

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., December 5, 2022

MINUTES OF REGULAR MEETING

1. The meeting was called to order by Ms. Maribel Diaz at 6:02 p.m., December 5, 2022, at which time Ms. Diaz acknowledged the presence of the following Elected Members of the Board of the Agua SUD:

Directors Present:

Ms. Maribel Diaz
Dr. Adriana Flores-Villarreal
Mr. Jose Luis Ochoa, Jr.
Mr. Ricardo Perez
Mr. Homero Tijerina
Mrs. Ana María Perez
Mr. Narciso Solis

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 amended the Non-Standard Service Agreement for water service 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.
3. The Board of Directors approved a Non-Standard Service Agreement for water services to be submitted to Manuel Garza Post 3895 VFW of the United States, for the cost related to water service for Macias Subdivision. The motion was made by Mr. Ricardo Perez and seconded by Mr. Homero Tijerina and was unanimously approved by the Board.
4. The Board of Directors moved item four regarding the employee health insurance plan as presented by Barrett Insurance Services and Newkirk and Newkirk into executive session. The

motion was made by Mrs. Ana Maria Perez and seconded by Dr. Adriana Flores-Villarreal and was unanimously approved by the Board.

5. The Board of Directors approved the proposed vendor agreement with Texas Department of Housing and Community Affairs (TDHCA) for water payment assistance, a Low-Income Home Water Assistance Program (LIHWAP). The motion was made by Dr. Adriana Flores-Villarreal and seconded by Mrs. Ana Maria Perez and was unanimously approved by the Board.
6. The Board of Directors authorized General Manager to advertise for competitive bids for the Liberty Road Waterline Improvement Project. The motion was made by Mr. Homero Tijerina and seconded by Mrs. Ana Maria Perez and was unanimously approved by the Board.
7. The Board of Directors approved moving the January regular board meeting from January 2, 2023, to January 16, 2023. The motion was made by Mrs. Ana Maria Perez and seconded by Dr. Adriana Flores-Villarreal and was unanimously approved by the Board.
8. The Board of Directors moved item eight regarding the sale of District easements to County of Hidalgo with respect to construction of Liberty Road from Mile 3 to Mile 7 and authorizing General Manager to execute all necessary documents into executive session. The motion was made by Mr. Homero Tijerina and seconded by Dr. Adriana Flores-Villarreal and was unanimously approved by the Board.
9. The Board of Directors approved a one-time Supplemental Pay for Agua SUD Employees. The motion was made by Mr. Narciso Solis and seconded by Mrs. Ana Maria Perez and was unanimously approved by the Board.
10. The Board of Directors received a report from the General Manager on operations and finance including:
 - a. September Financials
 - b. October Financials
 - c. 3rd Quarter Investment Report
 - d. New Director Training
 - e. Budget Workshop
11. 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 project that consist of over 1,800 service connections - 1,577 service connections have been installed, 1,505 services connected and eligible to be billed, 1,493 septic tanks fully pumped out, and 1,484 fully decommissioned. A section of the project that consist of main lines that are not substantially complete, about 148 service connections that will not be able to be connected until the main line section is completed. Additionally, there are 16 services from previous project that were left at a certain elevation and are

not eligible to be connected by the project and will have to be done inhouse or by a separate contractor, not eligible by the funding.

- b. Havana Water Treatment Plant Improvements Projects (TWDB) – This project is for the repurposing of the reservoir behind the Havana Plant and is currently in the environmental stage which funding does not get released for design until the environmental is cleared. There have been correspondences with some of the entities for the environmental phase and anticipate completing the environmental within the next 60 days to then move into the design and construction phase.
- c. Mendiola Water Storage Tank Project Update – This project is a booster station located at Palmira Mendiola Elementary on Abram Rd and 5 Mile Line. This project has been substantially completed to where the system is already in use but there’s a punch list provided by the project engineer that is still not complete by the design build team. The design build team and the project engineer inspector, Melden and Hunt, will meet on the electrical inspections and will work during the holidays to complete the driveway and minor cosmetics while the school is closed.
- d. TWDB Palmview Sanitary Sewer Improvements Project Update – no status update was reported.

12. The Board of Directors recessed into an Executive (closed) meeting at 7:21 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 Mrs. Ana Maria Perez and seconded by Mr. Homero Tijerina and was unanimously approved by the Board.

ITEM 12. 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 12. b. TWDB Palmview Sanitary Sewer Improvements Project. ***Texas Open Meetings Act, Texas Government Code Section 551.071 (Consultation with Attorney).***

ITEM 12. c. Performance Services, Inc. litigation. ***Texas Open Meetings Act, Texas Government Code Section 551.071 (Consultation with Attorney).***

ITEM 12. d. Cause No. C-4514-22-L; Jesus Ramon vs. City of Palmview, Salazar Utility Construction, and Agua Special Utility District In the 464th District Court of Hidalgo County, Texas. ***Texas Open Meetings Act, Texas Government Code Section 551.071 (Consultation with Attorney).***

ITEM 12. e. Valiant Energy Services, LLC and electrical power contract with ENGIE Resources, LLC dated November 26, 2019. ***Texas Open***

***Meetings Act, Texas Government Code Section 551.071
(Consultation with Attorney).***

- ITEM 12. f. Road Repairs on northbound El Pinto Road between Bluebird St. and Sullivan City Dr. ***Texas Open Meetings Act, Texas Government Code Section 551.071 (Consultation with Attorney).***

- ITEM 4. Discussion and possible action on employee health insurance plan as presented by Barrett Insurance Services and Newkirk and Newkirk.

- ITEM 8. Discussion and possible action approving sale of District easements to County of Hidalgo with respect to construction of Liberty Road from Mile 3 to Mile 7 and authorizing General Manager to execute all necessary documents.

At 9:14 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 Mrs. Ana Maria Perez and was unanimously approved by the Board.

Director Flores-Villarreal motioned to return to items four (4) and eight (8) and was seconded by Mr. Homero Tijerina and was unanimously approved by the Board.

- ITEM 4. The Board of Directors approved and accepted recommendation by Barrett Insurance Services and Newkirk and Newkirk and continue with the plan that was presented with Aetna and the gap insurance. The motion was made by Mrs. Ana Maria Perez and seconded by Mr. Ricardo Perez and was unanimously approved by the Board.

- ITEM 8. The Board of Directors approved the sale of District easements to County of Hidalgo with respect to construction of Liberty Road from Mile 3 to Mile 7 and authorized General Manager to execute all necessary documents. The motion was made by Mr. Ricardo Perez and seconded by Mr. Homero Tijerina and was unanimously approved by the Board.

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

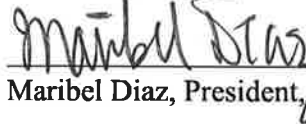
- ITEM 12.a. The Board of Directors took no action on Cause No. C-3353-20-I; S&B Infrastructure vs. Agua Special Utility District; In the District Court of Hidalgo County, Texas, 398th Judicial District.

- ITEM 12.b. The Board of Directors took no action on TWDB Palmview Sanitary Sewer Improvements Project.

- ITEM 12.c. The Board of Directors took no action on Performance Services, Inc. litigation.
- ITEM 12.d. The Board of Directors took no action on Cause No. C-4514-22-L; Jesus Ramon vs. City of Palmview, Salazar Utility Construction, and Agua Special Utility District In the 464th District Court of Hidalgo County, Texas.
- ITEM 12. e. The Board of Directors took no action on Valiant Energy Services, LLC, and electrical power contract with ENGIE Resources, LLC dated November 26, 2019.
- ITEM 12. f. The Board of Directors took no action on Road Repairs - northbound El Pinto Road between Bluebird St. and Sullivan City Dr.


At 9:17 p.m., Mr. Homero Tijerina moved for adjournment. Motion was seconded by Mr. Narciso Solis and was unanimously approved by the Board.

Approved, the 6th of February 2023



Maribel Diaz, President, Agua SUD

Attested by:



Jose Luis Ochoa, Jr., Secretary, Agua SUD