



January 16, 2023
Board Meeting Packet

CALL TO ORDER

A. ROLL CALL

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. PUBLIC COMMENT



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

Board of Directors

Maribel Díaz, President

Dr. Adriana Flores-Villarreal, Vice-President

Jose Luis Ochoa, Jr., Secretary

Ricardo Perez, Treasurer

Homero Tijerina, Director

Ana Maria Perez, Director

Narciso Solis, Director

Regular Meeting of the Board of Directors

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

January 16, 2023

6:00 PM

AGENDA

1. Call to Order
 - a. Roll Call
 - b. Invocation
 - c. Pledge of allegiance
 - d. Public Comments
2. Minutes
 - a. Approval of minutes for the October 3, 2022, Agua Board Meeting
 - b. Approval of minutes for the October 10, 2022, Agua Special Board Meeting
 - c. Approval of minutes for the November 16, 2022, Agua Special Board Meeting
 - d. Approval of minutes for the November 21, 2022, Agua Special Board Meeting
3. Discussion and possible action on an Order by the Agua SUD Board of Directors amending Article 7, Section 7-15 Leak repair assistance of the Agua SUD Rules, authorizing General Manager and Executive Committee to grant relief.
4. Discussion and possible action on approval of Supplemental No. 2 to Work Authorization No. 12 with M2 Engineering, PLLC, for additional services to the Palmview Yardline Project (Hook-Up Project).
5. Discussion and possible action to amend the Interlocal Agreement with Hidalgo County Municipal Utility District No. 1 (MUD No. 1) regarding temporary sewage transportation and treatment services.

6. General Manager's Report:
 - a. November Financials
 - b. New Director Training
 - c. La Homa Rep Lift Station
7. District Engineer's Report:
 - a. NAD Bank Technical Assistance Agreement (Sewer Hook-ups)
 - b. Havana Water Treatment Plant Improvements Project (TWDB)
 - c. Mendiola Water Storage Tank Project
 - d. TWDB Palmview Sanitary Sewer Improvements Project

8. EXECUTIVE SESSION:

As provided by Texas Open Meetings Act, Texas Government 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.

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

9. Discussion and possible action regarding item(s) discussed in Executive Session.

10. Adjournment.

On this the 13th day of January 2023 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 4:30 p.m. on said date.

/s/
Cynthia Villarreal, Administrative Assistant

ITEM 2.a.

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 ____ of January, 2023

Maribel Diaz, President, Agua SUD

Attested by:

Joae Luis Ochoa, Jr., Secretary, Agua SUD

ITEM 2.b.

AGUA SPECIAL UTILITY DISTRICT

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

12:00 p.m., October 10, 2022

MINUTES OF SPECIAL MEETING

1. The meeting was called to order by Mrs. Esmeralda H. Solis at 12:06 p.m., October 10, 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
Mr. Cesar Rodríguez, Jr.
Mr. Ricardo Perez
Mr. Lloyd Loya

Directors Absent:

Ms. Maribel Diaz
Mr. Homero Tijerina
Mr. Ivan Sandoval

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

Public Comment: None received.

2. The Board of Directors reviewed and adopted minutes of the August 8, 2022, Agua Special Board Meeting. The motion was made by Mr. Lloyd Loya and seconded by Mr. Ricardo Perez and was unanimously approved by the Board. The Board of Directors reviewed and adopted minutes of the September 2, 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. The Board of Directors reviewed and adopted minutes of the September 13, 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.
3. The Board of Directors approved a Non-Standard Service Agreement for water services to be submitted to Pena-Chapa Development Inc., for the cost related to water service for El Crucero Phase III Subdivision subject to only water service. The motion was made by Mr. Lloyd Loya and seconded by Mr. Ricardo Perez and was unanimously approved by the Board.

4. The Board of Directors did not revise date and time of the November 2022 regular Agua SUD Board Meeting and kept the meeting for November 7, 2022, at 6:00p.m. The motion was made by Mr. Lloyd Loya and seconded by Mr. Ricardo Perez and was unanimously approved by the Board.
5. The Board of Directors approved employee health insurance plan and voluntary ancillary products with a saving of \$76,627.44 for medical with GAP. Recommendation by Barrett Insurance Services and Newkirk and Newkirk and Agua SUD Insurance Committee for employee health insurance plan and voluntary ancillary products are as follows: Medical with Aetna Health Care - TX OAEPO and SIS (Special Insurance Services) - GAP Company. Dental, Life and Vision with Blue Cross Blue Shield of Texas. The motion was made by Mr. Lloyd Loya and seconded by Mr. Ricardo Perez and was unanimously approved by the Board.
6. The Board of Directors approved request by NADBank renumbering Change Order No. 4 approved on July 11, 2022, to Change Order No. 3, and renumbering Change Order No. 5 approved on October 3, 2022, to Change Order No. 4 for the NADBank Palmview Yard Line Project (Hook-Up Project). The motion was made by Mr. Lloyd Loya and seconded by Mr. Ricardo Perez and was unanimously approved by the Board.
7. The Board of Directors did not recess into an Executive (closed) meeting 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.
8. The Board of Directors did not take items into executive session.

At 12:17 p.m., Mr. Ricardo Perez moved for adjournment. Motion was seconded by Mr. Cesar Rodriguez, Jr. and was unanimously approved by the Board.

Approved, the ____ of January 2023

Maribel Diaz, President, Agua SUD

Attested by:

Jose Luis Ochoa, Jr., Secretary, Agua SUD

ITEM 2.c.

AGUA SPECIAL UTILITY DISTRICT

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

7:30 p.m., November 16, 2022

MINUTES OF SPECIAL MEETING

1. The meeting was called to order by Mrs. Esmeralda H. Solis at 7:45 p.m., November 16, 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. Jose Luis Ochoa, Jr.
Mrs. Ana María Perez
Mr. Ricardo Perez
Dr. Adriana Flores-Villarreal

Directors Absent:

Mr. Homero Tijerina

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 reconvened the Board Meeting at 7:47 p.m.

The Board President, Mrs. Esmeralda H. Solis took a minute to let everybody know that today's Agua SUD board meeting was officially her last meeting due to her winning the election for La Joya ISD. She extended her gratitude by mentioning that it was an honor to serve for two years and served one year as President. She thanked the General Manager, Roberto Salinas for the guidance throughout the time as well as all the staff and the rest of her colleagues on the board.

3. The Board President, Mrs. Esmeralda H. Solis, called for nomination of President, Vice President, Secretary and Treasurer. Mrs. Esmeralda H. Solis recommended and nominated the following Directors for the following positions: Ricardo Perez for Treasurer, Jose Luis Ochoa,

Jr. for Secretary, Dr. Adriana Flores-Villarreal for Vice President, and Ms. Maribel Diaz for President. Mrs. Ana Maria Perez nominated herself for Secretary.

Mrs. Esmeralda H. Solis called for any other nominations for Treasurer. Due to no other nominations for Treasurer, Mrs. Solis called for a vote regarding motion on the table of Treasurer for Ricardo Perez. Mr. Ricardo Perez was nominated and appointed for Treasurer by Ms. Maribel Diaz and seconded by Dr. Adriana Flores-Villarreal and was unanimously approved by the Board. Mr. Perez was approved and assumed the position of Treasurer.

Mr. Jose Luis Ochoa, Jr. was nominated for Secretary by Mrs. Esmeralda H. Solis and Mrs. Ana María Perez also nominated herself for Secretary. A motion for the two nominations for the secretarial position were for Mrs. Ana María Perez and Mr. Jose Luis Ochoa, Jr. and the motion was made by Mrs. Ana María Perez and seconded by Mr. Jose Luis Ochoa, Jr. Mrs. Esmeralda H. Solis called for a vote; one (1) vote was casted for Ana María Perez and four (4) votes were casted for Jose Luis Ochoa, Jr. Mr. Ochoa was approved and assumed the position of Secretary.

Mrs. Esmeralda H. Solis called for any other nominations for Vice President. Due to no other nominations for Vice President, Mrs. Solis called for a vote regarding motion on the table of Vice President for Dr. Adriana Flores-Villarreal. Dr. Adriana Flores-Villarreal was nominated and appointed for Vice President by Mr. Ricardo Ochoa and seconded by Ms. Maribel Diaz and was unanimously approved by the Board. Dr. Flores-Villarreal was approved and assumed the position of Vice President.

Mrs. Esmeralda H. Solis called for any other nominations for President. Due to no other nominations for President, Mrs. Solis called for a vote regarding motion on the table of President for Ms. Maribel Diaz. Ms. Maribel Diaz was nominated and appointed for President by Mr. Ricardo Perez and seconded by Dr. Adriana Flores-Villarreal and was unanimously approved by the Board. Ms. Diaz was approved and assumed the position of President.

4. The Board of Directors regular meetings will remain on the first Monday of each month at 6:00p.m. The motion was made by Mrs. Ana María Perez and seconded by Mr. Ricardo Perez and was unanimously approved by the Board.
5. The Board of Directors selected November 30, 2022, for the budget workshop at 5:30 p.m. The motion was made by Dr. Adriana Flores-Villarreal and seconded by Mr. Ricardo Perez and was unanimously approved by the Board.
6. The Board of Directors did not recess into an Executive (closed) meeting 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.
7. The Board of Directors did not take items into executive session.

At 8:07 p.m., Mrs. Ana María Perez moved for adjournment. Motion was seconded by Mr. Jose Luis Ochoa, Jr. and was unanimously approved by the Board.

Approved, the ____ of January 2023

Maribel Diaz, President, Agua SUD

Attested by:

Jose Luis Ochoa, Jr., Secretary, Agua SUD

ITEM 2.d.