

MINUTES

ACTON MUNICIPAL UTILITY DISTRICT

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

Regular Session

March 15, 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  
K. Kindle, P.E.,  
Enprotec/Hibbs & Todd  
A. Head, Jackson Walker,  
via conference call  
S. Guy, Patten Companies

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 February 15, 2023.

Motion: Vernon  
Second: Cleveland  
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.  
2. Any other matters.

Executive session adjourned at 10:28 a.m. and returned to open session at 10:35 a.m.

D. No action taken on executive session items.

- E. President Ray Lewis introduced Mr. Steven Guy of Patten Companies, Project Manager for Pecan Plantation (PP). S. Guy thanked the Board for their time. He gave a brief overview of the Patten Companies. The Patten Companies is a land company and is a 3<sup>rd</sup> generation company. S. Guy stated he is working “hand in hand” with the Anthonys. He presented for review a working model and discussed ideas of plans for the East section (commercial) and the Western portions of PP. Concrete streets will be constructed, all the electrical will be installed underground. S. Guy informed the Board a lot of funds are being spent to ensure safety at the airport. The estimated build out for PP is approximately 4,500 lots and estimates 90% of the development to be complete over the next 4 to 5 years.
  
- F. Richard English presented the annexation of 9.782 acres situated in the James W. Moore Survey, Abstract No. 344, located in Hood County Texas, known as East Lake Phase 1, first reading. R. English stated there are eight (8) lots involved in this annexation; four other lots sold prior to annexation. In conjunction with the first reading, the Developer and Owner are requesting Board approval to allow impact fees to be prepaid prior to the second reading (impact fees increase April 1<sup>st</sup>). Staff recommends allowing impact fees to be prepaid prior to the second reading.

After discussion, a motion was made to carry over for a second reading and to allow prepayment of impact fees prior to the 2<sup>nd</sup> reading.

Motion: Cleveland  
 Second: Vernon  
 Vote: All ayes

- G. Richard English presented the Certification of Unopposed Candidates for other Political Subdivisions. We had two (2) at large places to fill and 2 applications received, therefore no one is opposed. This certification allows the election for the Board of Directors to be cancelled and will be posted on our website and at the AMUD Office on Election Day, May 6, 2023.

After discussion, a motion was made to accept the Certification of Unopposed Candidates.

Motion: Vernon  
 Second: Cleveland  
 Vote: All ayes

- H. Richard English presented a resolution to cancel the election to be held on May 6, 2023 in accordance with Section 2.053 of the Texas Election Code. As stated in the resolution, candidates Ray Lewis and Gary Rose have been certified as unopposed. They can be sworn into office six days after the May 6, 2023 election.

After discussion, a motion was made to adopt the resolution, thereby cancelling the May 6, 2023 AMUD Board of Directors election. (RESOL NO. 23-03-390)

Motion: Vernon  
Second: Featherston  
Vote: All ayes

- I. Richard English presented a memorandum dated February 28, 2023 regarding the semi-annual review of water and wastewater impact fees for Board consideration. No discrepancies were found and no changes are recommended at this time.

After discussion, a motion was made to accept the Impact Fee Advisory Committee memorandum dated February 28, 2023.

Motion: Featherston  
Second: Rose  
Vote: All ayes

- J. The Engineer's Report was presented by Chris Hay, P.E. of eHT. He reported on the following:

- WWTP #1 Improvements – As of December, all plant flow has been transferred to the new SBR units. The existing dewatering screw press that was damaged in the artic freeze event in December was restored to operation in mid January by AMUD staff and allowed Crossland to continue final construction tasks. Several delivery delays of components for the new plant SCADA (officially delayed to April 2023); however in late December, TraC-n-trol installed temporary wiring at the plant to bring the full plant SCADA system online to allow for continuing to complete the remaining plant components of the project, with the final communications modules to be installed in April. On January 30<sup>th</sup>, a portion of the secondary power feed wiring at the WWTP suffered a catastrophic failure, damaging the upstream utility transformer and the downstream switchgear; this issue has been resolved. Construction Status Meeting (CSM) #27 was held February 16<sup>th</sup>; the next CSM is anticipated March 16<sup>th</sup>.
- WWTP #2 Improvements – Bar Constructors completed the concrete formwork and pours for the SBR basins in February and has begun hydraulic leak testing of the SBR basins, with leak testing to continue into March. Completion of the transformer relocation at the plant by Oncor was completed in February which allows Bar to begin working on the new Control Building and Dewatering Building in March. CSM #7 was held February 21<sup>st</sup>; the next CSM is anticipated March 21<sup>st</sup>.
- Lift Station 11 Improvements – Bid opening was February 14<sup>th</sup>; no bids were submitted; it was decided to postpone this project and re-advertise at a later date. eHT is standing by to re-advertise the project at a time to be determined later.

- Hood County CDBG First Time Sewer Service Project in Port Ridglea East – eHT is waiting to hear from the grant consultant who is working with TDA to obtain a time extension for the project due to the rebid process. TDA is evaluating the extension request and has requested a completion plan outlining the rebid and construction timeframe estimate. eHT sent the letter to the Grant Consultant on February 10<sup>th</sup>. Once the extension request is approved, the project will be re-advertised for bids.
- Greenleaves Low Pressure Sewer System Improvements – eHT sent the final review set to Staff February 10<sup>th</sup> for final review and comments. Staff has provided comments and eHT is currently working through the comments. Once comments are addressed and plans and specs are finalized, the project will be advertised for bids.
- Pecan Plantation Elevated Storage Tank Improvements – eHT has received the boundary survey from Mr. Anthony and has performed the field design survey. eHT is preparing a Phase 1 ESA for property acquisition purposes and currently working on preparing plans and specifications for submittal to TCEQ for review.

General Services Task

1. 2022 Water Use Survey – eHT prepared this report and reviewed it with Staff. The report was submitted to TWDB in advance of the 3/1/2023 deadline.
2. 2022 Water Loss Audit – eHT prepared this report and reviewed it with Staff. The report was submitted to TWDB in advance of the 5/1/2023 deadline.
3. 2022 Water Conservation Plan Annual Report – eHT is working with Staff to prepare this report due to the TWDB by 5/1/2023.

R. English stated we are currently working with eHT on updating the Drought Contingency Plan. R. English recommending we divide the days of watering into three (3) groups; R. English is working with Leonard Dougal of Jackson Walker for enforcement language. Anticipate having this item on the April agenda.

R. Lewis questioned if we are testing for permanent chemicals that are not biodegradable (PFAS testing) and requests eHT put together a response for Staff if we get questions from the public. eHT will work to put together a response.

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

Motion:       Rose  
 Second:       Cleveland  
 Vote:           All ayes

K. The Operational Report was presented by T J Riggio. He reported under sewer, a pump is out at Lift Station No. 13 in PP, it is currently operating on one pump; the rehab at Lift Station No. 2 in PP is complete; the Lift Station No. 2 in DCBE is operating on one pump, waiting on new pump; the manhole inspections at Lift Station No's. 3 and 4 in PP are complete and Pipeline Analysis will perform the smoke testing (date undetermined). T. Riggio reported WWTP No. 1 was at 96% of the average permitted flow for the month of February; the current permit is for 600,000 gallons per day, the future permit will be at 930,000 gallons per day; WWTP No. 2 is below the 75% of average permitted flow. Both plants met all discharge parameters. T. Riggio informed the Board that the Homeland Security Report for 2023 is updated.

T. Riggio reported under water, unaccounted water for the month of February is 6.09%; he reported water production and sales are at a 5 year high; he reported no violations for the disinfection level quarterly report and reported there were no positive bacteriological samples for the month of February; we are currently training a new sample taker. T. Riggio informed the Board that the Level 1 Total Coliform Assessment is complete and there is no further action from TCEQ. T. Riggio reported rehab at Well No. 11 is complete, however the well meter is not working. He informed the Board we are waiting on a contractor to pull and replace the pump at Well No. 14; at Well No. 25 we are in the process of trying to find a new contractor for tank repairs. He reported the breaker that was burned at SWATS has been replaced and back to normal operations.

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

Motion: Cleveland  
Second: Vernon  
Vote: All ayes

L. Richard English presented a memorandum dated March 7, 2023 regarding potential raw water resale of excess raw water supplies. He presented email exchanges with Jeff Sammon, Regional Customer Relations Business Manager with the Brazos River Authority (BRA) stating the BRA is currently allowing temporary third party resale of excess raw water supplies. As stated in the memo, AMUD should be able to make 2,800 acre feet available for temporary resale at an additional 10% markup resulting in revenue of approximately \$271,000. Staff recommends Board authorization to work with the BRA in developing potential third party resale agreement(s) to be brought back to the Board for final consideration.

After discussion, a motion was made to authorize the General Manager to work with the BRA in developing third party resale agreement(s), up to 2,800 acre feet with a 10% markup.

Motion: Rose  
Second: Cleveland  
Vote: All ayes

- M. Bob Evart presented a request for Board consideration to write off the net uncollectible accounts in the amount of \$90.07 for the month of February, 2023.

After discussion, a motion was made to write off the net uncollectible accounts in the amount of \$90.07 for the month of February, 2023.

Motion: Featherston  
Second: Rose  
Vote: All ayes

- N. Bob Evart presented the Financial Report for February, 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 February, 2023.

Motion: Vernon  
Second: Cleveland  
Vote: All ayes

- O. The General Manager's Report was presented by Richard English. He reported on the following items:
1. The Regular Meeting for April is scheduled for 9:00 a.m., Wednesday, April 19, 2023. Committee meetings are scheduled for Monday, April 10<sup>th</sup>.
  2. Monthly Brazos Regional Public Utility Agency meeting – Wednesday, March 29<sup>th</sup> at the JCSUD Office.
  3. AMUD Office closed Friday, April 7<sup>th</sup> for Good Friday.

Open Items –

- a) SWATS Plant Update – Presented water quality reports; source, raw and finished water for the month of February, 2023 and the beginning of March 2023. Chloride levels are staying reasonably low.
- 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: Rose  
Second: Vernon  
Vote: All ayes

P. Items from Board Members:

Vernon:  
None

Featherston:  
None

Cleveland:  
None

Rose:  
None

Lewis:  
None

Adjournment

A motion was made to adjourn at 12:00 p.m.

Motion: Rose  
Second: Vernon  
Vote: All ayes

  
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Secretary, Board of Directors  
Acton Municipal Utility District