

HIDALGO COUNTY WATER IMP. DISTRICT NO. 3
1325 Pecan Blvd
McAllen, Texas 78501
(956) 686-8303
Fax (956) 686-1022

Othal Brand Jr.-President
Chris Burns-Vice President
Mark Freeland, Secretary

W.D. Moschel-Member
Lance Neuhaus-Member

BOARD OF DIRECTORS' MEETING

***** AGENDA *****

TAKE NOTICE THAT A REGULAR BOARD MEETING OF THE BOARD OF DIRECTORS OF HIDALGO COUNTY WATER IMPROVEMENT DISTRICT NO. 3 WILL BE HELD AT THE DISTRICT OFFICE AT 1325 PECAN BLVD, MCALLEN, TEXAS 78501, AT 12:00 P.M. on WEDNESDAY, FEBRUARY 15, 2023. The agenda is posted in accordance with the accessibility requirements of Section 551.043 of the Texas Government Code. IF DURING THE COURSE OF THE MEETING, THE BOARD OF DIRECTORS SHOULD DETERMINE THAT A CLOSED SESSION OR MEETING IS AUTHORIZED BY SECTIONS 551.071, AND 551.072 OF THE GOVERNMENT CODE, VERNON'S TEXAS CODE, ANNOTATED, NOTICE OF CLOSED OR EXECUTIVE SESSION WILL BE GIVEN AFTER THE COMMENCEMENT OF THE MEETING COVERED BY THE NOTICE PURSUANT TO SECTION 551.101 OF THE TEXAS GOVERNMENT CODE.

Call to Order:

- Pledge of Allegiance
- Prayer

- 1) Consideration and possible action regarding the approval of the Minutes for the Regular Board Meeting on January 18, 2023.
- 2) Consideration and possible action regarding the financial reports and the approval of accounts payable checks.
- 3) General Report by President.
- 4) Engineering Report
- 5) Consideration and possible action to declare 0.35 acres of Lateral J out of Lot 7, Section 2, Hidalgo Canal Company Subdivision as surplus, City of McAllen, Hidalgo County, Texas.
- 6) Consideration and possible action to approve appraisal of 0.35 acres of Lateral J out of Lot 7, Section 2, Hidalgo Canal Company Subdivision, City of McAllen, Hidalgo County, Texas.
- 7) Consideration and possible action to approve the sale of 0.35 acres of Lateral J out of Lot 7, Section 2, Hidalgo Canal Company Subdivision, City of McAllen, Hidalgo County, Texas.
- 8) Consideration and possible action to approve the Uvalde Villas Subdivision, a re-subdivision of the W1/2 of Lots 8, 10, 12, 14, 16 Hollenbeck Subdivision and a tract out Lot 15, SE1/4 of Section 7, Hidalgo Canal Company Subdivision, City of McAllen, Hidalgo County, Texas.
- 9) Consideration and possible action for the District to serve outside customers.
- 10) Executive Session pursuant to Sections 551.071 and 551.072, Texas Government Code, to consult with Attorney and to deliberate regarding (i) pending eminent domain proceeding in Cause No. CCD-0517-D styled "Hidalgo County Water Improvement District No. 3 vs. Hidalgo County Irrigation District No. 1" or the acquisition of an easement interest in real property from Hidalgo County Irrigation District No. 1, (ii) petition for review in Supreme Court of Texas relating to order granting plea to jurisdiction in Cause No. CCD-0517-D, (iii) Cause No. C-0937-20-A styled "Hidalgo County Irrigation District No. 1 vs. City of McAllen vs. Hidalgo County Water Improvement District No. 3", (iv) McAllen Public Utility petition filed with the Public Utility Commission of Texas appealing wholesale water rates of Hidalgo County Water Improvement District No.3, and (v) Cause No. C-1601-22-I styled "McAllen Public Utility vs. Othal Brand, Jr., in his official capacity, *et al*".
- 11) Adjourn

**Hidalgo County Water Improvement District Number Three
Board of Directors' Meeting
February 15, 2023**

Call to Order:

President Othal Brand, Jr. called regular meeting to order at the District Office located at 1325 Pecan Blvd, McAllen, Texas 78501. The meeting began by reciting the pledge of allegiance. President Othal Brand, Jr. gave the prayer invocation.

Board Members Present:

Othal Brand, Jr.	President
Mark Freeland	Secretary
W.D. Moschel	Director
Lance Neuhaus	Director

Absent:

Chris Burns	Vice-President
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Others Attending:

Jim Hall	Ewing & Lara
Frank Ferris	Ferris & Flinn & Medina
Raquel Espinoza	
Tomas De Leon	
Jose R. De Leon	

Consideration and possible action regarding the approval of the Minutes for the Regular Board Meeting on January 18, 2023.

A Motion was made by Mark Freeland and seconded by Lance Neuhaus to approve the Minutes for the regular Board Meeting on January 18, 2023.

Motion Carried.

Consideration and possible action regarding the approval of the financial reports and Account payable checks.

A Motion was made by Mark Freeland and seconded by Lance Neuhaus to approve the financial reports and the account payable checks.

Motion Carried.

General Report by President

President Othal Brand Jr. informed the board that the City of McAllen has not paid the invoice on the take or pay in the amount of \$301,224.00. The District is not required to deliver any water to outside customers until the City of McAllen pays the amount.

Attorney Randy Whittington will send a letter to the City of McAllen concerning the take or pay amount still pending.

Wednesday, February 15, 2023 at 12:00 p.m.

Engineering Report

Engineer Frank Ferris reported that the District began the month with a usable balance of 4,224 acre feet, before a possible allocation for the January period, amounting to 49 percent of the annual water right, and 35 percent of the storage balance. The US share is down to 31.5 percent as of February 4. The District has diverted 800 acre feet so far this year.

Main Canal Piping at the McAllen Airport

Engineer Frank Ferris presented pictures of the McAllen airport project. He reported the contractor substantially completed the work with the new pipeline and headwall. The contractor will place the rock rip rap along the headwall and lower grade behind the headwall to pre-construction grade. The contractor needs to install screen at headwall and reconstruct the second Lift Pump Discharge piping before the bypass pumps are removed.

Consideration and possible action to declare 0.35 acre tract of Lateral J out of Lot 7, Section 2, Hidalgo Canal Company Subdivision as surplus, City of McAllen, Hidalgo County, Texas.

A Motion was made by Lance Neuhaus and seconded by W.D. Moschel to declare a 0.35 acre tract of Lateral J out of Lot 7, Section 2, Hidalgo Canal Company Subdivision as surplus and no longer needed by the District. The property will be sold to a private individual.

Motion Carried.

Mark Freeland abstained.

Consideration and possible action to approve appraisal of 0.35 acre tract of Lateral J out of Lot 7, Section 2, Hidalgo Canal Company Subdivision, City of McAllen, Hidalgo County, Texas.

A Motion was made by Lance Neuhaus and seconded by W.D. Moschel to approve the appraisal of 0.35 acre tract of Lateral J out of Lot 7 Section 2, Hidalgo Canal Company Subdivision valued at \$126,000.00.

Motion Carried.

Mark Freeland abstained.

Consideration and possible action to approve the sale of 0.35 acre tract of Lateral J out of Lot 7, Section 2, Hidalgo Canal Company Subdivision, City of McAllen, Hidalgo County, Texas.

A Motion was made by Lance Neuhaus and seconded by W.D. Moschel to approve the sale of 0.35 acre tract of Lateral J out of Lot 7 Section 2, Hidalgo Canal Company Subdivision.

Motion Carried.

Wednesday, February 15, 2023 at 12:00 p.m.

Mark Freeland abstained.

Consideration and possible action to approve the Uvalde Villas Subdivision, a re-subdivision of the W1/2 of Lots 8, 10, 12, 14, 16 Hollenbeck Subdivision and a tract out of Lot 15, SE1/4 of Section 7, Hidalgo Canal Company Subdivision, City of McAllen, Hidalgo County, Texas.

A Motion was made by Lance Neuhaus and seconded by W.D. Moschel to table this item.

Item Tabled.

Consideration and possible action for the District to serve outside customers.

No action taken.

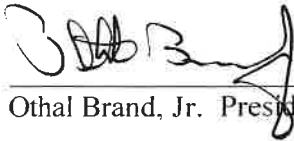
Executive Session

The Board did not enter into close Session.

Adjourn

A Motion was made by Lance Neuhaus and seconded by Mark Freeland to adjourn the Board Meeting at 2:30 p.m.

Motion Carried.



Othal Brand, Jr. President



Mark Freeland, Secretary