

May 8, 2023
San Benito, Texas

The regular meeting of the Board of Directors of Cameron County Drainage District No. 3 convened on May 8, 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; Eric Scheibe, Engineer; and B. R. Dossett, Attorney. President Garcia called the meeting to order and presided.

1. Minutes. The Minutes of the April 10, 2023 meeting were presented and reviewed. The motion was made and seconded that the Minutes of the April 10, 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 Cielo Grande Subdivision, being 13.39 acres out of Blocks 107 and 108, San Benito Land & Water Company Subdivision [Vol. 1, Pg. 6, Map Records]. Engineer: Altex Engineering. Engineer Brown reported on issues with the plat and recommended that approval be denied. The motion was made and seconded that the plat of Cielo Grande Subdivision not be approved, the reasons for this action to be stated in writing in a letter sent to the applicant. Following a discussion, the motion carried.
 - 3.2 Stenger Subdivision, being a 0.66 acre tract out of Block 1 of the Lasby Park Subdivision [Vol. 4, Pg. 12, Map Records] and further being that same property recorded in Volume 16127, Page 34, Official Records of Cameron County. Engineer: Rios Surveying, LLC. Owner/Developer: Arnulfo Chavez Solis. Final plat presented. It was noted that there are no District drains or facilities in the subject property. The motion was made and seconded that the plat of Stenger Subdivision be approved. Following a discussion, the motion carried and President Garcia signed the plat.
 - 3.3 R & J Reyes Subdivision, being 2.26 acres out of Block 11, San Benito Land & Water Company Subdivision [Vol. 1, Pg. 6, Map Records], consisting of a 1.13 acre tract of land (called 1.25 acres) being Tract 1, and a 1.13 acre tract of land (called 1.25 acres) being Tract 2, out of Block 11. Owner/Developer: R&J Reyes Properties, LLC. Engineer: Rios Surveying, LLC. Final plat presented. It was noted that there are no District drains or facilities in the subject property. The motion was made and seconded that the plat of R & J Reyes Subdivision be approved. Following a discussion, the motion carried and President Garcia signed the plat.
4. Audit. The audit of the fiscal year ended September 30, 2022 was not submitted. The Auditor still has not commenced the audit.
5. Equipment.
 - 5.1 Brushcutter Purchased to Replace Brushcutter DD#33. The bid proposal stated that the tractor was in stock. Thereafter, the Dealer stated that delivery was delayed because a part for the boom mower had not been received. When contacted a few days ago, the Dealer stated that the purchase order may have been lost or misplaced, which suggests the Dealer either did not have the tractor in stock or it was sold to someone else. The motion was made and seconded that the Drain Supervisor tell the Dealer that if the machine is not delivered before the June 14, 2023 Board meeting, the order will be cancelled. Following a discussion, the motion carried.
 - 5.2 Purchase of Two Excavators and Sale of Machines Being Replaced.
 - (a) 2023 Caterpillar Model 330 Excavator, Serial No. 0LHW30333, Purchase Price: \$384,143.00 [EXC 19]. At the April 10, 2023 meeting, the Board

accepted Holt's bid for a 2023 Model 330 TC. However, Holt is now able to substitute and deliver a 2023 Caterpillar Model 330 Excavator at the same price quoted for the 2023 Model 330 that the District purchased at the April 10, 2023 meeting. Holt advises that the machine will be delivered no later than May 31, 2023. The motion was made and seconded that the substitution of the 2023 Caterpillar Model 330 Excavator for the Model 330 TC, at a cost of \$384,143.00 be accepted. Following a discussion, the motion carried.

(b) 2018 Caterpillar Model 330 FL Excavator, Serial No. OMBX20429. Cameron County Irrigation District No. 2 will take delivery of this machine when the 2023 machine is delivered.

(c) 2023 Caterpillar Model 330 Excavator, Serial No. 0LHW30333, Purchase Price: \$384,143.00 [EXC 20]. Holt advises that this machine will be delivered to the District between May 15 and May 31, 2023.

(i) At the April 10, 2023 meeting, the District accepted Holt's offer of \$90,000.00 to buy back the 2017 Caterpillar Model 330 FL, Serial No. MBX10485, and accepted Holt's quote of \$294,182.74 for one 2023 Caterpillar Model 330 after credit for the buy back. The price without the buy back is: \$384,142.74.

(ii) Iafsa USA Inc. has offered to buy the 2017 Caterpillar Model 330 FL for \$90,000.00. The motion was made and seconded that if Iafsa USA Inc. pays \$90,000.00 to the District on or before May 12, 2023, the exercise of the buyback is rescinded and the 2017 Caterpillar Model 330 FL Excavator, Serial No. OMBX10485 shall be sold to Iafsa USA Inc. for \$90,000.00, the District shall pay \$384,142.74 for the 2023 new machine, the 2017 machine shall be delivered to Iafsa USA Inc. when the District accepts delivery of the 2023 machine replacing this machine, and Manager Lambert is authorized to sign all documents necessary to transfer title to Iafsa USA Inc.; otherwise, the action of the Board at the April 10, 2023 meeting, Agenda item 5.2(b), to accept Holt's buyback offer shall remain in full force and effect and the District shall pay \$294,182.74 for the 2023 machine. Following a discussion, the motion carried.

6. 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. The Resaca Vista Condominiums Homeowner's Association has not yet met. No report.

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.

(a) The City of San Benito still 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.

(b) Engineer Brown is working on the plans for this crossing upgrade.

8.3 Drain B-2: Upgrade of Road Crossings downstream from Pennsylvania Boulevard. Engineer Brown is looking at the crossings downstream of Pennsylvania Boulevard.

8.4 Rancho Grande Diversion Project/Drain A Bypass Extension to River. Manager

Lambert is of the opinion that a FlumeGate manufactured by Rubicon Water, a company headquartered in Melbourne, Australia with offices worldwide including Ft. Collins, Colorado, will solve the problem at the outlet of the Drain A Bypass Extension to River. After a review of the information provided by Manager Lambert, the motion was made and seconded that Manager Lambert is authorized to procure any other studies that may be required to confirm that the FlumeGate will solve the problem and to determine the number of gates required, and is authorized to solicit a quote or bid for the purchase and installation of the required number of gates. Following a discussion, the motion carried.

- 8.5 Resaca Monte Detention Basin. Engineer Brown presented plans for the Resaca Monte Detention Basin. The Board directed that the District staff and the Attorney review the plans to determine if the plans show the Detention Basin as it will be constructed, and if so, to determine if such plans conform to the District's requirements.
9. Agreements/Rights-of-Way/Permits/Interlocal Cooperation Contracts.
 - 9.1 Drain 382 in North 10 Acres of Block 382, SBIC: Request of Luis S. Lopez and Denise C. Lopez Revocable Living Trust for License Agreement to Install Livestock Crossing and Waterline Crossing. The License Agreement still has not been signed and returned by landowner. No action.
 - 9.2 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 has not been signed and returned by the landowner. No action.
 - 9.3 Drain E in Block 22, San Benito Land & Water Company Subdivision. The license agreement for the four down drains has not been signed and returned by the School District. The School District submitted payment for the License Agreement, but has not yet presented the signed License Agreement.
 - 9.4 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.
 - 9.5 Russell Main Drain in Share 14, Espiritu Santo Grant: Request of East Rio Hondo Water Supply Corp. for Potable Waterline Crossings (for Madeira Waterline Project). No change in status. Work has commenced in the Russell property, but has not reached the Russell Main Drain.
 - 9.6 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.
 - 9.7 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.
 - 9.8 Drain E-1: Relocation of SBCISD's Down Drain Inlet on South Side of High School. The School District still has not responded to the request that the down drain be moved from the District's property to the School District's property.
 10. Grants.
 - 10.1 TWDB #40023 Flood Protection/Infrastructure Study–Hydrologic and Hydraulic Model Update. Eric Scheibe presented a status report on the work completed as of

April 27, 2023.

- 10.2 Status Report on Securing Funding to Include the Territory in City of San Benito in the Study–Hydrologic and Hydraulic Model Update.
 - (a) Building Resilient Infrastructure and Communities (BRIC) Grant Application. Still no word on whether the TWDB is willing to speed up the review process.
 - (b) Hazard Mitigation Grant Program (HMGP). Still no word on whether the application has been accepted or rejected.
 - (c) Other Funding. Eric Scheibe reported that he is looking for other possible funding sources in the event both the BRIC grant and HMGP grant are rejected.
11. Donations: Drains in Territory North of Arroyo Gardens (Shares 12 and 22, Espiritu Santo Grant). No change in status since the last meeting.
12. Rules Revision. Not ready for Board action.
13. Minute Books. Minute Books Volumes 10 and 11 have been received. The delivery receipt has the name and address of the Irrigation District, which purchased a Minute book from the same supplier, Blumberg, about a year ago. When the Irrigation District receives the bill, the Drainage District will pay the bill with its check.
14. Reports.
 - 14.1 Financial.
 - (a) Financial Report for month of April 2023 presented and reviewed.
 - (b) Financial Report for fiscal year through April 30, 2023 presented and reviewed.
 - 14.2 Manager. Pending legislation pertinent to drainage and drainage districts discussed.
 - 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.
 - 14.4 Engineer. Scheibe Consulting, LLC has acquired Brown, Leal and Associates. Jack Brown is now an employee of Scheibe Consulting, LLC. A proposed contract for engineering services to be provided to the District by Scheibe Consulting, LLC will be submitted prior to the next Board meeting. All other matters discussed under other Agenda items.
 - 14.5 Drain Supervisor. Report of work accomplished in the month of April 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 April 10, 2023 meeting and this meeting be ratified:

14385 : Sonia Lambert	TWCA Conference	\$434.70
14386 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$422.77
14387 : First Community Bank	Petty Cash	\$451.22
14388 : Federico Ortega	Janitorial	\$82.35
14389 : Ruben Rodriguez	Electrical	\$750.00
14390 : Lucinda Trevino	Reimbursement for Purchase of Table (charged to her credit card)	<u>\$314.42</u>
TOTAL		\$2,455.46

Following a discussion, the motion unanimously carried.

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

14391 : AFLAC	Insurance	\$249.84
14392 : Alamo Door Systems	Warehouse Repair	\$243.74
14393 : Alexander Business Development	Storm Permitting	\$1,000.00
14394 : Allstate	Insurance	\$149.34
14395 : AT&T Mobility	Wireless Phone	\$155.75
14396 : Blue Cross & Blue Shield	Health Insurance	\$16,416.14
14397 : Brown, Leal & Assoc.	Engineering Services	\$4,155.00
14398 : East Rio Hondo Water Supply Corp.	Office/Shop/Warehouse: Water Bill	\$84.92
14399 : ESRI, Inc.	ARC GIS	\$360.00
14400 : Gateway Printing	Office Supplies	\$374.16
14401 : Gigabit Communications	Uverse/Internet	\$200.00
14402 : Grajale's Tire Shop	Flat Repairs	\$18.00
14403 : H & V Equipment	Machine Repairs	\$4,910.89
14404 : Hollon Oil Company	Hydraulic Oil	\$1,573.00
14405 : JR ITSoftware Solutions	Nelda-Computer	\$1,654.98
14406 : Sonia Lambert	Phone Allowance	\$125.00
14407 : Linde Gas & Equipment	Welding Supplies	\$58.23
14408 : Nueces Power & Equipment	Machine Repairs	\$486.39
14409 : Oil Patch Fuel	Off-Road Diesel	\$15,610.52
14410 : Ortega, Federico	Phone Allowance	\$45.00
14411 : Rey's Tire Service	Flat Repairs	\$310.00
14412 : South Texas Bolt & Supply	Machine Repairs	\$3.24
14413 : Nelda Solorio	Janitorial	\$220.52
14414 : Triple S Steel	Safety Supplies	\$247.36
14415 : Lucinda Trevino	Janitorial	\$220.52
14416 : UniFirst	Uniforms	\$478.48
14417 : Wilcac Life Insurance	Insurance	\$21.67
14418 : David Ybarra	Janitorial	\$265.52
14419 : Dainamik	GPS Monitoring	\$1,735.00
14420 : Dossett Law Office	Legal Fees	\$1,970.00
14421 : Direct Energy	Warehouse Light Bill	\$258.18
14422 : Holt Company of Texas	Machine Repairs	\$6,983.75
14423 : John Deere Financial	Machine Repairs	\$3,423.09
14424 : Nueces Power Equipment	Machine Repairs	\$372.86
14425 : Oil Patch Fuel	Unleaded Fuel	\$7,981.65
14426 : O'Reilly Auto Parts	Machine Repairs	<u>\$887.78</u>
TOTAL		\$73,250.52

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.