

HIDALGO COUNTY WATER IMP. DISTRICT NO. 3

1325 Pecan Blvd
McAllen, Texas 78501
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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 O'CLOCK PM ON WEDNESDAY, AUGUST 16, 2023. THIS AGENDA AND WRITTEN NOTICE IS POSTED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 551, TEXAS GOVERNMENT CODE, INCLUDING THE ACCESSIBILITY REQUIREMENTS OF SECTION 551.043, TEXAS GOVERNMENT CODE. IF, DURING THE COURSE OF THE MEETING, THE BOARD OF DIRECTORS DETERMINES THAT A CLOSED MEETING SHOULD BE CONVENED REGARDING AN ITEM ON THE AGENDA AND THAT SUCH CLOSED MEETING IS AUTHORIZED BY AN APPLICABLE PROVISION OF CHAPTER 551, TEXAS GOVERNMENT CODE, INCLUDING BUT NOT LIMITED TO EITHER SECTION 551.071 OR SECTION 551.072, TEXAS GOVERNMENT CODE, THE PRESIDENT OR OTHER PRESIDING OFFICER SHALL ANNOUNCE THE CONVENING OF THE CLOSED SESSION, INCLUDING THE TIME AND SUBJECT OF THE CLOSED SESSION AND THE STATUTE UNDER WHICH THE CLOSED SESSION AND THE STATUTE UNDER WHICH THE CLOSED MEETING IS PERMITTED, AND, UPON CONCLUSION OF SUCH CLOSED SESSION, THE PRESIDENT OR OTHER PRESIDING OFFICER SHALL ANNOUNCE THE TIME OF RECONVENIGN IN OPEN SESSION.

Call to Order:

- Pledge of Allegiance
- Prayer

- 1) Consideration and possible action regarding the approval of the Minutes for the Regular Board Meeting on July 21, 2023.
- 2) Consideration and possible action regarding the financial reports and the approval of accounts payable checks.
- 3) Consideration and possible action regarding the renewal of the District's contract with Ron Lewis & Associates.
- 4) Consideration and possible action to ratify Carr, Riggs & Ingram engagement letter.
- 5) Engineering Report
 - a. Report on District allocation in the Falcon & Amistad Reservoir System.
 - b. Report on McAllen South Industrial Park relocation of Lateral "F".
 - c. Report on Las Milpas Roadway Project.
- 6) Consideration and possible action to declare as surplus property a 8.16 acre-tract of land out of the District's Canal Right-Of-Way located on Lot 39, CE Hammond Subdivision, Hidalgo County, Texas.
- 7) Consideration and possible action regarding a request by the City of Hidalgo for the approval of a license for retail public water or sewer crossing(s) across Lateral "A" on Lot 7, Section 2, Hidalgo Canal Company Subdivision, Hidalgo County, Texas.
- 8) Consideration and possible action to declare as surplus property a 0.165 acre-tract of land out of 1.60 acre-tract of the District's Lateral "O", across Lot 13, Section 10, Hidalgo Canal Company Subdivision, Hidalgo County, Texas.
- 9) Consideration and possible action for the board to approve and execute a Deed Without Warranty related to the District's interest in a 7.93 acre-tract of land out of Lot 15, Section 7, Hidalgo Canal Company Subdivision, Hidalgo County, Texas.
- 10) Consideration and possible action to approve Uvalde Villas Subdivision, being a 7.93 acre-tract of land out of Lot 15, Section 7, Hidalgo Canal Company Subdivision, Hidalgo County, Texas.
- 11) Consideration and possible action to declare as surplus property a 0.64 acre-tract of land out of the District's Lateral "G" across Lots 11 and 12, Section 5, Hidalgo Canal Compay Subdivision, Hidalgo County, Texas.
- 12) Executive Session pursuant to Sections 551.071(1) and 551.072 (2), *Texas Government Code*, to consult with attorney for Hidalgo County Water Improvement District No. 3 regarding matters, including each of those matters described below, in which the duty of the attorney for the District under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code and to seek the advice of the attorney for the District regarding (1) a 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", (ii) legal issues relating to proposed letter of intent between Hidalgo County Water Improvement District No. 3 and Santa Cruz Irrigation District No. 15, (iii) a pending lawsuit in Cause No. C-0937-20-A styled "Hidalgo County Irrigation District No. 1 vs. City of of McAllen vs. Hidalgo County Water Improvement District No. 3", (iv) a pending McAllen Public Utility petition filed with the Public Utility Commission of Texas appealing wholesale water rates of Hidalgo County Water Imp. District No. 3, (v) a pending lawsuit in Cause No. C-1601-22-1 styled "McAllen Public Utility vs. Othal Brand, Jr., in his official capacity, *et al*" and pending interlocutory appeal in Case No. 13-23-00020-CV in the 13th Court of appeals, and (vi) contemplated litigation relating to compliance with City of McAllen payment obligations pursuant to *Permanent Water Supply and Delivery Contract*, as amended, between Hidalgo County Water Imp District No 3 and City of McAllen.
- 13) Adjourn