

MINUTES

ACTON MUNICIPAL UTILITY DISTRICT

The Board of Directors of Acton Municipal Utility District met in regular session at 9:00 a.m., Wednesday, October 18, 2023. Notice of said meeting was posted as prescribed by Chapter 54, Article 109, of the Texas Water Code.

Regular Session

October 18, 2023

Directors Present

R. Lewis  
D. Cleveland  
J. Featherston  
G. Rose  
V. Vernon

Staff Present

R. English  
C. Neal  
R. Evert  
T. Riggio

Visitors

C. Hay, P.E.,  
Enprotec/Hibbs & Todd  
J. Berryhill, P.E.,  
Enprotec/Hibbs & Todd  
A. Head, Jackson Walker,  
via conference call  
L. Dougal, Jackson Walker,  
via conference call

Directors Absent

None

Call to Order

Ray Lewis, Board President, called the meeting to order at 9:02 a.m.

Invocation

By Don Cleveland.

A. After discussion, a motion was made to accept the minutes from the Regular Meeting September 20, 2023.

Motion: Cleveland  
Second: Vernon  
Vote: All ayes

B. Open Forum. No one signed in for open forum.

C. Executive Session – The Board entered into closed executive session at 9:03 a.m. pursuant to Gov. Code 551.071 (Consultation with Attorney) to discuss the following:  
1. Cause No. DS-C202100480; Johnson County Special Utility District v. Acton Municipal Utility District, including pending proposals, mediation, settlement terms, and litigation.

Executive session adjourned at 10:04 a.m. and returned to open session at 10:08 a.m.

D. No action taken on executive session item.

- E. Richard English presented a resolution relating to establishing the District’s intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various District improvements from the proceeds of tax-exempt or taxable obligations to be issued by the District for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date.

After discussion, a motion was made to adopt the resolution establishing the District’s intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various District improvements from the proceeds of tax-exempt or taxable obligations to be issued by the District for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date.  
(RESOL 23-10-411)

Motion: Vernon  
Second: Featherston  
Vote: All ayes

- F. The Engineer’s Report was presented by Chris Hay, P.E. of Enprotec/Hibbs & Todd (eHT). He reported on the following:

- WWTP #1 Improvements – The plant is fully operational, Crossland is currently working on the remaining punch list items to prepare for Substantial Completion of the project. There are only a few remaining punch list items related to electrical and SCADA. The last Construction Status Meeting (CSM) #30 was held June 15<sup>th</sup>; the next CSM is to be determined pending contractor progress.
- WWTP #2 Improvements – The substantial completion date of October 31<sup>st</sup> will not be met, Bar Constructors is pushing for the Phase 1 start up January, 2024, the emergency backup generator will not be here till May, 2024, therefore, delays are justified. Bar Constructors continuing work on hydraulic leak testing of the SBR basins; the initial testing did not pass due to a significant number of minor leaks in the basins; Bar has been working on crack repairs via epoxy injection and preparing for re-testing of hydraulic leak testing, Bar completed the majority of remaining injections in September as ambient temperatures began to cool back down going into the fall. eHT is reviewing the updated leak testing data Bar provided to verify compliance with contract documents. Bar continued working on the new Control Building and Dewatering Building in October, including working on procurement of appliances for the Control Building. Bar continued installing equipment in the SBR Building, Dewatering Building, and Chlorine Room in October. Bar’s electrical sub has also been installing conduits and wiring between buildings to prepare for upcoming equipment startup. Bar continuing work on site civil construction for retaining walls, dirt work, and other miscellaneous items. CSM #11 was held August 21<sup>st</sup>, the next CSM is anticipated for late October.
- Lift Station 11 Improvements – Bid opening was February 14<sup>th</sup>; no bids were submitted; eHT is standing by to re-advertise the project at a time to be determined later.

- Greenleaves Low Pressure Sewer System Improvements – The project was awarded to Day Services, LLC at the May Board Meeting. The Contractor has mobilized and completed all the line locates and potholing and will complete construction staking October 15<sup>th</sup> and should start installation this week. Contractor hoping to complete the project by Christmas.
- Pecan Plantation Elevated Storage Tank Improvements – A design review meeting was held with Staff June 8<sup>th</sup> and plans are being modified to reflect comments. Plans and specifications were submitted to TCEQ in August. Plan review typically takes at least 60 days for review and approval. TCEQ database indicates the review should be completed by the end of October. eHT is wrapping up electrical and SCADA design and the project should be ready to advertise upon receipt of TCEQ approval.
- Acton Loop Water Line Extension Improvements – Surveyors have completed most of the design survey in the right-of-way areas. The preliminary alignment included requires approximately 4 easements to be acquired. A right of entry agreement has been granted for one of the properties. Once access is allowed for the other easement properties, eHT will move forward with surveys and design.

After discussion, a motion was made to accept the Engineers Report.

Motion: Featherston  
 Second: Cleveland  
 Vote: All ayes

G. The Operational Report was presented by T J Riggio. He briefed the Board on several items; we lost both pumps at Lift Station No. 10 in Pecan Plantation (PP) due to either a faulty off float and/or control issue that caused the pumps to run dry; the pumps have been sent out for repairs. The stand-by pump also burned up last week, the starter malfunctioned, starters have been ordered for replacement. The manufacturer is coming to inspect the panel to make sure there is not a problem that is causing the starters to malfunction. The Lift Station is currently operating on the trailer pump. Lift Station No. 3 experienced cavitation issues following a force main break, replaced suction flaps on both pumps and fitted an air relief into the lift station piping to hopefully correct the issue. Lost both pumps at Lift Station No. 17 in PP. Informed Board TCEQ was here last week for an inspection at WWTP No 1; overall the inspection went well. Reported a problem with the wet well hatch at Lift Station No. 5 in DCBE. Also informed Board we received a notification violation from TCEQ due to effluent permit exceedances for ammonia; working with TCEQ; Josh Berryhill, P.E. of eHT stated when the exceedance is by 40%, there may be another required report to complete.

Under wastewater, T. Riggio reported WWTP No. 1 construction is nearing completion, WWTP No. 2 construction is well under way; these projects were discussed under the Engineer's Report. T. Riggio reported WWTP No. 1 was at 66% of the average permitted flow for the month of September, under the future 930K

permit this would be 43%. WWTP No. 2 is at 38% of the average permitted flow, under the future 820K permit this would be 23%. WWTP No. 2 met all discharge permit parameters for the month of September. WWTP No. 1 did not meet DO parameters for the entire month of September.

T. Riggio reported unaccounted water for the month of September is -1.91%. He reported the water production and sales for the month and year to date. T. Riggio reported one positive bacteriological sample for the month of September in Indian Harbor; repeats were negative and no further action is required. T. Riggio updated the status regarding the green water/manganese issue; received a follow-up from TCEQ, no issues were found and the case is closed. T. Riggio reported the PP High Service pump at Booster 9 is still out of operation, waiting on repairs and reported additional repairs are required at the site itself to prevent future failure. The floor flange needs to be milled to provide a level surface for the vertical turbine pump to sit on, currently it is not level causing the pump to malfunction. At Booster No. 4 we are still waiting on parts. T. Riggio reported on the wells; Well No. 25, repairs are complete and bacteriological samples have been taken, waiting on results before placing the well back into service; Well No. 14 has been turned off since June 22<sup>nd</sup> due to the tank coming apart at the seams, the contractor is waiting on materials; Well No. 23 experienced piping breaks in the chlorination system, the well should be back online later this week.

T. Riggio informed the Board that we are currently one employee short in the field. He reported we are working on SCADA to be able to see tank levels on the 3 million gallon tank at BRPUA.

After discussion, a motion was made to accept the Operational Report for September, 2023.

Motion: Cleveland  
Second: Vernon  
Vote: All ayes

H. Richard English presented a bid for Board consideration from Bobcat of North Texas, an approved vendor with the Texas Local Government Purchasing Cooperative Buy Board to purchase a compact excavator in the net amount of \$53,932.16. The compact excavator is a budgeted item.

After discussion, a motion was made to approve the purchase of the compact excavator from Bobcat of North Texas at a total purchase price of \$53,932.16. (RESOL 23-10-412)

Motion: Rose  
Second: Cleveland  
Vote: All ayes

- I. Richard English presented a TIPS Board Resolution. TIPS is a national purchasing cooperative offering competitively solicited contracts. This resolution was originally put together for school districts but has been brought together for governmental entities as well; it works basically the same as Buy Board but is used for office supplies. Martins Office Supply is where we purchase the majority of our office supplies, Martin's Office Supply is a preferred vendor through TIPS.

After discussion, a motion was made to adopt the TIPS Board Resolution.  
(RESOL 23-10-413)

Motion: Rose  
Second: Vernon  
Vote: All ayes

- J. Bob Evert presented the proposed renewal plan for medical insurance. The renewal rate is an increase of 11 ½ percent. There are no changes in benefits employees will receive with this renewal. B. Evert stated we looked at a few other plans, however this plan is the most competitive plan. This plan mirrors the prior year plan for BRPUA. Staff recommends renewal of the current plan, Blue Cross P621CHC for calendar year 2024. The Board requests that next year they be given more comparisons to review.

After discussion, a motion was made to accept renewal of the Blue Cross P621CHC Plan for calendar year 2024.

Motion: Featherston  
Second: Cleveland  
Vote: All ayes

- K. Bob Evert presented the Quarterly Investment Report, 4<sup>th</sup> quarter fiscal year, 3<sup>rd</sup> quarter calendar year 2023 for Board consideration.

After discussion, a motion was made to accept the Quarterly Investment Report, 4<sup>th</sup> quarter fiscal year, 3<sup>rd</sup> quarter calendar year 2023.

Motion: Featherston  
Second: Rose  
Vote: All ayes

- L. Bob Evert presented a request for Board consideration to write off the net uncollectible accounts in the amount of \$635.30 for the month of September, 2023. The year to date write off rate of revenue is 0.16%.

After discussion, a motion was made to write off the net uncollectible accounts in the amount of \$635.30 for the month of September, 2023.

Motion: Vernon  
Second: Rose  
Vote: All ayes

M. Bob Evart presented the Financial Report for September, 2023. He reviewed the revenues and changes for overall water and sewer, water revenues from customers, wholesale water, sewer revenues from customers, other sewer revenues and impact fees. He reported expenditure totals for all departments for the month and reported the totals for revenues and expenditures are all within budget.

After discussion, a motion was made to accept the Financial Report for September, 2023.

Motion: Cleveland  
Second: Vernon  
Vote: All ayes

N. The General Manager's Report was presented by Richard English. He reported on the following items:

1. The Regular Meeting for November is scheduled for 9:00 a.m., Wednesday, November 15, 2023. Committee meetings are scheduled for Thursday, November 9<sup>th</sup>.
2. Monthly Brazos Regional Public Utility Agency meeting – Wednesday, October 25<sup>th</sup> at 2:00 p.m. at the AMUD Office.
3. Customer letter – Notice of Water / Sewer Rate Increase. The letter will be posted on AMUD's website.
4. AMUD Office closed Friday, November 10<sup>th</sup> for Veteran's Day.
5. Order for Thanksgiving turkeys.
6. Articles – Presented Current Reservoir Levels from Brazos River Authority.

Open Items –

- a) SWATS Plant Update – Presented water quality reports; source, raw and finished water for the month of September, 2023 and the beginning of October 2023. Chloride levels are starting to creep up some.

After discussion, a motion was made to accept the Managers Report.

Motion: Vernon  
Second: Featherston  
Vote: All ayes

O. Items from Board Members:

Vernon

1. Thanked Ray and Richard on their diligence in working to try to resolve legal matters.

Featherston

None

Rose:

None

Cleveland:

None

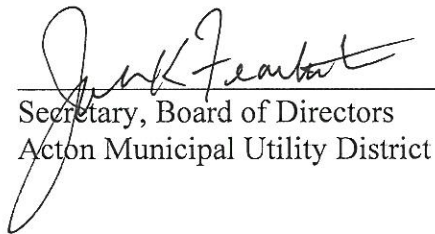
Lewis:

None

Adjournment

A motion was made to adjourn at 11:20 a.m.

Motion: Featherston  
Second: Cleveland  
Vote: All ayes



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Secretary, Board of Directors  
Acton Municipal Utility District