

# **AGUA SPECIAL UTILITY DISTRICT**

Regular Meeting of the Board of Directors  
Agua SUD Administration Building  
3120 North Abram Road  
Palmview, Texas

6:00 p.m., October 05, 2020

## **MINUTES OF REGULAR "VIRTUAL" MEETING**

1. The meeting was called to order by Mr. Lloyd Loya at 6:00 p.m., October 05, 2020, at which time Mr. Loya acknowledged the presence of the following Elected Members of the Board of the Agua SUD:

**Directors Present:**

Mr. Lloyd Loya (Virtually present)  
Mr. Adolfo Arriaga  
Mr. Franco López  
Mr. Esequiel Ortiz, Jr.  
Mr. Homero Tijerina

**Directors Absent:**

Mr. Cesar Rodríguez, Jr.  
Mr. Ivan Sandoval

A quorum of the members of the Agua SUD being present, the meeting was duly convened. Invocation was presented by Mr. Lloyd Loya, Board President.

Public Comment:     None

2. The Board of Directors reviewed and adopted minutes of the July 13, 2020 Agua Board Meeting. The motion was made by Mr. Esequiel Ortiz, Jr. and seconded by Mr. Adolfo Arriaga and was unanimously approved by the Board.
3. The Board of Directors approved to move the November regular board meetings from November 2, 2020 to November 9, 2020. The motion was made by Mr. Esequiel Ortiz, Jr. and seconded by Mr. Adolfo Arriaga and was unanimously approved by the Board.

At 6:03pm the Board President, Mr. Lloyd Loya, lost virtual communication and Board Secretary, Adolfo Arriaga, presided over the meeting.

4. The Board of Directors the Non-Standard Service Agreement and 30-year letter for water and sewer service to be submitted to T & O Ranch Investments, LLC, for the cost related to water and sewer service for T & O Ranch Subdivision. The motion was made by Mr. Homero Tijerina and seconded by Mr. Adolfo Arriaga and was unanimously approved by the Board.
5. The Board of Directors approved Change Order No. 6 with SureTec for Palmview Wastewater Collection System Phase 1, Group A&G subject to Texas Water Development Board approval. The motion was made by Mr. Homero Tijerina and seconded by Mr. Franco Lopez and was unanimously approved by the Board.
6. The Board of Directors moved item six into executive session regarding reduction of retainage for Mor-Wil for Palmview Wastewater Collection System Phase 1, Main Lift Station and Forcemain Conveyance System (Project 4) subject to Texas Water Development Board approval. The motion was made by Mr. Esequiel Ortiz, Jr. and seconded by Mr. Franco Lopez and was unanimously approved by the Board.

At 6:08pm the Board President, Mr. Lloyd Loya, rejoined by virtual and continued presiding over the board meeting.

7. The Board of Directors received a report from the General Manager on operations and finance including:
  - a. TWDB Palmview Sanitary Sewer Improvements status update was presented by General Manager, Jose E. Saenz. The status also included c. Palmview Sanitary Sewer Start-up. The main lift station is operational and the start date was October 1<sup>st</sup>, 2020.
  - b. NAD Bank Technical Assistance Agreement (Sewer Hook-ups) status update was presented by Project Engineer, Milo Salinas, M2 Engineering. The status included the approximate completion of about 370 connections from property line to point of connection. Contractors were notified of start of connection and decommissioning by Thursday. Overall, contractors are on schedule, if anything they might be one week behind schedule, but they do have about seven rain days.
  - d. No other business was discussed
8. The Board of Directors recessed into an Executive (closed) meeting at 6:14 p.m. under 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. The motion was made by Mr. Homero Tijerina and seconded by Mr. Adolfo Arriaga and was unanimously approved by the Board.

ITEM 8. a. TWDB Palmview Sanitary Sewer Improvements Project.

ITEM 8. b. Discussion regarding 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.

ITEM 6. Discussion and possible action on approval to reduce the retainage for Mor-Wil for Palmview Wastewater Collection System Phase 1, Main Lift Station

and Forcemain Conveyance System (Project 4) subject to Texas Water Development Board approval.

At 7:13 p.m., The Board moved to reconvene in open session and no action was taken in executive session. The motion was made by Mr. Homero Tijerina and seconded by Mr. Adolfo Arriaga and was unanimously approved by the Board.

9. The Board of Directors took no action in open session regarding item(s) discussed in executive session for the following:

ITEM 6. The Board of Directors un-tabled item on approval to reduce the retainage for Mor-Wil for Palmview Wastewater Collection System Phase 1, Main Lift Station and Forcemain Conveyance System (Project 4) subject to Texas Water Development Board approval from September 14, 2020 to October 5, 2020. The motion was made by Mr. Adolfo Arriaga and seconded by Mr. Homero Tijerina and was unanimously approved by the Board. The Board of Directors took no action on approval to reduce the retainage for Mor-Wil for Palmview Wastewater Collection System Phase 1, Main Lift Station and Forcemain Conveyance System (Project 4) subject to Texas Water Development Board approval due to Project Engineer not being present.

ITEM 8.a. The Board of Directors took no action on TWDB Palmview Sanitary Sewer Improvements Project.

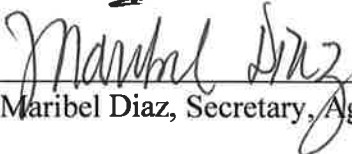
ITEM 8.b. The Board of Directors approved to allow General Manager and Legal to respond to lawsuit as discussed in executive session regarding Cause No. C-3353-20-I; S&B Infrastructure vs. Agua Special Utility District; In the District Court of Hidalgo County, Texas, 398th Judicial District. The motion was made by Mr. Adolfo Arriaga and seconded by Mr. Homero Tijerina and was unanimously approved by the Board. The Board of Directors approved to allow General Manager and Legal to work on wording to hire M2 Engineering to oversee the project (Palmview Sanitary Sewer Improvements Project). The motion was made by Mr. Adolfo Arriaga and seconded by Mr. Franco Lopez and was unanimously approved by the Board.

At 7:32 p.m., Mr. Esequiel Ortiz, Jr. moved for adjournment. Motion was seconded by Mr. Adolfo Arriaga and was unanimously approved by the Board.

Approved, the 14<sup>th</sup> of January, 2021

  
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Homero Tijerina, President, Agua SUD

Attested by:

  
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Maribel Diaz, Secretary, Agua SUD