Executive Director or their designee to take certain actions associated with the initial and subsequent openings and closures of the lake.

As part of its commitment to and partnership with Fannin County for the development of Bois d'Arc Lake, NTMWD has agreed to construct, operate and maintain the three public recreational areas and associated facilities to provide recreational and economic benefits to the public and to Fannin County.

In response to a request from Director Keever, Deputy Director Billy George advised that the NTMWD is working closely with the Fannin County Sheriff's Department, the Texas Parks and Wildlife Department, and TxDOT to ensure that all safety measures are in place prior to the lake opening. It was made clear that at this time the exact opening date is not known for the boat ramps, and it was noted that there are no established parks around the perimeter. Several Directors expressed caution in how the District makes its announcements regarding the future opening of the lake.

Upon a motion by Director Ron Kelley and a second by Director Blair Johnson, the Board of Directors voted unanimously to approve Resolution No. 24-11. Directors Carr, Kerr, Roland and Sutherland were absent from the vote.

### **XIII. CLOSING ITEMS**

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

There were no comments or requests for potential future agenda items.

**XIV. ADJOURNMENT**

There being no further business, the meeting was adjourned at approximately 6:05 p.m.

APPROVED:

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RICHARD PEASLEY, President

ATTEST:

\_\_\_\_\_  
DAVID HOLLIFIELD, Secretary

DRAFT