

HIDALGO COUNTY WATER IMP. DISTRICT NO. 3

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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 FRIDAY, JULY 21, 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 June 21, 2023.
- 2) Consideration and possible action regarding the financial reports and the approval of accounts payable checks.
- 3) Consideration and possible action concerning water delivery to Roselawn Cemetery at 1201 S. Main Street.
- 4) Engineering Report
  - a. Report on district account balances with the Rio Grande Water Master, status of Amistad and Falcon Reservoirs, and District diversions year to date.
  - b. Discussion of pending subdivision and right-of-way projects.
- 5) Consideration and possible action to approve McAllen Palms Business Park Subdivision including alternatives for Lateral G within the Plat Boundary.
- 6) Consideration and possible action regarding District interest in Lot 10 Block 1, CE Hammond's Subdivision.
- 7) Consideration and possible action regarding District interest in 5.20 acres out of Lot 3, Section 4, Hidalgo Canal Company Subdivision, the future site of 6400 Industrial Center Subdivision McAllen, Texas, Hidalgo County.
- 8) Consideration and possible action regarding approval of QQ 10<sup>th</sup> & Jay Subdivision, McAllen, Texas, Hidalgo County.
- 9) Consideration and possible action on the impact of the Las Milpas Road project on District property and facilities and remedies to mitigate the impacts.
- 10) Consideration and possible action to approve a contract with landowner to relocate lateral "F" across Lot 5, Section 4 Hidalgo Canal Company Subdivision, including approval of construction plans.
- 11) Consideration and possible approval of *letter of Intent to lease* between Hidalgo County Water Improvement District No. 3 and Mainsail Renewables LLC relating to development of a battery energy storage system and facility on a one-acre portion of District's surplus property on East Produce Road in Hidalgo, 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 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 13<sup>th</sup> 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