

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 19, 2022. Notice of said meeting was posted as prescribed by Chapter 54, Article 109, of the Texas Water Code.

Regular Session

October 19, 2022

Directors Present

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

Staff Present

R. English  
C. Neal  
R. Evart  
T. Riggio

Visitors

A. Head, Jackson Walker,  
via conference call  
C. Hay, P.E.,  
Enprotec/Hibbs & Todd  
K. Kindle, P.E.,  
Enprotec/Hibbs & Todd  
J. Berryhill, P.E.,  
Enprotec/Hibbs & Todd  
S. Dollins, Brazos Regional  
Public Utility Agency

Directors Absent

None

Call to Order

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

Invocation

By Don Cleveland.

- A. After discussion, a motion was made to accept the minutes from the Regular Meeting September 21, 2022 and Special Meeting October 3, 2022.

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.
  - 2. Any other matters.

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

D. No action taken on executive session items.

E. Richard English presented the annexation of 2.00 acres in the G. Sutherland Survey, Abstract No. 524, located in Hood County, Texas, known as 2420 Bob White Road, second reading. Annexation documentation is complete; Staff recommends approval.

After discussion, a motion was made to annex 2.00 acres in the G. Sutherland Survey, Abstract No. 524, located in Hood County, Texas, known as 2420 Bob White Road into the Acton Municipal Utility District. (RESOL 22-10-368)

Motion: Cleveland  
Second: Vernon  
Vote: All ayes

F. Richard English presented the annexation of 64.157 acres situated within George T. Water Survey, Abstract No. 594, John Higgins Survey, Abstract No. 239, and N. Dotson Survey, Abstract No. 60, located in Hood County Texas, known as South Bend Addition, first reading. R. English stated this annexation is for the development, however, several lots within the development sold prior to the annexation process. The water lines have already been installed and the developer is requesting water taps prior to the second reading, as well as the owners of the individual lots, as listed under separate agenda items.

After discussion, a motion was made to allow water taps to be installed prior to the second reading and to carry over for a second reading.

Motion: Cleveland  
Second: Rose  
Vote: All ayes

G. Richard English presented the annexation of 1.491 acres situated within George T. Water Survey, Abstract No. 594, John Higgins Survey, Abstract No. 239, and N. Dotson Survey, Abstract No. 60, located in Hood County Texas, known as 4013 Southern Rise Court, first reading.

After discussion, a motion was made to carry over for a second reading.

Motion: Rose  
Second: Van  
Vote: All ayes

H. Richard English presented the annexation of 3.472 acres situated within George T. Water Survey, Abstract No. 594, John Higgins Survey, Abstract No. 239, and N. Dotson Survey, Abstract No. 60, located in Hood County Texas, known as 4001 Southern Rise Court and 4005 Southern Rise Court, first reading.

After discussion, a motion was made to carry over for a second reading.

Motion: Featherston  
Second: Cleveland  
Vote: All ayes

- I. Richard English presented the annexation of 3.689 acres situated within George T. Water Survey, Abstract No. 594, John Higgins Survey, Abstract No. 239, and N. Dotson Survey, Abstract No. 60, located in Hood County Texas, known as 3031 Southern Rise Court and 3035 Southern Rise Court, first reading.

After discussion, a motion was made to carry over for a second reading.

Motion: Rose  
Second: Cleveland  
Vote: All ayes

- J. Richard English presented the annexation of 3.523 acres situated within George T. Water Survey, Abstract No. 594, John Higgins Survey, Abstract No. 239, and N. Dotson Survey, Abstract No. 60, located in Hood County Texas, known as 3023 Southern Rise Court and 3027 Southern Rise Court, first reading.

After discussion, a motion was made to carry over for a second reading.

Motion: Vernon  
Second: Cleveland  
Vote: All ayes

- K. Richard English presented the annexation of 1.034 acres situated within George T. Water Survey, Abstract No. 594, John Higgins Survey, Abstract No. 239, and N. Dotson Survey, Abstract No. 60, located in Hood County Texas, known as 3019 Southern Rise Court, first reading.

After discussion, a motion was made to carry over for a second reading.

Motion: Featherston  
Second: Cleveland  
Vote: All ayes

- L. Richard English presented the annexation of 1.776 acres situated within George T. Water Survey, Abstract No. 594, John Higgins Survey, Abstract No. 239, and N. Dotson Survey, Abstract No. 60, located in Hood County Texas, known as 3017 Southern Rise Court, first reading.

After discussion, a motion was made to carry over for a second reading.

Motion: Vernon  
Second: Rose  
Vote: All ayes

- M. Richard English presented the annexation of 9.897 acres, a replat of Tract A, Port Ridglea, located in Hood County, Texas, known as The Tradition at Port Ridglea, first reading. R. English stated this annexation is for the development, however, several lots within the development sold prior to the annexation process and are listed under separate agenda items.

After discussion, a motion was made to carry over for a second reading.

Motion: Cleveland  
Second: Featherston  
Vote: All ayes

- N. Richard English presented the annexation of 0.543 acres, a replat of Tract A, Port Ridglea, located in Hood County, Texas, known as 3700 Winding Way – Lot A-R5, first reading.

After discussion, a motion was made to carry over for a second reading.

Motion: Vernon  
Second: Cleveland  
Vote: All ayes

- O. Richard English presented the annexation of 0.591 acres, a replat of Tract A, Port Ridglea, located in Hood County, Texas, known as 3700 Winding Way – Lot A-R7, first reading.

After discussion, a motion was made to carry over for a second reading.

Motion: Featherston  
Second: Vernon  
Vote: All ayes

- P. Richard English presented the annexation of 0.661 acres, a replat of Tract A, Port Ridglea, located in Hood County, Texas, known as 3700 Winding Way – Lot A-R8, first reading.

After discussion, a motion was made to carry over for a second reading.

Motion: Vernon  
Second: Featherston  
Vote: All ayes

- Q. Richard English presented the annexation of 0.727 acres, a replat of Tract A, Port Ridglea, located in Hood County, Texas, known as 3700 Winding Way – Lot A-R9, first reading.

After discussion, a motion was made to carry over for a second reading.

Motion: Rose  
Second: Cleveland  
Vote: All ayes

- R. Richard English presented the annexation of 1.00 acre in part of the John W. Frogg Survey, Abstract No. 648, located in Hood County, Texas, known as 6110 Contrary Creek, first reading.

After discussion, a motion was made to carry over for a second reading.

Motion: Cleveland  
Second: Rose  
Vote: All ayes

- S. Richard English presented Amendment No. 1 to the scope of services for construction phase services for the WWTP No. 1 Improvements Project. Joshua Berryhill, P.E. of Enprotec/Hibbs & Todd (eHT) was present to discuss and answer questions. Three bullet points listed on the amendment were discussed: Materials Testing Services, Construction Administration Services and Construction Inspection Services. The Materials Testing Services is due to additional materials lab testing required early in the project that could not be determined in the design due to not being able to access the lower treed area with eHT's Geotech drilling rig during the design phase. Both Construction Administration and Construction Inspection Services are based on material delays that are currently extending the SBR plant startup and project completion schedule. This amendment includes cost already accrued and projected costs to include further delays for the completion of the project.

After discussion, a motion was made to approve Amendment No. 1 for the scope of services for construction phase services for the Wastewater Treatment Plant No. 1 Improvements Project.

Motion: Featherston  
Second: Vernon  
Vote: All ayes

T. The Engineer's Report was presented by Chris Hay, P.E. of eHT. He reported on the following:

- WWTP #1 Improvements – Finishing out the Control Building and the SBR Support Building are anticipated to continue through October, including installation of equipment, electrical and instrumentation. Anticipating several delivery delays of components for the new plant SCADA system; information on delays is verbal at this time; Crossland is currently working with TraC-n-trol to establish firm dates for SCADA equipment delivery and installation. The startup of the new SBR treatment system is tentatively scheduled to begin in November. Construction Status Meeting (CSM) #21 was held September 22<sup>nd</sup>; the next CSM is anticipated for October 20<sup>th</sup>.
- WWTP #2 Improvements – Bar began mobilizing at the WWTP site mid-June and are continuing site clearing, rock excavation, concrete structure formwork and concrete slab pours for the new SBR structure and submittal/RFI development through September with SBR structural work to continue through the rest of this year. Nothing mentioned this month from PPOA with regard to road issues. The CSM #2 was held September 20<sup>th</sup>; the next CSM is anticipated for October 18<sup>th</sup>.
- Lift Station 11 Improvements – Received TCEQ approval for construction in response to the summary transmittal letter. eHT preparing to issue bid documents for advertisement; based on advertisement and bidding dates, this project will likely be considered for award at the December Board Meeting.
- Hood County CDBG First Time Sewer Service Project in Port Ridglea East – eHT is preparing revised bid documents to re-bid the project at the direction of the AMUD Board and is coordinating details with the grant consultant prior to the re-bid process. eHT will reach out to local plumbing contractors once the project is advertised in hopes of getting additional interest in the project.
- Greenleaves Low Pressure Sewer System Improvements – eHT continuing with design modifications and preparation of bidding documents to address comments that came out of the preliminary design review meeting with staff.

#### General Services Tasks

1. Continuing to work with staff and Allen Mullins to finalize the CIP and assist with impact fee related work.
2. Development Review/Coordination – eHT performed analysis of the Lift Station No. 6 (DCBE) service area for a potential development at 5400 Fall Creek Highway. This included capacity analysis and a meeting with developers to discuss capacity needs.
3. Pecan Plantation Elevated Storage Tank – eHT met with staff and Ben Anthony to discuss potential sites for the tank, the tank will have to be between satellite antennas at least 400' away; also coordinating with FAA regarding any regulations.

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

Motion: Cleveland  
Second: Vernon  
Vote: All ayes

U. The Operational Report was presented by T J Riggio. He informed the Board of a leak that occurred at abandoned Well No's. 3 and 4 that we thought were shut off. The leak has been resolved. He informed the Board of a sewer overflow that occurred and was due to a lift station failure at DCBE. Sewer entered a home on Santa Elena; the house is below street level. Anticipate installing a low-pressure sewer line in the area to prevent this from occurring again. T. Riggio reported WWTP No. 1 exceeded the maximum nitrogen levels. G. Rose commented he had noticed an odor from the WWTP #1; T. Riggio stated the nitrogen level probably contributed to the odor.

T. Riggio reported during the month of September, Well No's. 11, 20 and 26 were down; we are waiting for a new pump for Well No. 11; Well No. 30 is inactive. He reported the leak detection contractor began work last month.

After discussion, a motion was made to accept the Operational Report for September, 2022.

Motion: Featherston  
Second: Cleveland  
Vote: All ayes

V. Bob Evart presented the Quarterly Investment Report, 4<sup>th</sup> quarter fiscal year, 3<sup>rd</sup> quarter calendar year 2022 for Board consideration. He reported we ended the quarter with approximately \$120,000 in interest.

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 2022.

Motion: Rose  
Second: Vernon  
Vote: All ayes

W. Bob Evart presented a request for Board consideration to write off the net uncollectible accounts in the amount of \$1,830.59 for the month of September, 2022. Year to date total is \$24,295.39.

After discussion, a motion was made to write off the net uncollectible accounts in the amount of \$1,830.59 for the month of September, 2022.

Motion: Rose  
Second: Cleveland  
Vote: All ayes

- X. Bob Evart presented the Financial Report for September 2022. 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. Expenditure totals for all departments for the month and the totals for revenues and expenditures were also reviewed and discussed. B. Evart reported changes on the balance sheet and items of interest.

After discussion, a motion was made to accept the Financial Report for September, 2022.

Motion: Vernon  
Second: Rose  
Vote: All ayes

- Y. 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 16, 2022. Committee meetings are scheduled Thursday, November 10<sup>th</sup>.
  2. Monthly meeting of the Brazos Regional Public Utility Agency – Scheduled Wednesday, October 26<sup>th</sup> at the JCSUD Office.
  3. Customer letter – Notice of Water/Sewer Rate Increase.
  4. AMUD Office closed Friday, November 11<sup>th</sup> for Veterans Day.
  5. Order for Thanksgiving Turkeys.
  6. Articles – “Brazos River Authority, Drought impacts on water systems causing lake releases” and “TCEQ approves permit for second Granbury sewer plant” from Hood County News.

Open Items –

- a) SWATS Plant Update – Presented water quality reports; source, raw and finished water for the month of September, 2022 and the beginning of October, 2022. Chloride levels are starting to inch up a little, due to the lower lake level.
- b) Port Ridglea East – CDBG First Time Sewer Service Project. Discussed under Engineer's Report.



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

Motion: Featherston  
Second: Rose  
Vote: All ayes

Z. Items from Board Members:

Rose:

1. Informed the Board of something interesting he saw - conduit electrical generations in water lines.
2. Dripping Springs, Texas does not have wastewater capacity, builders are being allowed to put in septic tanks so that building can continue in the area.

Cleveland:

None

Featherston:

None

Vernon:

None

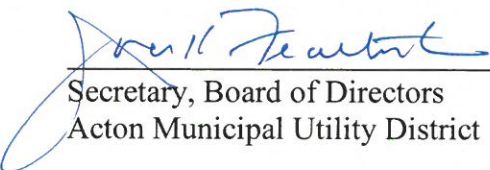
Lewis:

1. Last week at the County Commissioners meeting an item listed on the agenda was consideration to allow a 2,500-acre solar farm, the item was tabled; the argument is that this will cause a fish kill. Previously approved was a 500-acre farm for the same thing.
2. Thanked the Board for working together and having another successful meeting today.

Adjournment

A motion was made to adjourn at 11:22 a.m.

Motion: Vernon  
Second: Rose  
Vote: All ayes

  
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Secretary, Board of Directors  
Acton Municipal Utility District