

June 8, 2020
San Benito, Texas

The regular meeting of the Board of Directors of Cameron County Drainage District No. 3 convened on June 8, 2020, 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.
 - 1.1 The Minutes of the May 12, 2020 meeting were presented and reviewed. The motion was made and seconded that the Minutes of the May 11, 2020 meeting be approved. Following a discussion, the motion unanimously carried.
 - 1.2 The Minutes of the June 1, 2020 meeting were presented and reviewed. The motion was made and seconded that the Minutes of the June 1, 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) was delivered to the Office. At the May 11, 2020 meeting, President Garcia was authorized to sign the plat outside a meeting when the final plat (mylar) is submitted. President Garcia said he would sign the plat the next time he is in the vicinity of the Office.
 - 3.2 MJE Rodriguez Subdivision, being 2.25 acres of land out of Block 80, Espiritu Santo Irrigated Land Company Subdivision. Final plat not submitted. 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]. Final plat not submitted. 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 Perales 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. Final plat not submitted. No action.
 - 3.6 A.M. Betancourt Subdivision, being 1.0 acre out of Block 15, San Benito Land & Water Company Subdivision. Final plat not submitted. No action.
 - 3.7 Rancho Monteagua Subdivision, being 20.33 acres out of Block 215, San Benito Land & Water Company Subdivision. Revised plat not submitted. No action.
4. Drain B-4: Removal of AEP Electrical Box and Light Pole from District Right-of-Way. Removal completed.
5. COVID-19 Emergency Response. Manager Lambert generally discussed the District's efforts to ensure a safe workplace for the employees. Plexiglass divider panels to be placed on employee desks were delivered late last week. The Office will reopen to the public this week after the plexiglass panels have been installed.

6. Pollution Control/MS4 Permit: Tire and Debris Pickup and Disposal. The meeting with the County has not been rescheduled. Due to the COVID-19 pandemic, the County is not receptive to meetings. It was noted that the County held a tire collection event last week.

7. Vehicles/Equipment.

7.1 Backhoe Purchased at March 9, 2020 Meeting. Machine might be delivered next week.

7.2 Brush Cutters Scheduled for Delivery in April 2020. Two machines still lack rear shredders. Still withholding payment.

8. Projects.

8.1 NRCS Disaster Relief/EWP Grant for Repairs.

(a) Status Report. The completion date has been extended to October 6, 2020.

(b) Consider Bids and Award Contracts. The project was divided into three parts designated Contract 1, Contract 2, and Contract 3.

Contract 1: Four contractors bid on this contract. Diamond 8 Industries submitted the low bid of \$981,936.80. Engineer Brown advised that Diamond 8 Industries is a responsible contractor. The motion was made and seconded that the bid of Diamond 8 Industries in the amount of \$981,936.80 be accepted, and Contract 1 be awarded to Diamond 8 Industries. Following a discussion, the motion unanimously carried.

Contract 2: Only H20 submitted a bid, in the amount of \$5,069,000.00. Engineer Brown advised that H20 is a responsible contractor. The motion was made and seconded that the bid of H20 in the amount of \$5,069,000.00 be accepted, and Contract 2 be awarded to H20. Following a discussion, the motion unanimously carried.

Contract 3: Three contractors bid on this contract. Rhyner Construction submitted the low bid of \$2,899,999.00. Engineer Brown advised that Rhyner Construction is a responsible contractor. The motion was made and seconded that the bid of Rhyner Construction in the amount of \$2,899,999.00 be accepted, and Contract 3 be awarded to Rhyner Construction. Following a discussion, the motion unanimously carried.

(c) Action Required to Finalize Contracts. The motion was made and seconded that Manager Lambert be authorized to sign the contracts in the event President Garcia advises he is unable to sign for any reason.

Manager Lambert noted that the District's match will be 25%. The District will submit draw requests to NCRS as the contractors' draw requests are approved. The contractors will expect to be paid even though the NCRS has not paid its 75% of the requested amount to the District. Manager Lambert recommended that at the next board meeting, the funds on-hand dedicated to the East Line Relief project be rededicated to this project in order to timely pay the contractors. Work will cease on October 1, 2020 or whenever the work accomplished equals the amount of the project, whichever occurs first.

8.2 Hydrologic and Hydraulic Model Update. Scheibe Consulting's engagement letter has been received and signed. The application is for \$1,211,615.00. If the Grant is

approved, the District's match is 10%, being \$160,911.00.

- 8.3 Drain A Improvements Grant. The grant still has not been closed out. No action required of the District at this time.
- 8.4 Drainage Watershed Study (Town of Combes Lead Entity). No report.
- 8.5 Other Projects. None.
9. Agreements/Rights-of-Way/Permits/Interlocal Cooperation Contracts.
 - 9.1 Drain U: Amendment of License to Allow Second Down Drain for Idea Academy. Request granted at May 11, 2020 meeting. A draft of the License agreement was prepared and submitted to the engineer handling the project. The license has not been completed because the District has not been provided the name and title of the person who will sign the license on behalf of Idea Academy and has not provided the final plan for the down drain.
 - 9.2 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.
 - 9.3 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.
 - 9.4 Drain F-West: Request of City of Rio Hondo for Aerial Electric Line Crossing for Water Treatment Plant in Block 257, SBL&WCo. The City delivered the license agreement, signed by AEP, but not signed by the City and without payment of the required fees.
 - 9.5 RM West Drain, a/k/a La Gloria Drain and McMurray Drain: Request of AEP for Down Drain for Substation to Serve Rayos Del Sol Solar Farm. Signed license agreement not submitted to the District. It is anticipated that AEP will wait until Rayos Del Sol is ready to commence construction of the solar farm.
 - 9.6 RM West Drain, a/k/a La Gloria Drain and McMurray Drain: Request of Rayos Del Sol Solar Project, LLC for Road and Collection Line Crossings. Finalized; recorded on June 1, 2020.
 - 9.7 Acciona Energy USA Global, LLC—Request for License Agreement For Aerial and Underground Electric Transmission Line Crossings for La Chalupa Wind Farm. Not finalized.
 - 9.8 East Rio Hondo Water Supply Corporation Request for Waterline Crossings for Acciona Energy Office. Acciona still has not finalized its agreement with ERHWSC. The license agreement will not be submitted and the fees paid until ERHWSC and Acciona have finalized their agreement.
 - 9.9 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. Not finalized.
 - 9.10 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.
10. 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]. The Board agreed to accept the donation at the May 11, 2020 meeting. Donation not finalized.

11. Reports.

11.1 Financial.

- (a) Financial Report for month of May 2020. Presented and reviewed.
- (b) Financial Report for Fiscal year though May 31, 2020. Presented and reviewed.

11.2 Manager. Cyber Security Awareness Training (June 14, 2020 deadline). Everyone required to be trained has completed the training.

11.3 Attorney. *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.

11.4 Engineer. All matters discussed under other Agenda items.

11.5 Drain Supervisor. Report of work accomplished in the month of May 2020 presented.

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

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

12.1 The motion was made and seconded that issuance of the following checks between the May 11, 2020 meeting and this meeting be ratified:

12736 : Allstate Insurance Co.	Insurance	\$74.67
12737 : First Community Bank	Payroll [05/14/2020]	\$29,155.96
12738 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$602.77
12739 : Lucio's Tire Shop	Flat Repairs	\$750.00
12740 : Pitney Bowes	Postage Meter Rental	\$178.68
12741 : First Community Bank	Payroll [05/28/2020]	\$29,084.67
12742 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$602.77
TOTAL		\$60,449.52

Following a discussion, the motion unanimously carried.

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

12743 : AFLAC	Health Insurance	\$50.31
12744 : Alamo Distribution	Tools	\$201.32
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12745 : Allstate Insurance Co.	Insurance	\$74.67
12746 : Amigo Bolt & Supply	Machine Repair	\$166.70
12747 : AT&T Mobility	Wireless Phone	\$205.69
12748 : Blue Cross & Blue Shield	Health Insurance	\$14,388.90
12749 : Cameron Appraisal District	Quarterly Assessment	\$9,952.25
12750 : Cameron County Irrigation Dist. #2	Reimbursement	\$11,739.64
12751 : Dainamik	GPS Monitoring	\$3,825.00
12752 : East Rio Hondo Water Supply Corp.	Office/Shop/Warehouse: Water Bill	\$73.16
12753 : Gigabit Communications	Uverse/Internet	\$200.00
12754 : Grajale's Tire Shop	Flat Repairs	\$15.00
12755 : H & V Equipment	Machine Repair	\$4,867.32
12756 : Nelda Hernandez	Janitorial	\$418.15
12757 : Hollon Oil Company	Hyd Oil	\$1,219.40
12758 : Holt Company of Texas	Machine Repairs	\$225.32
12759 : John Deere Financial	Machine Repair	\$2,254.83
12760 : J & J Tire & Auto	Auto Repairs	\$752.00
12761 : Sonia Lambert	Phone Allowance	\$125.00
12762 : Lincoln National Life	Life Insurance	\$216.48
12763 : Matheson Tri-Gas	Acetylene/Oxygen	\$123.96
12764 : Matt's Cash & Carry	Drain Repairs	\$137.10
12765 : McCoy's	Drain Repairs	\$71.64
12766 : Office Depot	Headset	\$108.24

12767 : Ortega, Federico	Phone Allowance	\$45.00
12768 : Rio Hondo Lumber & Supply	Drain Repairs	\$127.67
12769 : Texas Refinery Corp.	Moly Grease	\$415.50
12770 : Lucinda Trevino	Janitorial	\$220.52
12771 : Tractor Supply	Machine Repairs	\$7.74
12772 : Unifirst	Uniforms	\$536.16
12773 : Wilco Life Insurance	Life Insurance	\$21.67
12774 : Wylie Case	Machine Repairs	\$18.81
12775 : David Ybarra	Janitorial	\$265.52
12776 : Brown, Leal & Assoc.	Engineering Services	\$3,449.00
12777 : Dainamik	GPS Monitoring	\$735.00
12778 : O'Reilly Auto Parts	Machine Repairs	\$832.08
TOTAL		<u>\$58,086.75</u>

Following a discussion, the motion unanimously carried.

13. 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 11.3. No executive session held.
14. Adjournment. There being no further business, the meeting was adjourned.