

April 13, 2020
San Benito, Texas

The regular meeting of the Board of Directors of Cameron County Drainage District No. 3 convened on April 13, 2020, telephonically pursuant to and in accordance with the Governor's disaster declaration, and pursuant to notice duly given as required by law. Present were Ronaldo Garcia, Randall McMurray, and Matthew McCarthy, Directors; Sonia Lambert, Manager; Jack Brown, Engineer; Freddie Ortega, Drain Supervisor; and B. R. Dossett, Attorney. President Garcia called the meeting to order and presided.

1. Minutes. The Minutes of the March 9, 2020 meeting were presented and reviewed. The motion was made and seconded that the Minutes of the March 9, 2020 meeting be approved. Following a discussion, the motion unanimously carried.
2. Public Comment Period. No one appeared.
3. Subdivisions.
 - 3.1 Westway Subdivision Phase 2, being a 28.53 acre tract out of Block 191, San Benito Land & Water Company [Volume 1, Page 6, Map Records]. The final plat (mylar) has not been presented for signing. No action.
 - 3.2 MJE Rodriguez Subdivision, being 2.25 acres of land out of Block 80, Espiritu Santo Irrigated Land Company Subdivision. The final plat (mylar) has not been presented for signing. No action.
 - 3.3 Las Villas Del Rio Subdivision, being an 8.3 acre tract out of Block 257, San Benito Land & Water Company Subdivision [Volume 1, Page 25, Map Records]. The final plat (mylar) has not been presented for signing. No action.
 - 3.4 Liberty Estates Phase II, being an 8.53 acre tract of land comprised of 0.08 acre out of Block 12, 4.66 acres out of Block 5, and 3.79 acres out of Block 6, all in Cunningham's Subdivision [Volume 1, Page 43, Map Records], said Cunningham's Subdivision being out of Block 35, San Benito Land & Water Company Subdivision [Volume 1, Page 6, Map Records]. No discussion. No action.
 - 3.5 Peralez Farms Subdivision, being 1.0 acre out of Block 65, San Benito Land & Water Company Subdivision. It was noted that this plat received preliminary approval at the January 13, 2020 meeting. The final plat (mylar) has not been presented. No action.
 - 3.6 A.M. Betancourt Subdivision, being 1.0 acre out of Block 15, San Benito Land & Water Company Subdivision. The final plat (mylar) has not been presented. No action.
4. Drain B-4: Request of AEP for Amendment of the Sign Permit for San Benito Service Center-Drain B-4, dated June 10, 2019. For the operation of District equipment and the placement of soil and spoil, the Permit requires that there be no less than 20 feet between the sign and the edge of the drain. As built, there is no less than 20 feet between the sign and the edge of the drain, but an electrical box and light pole for the sign were placed within the required 20 feet. AEP proposes maintaining the area between the sign and the drain instead of relocating the electrical box and light pole. The motion was made and seconded that the request be rejected and that the electrical box and light pole be moved outside of the required 20 foot strip needed to maintain the drain. Following a discussion, the motion unanimously carried.
5. COVID-19 emergency response. Manager Lambert reported that the office building has been closed to the public due to COVID-19 emergency. Because drainage and irrigation have been declared to be essential governmental functions, no office employees have been laid off and the work of both districts continues. Manager Lambert reported on measures taken to ensure the safety of the employees of both districts. The motion was made and

seconded that the closure of the office to the public during the COVID-19 pandemic be approved. Following a discussion, the motion carried.

6. Financial-Banking: Requirements for Disbursements and Other District Banking Business. It was noted that pursuant to District rule adopted in accordance with Texas Water Code § 49.151, the District's money may be disbursed only by check, draft, order, or other instrument that shall be signed by a majority of the three Directors of the District. Attorney Dossett reported that § 49.151 (b) provides that the Board may by resolution allow the General manager to sign disbursements. The motion was made that this Resolution be adopted:

So that wages, accounts, and other financial obligations of the District can be timely paid during the COVID-19 emergency, the District's money may be disbursed only by check, draft, order, or other instrument that shall be signed by only one Director or only Manager Sonia Lambert until the Board determines otherwise; a list of the checks, drafts, orders, or other instruments shall be emailed to the Directors when the checks, drafts, orders, or other instruments are signed by only one of the authorized persons; and scans of the invoices and/or other backup information will be provided to any Director immediately upon request.

Following a discussion, the motion unanimously carried.

7. Pollution Control/MS4 Permit: Tire and Debris Pickup and Disposal. The meeting with the County was postponed due to COVID-19 emergency and has not been rescheduled.

8. Vehicles/Equipment.

- 8.1 Backhoe Purchased at March 9, 2020 meeting. The delivery date is uncertain due to the COVID-19 emergency.

- 8.2 Brush Cutters scheduled for delivery in April. The machines are scheduled to be delivered next week. The District has not been advised of any change in the delivery schedule. The Cameron County Irrigation District No. 2 Board approved the interlocal agreement for the transfer of employee-operators to the Drainage District at its March 12, 2020 meeting.

- 8.3 Disposal of Equipment. Manager Lambert reported that all items listed in Item 6.3(a) of the March 9, 2020 Minutes have been destroyed and the remains pitched into the garbage dumpster. The District plans to sell the items listed in Item 6.3(b) of the March 9, 2020 Minutes, but nothing has been done due to the COVID-19 emergency.

9. Projects.

- 9.1 NRCS Disaster Relief/EWP Grant for Repairs.

- (a) Status Report. When the bids were opened, it was determined that all bids were too high. Engineer Brown will make changes to the plans and re-advertise for bids. The Natural Resources Conservation Service has not announced whether the June 18, 2020 deadline will be extended due to the COVID-19 emergency. Engineer Brown noted that the award of any contract should be subject to NCRS extending the June 18, 2020 completion deadline for a reasonable time period.

- (b) Consider Bids and Award Contracts. The motion was made and seconded that all bids be rejected, and Engineer Brown be authorized to make changes to the plans and re-advertise for bids and that the letting of all contracts be contingent on the June 18, 2020 project completion deadline being extended for a reasonable time period. Following a discussion, the motion unanimously carried.

- (c) Other Decisions Necessary. No further action was discussed or taken.
- 9.2 Drain A Improvements Grant. The grant still has not been closed out. No action required of the District at this time.
- 9.3 Other Projects. None.
- 10. Agreements/Rights-of-Way/Permits/Interlocal Cooperation Contracts
 - 10.1 Drain E-1 and Drain E: License for SBCISD for Down Drain for High School Campus Property. No change in status since the March 9, 2020 meeting.
 - 10.2 Drains Crossed by FM 509: Request of Military Highway Water Supply Corporation for Waterline to Cross Drains. No change in status since the March 9, 2020 meeting.
 - 10.3 Drain F-West: Request of City of Rio Hondo for Aerial Electric Line Crossing for Water Treatment Plant in Block 257, SBL&WCo. No change in status since the March 9, 2020 meeting.
 - 10.4 RM West Drain, also known as La Gloria Drain and McMurray Drain: Request of AEP for Down Drain for substation to serve the Rayos Del Sol Solar farm. No change in status since the March 9, 2020 meeting. AEP is still waiting on Rayos Del Sol Solar Project, LLC to finalize its plans before finalizing its plans to construct the substation.
 - 10.5 RM West Drain, also known as La Gloria Drain and McMurray Drain: Request of Rayos Del Sol Solar Project, LLC for Road and Collection Line Crossings. Rayos Del Sol Solar Project, LLC submitted information on March 25, 2020. There will be no additional road crossings. Only underground collection lines will be placed in the District's land.
 - 10.6 Acciona Energy USA Global, LLC—Request for License Agreement For Aerial and Underground Electric Transmission Line Crossings for La Chalupa Wind Farm. License agreement not finalized. Acciona has proposed piping the drains and canals where the aerial transmission line is too low. Acciona has not yet submitted plans for the piped crossings.
 - 10.7 East Rio Hondo Water Supply Corporation Request for Waterline Crossings for Acciona Energy Office. No change in status since the March 2020 meeting.
 - 10.8 City of Brownsville-Brownsville Public Utilities Board Proposed 24-inch Diameter Natural Gas Pipeline from Brownsville to Hidalgo County: License Agreement/Easement Agreement for Drain Crossings. No change in status since the March 2020 meeting.
 - 10.9 Drain B-4: AEP Facility in Old San Benito Airport Property in Blocks 6, 7, & 82, San Benito Land & Water Company Subdivision.
 - (a) License Agreement With AEP for Down Drains. No change in status.
 - (b) Amendment of Interlocal with City of San Benito to Provide for Potable Waterline and Sewer Line in Stookey Road Extension. No change in status.
- 11. Donations. Drain A-6: Eduardo Cañas and Carlos Leal offer to donate 80 foot wide strip of land dedicated as "Drain Ditch ROW" on plat of Cañas Subdivision [Cab. 1, Page/Slot 48-A, Map Records]. Offer discussed. Referred to District staff for further study to determine if fences and other improvements of owners of adjoining lots encroach into the 80 foot strip.
- 12. Watershed Studies: Drainage Watershed Study-Town of Combes Lead Entity. Nothing to report.

13. Reports.

13.1 Financial.

- (a) Financial Report–March 2020. Presented and reviewed.
- (b) Financial Report for Fiscal year though March 31, 2020. Presented and reviewed.
- (c) Investment Report for 1st Quarter 2020. Presented and reviewed.

13.2 Manager.

- (a) District Response to COVID-19 Pandemic. No District employees or their families have contracted COVID-19. In addition to closing the office to the public as discussed under Agenda Item 5, masks are required for all District employees being transported in District vehicles, and the District has been monitoring the Center for Disease Control’s recommendations. The ice machine had to be disconnected because some employees refused to comply with the sanitation rules. A general discussion followed about how the transportation of employees may have to change.

13.3 Attorney.

- (a) *Cameron County Drainage District No. 3 and Cameron County Irrigation District No. 2, et al. vs. City of San Benito.* Still waiting on the Court of Appeals to render its decision.
- (b) Special District Purpose Report. No yet filed. The Comptroller has suspended all fines and penalties for late filing due to the COVID-19 emergency.
- (c) Possible Annexation of 944.721 Acres, More or Less, Out of La Gloria Tract in La Feria Grant. The representative for Los Rayos del Sol Solar Farm advised that the owners of the property adjoining the District to the south may petition the District to annex their property.

13.4 Engineer. All matters discussed under other Agenda items.

13.5 Drain Supervisor. Report of work accomplished in the month of March 2020 presented.

13.6 City of San Benito. No one appeared on behalf of the City.

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

14.1 The motion was made and seconded that issuance of the following checks between the March 9, 2020 meeting and this meeting be ratified:

12644 : Sonia Lambert	TWCA Conference	\$144.00
12645 : First Community Bank	Payroll [03/19/2020]	\$29,122.14
12646 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$602.77
12647 : First Community Bank	Payroll [04/02/2020]	\$28,370.23
12648 : Rey’s Tire Service	Flat Repairs	\$2,095.00
12649 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$602.77
12650 : Cameron County Clerk	Deposit: Copies, Filing Fees, and Notices	\$375.00
12651 : Pitney Bowes	Postage Meter Rental	\$178.68
TOTAL		\$61,490.59

Following a discussion, the motion unanimously carried.

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

12652 : AFLAC	Health Insurance	\$50.31
12653 : Allstate Insurance Co.	Insurance	\$74.67
12654 : AguaWorks Pipe & Supply	Drain Repairs	\$12,762.46
12655 : Amigo Bolt & Supply	Machine Repairs	\$57.90
12656 : AT&T Mobility	Wireless Phone	\$205.69
12657 : Blue Cross & Blue Shield	Health Insurance	\$13,891.60
12658 : CNA Surety	McMurray Bond	\$177.50
12659 : Cameron County Irrigation Dist. #2	Reimbursement	\$16,079.32

12660 : Commercial Billing	Machine Repairs	\$19.65
12661 : City of Brownsville	Landfill Disposal	\$31.72
12662 : East Rio Hondo Water Supply Corp.	Office/Shop/Warehouse: Water Bill	\$75.17
12663 : Firestone	Auto Repairs	\$1,081.97
12664 : Gateway Printing	Office Supplies	\$13.00
12665 : Gigabit Communications	Uverse/Internet	\$200.00
12666 : H & V Equipment	Machine Repairs	\$1,178.28
12667 : Nelda Hernandez	Janitorial	\$1,173.40
12668 : Hollon Oil Company	Hyd Oil	\$3,394.65
12669 : John Deere Financial	Machine Repairs	\$225.42
12670 : Sonia Lambert	Phone Allowance	\$125.00
12671 : Lincoln National Life	Life Insurance	\$216.48
12672 : Made Rite Janitorial Supply	Janitorial	\$94.00
12673 : Matt's Cash & Carry	Drain Repairs	\$242.37
12674 : Nueces Power Equipment	Machine Repairs	\$469.80
12675 : O'Reilly Auto Parts	Machine Repairs	\$1,731.70
12676 : Ortega, Federico	Phone Allowance	\$45.00
12677 : Rey's Tire Service	Flat Repairs	\$65.00
12678 : San Benito Medical Association	Physical	\$95.60
12679 : Lucinda Trevino	Janitorial	\$275.65
12680 : Unifirst	Uniforms	\$540.64
12681 : Wilco Life Insurance	Life Insurance	\$21.67
12682 : Wylie Case	Machine Repairs	\$6,574.69
12683 : David Ybarra	Janitorial	\$320.65
12684 : Brown, Leal & Assoc.	Engineering Services	\$9,750.00
12685 : Dainamik	GPS Monitoring	\$1,505.00
12686 : Dossett Law Office	Legal Fees	\$400.00
TOTAL		\$73,165.96

Following a discussion, the motion unanimously carried.

15. Executive Session: *Cameron County Drainage District No. 3 and Cameron County Irrigation District No. 2, et al. vs. City of San Benito.* Discussed under Agenda Item 14.3. No executive session held.
16. Action on Matters Discussed in Executive Session. No executive session held.
17. Adjournment. There being no further business, the meeting was adjourned.