

MINUTES
Of the Regular Board Meeting conducted on May 18, 2020

Take notice that a Regular Board Meeting of the Board of Directors of Hidalgo County Irrigation District Number Six was held at 1:00 p.m. on Monday, May 18, 2020, at the Hidalgo County Irrigation District Number Six office located at 3735 N. FM 492, Mission, Texas 78574.

- 1) The meeting was called to order by Ms. Diana Izaguirre at 1:01 p.m., May 18, 2020, at which time Ms. Izaguirre acknowledged the presence of the Elected Members of the Board of Hidalgo County Irrigation District No. Six.

Members present included:

Ms. Diana Izaguirre, President
Mr. Santana Gutierrez, Vice-President
Dr. Roberto Zamora, Director (video online)
Mr. Oscar Arturo Garza, Director (video online)
Mr. Brandon Thompson, Secretary

Also, present included:

Mr. Rene Flores, Interim General Manager, HCID#6
Ms. Deborah Cordova, Attorney at Law, HCID#6
Ms. Minnie Mueller, Assistant, HCID#6
Mr. Ruben James de Jesus, Melden & Hunt, Inc.
Mr. & Mrs. Santiago Elizondo, Landowners (video online)

A quorum of the members of the Hidalgo County Irrigation District No.6 being present, the meeting was duly convened. The Pledge of Allegiance followed by Invocation was presented by Mr. Brandon Thompson, HCID#6 Secretary.

- 2) Recognition of visitors and public comments.
- 3) Certification of Posting for the Board Meeting.

Interim General Manager confirmed that the Certification of the Board Meeting was posted at the Hidalgo County Court House, HCID#6 lobby and the place convenient to the public in the bulletin board at HCID#6, 3735 N FM 492, Mission, Texas 78572 at 12:25 p.m., May 12, 2020.

- 4) Minutes

- a) Approval of Minutes for the Special Meeting of February 13, 2020.

Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to approve the minutes for the Special Meeting of February 13, 2020.

Motion carried unanimously.

- b) Approval of Minutes for the Regular Meeting of February 17, 2020.

Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to approve the minutes for the Regular Meeting of February 17, 2020.

Motion carried unanimously.

- 5) Interim General Manager's Report:

- a) Elections

Interim General Manager informed Board Members that all required forms for the unopposed election of May 2, 2020, were filed timely and accordingly with the courthouse elections department.

b) Aerostat Parking

Interim General Manager informed Board Members of inquiries from Joe Duffee with Peraton (aerostat contractor) regarding their employee parking situation outside the Districts' lake entrance. Mr. Rene Flores advised him the situation was out of HCID#6 hands. The agreement with Border Patrol does not mention designated parking for aerostat employees.

- 6) Discuss and consider the **Certification** to HCID#6 that each of the three Candidates are unopposed for election to office on May 2, 2020.

Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to approve the **Certification** to HCID#6 that each of the three Candidates were unopposed for election to office on May 2, 2020.

Motion carried unanimously.

- 7) Discuss and consider the approval of the **Resolution Declaring Unopposed Candidates** of HCID#6 Elected to office on May 2, 2020.

Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to approve the **Resolution Declaring Unopposed Candidates** of HCID#6 Elected to office on May 2, 2020.

Motion carried unanimously.

- 8) Discuss and consider the **Oath of Office** ceremony and confirmation of the three Unopposed Candidates for the Board of Directors positions after May 2, 2020 election.

The Oath of Office Ceremony was conducted on May 18, 2020, by Judge Sonia M. Trevino, DC for Ms. Diana Izaguirre, Mr. Santana Gutierrez and Mr. Thomas Brandon Thompson.

Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to approve the **Oath of Office** ceremony and confirmation of the three Unopposed Candidates for the Board of Directors positions after May 2, 2020 election.

Motion carried unanimously.

- 9) Discuss and consider the TX Electric Transaction Confirmation and Rider by and between HCID#6 and **Hudson Energy**.

Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to approve the TX Electric Transaction Confirmation and Rider by and between HCID#6 and **Hudson Energy**.

Motion carried unanimously.

- 10) Discuss and consider an update by Isauro Trevino of **South Texas Grant Writing Service**.

Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to table this item.

Motion carried unanimously.

- 11) Discuss and consider a request made by **Texas Department of Transportation** regarding FM 2221 conflict (standpipe) located West La Homa and North 107, Hidalgo County, Texas.

Ruben James De Jesus (Melden & Hunt) notified Board Members there has been a change in TXDOT personnel and he is now communicating with Juan Arroyo, the new Project Manager, and is assisting to resolve this matter. Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to take no action

on the request made by *Texas Department of Transportation* regarding FM 2221 conflict (standpipe) located West La Homa and North 107, Hidalgo County, Texas.

Motion carried unanimously.

- 12) Discuss and consider a request made by *Pablo Soto Jr., P.E.* on behalf of Francisca Villarreal, regarding the review of *Villarreal Estates*, being a 1.16 acre tract of land, more or less, out of the South half (1/2) of Lot 21, New Caledonia Unit No. 3, Hidalgo County, Texas, as per map recorded in Vol. 6, Page 47, Map Records of Hidalgo County, Texas.

Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to approve, contingent upon receiving mylar, the request made by *Pablo Soto Jr., P.E.* on behalf of Francisca Villarreal, regarding the review of *Villarreal Estates*, being a 1.16 acre tract of land, more or less, out of the South half (1/2) of Lot 21, New Caledonia Unit No. 3, Hidalgo County, Texas, as per map recorded in Vol. 6, Page 47, Map Records of Hidalgo County, Texas.

Motion carried unanimously.

- 13) Discuss and consider a request made by *Quintanilla, Headley and Associates, Inc.* on behalf of Gabriel & Susana Aguilar regarding the review and exclusion of *Isabela Subdivision*, being a 4.11 acre tract of land out of Lot 46, Nick Doffing Company Subdivision No. 1, Hidalgo County, Texas according to the plat or map thereof recorded in Vol. 5, Page 24, Map Records of Hidalgo County, Texas.

Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to approve the request made by *Quintanilla, Headley and Associates, Inc.* on behalf of Gabriel & Susana Aguilar regarding the review and exclusion of *Isabela Subdivision*, being a 4.11 acre tract of land out of Lot 46, Nick Doffing Company Subdivision No. 1, Hidalgo County, Texas according to the plat or map thereof recorded in Vol. 5, Page 24, Map Records of Hidalgo County, Texas.

Motion carried unanimously.

- 14) Discuss and consider a request made by *Erlin Madrigal* to address the Board of Directors regarding the abandonment of HCID#6 easement, on a 9.14 acre tract out Mile 1 and Moorefield Road, Lot A, Hidalgo County, Texas. (*FR: 5304*)

Ruben James de Jesus informed Board Members that Mr. Madrigal wants to identify laterals that go into said property. HCID#6 will coordinate with Mr. Madrigal for a dig test to spot irrigation lines. Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to table the request made by *Erlin Madrigal* to address the Board of Directors regarding the abandonment of HCID#6 easement, on a 9.14 acre tract out Mile 1 and Moorefield Road, Lot A, Hidalgo County, Texas. (*FR: 5304*)

Motion carried unanimously.

- 15) Discuss and consider the proposals to engage a *CPA* firm for the 2019 fiscal year audit.

Interim General Manager informed Board Members that two CPA firms (Raul Hernandez & Company, P.C. and Beasley, Mitchell & Co.) submitted proposals for 2019 fiscal year audit. Mr. Rene Flores mentioned Raul Hernandez & Company, P.C. was highly recommended. Raul Hernandez & Company, P.C.'s fee is \$13,500.00 and BMC's fee is \$22,581.00. Mr. Santana Gutierrez made a motion and seconded by Mr. Brandon Thompson to approve Raul Hernandez & Company, P.C. firm for the 2019 fiscal year audit.

Motion carried unanimously.

- 16) Discuss and consider authorizing Interim General Manager, Rene Flores, Investment Officer, to invest *Texas Regional Bank and Rio Bank* funds to Certificate of Deposits governed by Subchapter A, Chapter 2256, and Government

Interim General Manager informed Board Members that in light of the pandemic crisis and extremely low interest rates, Texas Regional Bank offered a rate of .55% APY 3 month term on the 4 (four) CD's which matured April 19, 2020. Once CD's mature in July 2020, they can be renewed another 3-6 months. Mr. Santana Gutierrez made a motion and seconded by Mr. Brandon Thompson to approve Interim General Manager, Rene Flores, Investment Officer, to invest ***Texas Regional Bank and Rio Bank*** funds to Certificate of Deposits governed by Subchapter A, Chapter 2256, and Government Code Public Funds Investment Act.

Motion carried unanimously.

- 17) Discuss and consider a request made by ***Veronica and Santiago Elizondo*** to be included to HCID#6 district and tax roll for a total of 10 acres of land, located on Homeville D Lot 4 Blk 43, Hidalgo, Texas.

Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to table the request made by ***Veronica and Santiago Elizondo*** to be included to HCID#6 district and tax roll for a total of 10 acres of land, located on Homeville D Lot 4 Blk 43, Hidalgo, Texas.

Motion carried unanimously.

The Board of Directors moved this item into executive session.

- 18) Discuss and consider a request made by ***Ruben Sanchez*** regarding the exclusion, of a 5.28 acre tract out Mile 3 and Schuerbach Road, New Caledonia #3, Lot 051 and a 9.48 acre tract out of Mile 3 and Schuerbach Road, New Caledonia #3, Lot 048, Hidalgo County, Texas. (***FR: 4704 & 4707***)

Interim General Manager notified Board Members that Ruben Sanchez was not willing to pay 2019-2020 assessments of \$638.01 due to irrigation standpipes full of debris on said property. Board Members stated the only way for him to be excluded would be if he were to subdivide and follow HCID#6 procedures. Board Members instructed Interim General Manager to have standpipes cleared of debris. Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to deny the request made by ***Ruben Sanchez*** regarding the exclusion, of a 5.28 acre tract out Mile 3 and Schuerbach Road, New Caledonia #3, Lot 051 and a 9.48 acre tract out of Mile 3 and Schuerbach Road, New Caledonia #3, Lot 048, Hidalgo County, Texas. (***FR: 4704 & 4707***)

Motion carried unanimously.

- 19) Discuss and consider the authorization to maintain ***TCDRS*** plan provision for 2021.

Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to approve the authorization to maintain ***TCDRS*** plan provision for 2021.

Motion carried unanimously.

- 20) Discuss and consider HCID#6's ***First Quarter Investment Report*** for 2020.

Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to approve HCID#6's ***First Quarter Investment Report*** for 2020.

Motion carried unanimously.

- 21) Discuss and consider the Employees ***United Healthcare Life Insurance*** proposal from July 1, 2020, thru June 30, 2022.

Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to approve Employees ***United Healthcare Life Insurance*** proposal from July 1, 2020, thru June 30, 2022.

Motion carried unanimously.

22) **EXECUTIVE SESSION:**

Mr. Brandon Thompson made a motion for the Board of Directors to enter closed session at 2:27 p.m. and seconded by Mr. Santana Gutierrez to discuss item numbers 22a, 22b, 22c, 22d, 22e, 22f, 22g, 22h, 22i, 22j, 22k, 22l, 22m, 22n, 22o, 22p,, 22q 22r, 22s and Item 17.

Motion carried unanimously.

- a) Discussion on audit and audit procedure.
- b) Discussion regarding a water delivery contract by and between HCID#6 and *IOC Company, LLC*.
- c) Discussion regarding the transition of *Interim General Manager*, Rene Flores and the hiring of a HCID#6 General Manager.
- d) Discussion regarding an *Interlocal Agreement between HCID#6* and the *City of Mission* to utilize the City of Mission's long reach excavator Cat 324E 60' Boom for HCID#6 District Lake.
- e) Discussion regarding the extension of the *Interlocal Cooperative Agreement* by and between The County of Hidalgo acting by through the *Office of Constable, Precinct #3* and Hidalgo County Irrigation District No. 6.
- f) Discussion regarding a request made by *L & G Engineering*, on behalf of *Texas Department of Transportation*, regarding the proposed taking of a tract of land containing 0.2455 of an acre (10,694 sq. ft.) situated in the Pedro Flores Survey, Abstract 577, Porcion 77, Hidalgo County, Texas, out of a 110' Hidalgo County Irrigation District No. 6 Main Canal Right of Way, said canal being situated within Lot 206 and Lot 215 Homeville Association Subdivision "A" and out of Lot 1, Block 2, Homeville Association Subdivision D".
(Parcel 8)
- g) Discussion regarding a request made by *Sendero Acquisitions, LP.*, on behalf of the *Texas Department of Transportation*, regarding the proposed taking of a tract of land containing 0.0607 of an acre (2,645 sq. ft.) situated in the Jose Francisco De La Garza Survey, Abstract Number 579, and Porcion 52 of Hidalgo County, Texas being a portion of the Hidalgo County Irrigation District No. 6 Canal (100 foot right-of-way). *(Parcel 14)*
- h) Discussion regarding a request made by *L&G Engineering*, on behalf of the *Texas Department of Transportation*, for the proposed taking of a tract of land containing 0.0842 acre (3,669 sq. ft.) situated in Hidalgo County, Texas and being out of the Nicholas Zamora Survey, A-76, Porcion 48, Hidalgo County, Texas.
(Parcel 36)
- i) Discussion regarding a request made by *L & G Engineering* on behalf of the *Texas Department of Transportation*, regarding the proposed taking of a tract of land containing 0.0568-acre tract of land (2,475 sq. ft.) tract of land situated in Porcion 49, of the Ancient-Jurisdiction or Reynosa Mexico, now Hidalgo County, Texas. *(Parcel 40)*
- j) Discussion regarding a request made by *L&G Engineering* on behalf of *Texas Department of Transportation* regarding the proposed taking of a tract of land containing 0.0483 acre (2,104 sq. ft) tract of land situated in Lot 2, Texas Produce Company's subdivision, as described in Volume 9, Page 1, map records, Hidalgo County, Texas. *(Parcel 41)*
- k) Discussion regarding a request made by *L&G Engineering* on behalf of *Texas Department of Transportation* regarding the proposed taking of a tract of land

containing 0.0274 acre (1,192 sq. ft.) tract of land situated in Porcion 49, of the Ancient Jurisdiction of Reynosa, Mexico, now Hidalgo County, Texas. (*Parcel 79*)

- l)* Discussion regarding *Gerardo Salinas and Lyliana Salinas vs. HCID #6*, Cause C-0189-19B in the 93rd Judicial District Court, Hidalgo County, Texas.
- m)* Discussion regarding *Joe Louis Aguilar, Sr. vs HCID#6*, Cause C-1216-20-D in the 206th Judicial District Court, Hidalgo County, Texas.
- n)* Discussion regarding the Texas Municipal League's response related to *Joe L. Aguilar vs. Diana Izaguirre*, Cause C-0533-19-F in the 332nd District Court, Hidalgo County, Texas.
- o)* Discussion regarding *Pittman Family Limited Partnership vs. HCID #6*, Cause C-438-07-B in the 93rd Judicial District Court, Hidalgo County, Texas.
- p)* Discussion regarding *Martha Salinas vs. HCID#6*, EEOC Charge No. 451- 2020-01375.
- q)* Discussion regarding *Normalinda Contreras vs HCID#6*, EEOC Charge No. 451-2020-01865.
- r)* Discussion regarding the request to appraise and inspect the proposed partial acquisition being 9.109 acres out of a 167.628 acre tract, Hidalgo County, Texas, in association with the Border Infrastructure Project by Allen, Williford & Seale, Inc. on behalf of the *US Army Corps of Engineers*. (Parcel Number: RGV-MCS-1309).
- s)* Discussion regarding *Aurora Villarreal vs. HCID#6*, TWCCRD Charge No.: 1A19918, and EEOC Charge No. 31C-2019-00942C.

Item 17. Discuss and consider a request made by *Veronica and Santiago Elizondo* to be included to HCID#6 district and tax roll for a total of 10 acres of land, located on Homeville D Lot 4 Blk 43, Hidalgo, Texas.

Mr. Brandon Thompson made a motion for the Board of Directors to reconvene to open session at 5:58 p.m. and seconded by Mr. Santana Gutierrez.

Motion carried unanimously.

- 23) Discussion and possible action regarding item(s) discussed in Closed Session.

Item 22a. Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to allow counsel to proceed with engaging Burton McCumber & Longoria, LLP.

Motion carried unanimously.

Item 22b. Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to allow counsel to prepare a proposal agreement for an annual fee of \$6,000.00 for water delivery charges and administrative fees of \$1,000.00.

Motion carried unanimously.

Item 22c. Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to take no action on this item.

Motion carried unanimously.

Item 22d. Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to approve this item.

Motion carried unanimously.

Item 22e. Mr. Santana Gutierrez made a motion to extend the agreement for an additional year and seconded by Mr. Brandon Thompson.

Motion carried unanimously.

Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to take no action on item numbers *22f, 22g, 22h, 22i, 22j, 22k.*

Motion carried unanimously.

Item 22l. Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to instruct counsel to attend mediation.

Motion carried unanimously.

Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to take no action on item numbers *22m, 22n, 22p, 22q, 22r, 22s.*

Motion carried unanimously.

Item 22o. Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to approve the settlement agreement documents, including the settlement agreement mutual release and special warranty deed, boundary line agreement and special warranty deed, revocable license for limited access and the agreement concerning insurance.

Motion carried unanimously.

Item 17. Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez for the Interim General Manager to check area and calculate all necessary fees for this request, and to follow the same process for similar requests for the previous years. Board Members requested the previous "Add land to District" process be followed accordingly.

Motion carried unanimously.

24) Adjournment

Dr. Roberto Zamora made a motion and seconded by Mr. Oscar Arturo Garza to adjourn the meeting of May 18, 2020, at 6:03 p.m.

Motion carried unanimously.



Diana Izaguirre, President, HCID#6



Brandon Thompson, Secretary, HCID#6