

April 12, 2021
San Benito, Texas

The regular meeting of the Board of Directors of Cameron County Drainage District No. 3 convened on April 12, 2021, at 2:00 p.m., 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 motion was made and seconded to approve the Minutes of the March 8, 2021 meeting. Following a discussion, the motion unanimously carried.
2. Public Comment Period. No one appeared. No written comments were received.
3. Subdivisions.

- 3.1 Westway Subdivision Phase 2, being a 1.30 acre tract out of Block 191, San Benito Land & Water Company [Volume 1, Page 6, Map Records of Cameron County] and being a portion of the called 46.97 acre tract of land for Bobby E. and Deborah L. Parrish as described in the instrument recorded in Volume 940, Page 84, Official Records of Cameron County. Owner: DTRAM Investments LLC. Engineer: Guzman & Munoz Engineering and Surveying, Inc.

At the May 11, 2020 meeting [Agenda Item 3.1], the Board approved Westway Subdivision Phase 2, being 28.53 acres, and authorized the President to sign the plat outside of the meeting. What was actually submitted and signed by President Garcia on June 8, 2020, was the plat of Westway Subdivision Phase 2, being 1.30 acres. This plat is recorded at Cabinet 1, Pages/Slots 4042 and 4023, Map Records of Cameron County, Texas.

The motion was made and seconded that the plat of Westway Subdivision Phase 2, being a 1.30 acre tract out of Block 191, San Benito Land & Water Company, signed by President Garcia on June 8, 2020, be ratified. Following a discussion, the motion unanimously carried.

- 3.2 Westway Subdivision Phase 3, being a 27.23 acre tract out of Block 191, San Benito Land & Water Company [Volume 1, Page 6, Map Records of Cameron County] and being a portion of the called 46.97 acre tract of land for Bobby E. and Deborah L. Parrish as described in the instrument recorded in Volume 940, Page 84, Official Records of Cameron County. Owner: DTRAM Investments LLC. Engineer: Guzman & Munoz Engineering and Surveying, Inc.

At the March 8, 2021 meeting [Agenda Item 3.9], the Board gave the plat of Westway Subdivision Phase 2, being 1.30 acres, preliminary approval. The plat of Westway Subdivision Phase 3, being 27.23 acres, was delivered to the District and signed by President Garcia on March 10, 2021.

After a review of the plat of Westway Subdivision Phase 3, the motion was made and seconded that the plat of Westway Subdivision Phase 3, being 27.23 acres out of Block 191, San Benito Land & Water Company, be approved and the signing of the plat on March 10, 2021, by President Garcia be ratified. Following a discussion, the motion unanimously carried.

- 3.3 MJE Rodriguez Subdivision, being 2.25 acres of land out of Block 80, Espiritu Santo Irrigated Land Company Subdivision. Final plat not presented. 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]. There are still several issues that need correction by the Developer before the Drainage District can accept the seep drain.

- 3.5 A.M. Betancourt Subdivision, being 1.0 acre out of Block 15, San Benito Land & Water Company Subdivision. Final plat not presented. No action.
 - 3.6 Rancho Monteagua Subdivision–Guzman & Munoz, being 20.33 acres out of Block 215, San Benito Land & Water Company Subdivision. Final plat not presented. No action.
 - 3.7 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]. Discussed under Agenda Item 7.3.
 - 3.8 San Jose Nagel 7 Subdivision-Rios Surveying (29.76 acres out of Blocks 99, 100, 119, 120, SBICO). Plat not presented. No action.
 - 3.9 Petunia Acres Subdivision–Rios Surveying (2 acres out of Block 129, ESILCo.) Plat not presented. No action.
 - 3.10 Del Rio Subdivision Phases VI-VII–being 22.4 acres out of Blocks C & D, James Dickinson Subdivision. Corrections to plat required. Corrected plat will be submitted at the next meeting.
 - 3.11 3C Subdivision–being 40 acres out of Block 129, SBL& WCo. Corrections to plat required. Corrected plat will be submitted at the next meeting.
4. Audit of fiscal year ending September 30, 2020. Mr. Berkman has not completed the audit.
 5. Equipment–Brushcutter.
 - 5.1 Open Bids for Replacement of Brushcutter Destroyed by Fire on March 3, 2021. Manager Lambert recommended that the District purchase a used machine now, then purchase two new machines in the fiscal year that will commence October 1, 2021, whereupon the used machine will become the District’s spare machine. Manager Lambert presented the bid of H & V Equipment Services for a used 2006 John Deere 5425 Tractor with 60 inch mower in the amount of \$38,950.00.
 - 5.2 Consider and Take Action to Accept Bid for Brushcutter to Replace Brushcutter Destroyed by Fire on March 3, 2021. The motion was made and seconded that the District accept the bid of H & V Equipment Services in the amount of \$38,950.00 for the used 2006 John Deere 5425 Tractor with 60 inch mower. Following a discussion, the motion unanimously carried.
 - 5.3 Status Report on Insurance Claim for Brushcutter Destroyed by Fire on March 3, 2021. The claim is still pending.
 6. Projects.
 - 6.1 Drain A Improvement Grant. No change in status. Still waiting on the General Land Office to close out the Grant. This item will be removed from the agenda until there is a change in status.
 - 6.2 TWDB #40023 Flood Protection Study-Texas Water Development Board Grant/Hydrologic and Hydraulic Model Update. The TWDB requires that the District open an escrow account into which grant funds will be deposited. Manager Lambert recommended that the escrow account be opened with the District’s depository, First Community Bank. President Garcia advised that he owns stock in the bank and abstained from any discussion and consideration of the matter. The motion was made by Matthew McCarthy and seconded by Randall McMurray that the following resolution be adopted. Following a discussion the motion carried, with

Ronaldo Garcia abstaining.

- 6.3 Receive Reports On Any Other Pending or Proposed Project. None.
7. Agreements/Rights-of-Way/Permits/Interlocal Cooperation Contracts.
 - 7.1 Drain C/Drain C-Right–License for Down Drain in Block 179, San Benito Land & Water Co. for UTRGV Neuroscience Facility/Building. License Agreement not finalized. The license agreement has been completed, but a correction to the plans is required. The revised plan has not been received.
 - 7.2 Drain 383: Request of Ciro and Rhonda Garza for Road Crossing. License Agreement not finalized.
 - 7.3 Request of Chet Monigold, Owner of 8.3 Acre Tract Out of Block 257, San Benito Land & Water Company Subdivision [Volume 1, Page 25, Map Records], being Developed as Las Villas Del Rio Subdivision, for License Agreement. The 8.3 acres is in a 21.75 acre tract of which Rise Rio Hondo LP is the owner of record. There is no document filed of record which conveys the 8.3 acres to Chet Monigold. The proposed subdivision is the west 8.3 acres of the 21.75 acre tract. Cameron County Irrigation District’s Lateral S is along the east side of the 21.75 acre tract. The Irrigation District’s seep ditch is on the west side of, adjacent and parallel to Lateral S. The Drainage District’s Drain F is on the east side of, adjacent and parallel to Lateral S. The plan submitted by the owner’s engineer shows that an open drain or swale will be constructed from the southeasterly corner to the 8.3 acre tract to the southeasterly corner of the 21.75 acre tract, where it will discharge into the seep ditch. The owner’s engineer has reported that there is an underdrain which will carry stormwater from the seep ditch to Drain F, but has not provided a plan or map showing the location of the underdrain. A draft of the license agreement has been submitted to the Developer’s engineer that disclaims any Drainage District responsibility for the underdrain, and disclaims any warranty that the underdrain is of the size needed to drain the property.
 - 7.4 Drain C/Drain C-Right: License Agreement to AEP for Underground Fiber Optic Line Crossing & Existing Aerial Transmission Line in Blocks 155 & 182, San Benito Land & Water Co. AEP paid the required fees and delivered the signed license agreement, but the signature page was a scan, not the original. The error has been brought to the attention of AEP. AEP has advised that it will deliver the original signature page to the District.
8. Donations.
 - 8.1 Drain A-6: Offer of Eduardo Cañas 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]. The subdivision plat says the subdivision was owned by Eduardo Cañas and Carlos Leal, now deceased. Eduardo Cañas and the widow of Carlos Leal have signed the donation deed. Carlos Leal had four children. The donation deed is presently being circulated among the four children.
 - 8.2 U.S. Landman, LP–Offer to Donate Drain for Oak Estates Subdivision in Block 95, Lon C. Hill Subdivision that Discharges into Drain C-Right in Block 189, San Benito Land & Water Company Subdivision. The owner signed and delivered the donation deed. President Garcia signed the acceptance this morning.
9. Annexation of Territory North of Arroyo Gardens (Shares 12 and 22). Drafts of the annexation petitions for Yountville Holdings and Rio Hondo Implement have been prepared. David Ybarra is preparing a map that shows the drains that will be conveyed to the District. This map will be used by Engineer Brown to finalize the metes and bounds descriptions of the drains to be conveyed to the District.

10. Reports.

10.1 Financial.

- (a) Financial Report for Month of March 2021. Presented and reviewed.
- (b) Financial Report for Current Fiscal Year Through March 31, 2021. Presented and reviewed.
- (c) Investment Report for 1st Quarter of 2021. Presented and reviewed.

10.2 Manager. All matters discussed under other Agenda items.

10.3 Attorney. *Cameron County Drainage District No. 3 and Cameron County Irrigation District No. 2, et al. vs. City of San Benito.* No report.

10.4 Engineer. All matters discussed under other Agenda items.

10.5 Drain Supervisor. Report of work accomplished in the month of March 2021 presented.

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

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

11.1 The motion was made and seconded that issuance of the following checks issued between the March 8, 2021 meeting and this meeting be ratified:

13231 : First Community Bank	Payroll 03/18/21	\$31,022.03
13232 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$422.77
13233 : Alexander Business Development	MS4	\$1,000.00
13234 : Dainamik	GPS Monitoring	\$1,015.00
13235 : Hardware Software	Computer Repairs	\$80.00
13236 : Holt Company of Texas	Machine Repairs	\$630.00
13237 : Lincoln National Life	Life Insurance	\$236.16
13238 : Matt's Cash & Carry	Warehouse Repair	\$57.52
13239 : O'Reilly Auto Parts	Machine Repairs	\$1,319.09
13240 : Purchase Power	Postage	\$9.06
13241 : Rainbow Sprinkler Systems	Sprinkler Repair	\$167.33
13242 : Rio Valley Pipe Ltd.	Drain Repairs	\$2,938.00
13243 : First Community Bank	Petty Cash	\$477.68
13244 : AFLAC	Health Insurance	\$386.04
13245 : First Community Bank	Payroll 04/01/21	\$30,557.28
13246 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$422.77
TOTAL		\$70,740.73

Following a discussion, the motion unanimously carried.

11.2 The motion was made and seconded that these checks be issued:

13247 : Allstate Insurance Co.	Insurance	\$74.67
13248 : AguaWorks Pipe & Supply	Drain Pipe	\$2,251.22
13249 : Arroyo Conservancy	MS4 Compliance	\$2,500.00
13250 : AT&T Mobility	Wireless Phone	\$191.90
13251 : Blue Cross & Blue Shield	Health Insurance	\$14,526.12
13252 : Cameron County Irrigation Dist. #2	Reimbursement	\$19,253.80
13253 : Dell Marketing LP	Computers	\$1,784.00
13254 : East Rio Hondo Water Supply Corp.	Office/Shop/Warehouse: Water Bill	\$71.96
13255 : Ferguson Waterworks	Safety Supplies	\$676.00
13256 : Firestone	Machine Repairs	\$1,015.98
13257 : Gateway Printing	Office Supplies	\$334.68
13258 : Gigabit Communications	Uverse/Internet	\$200.00
13259 : Grajale's Tire Shop	Flat Repairs	\$7.00
13260 : H & V Equipment	Machine Repairs	\$5,308.98
13261 : Hardware Software	Computer Repair	\$280.00
13262 : Nelda Hernandez	Janitorial	\$275.65
13263 : Hollon Oil Company	Hydraulic Oil	\$3,451.95
13264 : John Deere & Company	Machine Repairs	\$1,520.13
13265 : Sonia Lambert	Phone Allowance	\$125.00
13266 : Luis Coronado	Weld Repairs	\$400.00

13267 : Matt's Cash & Carry	Drain Repairs	\$126.23
13268 : Modern Refrigeration	Ice Machine Repair	\$360.00
13269 : Nueces Power Equipment	Machine Repairs	\$40.26
13270 : O'Reilly Auto Parts	Machine Repairs	\$1,005.84
13271 : Federico Ortega	Phone Allowance	\$45.00
13272 : Power Plan	Machine Repair	\$426.68
13273 : Rio Grande Concrete	Machine Repairs	\$23.23
13274 : Rey's Tire Service	Flat Repairs	\$340.00
13275 : Southern Tire Mart	Machine Repairs	\$1,029.74
13276 : South Texas Bolt & Supply	Machine Repair	\$38.59
13277 : Lucinda Trevino	Janitorial	\$275.65
13278 : Unifirst	Uniforms	\$567.21
13279 : Wilco Life Insurance	Insurance	\$21.67
13280 : Wylie Case	Machine Repairs	\$956.94
13281 : David Ybarra	Janitorial	<u>\$320.65</u>
TOTAL		\$59,826.73

Following a discussion, the motion unanimously carried.

12. Adjournment. There being no further business, the meeting was adjourned.