

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 3, 2022

MINUTES OF REGULAR MEETING

1. The meeting was called to order by Mrs. Esmeralda H. Solis at 6:03 p.m., October 3, 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
Mr. Cesar Rodríguez, Jr.
Mr. Ricardo Perez
Mr. Lloyd Loya
Mr. Homero Tijerina
Mr. Ivan Sandoval

Directors Absent:

None

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

Public Comment: None received.

2. The Board of Directors reviewed and adopted minutes of the July 11, 2022 Agua Board Meeting. The motion was made by Mr. Homero Tijerina 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 services to be submitted to Mr. Oviedo Garcia, for the cost related to water service for Kalidad II Subdivision subject to credit of one meter purchased with Kalidad Phase I. 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 a Non-Standard Service Agreement for water services to be submitted to Mr. Antioco G. Cantu Garza, for the cost related to water service for G.E.O

Subdivision. The motion was made by Mr. Lloyd Loya and seconded by Mr. Cesar Rodriguez, Jr. and was unanimously approved by the Board.

5. The Board of Directors approved a Non-Standard Service Agreement for water services to be submitted to El Carizales, LLC, for the cost related to water service for Carrizales No. 3 Subdivision. The motion was made by Mr. Homero Tijerina and seconded by Mr. Ivan Sandoval and was unanimously approved by the Board.
6. The Board of Directors approved a Non-Standard Service Agreement for water services to be submitted to Jose Luis Salinas, for the cost related to water service for Double "F" Subdivision. 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 approved a Non-Standard Service Agreement for water services to be submitted to Mark Fryer, for the cost related to water service for Texan Crossing Subdivision. The motion was made by Mr. Homero Tijerina and seconded by Mr. Ricardo Perez and was unanimously approved by the Board.
8. The Board of Directors approved a Non-Standard Service Agreement for water services to be submitted to Carlos Leal, for the cost related to water service for Las Comadres No. 11 Subdivision. The motion was made by Mr. Homero Tijerina and seconded by Mr. Ricardo Perez and was unanimously approved by the Board.
9. The Board of Directors approved a Non-Standard Service Agreement for water services to be submitted to Juan Jose Garcia, for the cost related to water service for Main Estates Apartments Subdivision. The motion was made by Mr. Cesar Rodriguez, Jr. and seconded by Mr. Ricardo Perez and was unanimously approved by the Board.
10. The Board of Directors approved amending the Non-Standard Service Agreement for water services to be submitted to Omar Cantu, for the cost related to water service for Bentsen Cardinals Subdivision. The motion was made by Mr. Lloyd Loya and seconded by Mr. Cesar Rodriguez, Jr. and was unanimously approved by the Board.
11. The Board of Directors approved order amending the Agua SUD's November 8, 2022 General Election to include the approved Starr County polling locations, dates, and times for early voting and Election Day. 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 approved contract agreement for election services with Hidalgo County Elections Administrator. The motion was made by Mr. Lloyd Loya and seconded by Mr. Homero Tijerina and was unanimously approved by the Board.
13. The Board of Directors approved contract agreement for election services with Starr County Elections Administrator. The motion was made by Mr. Homero Tijerina and seconded by Mr. Lloyd Loya and was unanimously approved by the Board.
14. The Board of Directors approved resolution requesting a polling location within District 4 in Penitas, Texas. The motion was made by Mr. Lloyd Loya and seconded by Mr. Homero Tijerina and was unanimously approved by the Board.

15. The Board of Directors took no action on a variance request for use of easement, Palmview Spur Lot 2 from Dagoberto Salinas.
16. The Board of Directors moved item sixteen regarding Change Order No. 5 with Mor-Wil, LLC for the NADBank Palmview Yard Line Project (Hook-Up Project) into executive session. The motion was made by Mr. Lloyd Loya and seconded by Ms. Maribel Diaz and was unanimously approved by the Board.
17. The Board of Directors authorized General Manager and Legal Counsel to negotiate contract with Hidalgo County for release of easements relating to the Liberty Road Widening Project. The motion was made by Mr. Lloyd Loya and seconded by Mr. Cesar Rodriguez, Jr. and was unanimously approved by the Board.
18. The Board of Directors received a report from the General Manager on operations and finance including:
 - a. August Financials
19. 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, 1,560 service connections, 1,485 connected, 1,396 septic tanks fully pumped out, and 1,388 fully decommissioned. The project is approximately 75% - 80% complete.
 - b. TWDB Palmview Sanitary Sewer Improvements Project Update – no status update was reported.
 - c. Havana Water Treatment Plant Improvements Projects (TWDB) – still working on the EID and waiting on the response from the Army Core of Engineers.
 - d. Mendiola Water Storage Tank Project Update – The project engineer is Melden and Hunt. They have completed a punch list and provided the punch list to the design builders. Expecting to get a walkthrough during the week. The project engineer and the design builder are not in agreement with the punch list, but will meet to discuss and go from there. Questions were asked by directors and a brief discussion was held regarding the punch list.
20. The Board of Directors recessed into an Executive (closed) meeting at 6:37 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. Cesar Rodriguez, Jr. and was unanimously approved by the Board.

ITEM 20. a. 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. ***Texas Open Meetings Act, Texas Government Code Section 551.071 (Consultation with Attorney).***

- ITEM 20. b. TWDB Palmview Sanitary Sewer Improvements Project. *Texas Open Meetings Act, Texas Government Code Section 551.071 (Consultation with Attorney).*
- ITEM 20. c. Performance Services, Inc. litigation. *Texas Open Meetings Act, Texas Government Code Section 551.071 (Consultation with Attorney).*
- ITEM 20. d. 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).*
- ITEM 20. e. Change Order No. 5 with Mor-Wil, LLC for the NADBank Palmview Yard Line Project (Hook-Up Project). *Texas Open Meetings Act, Texas Government Code Section 551.071 (Consultation with Attorney).*
- ITEM 20. f. Capital Improvement Plan and New Water Plant. *Texas Open Meetings Act, Texas Government Code Section 551.071 (Consultation with Attorney).*
- ITEM 16. Discussion and possible action regarding Change Order No. 5 with Mor-Wil, LLC for the NADBank Palmview Yard Line Project (Hook-Up Project).

At 8:13 p.m., The Board moved to reconvene in open session and no action was taken in executive session. The motion was made by Ms. Maribel Diaz and seconded by Mr. Lloyd Loya and was unanimously approved by the Board.

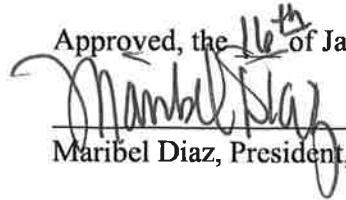
21. The Board of Directors took no action in open session regarding item(s) discussed in executive session for the following:

- ITEM 20.a. The Board of Directors took no action on 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 20.b. The Board of Directors took no action on TWDB Palmview Sanitary Sewer Improvements Project.
- ITEM 20.c. The Board of Directors took no action on Performance Services, Inc. litigation.
- ITEM 20.d. 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).
- ITEM 20. f. The Board of Directors took no action on the Capital Improvement Plan and New Water Plant.

ITEM 16. The Board of Directors approved Change Order No. 5 with Mor-Wil, LLC for the NADBank Palmview Yard Line Project (Hook-Up Project). The motion was made by Ms. Maribel Diaz and seconded by Mr. Lloyd Loya and was unanimously approved by the Board.

At 8:14 p.m., Ms. Maribel Diaz moved for adjournment. Motion was seconded by Mr. Ricardo Perez and was unanimously approved by the Board.

Approved, the ^{16th} of January, 2023



Maribel Diaz, President, Agua SUD

Attested by:



Joac Luis Ochoa, Jr., Secretary, Agua SUD