

MINUTES

ACTON MUNICIPAL UTILITY DISTRICT

The Board of Directors of Acton Municipal Utility District met in regular session at 9:00 a.m., Wednesday, November 15, 2023. Notice of said meeting was posted as prescribed by Chapter 54, Article 109, of the Texas Water Code.

Regular Session

November 15, 2023

Directors Present

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

Staff Present

R. English
C. Neal
R. Evart
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
S. Leibe, Norton Rose
Fulbright, via conference
call

Directors Absent

None

Call to Order

Ray Lewis, Board President, called the meeting to order at 9:00 a.m.

Invocation

By John Featherston.

A. After discussion, a motion was made to accept the minutes from the Regular Meeting October 18, 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 9:02 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 9:42 a.m. and returned to open session at 9:47 a.m.

D. No action taken on executive session item.

E. 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. Representatives from Crossland plan to be here the first week of December to get the remaining items complete. The last Construction Status Meeting (CSM) #30 was held June 15th; the next CSM is to be determined pending contractor progress.
- WWTP #2 Improvements – Construction moving forward, Bar Constructors, Inc. (BAR) provided updated leak testing data to eHT, the leak repaired basins have passed the leak testing and the two remaining SBR basins are expected to be sealed to pass leak testing soon. Bar continued installing equipment in the SBR Building, Dewatering Building, and Chlorine Room in November. Bar continuing work on site civil construction around the rest of the plant for retaining walls, dirt work, and other miscellaneous items. eHT and BAR held a startup preparation meeting on November 8th with the key equipment suppliers and SCADA integrator to verify tasks, timing, and critical milestones to prepare for startup of the new SBR system over the next several months. CSM #11 was held August 21st, the next CSM is anticipated next week.
- Lift Station 11 Improvements – Bid opening was February 14th; 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 started work on October 16th and has completed the bores for the project. They have begun open cut installation and will continue with installation and site restoration.
- Pecan Plantation Elevated Storage Tank Improvements – TCEQ approved the plans and specifications for construction. Advertisement for bids will start November 18th and the bid opening will be Thursday, December 14th at 10:00 a.m. Anticipate providing a recommendation for award of bid at the December Board Meeting.
- 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 three of the parcels. Once access is allowed for the other easement property, eHT will move forward with surveys and design. R. English stated timing to pull the trigger for this project is up in the air; Legacy Ranch Development has slowed way down.

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

Motion: Featherston
Second: Cleveland
Vote: All ayes

F. The Operational Report was presented by T J Riggio. He briefed the Board on several items; the pumps are now back up and working at Lift Station No. 10 in Pecan Plantation (PP), hope to have the trailer pump removed before Thanksgiving; the awning project at WWTP No. 1 is complete, hoping this project will meet TCEQ requirements for a Supplemental Environmental Project (SEP) to resolve the Notice of Enforcement (NOE), the SEP application has been submitted to TCEQ; the renewal application for WWTP No. 1 permit has been submitted and is on track to be completed before the December 29th deadline.

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 85% of the average permitted flow for the month of October, under the future 930K permit this would be 55%. WWTP No. 2 is at 51% of the average permitted flow, under the future 820K permit this would be 30%. Both WWTP's met all discharge permit parameters for the month of October.

T. Riggio reported unaccounted water for the month of October is -1.33%. He reported the water production and sales for the month and year to date. There were no positive bacteriological samples for the month of October. T. Riggio informed the Board we received a complaint from the Public Utility Commission (PUC) regarding water outage in Holiday Estates; T. Riggio sent a response to the PUC informing them the water outage was not a planned outage, water was off due to an emergency leak. T. Riggio reported the PP High Service pump at Booster 9 was installed this week; still waiting on parts for Booster No. 4. T. Riggio reported Well No. 14 has been turned off since June 22nd due to the tank coming apart at the seams, the contractor is waiting on materials; Well No. 23, the well pump has gone to ground and will need to be replaced; Well No. 29, the booster pump is down, waiting on parts.

T. Riggio informed the Board that we are currently two employees short in the field.

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

Motion: Rose
Second: Vernon
Vote: All ayes

G. Bob Evart presented the AMUD Investment Policy for review and approval. As stated in the memorandum dated November 15th, the State Legislation updated provisions in the Texas Government Code – Section 2256.011 Repurchase Agreements (SB 1246). Staff therefore amended the Policy by adding “in accordance with the provisions of Sec 2256.011 and” to the Policy.

After discussion, a motion was made to adopt the resolution acknowledging the Board of Directors reviewed and approved the AMUD Investment Policy.
(RESOL 23-11-414)

Motion: Vernon
Second: Rose
Vote: All ayes

H. Bob Evart presented a request for Board consideration to write off the net uncollectible accounts in the amount of \$701.35 for the month of October, 2023. Year to date write off rate of revenue is 0.06%.

After discussion, a motion was made to write off the net uncollectible accounts in the amount of \$701.35 for the month of October, 2023.

Motion: Cleveland
Second: Vernon
Vote: All ayes

I. Bob Evart presented the Financial Report for October, 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 October, 2023.

Motion: Cleveland
Second: Vernon
Vote: All ayes

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

1. The Regular Meeting for December is scheduled for 9:00 a.m., Wednesday, December 20, 2023. Committee meetings are scheduled for Thursday, December 14th.
2. Monthly Brazos Regional Public Utility Agency meeting – Wednesday, November 29th at 2:00 p.m. at the JCSUD Office.

3. AT&T Cell Tower Lease Correspondence – With regard to this item, R. English stated we have already negotiated in good faith and signed a new agreement August 23, 2023; therefore, he has no intention to discuss further amendments to the Water Tower Lease Agreement nor does he intend on signing a decline letter.
4. AMUD Office closed Thursday and Friday, November 23rd and 24th for Thanksgiving.
5. Articles – “Texans approve Proposition 6 to fund critical water projects” posted on texaswaternewsroom.org/articles/texans, and “How the Highest Bond Yields in 16 Years Could Chill the Hot U.S. Economy” posted at www.wsj.com/economy.

Open Items:

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

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

Motion: Cleveland
Second: Featherston
Vote: All ayes

K. Items from Board Members:

Vernon:
None

Featherston:
None

Cleveland:
None

Rose:

1. Asked about repairs needed on the fence near the burn area at the sewer plant. T. Riggio stated he has been trying to get Fencecrete here; however, he has not been very successful at getting them scheduled to come for small jobs.


Lewis:

1. Questioned if leaks have been fixed at WWTP No. 2; T. Riggio stated yes.

Adjournment

A motion was made to adjourn at 10:37 a.m.

Motion: Vernon
Second: Featherston
Vote: All ayes



Secretary, Board of Directors
Acton Municipal Utility District