

MINUTES

ACTON MUNICIPAL UTILITY DISTRICT

The Board of Directors of Acton Municipal Utility District met in regular session at 9:00 a.m., Wednesday, April 17, 2024. Notice of said meeting was posted as prescribed by Chapter 54, Article 109, of the Texas Water Code.

Regular Session

April 17, 2024

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 Ray Lewis.

A. After discussion, a motion was made to accept the minutes from the Regular Meeting March 20, 2024.

Motion: Rose
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 9:04 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 9:21 a.m. and returned to open session at 9:25 a.m.

D. No action taken on executive session item.

E. Chris Hay, P.E. of Enprotec/Hibbs & Todd (eHT) presented a letter dated April 11, 2024 regarding the Greenleaves Low Pressure Sewer System Improvements Final Completion and Final Project Acceptance. As stated in the letter, the contractor reached completion on March 29, 2024 and the twelve-month warranty period will expire March 29, 2025. All documentation has been received including the consent of surety to final payment. eHT recommends final acceptance of the project and final payment in the amount of \$23,034.70 to Day Services, LLC.

After discussion, a motion was made to approve the project and release the final payment in the amount of \$23,034.70 to Day Services, LLC for the Greenleaves Low Pressure Sewer System Improvements Project.

Motion: Vernon
Second: Rose
Vote: All ayes

F. A resolution of the updated Water Conservation and Drought Contingency Plan was presented. Chris Hay, P.E. of eHT stated the Water Conservation part of the plan is required to be updated every 5 years. Updates to the Drought Contingency Plan was approved last May. G. Rose questioned language used under Section VI and Section X with regard to meter readers. C. Hay will remove “meter readers” under Section VI and remove No. 2, “Leak detection by meter readers” under Section X of the Water Conservation part of the plan. R. English informed the Board we anticipate presenting an agenda item next month requesting to amend the Drought Contingency Plan with regard to Section X – Enforcement.

After discussion, a motion was made to adopt the Resolution for Adoption of the Updated Acton Municipal Utility District Water Conservation and Drought Contingency Plan. (RESOL 24-04-416)

Motion: Cleveland
Second: Vernon
Vote: All ayes

G. 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; there has been no new movement with the remaining punch list items related to SCADA (final SCADA programming adjustments, SCADA alarm troubleshooting). eHT and AMUD have requested several updates from Crossland on the remaining completion of outstanding items with no response from Crossland; Substantial completion has not yet been granted to Crossland which puts them approximately a year in liquidated damages at this time. Retainage is still being held. The last Construction Status Meeting (CSM) #30 was held June 15, 2023.

- WWTP #2 Improvements – Construction moving forward. Bar Constructors, Inc. (Bar) completed installation of equipment in the SBR Building, Dewatering Building, and Chlorine Building and continued work on the new influent lift station required to transfer influent wastewater to the new SBR system. 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 the most recent startup preparation meeting March 12th with TraC-n-Trol to verify tasks, timing, and critical milestones to prepare for startup of the new SBR system over the next several months. The next startup coordination meeting is planned for the 3rd week of April. CSM #14 was held March 12th; the April CSM was held April 16th. With delays in electrical equipment delivery, Bar has noted an anticipated further delay in startup of the SBR system until Summer 2024 and plant completion in Fall 2024, however they have not formally requested additional time in the contract schedule.
- Lift Station 11 Improvements – Bid opening was February 14, 2023; 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 awarded to Phoenix Fabricators & Erectors, LLC in the amount of \$3,340,440.00 at the December 2023 Board Meeting. Contracts have been fully executed and a preconstruction conference was held February 20th in which Notice to Proceed was issued. Phoenix submitted a tentative project schedule and is listed on the Engineer’s Report. The contractor has installed erosion control measures and begun site clearing.
- Greenleaves Low Pressure Sewer System Improvements – The AMUD Board approved final acceptance of the project today under agenda item “E”.
- Acton Loop Water Line Extension Improvements – The property owners for the two southern parcels have both tentatively agreed to alignments; in process of finalizing the easement exhibits for these two properties and are proceeding forward with design. The northern easement portions are on hold due to landowner opposition. The proposed route along the northern portion of the project may need to be modified if an agreement can’t be reached with the landowner.

General Services Task

1. TWDB Reports

- a) 2023 Water Use Survey – eHT submitted the Water Use Survey to TWDB in advance of the 3/1/2024 deadline on behalf of the District.
- b) 2023 Water Loss Audit – eHT submitted the Water Loss Audit to TWDB in advance of the 5/1/2024 deadline on behalf of the District.
- c) 2023 Water Conservation Plan Annual Report – eHT submitted the WCP to Staff for review ahead of the TWDB submittal deadline of 5/1/2024.

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

Motion: Featherston
Second: Cleveland
Vote: All ayes

- H. The Operational Report was presented by T J Riggio. He briefed the Board regarding the screw press being out of operation at WWTP No. 1, the gearbox went out and currently waiting on parts to make repairs.

Under wastewater, T. Riggio reported at WWTP No. 1, we are down to completing punch list items; WWTP No. 2 was discussed under the Engineers Report and stated we have not received any community complaints. T. Riggio reported higher than normal Total Suspended Solids (TSS) which is due to removal or limitation of processes in the plant to make way for the new plant, the TSS it was not outside our permit parameters. T. Riggio reported WWTP No. 1 received 19.11 MG of flow, 103% of the average permitted flow under the existing 600K permit for the month of March; under the future 930K permit this would be 66%. WWTP No. 2 received 10.32 MG of flow, 68% of the average permitted flow under the existing 487K permit; would be 41% under the future 820K permit. Both WWTP's met all discharge permit parameters for the month of March.

T. Riggio reported no positive bacteriological samples for the month of March. He reported we had the leak detection services out to survey the stretch of FM 167 where our line was struck multiple times to make sure there were no other leaks that could be traveling down the bore holes; no leaks were discovered. He reported unaccounted water for the month of March is 22.85%; the unaccounted water has been higher than normal for this time of year. T. Riggio will continue to monitor the unaccounted water and if it continues to be high, he may request leak detection services to come out again. T. Riggio reported year to date production is at a 5-year high.

T. Riggio reported he is currently reviewing a quote from TraC-n-Trol to get B4 Xfer pumps fitted with VFD's to help create a more predicible pumping schedule this summer. He also reported we now have remote view of BRPUA's finished tank levels; T. Riggio reported the second round of UCMR5 are complete, no indication of PFAS.

T. Riggio reported at Well No. 11, the production meter is not operable, waiting on a new meter; Well No. 26 has been off due to low demand, the pump still cuts off and has to be flushed every time it comes back on; if the Well does not run continuously, we will get colored water in the distribution system.

T. Riggio reported we currently have 4 open positions, in process of scheduling interviews.

After discussion, a motion was made to accept the Operational Report for March, 2024.

Motion: Vernon
Second: Featherston
Vote: All ayes

- I. Bob Evert presented the Quarterly Investment Report, 2nd quarter fiscal year, 1st quarter 2024.

After discussion, a motion was made to accept the Quarterly Investment Report, 2nd quarter fiscal year, 1st quarter 2024.

Motion: Featherston
Second: Cleveland
Vote: All ayes

- J. Bob Evert presented a request for Board consideration to write off the net uncollectible accounts in the amount of \$643.79 for the month of March, 2024. He also presented a draft quarterly report consolidating the monthly write offs to quarterly, as requested by the Board. The change in reporting the uncollectible accounts will now be done on a quarterly basis. R. Lewis expressed his appreciation.

After discussion, a motion was made to write off the net uncollectible accounts in the amount of \$643.79 for the month of March, 2024.

Motion: Rose
Second: Cleveland
Vote: All ayes

- K. Bob Evert presented the Financial Report for March, 2024. 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 March, 2024.

Motion: Cleveland
Second: Rose
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 May is scheduled for 9:00 a.m., Wednesday, May 15, 2024. Committee meetings are scheduled for Thursday, May 9th.

2. There is no Brazos Regional Public Utility Agency Meeting this month.
3. Tour wastewater treatment plants – Meet at WWTP No. 1 in DCBE Tuesday, April 23rd at 9:30 a.m.
4. Articles – “Ask an expert: How shifting weather patterns impact water supply in Texas” and “Every drop counts: Commit to a water-wise home this spring”, both posted in Texas Water Newsroom.

Open Items:

- a) SWATS Plant Update – Presented water quality reports; source, raw and finished water for the month of March, 2024 and the beginning of April 2024. Finished water Chloride levels have inched backed down to the mid 300’s due to rainfall.

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

Motion: Vernon
Second: Featherston
Vote: All ayes

M. Items from Board Members:

Vernon:
None

Featherston:
None

Cleveland:
None

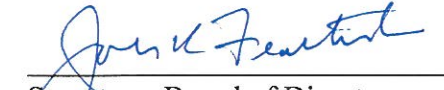
Rose:
None

Lewis:
1. Will be out of town May 7th – May 12th.

Adjournment

A motion was made to adjourn at 10:25 a.m.

Motion: Rose
Second: Vernon
Vote: All ayes



Secretary, Board of Directors
Acton Municipal Utility District