

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, JANUARY 17, 2024. 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 RECONVENING IN OPEN SESSION.

**Call to Order:**

- Pledge of Allegiance
  - Prayer
- 1) Consideration and possible action to approve the Minutes for the Regular Board Meeting on December 20, 2023.
  - 2) Consideration and possible action to approve the Minutes for the Special Board Meeting on January 12, 2024.
  - 3) Consideration and possible action regarding the Financial Reports and the approval of accounts payable checks.
  - 4) Engineering Report:
    - a. Report on District allocation in the Falcon & Amistad Reservoir System.
    - b. Report on Las Milpas Rd. Project.
    - c. Report on HCRMA Project.
    - d. Report on McAllen South Industrial Park Lateral F Canal Relocation Project.
    - e. Report on City of McAllen South 10<sup>th</sup> Street Drainage Improvements.
  - 5) Consideration and possible action to declare as surplus property and no longer needed by the District a District Right of Way and Easements across Lot 1, Villa Del Real Subdivision, Hidalgo County, Texas.
  - 6) Consideration and possible action to approve appraised value of the District's Right of Way and Easements across Lot 1, Villa Del Real Subdivision, Hidalgo County, Texas.
  - 7) Consideration and possible action to authorize President to execute a release of District's Right of Way and Easements across Lot 1, Villa Del Real Subdivision in a form approved by District Counsel.
  - 8) Consideration and possible action to approve the appraised value of 0.65 acres out of Lots 11 and 12, Section 5, Hidalgo Canal Company Subdivision, a portion of Lateral "G".
  - 9) 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 (i) 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 consolidation agreement 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 default by City of McAllen with respect to payment obligations pursuant to *Permanent Water Supply and Delivery Contract*, as amended, between Hidalgo County Water Improvement District No. 3 and City of McAllen.
  - 10) Consideration and possible action to authorize President to execute a Deed without Warranty for 0.65 acres out of Lots 11 and 12, Section 5, Hidalgo Canal Company Subdivision, a portion of Lateral "G", Hidalgo County, Texas in a form prepared by District Counsel.
  - 11) Consideration and possible action regarding District interest in Lot 15, Section 3, Hidalgo Canal Subdivision Hidalgo County, Texas.
  - 12) Consideration and possible action regarding District interest in 3.95 acres out of Lot 3, Section 4 Hidalgo Canal Subdivision, Hidalgo County, Texas.
  - 13) Consideration and possible action regarding District interest in Lot 15, Section 3, Hidalgo Canal Company Subdivision, Hidalgo County, Texas.
  - 14) Adjourn.