

MINUTES
Of the Regular Board Meeting conducted on November 20, 2023

Take notice that a Board Meeting of the Board of Directors of Hidalgo County Irrigation District Number 6 was held at 1:00 p.m. on November 20, 2023, at the Hidalgo County Irrigation District Number 6 office located at 3735 N. FM 492, Mission, Texas 78574.

- 1) The meeting was called to order by Ms. Diana Izaguirre at 1:09 p.m., November 20, 2023, at which time Ms. Diana Izaguirre acknowledged the presence of the Elected Members of the Board of Hidalgo County Irrigation District Number 6.

Members present included:

Ms. Diana Izaguirre, President
Mr. Santana Gutierrez, Vice-President
Ms. Giovana Benitez, Director
Mr. Brandon Thompson, Secretary

Member not present:

Mr. Oscar Arturo Garza, Director

Also, present included:

Dr. Antonio Uresti, General Manager, HCID No.6
Ms. Deborah Cordova, Attorney at Law, HCID No.6
Ms. Minnie Mueller, Office Manager, HCID No.6
Ms. Carmen Garcia, Bookkeeper, HCID No.6
Mr. Frank Ferris, Ferris, Flinn & Medina, LLC
Mr. Kyle Ferris, Ferris, Flinn & Medina, LLC
Mr. Juan Gerardo Canales, Landowner

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 No.6 Secretary.

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

General Manager confirmed that the Certification of the Board Meeting was posted at the Hidalgo County Court House, HCID No.6 lobby and the place convenient to the public in the bulletin board at HCID No.6, 3735 N FM 492, Mission, Texas 78572 at 12:30 p.m., November 15, 2023.

- 4) Manager's Items:

Manager's item numbers 4a, 4b, 4c, and 4d were not discussed.

- a) October 2023 Internal Bank Transfers and Expenditures.
- b) Texas Regional Bank Credit Card Statement Transactions from September 08, 2023, to October 08, 2023.
- c) Sam's Credit Card Statement Transactions from September 24, 2023, to October 23, 2023.
- d) Constable Report – Deputy Isidro Rosales

- 5) Minutes

- a) Approval of Minutes for Regular Board Meeting of September 18, 2023.
- b) Approval of Minutes for Special Board Meeting of October 03, 2023.

Items 5a, and 5b will be brought back for discussion on December 18, 2023

- c) Approval of Minutes for Regular Board Meeting of October 16, 2023.

Ms. Giovana Benitez made a motion and seconded by Mr. Brandon Thompson to approve item number 5c.

Motion carried unanimously.

- 6) Discuss and consider a request made by General Manager to revise job descriptions.

General Manager recommended adding to the job description for the Accounts Payable and Office Clerk positions. Ms. Giovana Benitez made a motion and seconded by Mr. Santana Gutierrez to approve the request made by General Manager to revise job descriptions.

Motion carried unanimously.

- 7) Discuss and consider a request made by General Manager to repair a dilapidated 4B Extension located on Bentsen Palm and North Mile 10 Road.

General Manager recommended the necessary repair for better service to the farmers north of the District. Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to approve the request made by General Manager to repair a dilapidated 4B Extension located on Bentsen Palm and North Mile 10 Road.

Motion carried unanimously.

- 8) Discuss and consider the ratification of the cancellation of that certain Certificate of Deposit with Texas Regional Bank as approved by Resolution # R0186 on October 16, 2023.

Legal counsel notified Board Members of the CD Resolution # R0186 investment approved on October 16, 2023, to be canceled, due to unexpected District operations as per General Manager. Ms. Giovana Benitez made a motion and seconded by Mr. Santana Gutierrez to approve the ratification of the cancellation of that certain Certificate of Deposit with Texas Regional Bank as approved by Resolution # R0186 on October 16, 2023.

Motion carried unanimously.

- 9) Discuss and consider a request made by General Manager to adopt a Resolution approving grant applications to the *US Bureau of Reclamation for a WaterSMART: Drought Response Program: Drought Resiliency Projects for Fiscal Year 2024* and authorizing the General Manager to act as the District's Representative.

Mr. Frank Ferris presented the three funding group levels of grants for the US Bureau of Reclamation application. The purpose of this grant is to increase the reliability of supplies for both irrigation and potable water. Ms. Giovana Benitez made a motion and seconded by Mr. Santana Gutierrez to approve the request made by General Manager to adopt a Resolution approving grant applications to the *US Bureau of Reclamation for a WaterSMART: Drought Response Program: Drought Resiliency Projects for Fiscal Year 2024* and authorizing the General Manager to act as the District's Representative.

Motion carried unanimously.

- 10) Discuss and consider the approval of a resolution calling a *Hearing for Exclusion* of Non-irrigated Land of Hidalgo County Irrigation District No. 6 under Texas Water Code Section 51.759.

Ms. Giovana Benitez made a motion and seconded by Mr. Santana Gutierrez to

approve resolution calling a **Hearing for Exclusion** of Non-irrigated Land of Hidalgo County Irrigation District No. 6 under Texas Water Code Section 51.759.

Motion carried unanimously.

- 11) Discuss and consider a request made by **L & G Engineering** for the review of the updated plans regarding the FM495 expansion.

HCID No.6 Engineer recommended tabling this item as the plans do not conform to previous comments regarding the type of material used for the proposed syphons replacements. Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to table the request made by **L & G Engineering** for the review of the updated plans regarding the FM495 expansion.

Motion carried unanimously.

- 12) Discuss and consider a request made by **HLG Engineering** regarding an HCID No.6 Irrigation Easement being the East 10 feet of Lots 1 thru 18, Doc.# 3459281, H.C.M.R., City of Mission, Hidalgo County, Texas.

General Manager recommended tabling this item since the appraisal has not been received. Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to table the request made by **HLG Engineering** regarding an HCID No.6 Irrigation Easement being the East 10 feet of Lots 1 thru 18, Doc.# 3459281, H.C.M.R., City of Mission, Hidalgo County, Texas.

Motion carried unanimously.

- 13) Discuss and consider a request made by **Nain Engineering LLC**, on behalf of Uner Gomez, regarding the review and exclusion of **Renu Acres Subdivision**, being a 5.0-acre tract of land, out of Lot 92, The Nick Doffing Co. Subdivision No. 1, according to the Map Recorded in Volume 5, Page 24, Map Records, Hidalgo County, Texas.

General Manager recommended tabling this item for further research noted by Engineer.

No motion was made.

- 14) Discuss and consider a request made by **Dirksen Engineering**, on behalf of Huttonco Development, LP regarding the review of Replat of Hutton No.3 Subdivision Lot 1, being 4.510 acres, part of Lot 1 of the Hutton No.3 Subdivision as shown on the Plat Record in Volume 52, Page 195 of the Hidalgo County Map Records, Hidalgo County, Texas.

General Manager recommended tabling this item for verification of the existing pipeline. Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to table the request made by **Dirksen Engineering**, on behalf of Huttonco Development, LP regarding the review of Replat of Hutton No.3 Subdivision Lot 1, being 4.510 acres, part of Lot 1 of the Hutton No.3 Subdivision as shown on the Plat Record in Volume 52, Page 195 of the Hidalgo County Map Records, Hidalgo County, Texas.

Motion carried unanimously.

- 15) Discuss and consider a request made by **AEC Engineering, LLC**, on behalf of Sergio Pena, regarding the review and exclusion of **DG 3-Mile Subdivision**, being a 1.49-acre tract of land, more or less, situated in the county of Hidalgo, Texas, out of Lot 64, Block 3, amended Map of the Goodwin Tract Subdivision No. 1 and No.2, according to the Map or Plat thereof recorded in Volume 8, Page 2A, Map Records of Hidalgo County, Texas.

Legal Counsel recommended approval of this item subject to engineer and legal approval of the encroachment agreement. Ms. Giovana Benitez made a motion and seconded by Mr. Santana Gutierrez to approve the request made by **AEC**

Engineering, LLC, on behalf of Sergio Pena, regarding the review and exclusion of *DG 3-Mile Subdivision*, being a 1.49-acre tract of land, more or less, situated in the county of Hidalgo, Texas, out of Lot 64, Block 3, amended Map of the Goodwin Tract Subdivision No. 1 and No.2, according to the Map or Plat thereof recorded in Volume 8, Page 2A, Map Records of Hidalgo County, Texas.

Motion carried unanimously.

- 16) Discuss and consider a request made by *Rodolfo Munoz* to be reimbursed for two driveways from the HCID No. 6 escrow account.

General Manager informed Board Members that Mr. Rodolfo Munoz is seeking reimbursement from the District for 2 driveways from 2018 and 2019. Ms. Giovana Benitez made a motion and seconded by Mr. Brandon Thompson to table the request made by *Rodolfo Munoz* to be reimbursed for two driveways from the HCID No. 6 escrow for further research.

Motion carried unanimously.

- 17) Discuss and consider a request made by *Maria Sylvia Munoz* for outstanding assessments due in connection with 5 acres, out of Bentsen Groves, Lot #158 & 160 TR2. (*FR#8801*)

General Manager informed Board Members that Maria Sylvia Munoz has not had irrigation access since the infrastructure was built north of said property. Mr. Brandon Thompson made a motion and seconded by Ms. Giovana Benitez to table the request made by *Maria Sylvia Munoz* for outstanding assessments due in connection with 5 acres, out of Bentsen Groves, Lot #158 & 160 TR2. (*FR#8801*)

Motion carried unanimously.

- 18) Discuss and consider a request made by *Juan J. Nino* for outstanding assessments due in connection with 1.52 acres, out Doffing #3, Lot 052-01. (*FR #2029*)

General Manager informed Board Members that Juan J. Nino has not had irrigation access since the infrastructure was built south of said property. Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to table the request made by *Juan J. Nino* for outstanding assessments due in connection with 1.52 acres, out Doffing #3, Lot 052-01. (*FR #2029*)

Motion carried unanimously.

- 19) Discuss and consider a request made by *Juan Gerardo Canales* for outstanding assessments due in connection with 1.94 acres, out of Mission Groves Estates, Lot# 13 & 14-3. (*FR#5123*)

General Manager informed Board Members that Mr. Juan Gerardo Canales has not had irrigation access for said property and was confirmed by HCID No.6 Field Supervisor. Mr. Juan Gerardo Canales requested to be excluded from the District. Mr. Brandon Thompson made a motion and seconded by Ms. Giovana Benitez to pardon the outstanding assessments for the years 2021, 2022, 2023, 2024 and to commence the exclusion process for the request made by *Juan Gerardo Canales* for outstanding assessments due in connection with 1.94 acres, out of Mission Groves Estates, Lot# 13 & 14-3. (*FR#5123*)

Motion carried unanimously.

- 20) **CLOSED SESSION:**

Mr. Brandon Thompson made a motion and seconded by Ms. Giovana Benitez to enter closed session at 1:27 p.m. to discuss item number 20d.

Motion carried unanimously.

d) Discussion regarding a request made by *Agua SUD* for the execution of a Tolling Agreement in connection with its Petition dated December 29, 2021, and the negotiation of a Sale of Water Rights Agreement.

Ms. Giovana Benitez made a motion for the Board of Directors to reconvene open session at 2:07 p.m. and seconded by Mr. Santana Gutierrez.

Motion carried unanimously.

Discussion and possible action regarding items discussed in Closed Session.

Item 20d. Ms. Giovana Benitez made a motion and seconded by Mr. Santana Gutierrez for the negotiation of a tolling agreement in connection with the petition dated December 29, 2021, and the negotiation of the sale of water rights agreement or in the alternative, the release of water rights.

Motion carried unanimously.

Mr. Brandon Thompson made a motion and seconded by Ms. Giovana Benitez to enter closed session at 3:43 p.m. to discuss item numbers 20a, 20b, and 20c, and 8.

Motion carried unanimously.

- a) Discussion regarding a request made by *Homero L. Gutierrez, P.E., R.P.L.S.*, on behalf of Roberto Vela, regarding the purchase of a tract of land containing 0.128 acres (5,580.40 square feet) out of Lot 13, Block 2, Mission Groves Estates, Vol.5, Page 21, H.C.M.R. City of Palmview, Hidalgo County, Texas.
- b) Discussion regarding a request made by *R. E. Garcia & Associates.*, on behalf of Charles Phelps regarding the purchase of a tract of land containing a 0.34 of an acre tract of land being a portion of that certain 70.00-foot Hidalgo County Irrigation District No.6 Right-of-Way adjacent to the west line of Lots 80, Block 2, La Homa Ranch Citrus Groves, Unit 2, as recorded in Volume 8, Page 9, Map Records, Hidalgo County, Texas.
- c) Discussion regarding the approval and execution of the Encroachment Agreement by and between *DGOGMissiontx11162022 LLC*, and *Hidalgo County Irrigation District* regarding a tract of land, more or less, situated in the County of Hidalgo, Texas, out of Lot 64, Block 3, Amended Map of the Goodwin Tract Subdivision No. 1 and 2, according to the Map or Plat thereof recorded in Volume 8, Page 2A, Map records of Hidalgo County, Texas.

Item 8. Discuss and consider the ratification of the cancellation of that certain Certificate of Deposit with Texas Regional Bank as approved by Resolution # R0186 on October 16, 2023.

Mr. Brandon Thompson made a motion for the Board of Directors to reconvene open session at 4:00 p.m. and seconded by Mr. Santana Gutierrez.

21) End of Closed Session/Return to Open Session.

22) Discussion and possible action regarding items discussed in Closed Session.

Item 20a. Mr. Brandon Thompson made a motion and seconded by Ms. Giovana Benitez to take no action regarding a request made by *Homero L. Gutierrez, P.E., R.P.L.S.*, on behalf of Roberto Vela, regarding the purchase of a tract of land containing 0.128 acres (5,580.40 square feet) out of Lot 13, Block 2, Mission Groves Estates, Vol.5, Page 21, H.C.M.R. City of Palmview, Hidalgo County, Texas.

Motion carried unanimously.

Item 20b. Mr. Brandon Thompson made a motion and seconded by Mr. Santana Gutierrez to allow legal counsel to continue working on the contract regarding a request made by **R. E. Garcia & Associates.**, on behalf of Charles Phelps regarding the purchase of a tract of land containing a 0.34 of an acre tract of land being a portion of that certain 70.00-foot Hidalgo County Irrigation District No.6 Right-of-Way adjacent to the west line of Lots 80, Block 2, La Homa Ranch Citrus Groves, Unit 2, as recorded in Volume 8, Page 9, Map Records, Hidalgo County, Texas.

Motion carried unanimously.

Item 20c. Ms. Giovana Benitez made a motion and seconded by Mr. Santana Gutierrez for the execution of the encroachment agreement subject to legal and engineer approval regarding the approval and execution of the Encroachment Agreement by and between **DGOGMissiontx11162022 LLC**, and **Hidalgo County Irrigation District** regarding a tract of land, more or less, situated in the County of Hidalgo, Texas, out of Lot 64, Block 3, Amended Map of the Goodwin Tract Subdivision No. 1 and 2, according to the Map or Plat thereof recorded in Volume 8, Page 2A, Map records of Hidalgo County, Texas.

Motion carried unanimously.

Item 8. No further action was taken.


23) Adjournment.

Ms. Giovana Benitez made a motion and seconded by Mr. Brandon Thompson to adjourn the meeting of November 20, 2023, at 4:02 p.m.

Motion carried unanimously.



Diana Izaguirre, President, HCID No.6



Brandon Thompson, Secretary, HCID No.6

**CERTIFICATE FOR RESOLUTION OF
HIDALGO COUNTY IRRIGATION DISTRICT NO. 6**

STATE OF TEXAS
COUNTY OF HIDALGO

We, the undersigned officers of the Board of Directors of Hidalgo County Irrigation District No. 6, hereby certify as follows:

1. The Board of Directors of said District convened a Regular Meeting on the 20th day of November 2023, at the regular designated meeting place in said District, and the roll was call of the duly constituted officers and members of said Board, to-wit:

President – Diana Izaguirre
Vice President – Santana Gutierrez
Secretary – Brandon Thompson
Director – Oscar Arturo Garza
Director – Giovana L Benitez

And all of said persons were present, constituting a quorum with the exception of Oscar Arturo Garza. Whereupon, the following transacted at said Meeting. A motion was made and seconded that the Board approve the following:

Resolution

WHEREAS, Hidalgo County Irrigation District No.6 of Mission, Hidalgo County, Texas (“District”) is a political subdivision of the State of Texas operating pursuant to applicable State statues, including Chapters 58 and 49 of the Texas Water Code and Articles XVI, Section 59 of the State Constitution; and

WHEREAS, the Board of Directors of the District (“Board”), which is its governing body, has filed Applications for a WaterSMART: Drought Response Program: Drought Resiliency Projects for Fiscal Year 2024, Funding Group II to include Construction of the Rio Grande Pump Station for Increased Reliability; as well as, FY2024-Funding Group III, that includes the Funding Group II Project; Construction of Rio Grande Pump Station for Increased Reliability and Main Canal Weir for Water Better Managed.

WHEREAS, the Board desires to approve the Applications referenced R24AS00007 for submission to the U.S. Bureau of Reclamation (“Reclamation”) and endorse them for approval by Reclamation.

NOW, THEREFORE, BE IT RESOLVED, that the General Manager is the District's representative and is hereby authorized to enter into any and all agreements or other documents pertaining to the Application and consummation of Project work and necessary funding related thereto; that the Board and General Manager of the District have reviewed and support the Application to appropriate officials; the District has the capability to provide the amount of funding and in-kind contribution specified in the funding plan included in the Application, estimated to be \$5,056,600 less \$1,972,074 Federal Share for Funding Group II or \$5,532,922 less \$2,766,461 Federal Share for Funding Group III; and the Board will work with Reclamation to meet established deadlines for entering into Cooperative Agreement and the General Manager of the District is hereby instructed to work with Reclamation to meet established deadlines for entering into Cooperative Agreement and do any and all things necessary to accomplish consummation of all requirements of the Application and Project work pursuant to the Application, Project funding, and all related matters.

And, after due discussion, said motion, carrying with it the passage of said Resolution prevailed and carried by the following vote:

AYES: 4 _____

NOES: 1 _____

That the above and foregoing paragraphs are a true, full and correct copy of the aforesaid Resolution and Order adopted at the Meeting described above, that said Resolution and Order has been duly recorded in said Board's Minutes of said Meeting, that the above and foregoing paragraphs are a true, full and correct excerpt from said Board's minutes of said Meeting pertaining to the passage of said Resolution and Order, that the persons named in the above and foregoing paragraphs are the duly chosen, qualified and acting officers and members of said Board as indicated therein; that each of the officers and members of said Board was duly and sufficiently notified, officially and personally, in advance, of the time, place, and purpose of the aforesaid Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose; and that said Meeting was open to the public and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Government Code, *Vernon's Ann. Cov. Statutes*.

SIGNED AND SEALED the 20 day of November 2023.



Brandon Thompson, Secretary



Diana Izaguirre, President

STATE OF TEXAS
COUNTY OF HIDALGO

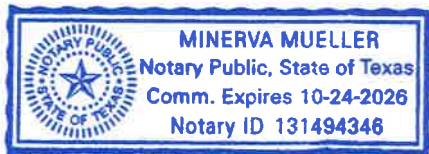
This instrument was acknowledged before me on the 20 day of November 2023, by Brandon Thompson, Secretary of the Board of Directors of HIDALGO COUNTY IRRIGATION DISTRICT NO. 6, a political subdivision of the State of Texas, on behalf of said political subdivision.



Minerva Mueller
Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF HIDALGO

This instrument was acknowledged before me on the 20 day of November 2023, by Diana Izaguirre, President of the Board of Directors of HIDALGO COUNTY IRRIGATION DISTRICT NO. 6, a political subdivision of the State of Texas, on behalf of said political subdivision.



Minerva Mueller
Notary Public in and for the State of Texas