



Agua Special Utility District
P. O. Box 4379 | Mission, Texas | 78573-0075
(956) 585-2459 | FAX (956) 585-1516

**Regular Meeting of the Board of Directors
(Virtual Meeting)**

Agua S.U.D. Administration Building
3120 North Abram Road
Palmview, Texas

June 3, 2021
6:00 PM
AGENDA

Board of Directors
Homero Tijerina, President
Ivan Sandoval, Vice-President
Maribel Diaz, Secretary
Esmeralda H. Solis, Treasurer
Lloyd Loya, Director
Cesar Rodriguez, Jr., Director
Adolfo Arriaga, Director

A MEETING OF THE AGUA SPECIAL UTILITY DISTRICT'S BOARD OF DIRECTORS WILL BE HELD BY VIDEOCONFERENCE ON THURSDAY, JUNE 3, 2021 AT 6:00 P.M. AND SHALL BE IN ATTENDANCE VIA A COMPUTER, TABLET OR SMARTPHONE AT THE LINK SHOWN <https://global.gotomeeting.com/join/797164485> OR VIA DIAL IN USING YOUR PHONE AT 1 (571) 317-3112 AND ACCESS CODE: 797-164-485.

THIS AGUA SUD MEETING WILL BE HELD USING VIDEO CONFERENCE SYSTEM AND IS AUTHORIZED BY GOVERNOR GREG ABBOTT'S TEMPORARY SUSPENSION OF CERTAIN ASPECTS OF THE TEXAS OPEN MEETINGS ACT WHICH ALLOWS FOR A GOVERNING BODY TO HOLD A "VIRTUAL" MEETING SO AS TO AVOID GATHERING MEMBERS OF THE PUBLIC AND/OR BOARD MEMBERS, AND STAFF IN A PHYSICAL SETTING THAT MIGHT CONSTITUTE A PUBLIC HEALTH RISK. THERE WILL BE NO PHYSICAL PUBLIC ACCESS TO THIS MEETING, HOWEVER, THERE WILL BE REAL TIME VIRTUAL ACCESS. PLEASE SEE OPEN MEETING LAWS SUBJECT TO TEMPORARY SUSPENSION.

PUBLIC COMMENTS WILL ONLY BE ACCEPTED IN WRITING NO LATER THAN THIRTY (30) MINUTES IN ADVANCE OF THE MEETING BY SENDING THEM TO CYNTHIA VILLARREAL AT cynthiav@aguasud.com. IN THE BODY OF THE EMAIL PLEASE INCLUDE DATE, NAME, ADDRESS, PHONE NUMBER, AGENDA ITEM # IF APPLICABLE OR SUBJECT OF DISCUSSION, AND COMMENTS.

DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING MATTERS:

1. Call to Order
 - a. Roll Call
 - b. Public Comments (*Refer to paragraph above regarding public comments; email method*)
2. Presentation, discussion and possible action on lease of District owned property to Recurrent Energy Battery Storage.

3. Presentation by Capex Consulting Group on Agua SUD Water Rights, Rates and Planning.
4. Discussion and possible action on a on a Non-Standard Service Agreement for water service to be submitted to GarVic Properties, L.P., for the cost related to water service for El Pinto Estates Phase III Subdivision.
5. Discussion and possible action on a on a Non-Standard Service Agreement for water service to be submitted to Evert Enterprises Inc., for the cost related to water service for Western Oaks Phase II Subdivision.
6. Discussion and possible action to authorize the General Manager to advertise bid for construction of Mile 2 Waterline Replacement Mission Interconnect.
7. Discussion and possible action on Reimbursement Agreement for Western Oak Subdivision.
8. Presentation by Jimmy Closner & Sons regarding the Liquidated Damages for Palmview Wastewater Collection System Phase 1, Lift Stations A2, F, G, & G7. (Project 3).
9. Discussion and possible action regarding potential interlocal agreement with the City of Mission related to emergency water connection.
10. Status by M2 Engineering on Capital Improvement Plan.
11. General Manager's Report:
 - a. April Financials
 - b. TWDB Palmview Sanitary Sewer Improvements
 - c. NAD Bank Technical Assistance Agreement (Sewer Hook-ups)
 - d. Food Bank Event
 - e. Easement litigation regarding Veteran's road in Hidalgo County.

12. EXECUTIVE SESSION:

Pursuant to Texas Open Meetings Act and Texas Gov. Code Section 551.001 Consultation with Attorney, 551.072 Regarding Real Property, 551.073 Prospective Gift, 551.074 Personnel Matters and 551.076 Security. Prospective Gift, 551.074 Personnel Matters and 551.076 Security.

- a. TWDB Palmview Sanitary Sewer Improvements Project
- b. Cause No. C-3353-20-I; S&B Infrastructure vs. Agua Special Utility District; In the District Court of Hidalgo County, Texas, 398th Judicial District
- c. Cause No. C-3856-20-D; Marvin Lee Terveen vs. Agua Special Utility District, Mor-Wil, LLC, S&B Infrastructure, LTD; In the District Court of Hidalgo County, Texas, 206th Judicial District

- d. Presentation by Jimmy Closner & Sons regarding the Liquidated Damages for Palmview Wastewater Collection System Phase 1, Lift Stations A2, F, G, & G7. (Project 3).
 - e. Salida del sol tank certification
 - f. Performance Services, Inc. smart meter program guarantee
 - g. Recurrent Energy lease proposal.
 - h. Energy provider contract status and review.
 - i. Easement litigation regarding Veteran's road in Hidalgo County.
13. Discussion and possible action regarding item(s) discussed in Executive Session.
14. Adjournment.

Notice of Regular Meeting of the
Agua Special Utility District Board of Directors

Notice is hereby given that on the 3rd day of June, 2021 the Board of Directors of Agua Special Utility District will hold a regular meeting at 6:00 p.m. at the Agua Administration Building, 3120 North Abram Rd., Mission, Texas 78572. The subjects to be discussed are listed on the agenda, which is attached to and made part of this notice.

If, during the course of the meeting covered by this Notice, the Board of Directors should determine that a closed or executive meeting or session of the Board is required, then such closed or executive meeting or session as authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq., will be held by the Board at the date, hour and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the Board may conveniently meet in such closed or executive meeting or session concerning any and all purposes permitted by the Act, including, but not limited to the following sections and purposes.

Texas Government Code Section:

- 551.071 Consultation with Attorney.
- 551.072 Deliberation regarding real property.
- 551.073 Deliberation regarding prospective gifts.
- 551.074 Personnel Matters.
- 551.076 Deliberation regarding security devices or security audits.
- 551.0785 Deliberation involving medical or psychiatric records of individuals.
- 551.084 Investigation; exclusion of witness from hearing.
- 551.087 Deliberation regarding economic development negotiation.
- 551.088 Deliberation regarding test item.

Should any final action, final decision, or final vote be required in the opinion of the Board of Directors with regard to any matter considered in such closed or executive meeting or session, then the final action, final decision, or final vote shall be either:

- (a) in the open meeting covered by the Notice upon the reconvening of the public meeting; or
- (b) at a subsequent public meeting of the Board of Directors upon notice thereof; as the Board shall determine.

On this the 28th day of May, 2021 was posted on the Agua SUD official website and in a place convenient to the public in the bulletin board at Agua Special Utility District, 3120 North Abram Rd. Palmview, Texas 78572 at 4:00 p.m. on said date.

/s/
Pamela S. Perez, Project Manager