

# **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., June 6, 2022

## **MINUTES OF REGULAR MEETING**

1. The meeting was called to order by Mrs. Esmeralda H. Solis at 6:00 p.m., June 6, 2022, at which time Mrs. Solis acknowledged the presence of the following Elected Members of the Board of the Agua SUD:

**Directors Present:**

Mrs. Esmeralda H. Solis  
Ms. Maribel Diaz (arrived at 6:02 p.m.)  
Mr. Cesar Rodriguez, Jr.  
Mr. Ricardo Perez  
Mr. Lloyd Loya  
Mr. Homero Tijerina (arrived at 6:01 p.m.)  
Mr. Ivan Sandoval

**Directors Absent:**

None

A quorum of the members of the Agua SUD being present, the meeting was duly convened. Mrs. Jennifer Perez presented invocation.

Public Comment: None received.

2. The Board of Directors reviewed and adopted minutes of the April 28, 2022 Agua Special Board Meeting. The motion was made by Mr. Cesar Rodriguez, Jr. and seconded by Mr. Lloyd Loya and was unanimously approved by the Board. The Board of Directors reviewed and adopted minutes of the May 2, 2022 Agua Board Meeting. The motion was made by Mr. Cesar Rodriguez, Jr. and seconded by Mr. Lloyd Loya and was unanimously approved by the Board. The Board of Directors reviewed and adopted minutes of the May 18, 2022 Agua Special Board Meeting. The motion was made by Mr. Lloyd Loya and seconded by Mr. Cesar Rodriguez, Jr. and was unanimously approved by the Board.
3. The Board of Directors approved a Non-Standard Service Agreement for water and wastewater services to be submitted to Mr. Omar Cantu for the cost related to water & wastewater service

for Bentsen Cardinals Subdivision. The motion was made by Mr. Homero Tijerina and seconded by Mr. Lloyd Loya and was unanimously approved by the Board.

4. The Board of Directors approved moving the January regular board meeting from July 4, 2022 to July 11, 2022. The motion was made by Ms. Maribel Diaz and seconded by Mr. Ricardo Perez and was unanimously approved by the Board.
5. The Board of Directors revised date and time of regularly scheduled Agua SUD board meetings to the first Thursday of each month at 5:45pm effective in August. Questions were asked by directors and a brief discussion was held on the date and time. The motion was made by Ms. Maribel Diaz and seconded by Mr. Lloyd Loya and was approved 6-1, with a nay by Mr. Homero Tijerina.
6. The Board of Directors authorized General Manager to advertise for competitive bids on the purchase of Water Treatment Chemicals to include Liquid Chlorine Gas and Chlorine Dioxide (Sodium Chlorite). The motion was made by Mr. Lloyd Loya and seconded by Ms. Maribel Diaz and was unanimously approved by the Board.
7. The Board of Directors received an update regarding District finances, trends, debt service and revenues by Mr. Roberto Salinas, General Manager and Finance. Questions were asked by directors and a brief discussion was held regarding District finances, trends, debt service and revenues.
8. The Board of Directors approved recommendations by staff committee to amend fee schedule set forth in District Rules Article 5, Article 6 and Article 9. The motion was made by Mr. Lloyd Loya and seconded by Mr. Cesar Rodriguez, Jr. and was approved 6-1, with a nay by Mr. Homero Tijerina.
9. The Board of Directors approved Resolution to update signers and authorized persons with Bank of America. The motion was made by Mr. Lloyd Loya and seconded by Mr. Cesar Rodriguez, Jr. and was unanimously approved by the Board.
10. The Board of Directors approved to close accounts with Bank of America. The motion was made by Mr. Lloyd Loya and seconded by Ms. Maribel Diaz and was unanimously approved by the Board.
11. The Board of Directors approved supplemental consulting services by Capex Consulting for water and wastewater rate analysis. The motion was made by Mr. Lloyd Loya and seconded by Mr. Homero Tijerina and was unanimously approved by the Board.
12. The Board of Directors authorized General Manager and Legal Counsel to contact Hidalgo County for the 2022 election services and proceeding with preparations for Agua SUD November 8, 2022 General Election. The motion was made by Ms. Maribel Diaz and seconded by Mr. Homero Tijerina and was unanimously approved by the Board.
13. The Board of Directors approved to extend agreement with M2 Engineering for Agua SUD's Palmview Wastewater Collection System Project on an hourly base not to exceed \$6,500. The motion was made by Mr. Homero Tijerina and seconded by Mr. Cesar Rodriguez, Jr. and was unanimously approved by the Board.

14. The Board of Directors authorized General Manager to submit declaration of loss and request for restitution from Jeremy Lancon pursuant to notice from Probation Office of the United States District Court for the Southern District of Texas. The motion was made by Mr. Cesar Rodriguez, Jr. and seconded by Mr. Ricardo Perez and was unanimously approved by the Board.
15. The Board of Directors authorized General Manager to submit declaration of loss and request for restitution from Armin Garza pursuant to notice from Probation Office of the United States District Court for the Southern District of Texas. The motion was made by Mr. Ricardo Perez and seconded by Ms. Maribel Diaz and was unanimously approved by the Board.
16. The Board of Directors received a report from the General Manager on operations and finance including:
  - a. April Financials
17. The Board of Directors received a report from the District Engineer on ongoing projects including:
  - a. NAD Bank Technical Assistance Agreement (Sewer Hook-ups) summary of hookups on the Mor-Wil project, 1,462 service connections, 1,317 connected, 1,252 septic tanks fully pumped out, and 1,245 fully decommissioned.
  - b. Construction is approximately 95% - 97% complete for Mile 3 Road Waterline Improvements Project. Overall, Mile 3 Road Waterline Improvements Project is pending one crossing and two service connections.
  - c. TWDB Palmview Sanitary Sewer Improvements Project Update – the only project pending from the 4 projects is with the Surety Company for Group A& G, the area pending is the G1 area.
18. The Board of Directors recessed into an Executive (closed) meeting at 6:46 p.m. under Texas Gov. Code Sections 551.071-551.091, the Board of Directors may convene in closed Executive Session to deliberate, discuss, or consult regarding the matters listed below and, on proper motion and approval, any of the items set forth above. The motion was made by Ms. Maribel Diaz and seconded by Mr. Lloyd Loya and was unanimously approved by the Board.

ITEM 18. a. TWDB Palmview Sanitary Sewer Improvements Project. ***Texas Open Meetings Act, Texas Government Code Section 551.071 (Consultation with Attorney).***

ITEM 18. b. Performance Services, Inc. litigation. ***Texas Open Meetings Act, Texas Government Code Section 551.071 (Consultation with Attorney).***

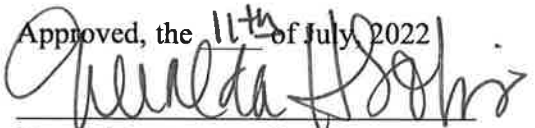
ITEM 18. c. Jimmy Closner & Sons Liquidated Damages for Palmview Wastewater Collection System Phase 1, Lift Stations A2, F, G, & G7. (Project 3). ***Texas Open Meetings Act, Texas Government Code Section 551.071 (Consultation with Attorney).***

At 7:08 p.m., The Board moved to reconvene in open session and no action was taken in executive session. The motion was made by Mr. Lloyd Loya and seconded by Ms. Maribel Diaz and was unanimously approved by the Board.

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

- ITEM 18.a. The Board of Directors took no action on TWDB Palmview Sanitary Sewer Improvements Project.
- ITEM 18.b. The Board of Directors took no action on Performance Services, Inc. litigation.
- ITEM 18.c. The Board of Directors took no action on the Jimmy Closner & Sons Liquidated Damages for Palmview Wastewater Collection System Phase 1, Lift Stations A2, F, G, & G7. (Project 3).

At 7:08 p.m., Ms. Maribel Diaz moved for adjournment. Motion was seconded by Mr. Cesar Rodriguez and was unanimously approved by the Board.

Approved, the 11<sup>th</sup> of July, 2022  
  
Esmeralda H. Solis, President, Agua SUD

Attested by:  
  
Cesar Rodriguez, Jr., Secretary, Agua SUD