

March 13, 2023  
San Benito, Texas

The regular meeting of the Board of Directors of Cameron County Drainage District No. 3 convened on March 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.
  - 1.1 The Minutes of the January 9, 2023 meeting were presented. The motion was made and seconded that the Minutes of the January 9, 2023 meeting be approved. Following a discussion, the motion unanimously carried.
  - 1.2 The Minutes of the February 13, 2023 meeting were presented. The motion was made and seconded that the Minutes of the February 13, 2023 meeting be approved. Following a discussion, the motion unanimously carried.
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. Owner has decided to develop the property in two phases.
    - a. Phase A. The preliminary plat of Phase A was presented. The motion was made and seconded that the plat of B77 Subdivision Phase A receive preliminary approval. Following a discussion, the motion carried.
    - b. Phase B. The preliminary plat of Phase B was presented. The motion was made and seconded that the plat of B77 Subdivision Phase B receive preliminary approval. Following a discussion, the motion carried.
  - 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 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.
  - 3.14 Del Rio Subdivision, Phase IX—Moore Land Surveying, being 10.34 acres out of Block E, James Dickinson Subdivision No. 1 [Vol. 4, Page 32, Map Records]. Owner: Nueva Frontera LP. Engineer: Moore Land Surveying, LLC. Final plat presented. The motion was made and seconded that the plat of Del Rio Subdivision, Phase IX be approved. Following a discussion, the motion carried and President Garcia signed the plat.
  - 3.15 Rally Credit Union Harlingen No. 1, being 1.14 acres out of Lot 2, Security Building Investment Corporation Subdivision [Cab. 1, Page 109-B, Map Rec.]. Owner: Navy Army Community Credit Union. Engineer: Moore Land Surveying, LLC. Final plat presented. The motion was made and seconded that the plat of Rally Credit Union Harlingen No. 1 be approved. Following a discussion, the motion carried and President Garcia signed the plat.
4. Block 401, SBIC. Mr. Jim Sojak sent a letter by certified mail, return receipt requested to each member of the Board of Cameron County Irrigation District No. 2 complaining about sinkholes on his property near a Drainage District drain. Mr. Sojak expects the holes to be filled immediately upon his demand. It was noted that the problem is due to soil conditions on his property. The Drainage District fills the holes when it has a machine in the vicinity. It will not do so on Mr. Sojak's timetable.
  5. Audit. The audit of the fiscal year ended September 30, 2022 was not submitted. The Auditor has not commenced the audit. It was noted that Texas Water Code § 194 requires a copy of the Audit to be filed with TCEQ no later than 135 days after the close of the fiscal year, being February 12, 2023.
  6. Equipment.
    - 6.1 Brushcutter Purchased to Replace Brushcutter DD#33. The Dealer says the machine might be delivered in April 2023.
    - 6.2 Purchase of 2 Excavators. Manager Lambert reported that the District's two Caterpillar excavators will need to be replaced in fiscal year beginning October 1, 2023. Due to the lengthy wait time for delivery, and the fact that the District will not pay for the machines until delivered, Manager Lambert recommended that the District advertise for the purchase of two excavators now through Buy Board. Manager Lambert also noted that if the District purchases Caterpillar excavators, there will be a buyback. The motion was made and seconded that the District submit to Buy Board a request for the purchase of two Caterpillar excavators with trade-in of the two machines being replaced. Following a discussion, the motion carried.
  7. Resaca Vista Drain in Blocks 209 and 215, San Benito Land & Water Co.: Cameron County Irrigation District No. 2 Conveyance of Seep Ditch to Drainage District. Manager Lambert proposed that the District remove the old 850 feet of pipe and install new pipe at the District's expense, if the Resaca Vista Condominiums Homeowner's Association furnishes

the pipe and materials, with the understanding that this might not solve the problem and that (1) all 3,000 feet, approximately, of the storm sewer pipeline may have to be replaced, and (2) trees, vegetation, and landscaping will be removed to remove the old pipe and install the new pipe. The motion was made and seconded that Manager Lambert's proposal be approved and presented to the Resaca Vista Condominiums Homeowner's Association. Following a discussion, the motion carried. It was noted that the better investment would be for the Resaca Vista Condominiums Homeowner's Association to construct a new storm sewer running westerly from the Resaca Vista Condominiums property, in or adjacent to Resaca Vista Road, to discharge in the Drainage District's drain on the west side of old Sam Houston Boulevard. It was also noted that although the City of San Benito denies it has annexed that part of Blocks 209 and 215 in the horseshoe bend of the Resaca, the City furnishes, and bills for, potable water and sewer service to the properties in the horseshoe bend, including Resaca Vista Condominiums, and all the properties are on the City's tax roll.

8. 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.
9. Projects.
  - 9.1 East Line Drain Relief Project 2012. No change in status since the last meeting.
  - 9.2 Drain B-2: Upgrade of Pennsylvania Boulevard Road Crossing. The City of San Benito advised that the segment of the gravity sewer pipeline running west from San Houston Boulevard can be abandoned and removed. The City has not advised when (1) it will disconnect the subject sewer line and (2) remove the segment of sewer line blocking the culverts under Pennsylvania Boulevard. The Board directed that Engineer Brown resume preparation of the plans for the Pennsylvania Road crossing upgrade. The declaration of a moratorium for new discharges in Drain B-2 from properties southerly of Pennsylvania Road will be deferred for a reasonable time for the City to abandon and remove the sewer pipeline where it crosses Drain B-2.
10. Agreements/Rights-of-Way/Permits/Interlocal Cooperation Contracts.
  - 10.1 Drain 382 in North 10 Acres of Block 382, SBIC: Request of Luis S. Lopez and Denise C. Lopez Revocable Living Trust for License to Install Livestock Crossing. The Drain Supervisor reported that a potable waterline crossing of the drain was installed without the permission of the District. The motion was made and seconded that a license be issued for the livestock crossing and the potable line crossing. Following a discussion, the motion carried.
  - 10.2 Drain 382 in South 15 Acres of North 25 Acres of Block 382, SBIC: Request of Adrian and Cathy Coronado for Road and Utility Crossings. License Agreement still not signed and returned. No action.
  - 10.3 Drain E in Block 22, San Benito Land & Water Company Subdivision. The license agreement for the four down drains has been submitted to the SBCISD Superintendent.
  - 10.4 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. Discussed under Agenda Item 9.2.
  - 10.5 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. Drain Supervisor will inspect the drain to see if the crossing has been installed without the District's permission.

- 10.6 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. Surveyor's stakes have been observed in the vicinity of the proposed crossing.
  - 10.7 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.
  - 10.8 Drain E in Block 22, San Benito Land & Water Company Subdivision. Duplicate of Agenda Item 10.3.
  - 10.9 Drain E-1: Relocation of SBCISD's Down Drain Inlet on South Side of High School. Attorney Dossett has sent the request to the SBCISD Superintendent that the inlet be relocated from the District's property to the School District's property.
11. Grants.
- 11.1 TWDB #40023 Flood Protection/Infrastructure Study—Hydrologic and Hydraulic Model Update. Work on the update, excluding the City of San Benito, is in progress.
  - 11.2 Status Report on Securing Funding to Include the Territory in the City of San Benito in the Study—Hydrologic and Hydraulic Model Update.
    - a. Building Resilient Infrastructure and Communities (BRIC) Grant Application. No word on whether the TWDB is willing to speed up the review process. If the application is approved, the City's local match will be 10%.
    - b. Hazard Mitigation Grant Program (HMGP). No word on whether the application has been considered.
    - c. ARPA Application. The County still has not acted on the application.
12. Donations: Drains in Territory North of Arroyo Gardens (Shares 12 and 22, Espiritu Santo Grant). Survey is not completed, but Rios Surveying was observed in the field last week.
13. Rules Revision. Not ready for Board action.
14. Reports.
- 14.1 Financial.
    - a. Financial Report for the month of February 2023 presented and reviewed.
    - b. Financial Report for the fiscal year through February 28, 2023 presented and reviewed.
  - 14.2 Manager.
    - a. Pending legislation pertinent to drainage and drainage districts discussed. It is likely that the May uniform election day will be moved from the first Saturday in May to the fourth Tuesday in May.
    - b. Detention Basins. The City of San Benito is now requiring that homeowners

associations be created to maintain and be responsible for detention basins in new subdivisions.

14.3 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.
- c. Special Purpose District Report filed on March 1, 2023.

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

14.5 Drain Supervisor. Report of work accomplished in the month of February 2023 presented.

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

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

15.1 The motion was made and seconded that issuance of the following checks issued between the February 13, 2023 meeting and this meeting be ratified:

14291 : Direct Energy	Office and Security Light	\$938.74
14292 : Lincoln National Life	Life Insurance	\$246.00
14293 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$422.77
14294 : Scheibe Consulting, LLC	On Call Inv 227-4	\$4,357.50
14295 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$422.77
14296 : Humberto Eguia	Plumbing Repair	\$560.00
14297 : Postmaster	Annual Box Fee	\$166.00
14298 : Ricardo Martinez	TWCA Conference	\$990.37
14299 : Sonia Lambert	TWCA Conference	<u>\$1,180.47</u>
TOTAL		<u>\$9,284.62</u>

Following a discussion, the motion unanimously carried.

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

14300 : AFLAC	Insurance	\$249.84
14301 : Allstate	Insurance	\$74.67
14302 : AguaWorks Pipe & Supply	Drain Repairs	\$1,940.00
14303 : AT&T Mobility	Wireless Phone	\$156.75
14304 : Blue Cross & Blue Shield	Health Insurance	\$16,416.14
14305 : Cameron Appraisal District	Quarterly Assessment	\$13,514.75
14306 : Commercial Billing	Machine Repairs	\$980.81
14307 : Charter Chemical Solutions	HAZ Materials	\$200.00
14308 : Dainamik	GPS Monitoring	\$1,015.00
14309 : East Rio Hondo Water Supply Corp.	Office/Shop/Warehouse: Water Bill	\$73.66
14310 : Fast Signs	Fuel Tank Signs	\$34.71
14311 : Gigabit Communications	Uverse/Internet	\$200.00
14312 : H & V Equipment	Machine Repairs	\$3,823.09
14313 : Hollon Oil Company	Hydraulic Oil	\$1,189.99
14314 : Holt Company of Texas	Machine Repairs	\$13,762.45
14315 : J & M Hydraulics	Machine Repairs	\$557.50
14316 : John Deere Financial	Machine Repairs	\$2,462.05
14317 : Sonia Lambert	Phone Allowance	\$125.00
14318 : Linde Gas & Equipment	HAZ Materials	\$149.72
14319 : Made Rite Janitorial Supply	Janitorial Supplies	\$370.67
14320 : Matheson Tri-Gas	HAZ Materials	\$102.20
14321 : Matt's Cash & Carry	Drain Repairs	\$349.95
14322 : O'Reilly Auto Parts	Machine Repairs	\$2,298.76
14323 : Ortega, Federico	Phone Allowance	\$45.00
14324 : Pico Propane	Off-Road Diesel	\$18,465.45
14325 : Pitney Bowes	Postage Meter Rental	\$178.68

14326 : Purchase Power	Postage	\$301.50
14327 : RGV Pumps & Equipment	Unleaded Gas	\$13,884.77
14328 : Rio Hondo Lumber & Supply	Drain Repairs	\$54.55
14329 : Rey's Tire Service	Flat Repairs	\$165.00
14330 : South Texas Bolt & Supply	Machine Repairs	\$170.62
14331 : Nelda Solorio	Janitorial	\$234.31
14332 : Triple S Steel	Machine Repairs	\$247.47
14333 : Lucinda Trevino	Janitorial	\$192.95
14334 : UniFirst	Uniforms	\$483.43
14335 : Wilcac Life Insurance	Insurance	\$21.67
14336 : Wylie Case	Machine Repairs	\$2,116.99
14337 : David Ybarra	Janitorial	\$279.31
14338 : First Community Bank	Petty Cash	\$416.66
14339 : Lincoln National Life	Insurance	\$246.00
14340 : Dossett Law Office	Legal Fees	\$3,695.00
14341 : Florentino Lara	Weld Repairs	\$300.00
TOTAL		<u>\$101,547.07</u>

Following a discussion, the motion unanimously carried.

16. Board of Directors–Fill Vacancy on Board of Directors. No discussion. No action.
17. Adjournment. There being no further business, the meeting was adjourned.