

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
Lance Neuhaus-Secretary

W.D. Moschel - Member
Mark Freeland - Member

BOARD OF DIRECTORS' MEETING

*****AMENDED 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, SEPTEMBER 18, 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 August 21, 2024.
- 2) Consideration and possible action to approve the Minutes for the Special Board Meeting on August 26, 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 10th Street Drainage Improvements.
 - f. Report on Repair of the Main line leak and City repair of storm sewer outfall at Bicentennial and Savannah.
- 5) Consideration and possible action regarding the approval of a proposed Lease Agreement HSBP-7217-M-DA0810 SLA#2 and Supplement Lease Agreement between the HCWID#3 and the US Department of Homeland Security, US Custom.
- 6) Consideration and possible action to review the Health Insurance for District Employees.
- 7) Consideration and possible action regarding appraisal, listing, sale, and/or other matters relating to properties owned by the District and previously declared or currently to be declared surplus by the Board of Directors including the following properties:
 - (a) .43 ac. tract of land out of HCWID#3's 200-FT Canal Right-of-way, City of McAllen, Hidalgo County, Texas.
 - (b) 2.70 ac.tract of land out of HCWID#3's 200-FT Canal Right-of-way, City of McAllen, Hidalgo County, Texas.
 - (c) Newport Subdivision Lots 1 -5, City of McAllen, Hidalgo County, Texas.
- 8) Consideration and possible action to approve the City of McAllen plans to repair of storm sewer outfall at Bicentennial and Savannah, Hidalgo County, Texas.
- 9) Consideration and possible action to approve the plat of 6400 Industrial Center Subdivision, McAllen, Hidalgo County, Tx.
- 10) Consideration and possible action to approve a license(s) to McAllen Public Utilities for a 12" diameter gravity sewerline and an 18" diameter forcemain crossing the District's Main Canal adjacent to Lot 5, Section 3, Hidalgo Canal Co. Sub.
- 11) Consideration and possible approval and authorization for execution of contract between the District and the Hidalgo County Elections Department for conduct of November 5, 2024 election regarding proposition relating to consolidation of District and Santa Cruz Water Control and Improvement District No. 15.
- 12) Executive Session pursuant to Sections 51.071(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:
 - (a) pending eminent domain proceeding in Cause No. CCD-0517-D styled "Hidalgo County Water Improvement Dist. No. 3 vs. Hidalgo County Irrigation District No. 1";
 - (b) legal issues relating to *Interlocal Cooperation Agreement* between District and City of McAllen regarding extension of Bicentennial Boulevard irrigation pipeline and City of McAllen claim for draft on Texas Regional Bank letter of credit;
 - (c) 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";
 - (d) pending McAllen Public Utility petitions filed with the Public Utility Commission of Texas and Texas Commission on Environmental Quality appealing wholesale water rates of Hidalgo County Water Imp. District No. 3.
 - (e) 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
 - (f) contemplated litigation relating to default by City of McAllen with respect to payment obligations pursuant to *Permanent Water Supply and Delivery Contract*, amended, between Hidalgo County Water Imp. District No. 3 and City of McAllen.
- 13) Adjourn