

MINUTES

ACTON MUNICIPAL UTILITY DISTRICT

The Board of Directors of Acton Municipal Utility District met in regular session at 9:00 a.m., Wednesday, December 20, 2023. Notice of said meeting was posted as prescribed by Chapter 54, Article 109, of the Texas Water Code.

Regular Session

December 20, 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
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 Gary Rose.

A. After discussion, a motion was made to accept the minutes from the Regular Meeting November 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 9:03 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 9:55 a.m. and returned to open session at 9:58 a.m.

D. No action taken on executive session item.

- E. The amendment to the Ground Ambulance Service Agreement with Texas Emergency Medical Services (Texas EMS) is deferred till the January meeting.
- F. Richard English presented a memorandum dated December 15th requesting approval to contract meter change outs. As stated in the memo, a number of factors have prevented us from aggressively pushing changing out meters. The oldest meters in the system are located in DCBE and a few others in the Acton area, approximately 1,710 meters. These meters have outlived their usefulness resulting in the need to physically reread most of them on a monthly basis for billing purposes. Staff requests contracting the replacement of these meters in an effort to “catch up” with the needs.

R. Lewis questioned if it would be better to hire a crew to do just this. R. English stated the economics would be good however we have a difficult time staying full staffed.

After much discussion, a motion was made to postpone action on this item till next month.

Motion: Cleveland
Second: Vernon
Vote: All ayes

- G. Chris Hay, P.E. of Enprotec/Hibbs & Todd (eHT) was present to discuss the bids for the Elevated Storage Tank #12 Improvement in Pecan Plantation. Sealed bids were received December 14th; three (3) bids were received; Phoenix Fabricators & Erectors, LLC, Caldwell Tanks, Inc., and Landmark Structures 1, LP. Staff recommends the bid be awarded to Phoenix Fabricators & Erectors, LLC as the lowest responsible bidder with a total contract price of \$3,340,440.00.

After discussion, a motion was made that as stated in bid documents, the District reserves the right to waive any irregularities with the bids, and the Board is waiving the timing of deadline for submitting Safety Record for all bidders, that prior to today all bidders did provide that information requested in the packet, that the Board considered the safety record of the bids received, that the Board considered other information including costs, and that the Board awards the bid to Phoenix Fabricators & Erectors, LLC for the Elevated Storage Tank #12 Improvement in Pecan Plantation with a total contract price of \$3,340,440.00.

Motion: Vernon
Second: Rose
Vote: All ayes

- H. The Engineer’s Report was presented by Chris Hay, P.E. of eHT. He reported on the following:
- WWTP #1 Improvements – The plant is fully operational, Crossland is still 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 (tie-in of the last two process aeration blowers that were rebuilt, final SCADA programming adjustments, SCADA alarm troubleshooting). Retainage is still being held. 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) completed the last two leak repaired basins and they passed the leak test. Bar continued installing equipment in the SBR Building, Dewatering Building, and Chlorine Room in December. 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, tentatively February 2024. CSM #12 was held December 19th.
- 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.
- Pecan Plantation Elevated Storage Tank Improvements – The project was advertised for bids and a bid opening was held Thursday, December 14th. The project was awarded to Phoenix Fabricators & Erectors, LLC under agenda item “G”.
- Greenleaves Low Pressure Sewer System Improvements – The project was awarded to Day Services, LLC at the May Board Meeting. The Contractor is proceeding with installation. Based on current progress, it looks like the project will wrap up around the end of January, pending weather.
- Acton Loop Water Line Extension Improvements – Surveyors have completed most of the design survey in the right-of-way areas. The preliminary alignment requires approximately 4 easements to be acquired. A right of entry agreement has been granted for all four parcels, eHT completed the field surveying for them and are in the process of finalizing the easement exhibits and proceeding forward with design.

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

Motion: Cleveland
Second: Featherston
Vote: All ayes

- I. The Operational Report was presented by T J Riggio. He briefed the Board on several items; Lift Station No. 10 in Pecan Plantation (PP) is fully operational, the Greenleaves Sewer Project is progressing and the permit renewal application for WWTP No. 1 is on track to be completed before the deadline of December 29th. Under wastewater, T. Riggio reported WWTP No. 1 the contractors have moved out, there are only a few punch list items remaining; 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 78% of the average permitted flow for the month of November, under the future 930K permit this would be 50%. WWTP No. 2 is at 46% of the average permitted flow, under the future 820K permit this would be 28%. Both WWTP's met all discharge permit parameters for the month of November.

T. Riggio reported unaccounted water for the month of November is 9.74%. He reported the water production and sales for the month and year to date. He reported there were no positive bacteriological samples for the month of November. T. Riggio reported Well No. 14 has been turned off since June 22nd due to the tank coming apart at the seams, after speaking with the contractor, he thinks the repairs should be complete by February; Well No. 23, the well pump had gone to ground and needed replacement, the well is operational but will have to wait to run the well until the new year due to State compliance sampling schedule reasons.

T. Riggio informed the Board that we are currently one employee short in the field.

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

Motion: Featherston
Second: Vernon
Vote: All ayes

J. Bob Evart presented a request for Board consideration to write off the net uncollectible accounts in the amount of \$1,056.50 for the month of November, 2023. Year to date write off rate of revenue is 0.08%.

After discussion, a motion was made to write off the net uncollectible accounts in the amount of \$1,056.50 for the month of November, 2023.

Motion: Rose
Second: Cleveland
Vote: All ayes

K. Bob Evart presented the Financial Report for November, 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. Ray Lewis questioned if Staff is fully integrated on the financial system. B. Evart stated yes, we have moved all financial program to the cloud; in process of working to get utility billing to Version 10 in Incode, also in the cloud. Once they are up on Version 10, financial will move to Version 10.

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

Motion: Rose
Second: Featherston
Vote: All ayes

- L. The General Manager's Report was presented by Richard English. He reported on the following items:
1. The Regular Meeting for January is scheduled for 9:00 a.m., Wednesday, January 17, 2024. Committee meetings are scheduled for Thursday, January 11th.
 2. AMUD Office closed Monday and Tuesday, December 25th and 26th for Christmas and Monday, January 1st for New Year's Day.
 3. Articles – "Once Upon a Time..." from Quench.

Open Items:

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

Wished everyone a Merry Christmas!

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


Motion: Vernon
Second: Cleveland
Vote: All ayes

- M. Items from Board Members: All the Board Members wished everyone a Merry Christmas!

Adjournment

A motion was made to adjourn at 10:56 a.m.

Motion: Featherston
Second: Vernon
Vote: All ayes



Secretary, Board of Directors
Acton Municipal Utility District