

February 13, 2023
San Benito, Texas

The regular meeting of the Board of Directors of Cameron County Drainage District No. 3 convened on February 13, 2023, at 2:00 p.m. at the office of the District, pursuant to notice duly given as required by law. Present were Ronaldo Garcia and Matthew McCarthy, Directors; Sonia Lambert, Manager; Rick Martinez, Assistant Manager; Freddie Ortega, Drain Supervisor; Jack Brown, Engineer; and B. R. Dossett, Attorney. President Garcia called the meeting to order and presided.

1. Minutes. The Minutes of the January 9, 2023 meeting will be presented at the next meeting of the Board.
2. Public Comment Period. No one appeared. No written comments were received.
3. Subdivisions.
 - 3.1 Titan Ranch Subdivision–Rios Surveying Company, LLC, being 7.35 acres out of Block 90, San Benito Irrigation Company Subdivision. Final plat not presented. No action.
 - 3.2 Montenegro Estates Subdivision–Mejia & Rose, being 9.4 acres out of Block 7, Landrum Reserve. Final plat not presented. No action.
 - 3.3 Alvarado Estates Subdivision–Altex Engineering, being 2.77 acres out of Block 153, San Benito Land & Water Company Subdivision. Final plat not presented. No action.
 - 3.4 B77 Subdivision–Rio Delta Engineering, being 5.29 acres out of Blocks 129 and 126, San Benito Land & Water Company Subdivision. Final plat not presented. No action.
 - 3.5 3C Subdivision–JNH Surveying, being Lots 3, 6, 11, 14, Block 129, San Benito Land & Water Company Subdivision. Final plat not presented. The information needed to complete the license agreement for down drains still not provided. No action.
 - 3.6 Hout Subdivision–Ferris, Flynn & Medina, being 2.51 acres out of Block 199, San Benito Land & Water Company Subdivision. Final plat not presented. No action.
 - 3.7 San Sebastian Estates Subdivision–Altex Engineering, being 5 acres out of Block 253, San Benito Irrigated Land Company Subdivision. Final plat not presented. No action.
 - 3.8 East Treasure Haven, Phase II–Brown, Leal & Assoc., being 25.33 acres out of Block 146, SBL&WCo. Final plat not presented. No action.
 - 3.9 Resaca Del Monte Phases 3 and 4–Brown, Leal & Assoc., being 29.5 acres out of the San Pedro de Carricitos Grant. Final plat not presented. No action. Construction plans for the detention basin still have not been submitted for the Board’s approval.
 - 3.10 Aguilera Estates Subdivision–CASA Engineering, being 0.75 acre in Block 137, San Benito Land & Water Company Subdivision. Final plat not presented. No action.
 - 3.11 Pomelo Bend Subdivision–RG4 Development being 2.97 acres out of Share 15 of the Espiritu Santo Grant. Final plat not presented. No action.
 - 3.12 Villa Dolce Subdivision–Urban Infrastructure Group, being 12.09 acres out of Block 37, San Benito Land & Water Company Subdivision. Final plat not presented. No action.
 - 3.13 Scooter’s Coffee Stores–Southpoint Texas Survey, being 0.953 acre out of that

certain 1.180 acre tract recorded at Volume 10616, Page 103, Official Records of Cameron County, Texas, being out of Lot 1, Block 1, Earl Dunaway Subdivision, according to plat thereto recorded at Cabinet 1, Page/Slot 88-A, Map Records of Cameron County, Texas [Block 181, San Benito Land & Water Company Subdivision]. Owner: VIA Real Estate, LLC. Engineer: Southpoint Texas Survey. Final plat presented and reviewed. It was noted that there are no District drains in the subject property. The motion was made and seconded that the final plat of Scooter's Coffee Stores be approved. Following a discussion, the motion carried and President Garcia signed the plat.

- 3.14 R & J Reyes Subdivision–Rios Surveying, being 2.26 acres out of Block 11, San Benito Land & Water Company Subdivision. Final plat not presented. No action.
- 3.15 Del Rio Subdivision, Phase IX–Moore Land Surveying, being 10.34 acres Block E, James Dickinson Subdivision. Preliminary plat presented and reviewed. It was noted that there are no District drains in the subject property. The motion was made and seconded that the plat of Del Rio Subdivision, Phase IX receive preliminary approval. Following a discussion, the motion carried.
4. Audit. The audit of the fiscal year ended September 30, 2022 was not submitted.
5. Equipment: Brushcutter Purchased to Replace Brushcutter DD#33. Still waiting for the machine to be delivered. It was noted that the tentative delivery date was January 2023. The Dealer has not provided a revised delivery date.
6. Blocks 209 and 215, San Benito Land & Water Co.: Cameron County Irrigation District No. 2 Conveyance of Seep Ditch to Drainage District.
 - 6.1 Drain Supervisor Ortega reported:
 - (a) Last week, Harlingen Waterworks (HWW) conducted its evaluation of part of the pipeline.
 - (b) He is of the opinion that between the point that the seep ditch crosses North Sam Houston Boulevard and the point where the main canal/resaca begins a U-curve, the location of the pipeline has been determined and the storm sewer pipeline is functioning properly. Accordingly, HWW was not asked to evaluate, and did not evaluate, that segment of the pipeline.
 - (c) 15-inch diameter reinforced concrete pipe was installed.
 - 6.2 The evaluation revealed:
 - (a) The pipeline follows the curve of the main canal/resaca. The curve alignment was achieved using the straight pipe deflection method, rather than the installation of radius pipe or curved joints of pipe. Most, if not all, of the joints have separated. If the pipe is not removed and the open drain restored, all of the pipe in the curve will have to be replaced, either using radius pipe or joints of curved pipe, or the curve will have to be eliminated with the installation of junction boxes at the north and south ends of the existing curve and the installation of pipe between the junction boxes.
 - (b) West from the south end of the curve, either the pipe was improperly bedded and/or soil conditions were not considered. Most, if not all, of the joints of pipe have separated and migrated, resulting in severe misalignment of the joints of pipe. If the pipe is not removed and the open drain restored, all of the pipe running west from the south end of the curve will have to be replaced—a distance of approximately 800 feet.
 - (c) There was human excrement in the pipeline, indicating that the sanitary sewer line serving Resaca Vista Homes Condominiums is leaking and needs repair.

6.3 A discussion followed:

- (a) Resaca Vista Homes Condominiums, being 7.107 acres, is out of a 37 acre tract in a horseshoe-shaped bend of Cameron County Irrigation District No. 1's main canal, also known as the Resaca. A seep ditch was adjacent and parallel to the main canal. John Welty subdivided the 37 acre tract by conveyance. A prior owner of the 37 acre tract, most likely John Welty, piped Cameron County Irrigation District No. 2's seep ditch without the Irrigation District's permission.
- (b) The fix is far more extensive than simply finding and removing a blockage in the underground pipeline. The motion was made and seconded that Cameron County Drainage District No. 3 shall not bear the cost of correcting the problems with the underground pipeline. Following a discussion, the motion carried.
- (c) The Drainage District, being a Phase II MS4 entity under the provisions of the Clean Water Act, cannot allow sewage to be discharged into its drainage system. The leak in the sanitary sewer pipe will have to be found and repaired. The motion was made and seconded that Cameron County Drainage District No. 3 should not bear the cost of repairing the leaking sanitary sewer pipeline. Following a discussion, the motion carried.
- (d) It was noted that, although the City of San Benito claims the 37 acre tract has not been annexed by the City and disavows any responsibility for the 37 acre tract, Resaca Vista Homes Condominiums is receiving potable water and sanitary sewer service from some entity, most likely the City of San Benito.
- (e) Manager Lambert advised that she will discuss the findings and the Board's decisions with the President of the Resaca Vista Homes Condominiums Homeowners Association.
- (f) The Board directed that the Drain Supervisor find out who the residents of Resaca Vista Homes Condominiums pay for their potable water and sanitary sewer services.

7. Russell Main Drain: Private Road Crossing in Block 4, Parker Tract Subdivision, Owned by Porfirio and Nicanor Vasquez and Respective Spouses. The landowners still have not upgraded the crossing.

8. Projects.

8.1 East Line Drain Relief Project 2012. No change in status since the last meeting.

8.2 Drain B-2: Upgrade of Pennsylvania Boulevard Road Crossing. On January 30, 2023 the City of San Benito acknowledged its failure to respond to Manager Lambert's letters and that the new City Engineer will study the matter and contact the District's Engineer.

9. Agreements/Rights-of-Way/Permits/Interlocal Cooperation Contracts.

9.1 Drain 383: Request of Adrian and Cathy Coronado for Road and Utility Crossings. Not finalized. No change in status since the last meeting. Drain Supervisor Ortega stated that the owners will need the requested utility and road crossings for their planned development of the property.

9.2 Liberty Estates Phase II, Being 10.64 Acres Out of Blocks 5, 6, 12, Cunningham's Subdivision of Block 35, San Benito Land & Water Company Subdivision.

- (a) Conveyance of Seep Ditch on North Side of Lateral A to Drainage District. Deed conveying the seep ditch to the Drainage District not finalized.

- (b) Upgrade of Underdrains–Status Report. No change in status.
 - (c) Moratorium on Additional/Increased Discharges into Drain B-2 Southerly of Pennsylvania Boulevard. Attorney Dossett reported that the District will comply with the Real Property Preservation Act to ensure the moratorium is enforceable.
- 9.3 Russell Main Drain in Share 14, Espiritu Santo Grant: Request of East Rio Hondo Water Supply Corp. for Potable Waterline Crossings. No change in status.
- 9.4 Los Indios #2 Drain in Block 48, Los Indios Irrigated Land Co. Subdivision: Request of United States of America for Potable Water Line Crossing for FMSCA Inspection Facility Upgrade. No change in status since the last meeting. Still waiting on the response from the federal government.
- 9.5 Drain D in Block 128, San Benito Land & Water Company Subdivision–Request for Down Drain License for Proposed 3C Subdivision. No change in status since the last meeting. Information needed to complete the license agreement for down drains still not provided.
- 9.6 Drain E in Block 22, San Benito Land & Water Company Subdivision. The license agreement has not yet been submitted to the SBCISD Superintendent.
- 10. Grants.
 - 10.1 Combes, Texas Multi-Jurisdictional Hazard Mitigation Plan (2020). At the October 12, 2020 meeting it was reported the plan had been submitted for approval. It was approved in October 2020, but the grant writer did not inform the District until February 3, 2023.
 - 10.2 TWDB #40023 Flood Protection/Infrastructure Study–Hydrologic and Hydraulic Model Update. The County Commissioners Court still has taken no action on the City of San Benito’s ARPA application. The grant applications for other grants were timely submitted.
 - 10.3 Take Action on RFQs for BRIC and HMGP Grant Applications. The application was timely submitted. By letter dated February 8, 2023, the Texas Department of Emergency Management advised that the BRIC Grant application has been selected for review, that the review process can take “a few weeks to several months and is not expected to begin until summer 2023.” Eric Schiebe will try to get the review process speeded up.
- 11. Donations: Drains in Territory North of Arroyo Gardens (Shares 12 and 22, Espiritu Santo Grant). Rios Surveying anticipates completing the survey of the drains to be conveyed to the District before the March 2023 Board meeting.
- 12. Rules Revision. Not ready for Board action.
- 13. Reports.
 - 13.1 Financial.
 - (a) Financial Report for the month of January 2023 presented and reviewed.
 - (b) Financial Report for the fiscal year through January 31, 2023 presented and reviewed.
 - 13.2 Manager. All matters discussed under other Agenda items.
 - 13.3 Attorney.
 - (a) *Cameron County Drainage District No. 3 and Cameron County Irrigation District No. 2, et al. vs. City of San Benito.* No change in status.

(b) Drain E Notice of Drain Right-of-Way. Notice of the location of the pipeline between La Palma and Stenger Streets has not yet been completed.

13.4 Engineer. No report. All matters discussed under other Agenda items.

13.5 Drain Supervisor. Report of work accomplished in the month of January 2023 presented.

13.6 Report by Representative of City of San Benito. No one appeared regarding this Agenda item.

14. Payment of Accounts, Wages, and Directors' Services.

14.1 The motion was made and seconded that issuance of the following checks issued between the January 9, 2023 meeting and this meeting be ratified:

14246 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$422.77
14247 : Lincoln National Life	Life Insurance	\$492.00
14248 : Oil Patch Fuel	Highway Diesel	\$1,682.70
14249 : Federico Ortega	Oil Change	\$184.33
14250 : Rio Grande Concrete	Pipe Layout	\$29.69
14251 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$422.77
TOTAL		<u>\$3,234.26</u>

Following a discussion, the motion unanimously carried.

14.2 The motion was made and seconded that the following checks be issued:

14252 : Anderson Equipment	Machine Repairs	\$576.82
14253 : AFLAC	Insurance	\$249.84
14254 : Allstate	Insurance	\$74.67
14255 : AguaWorks Pipe & Supply	Drain Repairs	\$3,576.48
14256 : AT&T Mobility	Wireless Phone	\$186.85
14257 : Blue Cross & Blue Shield	Health Insurance	\$16,416.14
14258 : Enrique Contreras	LA Refund	\$187.00
14259 : Commercial Billing	Equipment Fuel Nozzle	\$196.22
14260 : Dainamik	GPS Monitoring	\$2,030.00
14261 : Direct Energy	Office/Shop/Warehouse: Electricity Bill	\$553.56
14262 : East Rio Hondo Water Supply Corp.	Office/Shop/Warehouse: Water Bill	\$68.99
14263 : Firestone	Machine Repair	\$4,829.35
14264 : First Community Bank	Petty Cash	\$305.82
14265 : Gateway Printing	New Chairs	\$1,071.17
14266 : Gigabit Communications	Uverse/Internet	\$200.00
14267 : Hollon Oil Company	Hydraulic Oil	\$1,554.00
14268 : J & M Hydraulics	Machine Repairs	\$557.50
14269 : JR ITSoftware Solutions	Programming	\$1,778.50
14270 : John Deere Financial	Machine Repair	\$5,711.22
14271 : Sonia Lambert	Phone Allowance	\$125.00
14272 : Matheson Tri-Gas	HAZ Materials	\$36.95
14273 : McCoys Lumber Co.	Drain Repairs	\$44.72
14274 : Oil Patch Fuel	Off-Road Diesel	\$16,762.96
14275 : O'Reilly Auto Parts	Machine Repairs	\$2,379.37
14276 : Ortega, Federico	Phone Allowance	\$45.00
14277 : Rio Grande Concrete	Drain Repairs	\$3.48
14278 : Rio Hondo Lumber & Supply	Safety Gloves	\$9.98
14279 : Rey's Tire Service	Flat Repairs	\$370.00
14280 : Nelda Solorio	Janitorial	\$220.52
14281 : Scheibe Consulting, LLC	TWDB Grant on Call Inv	\$2,817.50
14282 : Triple S Steel	Safety Supplies	\$744.29
14283 : Lucinda Trevino	Janitorial	\$303.22
14284 : Texas Water Conservation Association	Annual Membership Dues	\$1,544.00
14285 : Texas Social Security Program	Administrative Fee	\$35.00
14286 : UniFirst	Uniforms	\$478.48
14287 : Valley Wide Sprinkler System	Backflow Test	\$115.00
14288 : Wilcac Life Insurance	Insurance	\$21.67
14289 : Wylie Case	Machine Repairs	\$5,001.15
14290 : David Ybarra	Janitorial	\$348.22
TOTAL		<u>\$71,530.64</u>

Following a discussion, the motion unanimously carried.

15. Board of Directors–Fill Vacancy on Board of Directors. No discussion. No action.
16. Personnel–Manager. The position of Assistant Manager having been filled, this item will be removed from the Agenda.
17. Adjournment. There being no further business, the meeting was adjourned.