

March 14, 2022
San Benito, Texas

The regular meeting of the Board of Directors of Cameron County Drainage District No. 3 convened on March 14, 2022, 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; Freddie Ortega, Drain Supervisor; and Jack Brown, Engineer. President Garcia called the meeting to order and presided.

1. Minutes: February 14, 2022 Meeting. The Minutes of the February 14, 2022 meeting were presented and reviewed. The motion was made and seconded to approve the Minutes of the February 14, 2022 meeting. Following a discussion, the motion carried.
2. Public Comment Period. No one appeared. No written comments were received.
3. Subdivisions.
 - 3.1 Petunia Acres Subdivision–Rios Surveying Company, LLC, being 2.0 acres out of Block 129, Espiritu Santo Irrigated Land Company Subdivision. Plat not presented. No action.
 - 3.2 Del Rio Subdivision Phases VI-VII–Moore Land Surveying, LLC, being 22.4 acres out of Blocks C & D, James Dickinson Subdivision. Plat not presented. No action.
 - 3.3 Vista Real Estate Subdivision–Rios Surveying Company, LLC, being 5.0 acres out of Block 157, San Benito Land & Water Company Subdivision. Plat not presented. No action.
 - 3.4 Titan Ranch Subdivision–Rios Surveying Company, LLC, being 7.35 acres out of Block 90 (1200 acres San Benito Manufacturing Company Tract), San Benito Irrigation Company Subdivision. Plat not presented. No action.
 - 3.5 East Treasure Haven Subdivision–Brown, Leal & Associates, being 14.64 acres out of Block 146, San Benito Land & Water Company Subdivision. Discussed under Agenda Item 6.3. The City of Harlingen has approved the relocation of the road. The plat will be presented at the April 11, 2022 meeting.
 - 3.6 Montenegro Estates Subdivision–Mejia & Rose (9.4 acres out of Block 7, Landrum Reserve). The subdivision is adjacent to, and will discharge into, Main Drain A. Plat not presented. No action.
 - 3.7 Paso Real Coves Subdivision–Melden & Hunt (66.902 acres Lots 1-8, Block 146, SBL&Co). This subdivision is adjacent to and will discharge into Drain U. This subdivision and the down drain license discussed under Agenda Item 6.10, below. Plat not presented. No action.
 - 3.8 Alvarado Estates Subdivision–Altex Engineering, being 2.77 acres out of Block 153, San Benito Land & Water Company Subdivision. Plat not presented. No action.
4. Blocks 209 and 215, San Benito Land & Water Co.: Cameron County Irrigation District No. 2 Conveyance of Seep Ditch to Drainage District. Rios Surveying submitted a draft of a survey for the review and comment of the District. The draft lacks the location of a culvert under the road leading to a boat ramp; the culvert connects the open seep drain to the seep/drain pipe. Rios Surveying will revise the survey.
5. Russell Main Drain: Private Road Crossing in Block 4, Parker Tract Subdivision Owned by Porfirio and Nicanor Vasquez and Respective Spouses. CAPA (Concrete Asphalt Pipe Aggregates) has submitted to the landowners a quote of \$13,034.64 plus delivery for three 7'x7' boxes. CAPA did not give a delivery date due to the boxes not being available for approximately six months, and the unknown cost for delivery at that time. Installation will be an additional cost. Elizondo Crane Services was asked to submit a quote for the

installation of the three boxes, but the quote has been received. The owners have not advised whether they will purchase the box culverts.

6. Agreements/Rights-of-Way/Permits/Interlocal Cooperation Contracts.

- 6.1 Drain 383: Request of Ciro and Rhonda Garza for Road Crossing. License Agreement not completed.
- 6.2 Liberty Estates Phase II, Being 10.64 Acres Out of Blocks 5, 6, 12, Cunningham's Subdivision of Block 35, SBL&WCo.:
 - (a) Conveyance of Seep Ditch on North Side of Lateral A to Drainage District–Status Report. No change in status.
 - (b) Upgrade of Underdrains–Status Report. The District's Engineer has not completed the plans for the underdrain.
 - (c) Upgrade of Road Crossings Downstream of Phases I & II. No change in status. The District's Engineer has not completed the plans.
- 6.3 Drain C/Drain C-Right: East Treasure Haven Subdivision–Request for Down Drain to Discharge into District's Drainage System (Pertains to Agenda Item 3.5). The subdivision discharges into Drain C/Drain C-Right. The license agreement was prepared and submitted to the owner, but cannot be finalized until the City of Harlingen approves a revised plat. A road was too close to Drain C-Left. The Engineer advised that the City has approved the revised plat which moves the road so there is no less than 25 feet between the road and the edge of the drain channel. The license agreement can now be finalized.
- 6.4 Browne Drain No. 3: Request that License Agreement be Issued to Magic Valley Electric Cooperative for Aerial Electric Service Line for Blanca Flores, Block 291, SBIC. The License agreement, which must be signed by the landowners and MVEC, has been prepared and submitted to the landowners but not yet returned.
- 6.5 Russell Main Drain in Share 14, Espiritu Santo Grant: Request for East Rio Hondo Water Supply Corp. for Potable Waterline Crossings. The license agreement was prepared and submitted to ERHWSCo, but has not been signed and returned by ERHWSCo.
- 6.6 Drain E Relief, Drain D, Drain C-Left, South 6 Drain, Drain C-Right: Request of AEP for License for Fiber Optic Line Crossings. The license agreement has not been completed.
- 6.7 Drain C-Right: Request of Sam and Susan Simmons for License Agreement to Extend Cottonwood Creek Court in the Fairways at Cottonwood Creek Subdivision [1-1602, Map Rec.] East Across Drain. It was noted that Cottonwood Creek Court ends at a cul de sac on the westerly side of the drain. The property owned by the Simmons is on the easterly side of the drain. The motion was made and seconded that the request be granted. Following a discussion, the motion carried.
- 6.8 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 Federal Motor Carrier Safety Administration (FMSCA) Truck Inspection Facility Upgrade. A License Agreement has been prepared and submitted to the government employee handling this matter. The only problem with the License Agreement as presented is that it includes an indemnity clause, and the U.S. Attorney is doubtful the United States can agree to an indemnity clause. The Government needs to install a fire sprinkler system. Initially the license agreement was for the water pipeline that will run north from the government's facility, crossing the District's drain and Rio Grande Avenue, to connect to the Military Highway Water Supply Corporation water line on the north side of Rio Grande Avenue. In the course of determining the location of the crossing, it was discovered that:
 - (a) an aerial electric line crosses the drain without the District's permission;

- (b) a six inch potable water line that crosses the drain was constructed without the District's permission; the pipe runs through the drain rather than under it;
- (c) a natural gas pipeline that crosses the drain was constructed without the District's permission; the pipe runs under the drain in the vicinity of the six inch water line; and
- (d) an AT&T communications conduit crosses the drain without the District's permission; the conduit runs through the drain rather than under it.

In addition, the U.S. Attorney discovered that the FMSCA has failed to obtain permission for the subject water line to cross Rio Grande Avenue. All these issues will need to be resolved before the license agreement can be finalized.

- 6.9 Arroyo Gardens #1 Drain in Block 175 & 176, Monte Grande Subdivision Unit 2: Request of Fortunato Castaneda and Isabel Castaneda for Road Crossing. The part of the subject property that is on the north side of the drain is landlocked. The motion was made and seconded that the request be granted. Following a discussion, the motion carried. Subject to the Board's approval of the request, a proposed licence agreement was submitted to the owners. However, the owner's enthusiasm appears to have waned when they received the cost estimate for the crossing.
- 6.10 Drain U in Block 145, SBL&WCo.: Request for Down Drain License for Paso Real Coves Subdivision (pertains to Agenda Item 3.7). Stormwater from the subdivision will collect in a detention basin, which in turn will discharge into Drain U. The detention basin and lot lines are too close to Drain U. The motion was made and seconded that the request be granted subject to resolution of the issues involving the location of the detention basin and lot lines. Following a discussion, the motion carried.
- 7. Grants: TWDB #40023 Flood Protection/Infrastructure Study–Hydrologic and Hydraulic Model Update.
 - 7.1 Discuss and Take Action on Whether to Request Expansion of Grant to Include City Street Flow and City Storm Sewers. Eric Scheibe and Manager Lambert met with the City of San Benito. The City agreed to fund the 10% local match, being \$45,300.00. However, when Mr. Scheibe began the application process to expand the grant, TWDB advised that most likely it will not have the funds to expand grants after all. Eric Scheibe and Manager Lambert are now looking for alternative funding sources.
 - 7.2 Discuss and Take Action On Interlocal Cooperation Contract with City of San Benito Regarding Its Participation and Its Share of Local Match of Expanded Grant. No action. An interlocal cooperation contract will be needed only if another funding source is found.
- 8. Donations: Drains in Territory North of Arroyo Gardens (Shares 12 and 22, Espiritu Santo Grant). No change in status since the last meeting. Engineer Brown is exploring having Rios Surveying do the required survey work.
- 9. Audit of Fiscal Year ended September 30, 2021. The audit has not commenced.
- 10. Reports.
 - 10.1 Financial.
 - (a) Financial Report for Month of February 2022. Presented and reviewed.
 - (b) Financial Report for Fiscal Year through February 2022. Presented and reviewed.
 - 10.2 Manager. All matters discussed under other Agenda items.

- 10.3 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) Rules Revision. Manger Lambert has not completed her review of the revised rules.

10.4 Engineer. All matters discussed under other Agenda items.

10.5 Drain Supervisor.

- (a) Written report of work accomplished in the month of February 2022 presented.
- (b) Equipment. Tentatively, the two brush cutters purchased at the November 8, 2021 meeting (Agenda Item 5) will be delivered mid-April 2022.

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 February 14, 2022 meeting and this meeting be ratified:

13748 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$422.77
13749 : Texas Child Support SDU	Employee Wage Withholding-Child Support	<u>\$422.77</u>
TOTAL		\$845.54

Following a discussion, the motion carried.

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

13750 : AFLAC	Health Insurance	\$298.44
13751 : Alexander Business Development	MS4 Permitting	\$1,000.00
13752 : Allstate Insurance Co.	Insurance	\$74.67
13753 : AT&T Mobility	Wireless Phone	\$142.70
13754 : Barrientos Plumbing	Plumbing Repair	\$336.00
13755 : Blue Cross & Blue Shield	Health Insurance	\$16,474.59
13756 : Cameron Appraisal District	Appraisal fee	\$12,247.75
13757 : Cameron County Irrigation Dist. #2	Reimbursement	\$20,401.61
13758 : Drop Dead Pest Control	Bee Eradication	\$225.00
13759 : East Rio Hondo Water Supply Corp.	Office/Shop/Warehouse: Water Bill	\$70.00
13760 : Gigabit Communications	Uverse/Internet	\$200.00
13761 : H & V Equipment	Machine Repairs	\$361.94
13762 : Hollon Oil Company	Hydraulic Oil	\$1,177.00
13763 : Holt Company of Texas	Machine Repairs	\$171.59
13764 : JR ITSoftware Solutions	Software Services	\$552.99
13765 : John Deere Financial	Machine Repairs	\$2,443.95
13766 : J & J Tire & Auto	Auto Repairs	\$89.00
13767 : Sonia Lambert	Phone Allowance	\$125.00
13768 : Lincoln National Life Ins. Co.	Insurance	\$246.00
13769 : Matheson Tri Gas	Haz Materials	\$109.66
13770 : Matt's Cash & Carry	Safety Supplies	\$10.89
13771 : McCoy's	Other Repairs	\$50.91
13772 : O'Reilly Auto Parts	Machine Repairs	\$2,242.21
13773 : Ortega, Federico	Phone Allowance	\$45.00
13774 : Pitney Bowes	Postage Meter Use	\$178.68
13775 : Pruneda Tech Service	Toner	\$125.00
13776 : Rio Hondo Lumber & Supply	Drain Repairs	\$111.64
13777 : Rio Valley Pipe, Ltd.	Drain Repairs	\$7,682.40
13778 : Rey's Tire Service	Flat Repairs	\$240.00
13779 : Nelda Solorio	Janitorial	\$220.52
13780 : Texas Refinery Corp.	Machine Grease	\$703.50
13781 : Triple S Steel	Safety Supplies	\$139.98
13782 : Lucinda Trevino	Janitorial	\$334.50
13783 : UniFirst	Uniforms	\$514.90
13784 : Wilcac Life Insurance	Insurance	\$21.67
13785 : Wylie Case	Machine Repairs	\$1,363.45
13786 : David Ybarra	Janitorial	<u>\$265.52</u>
TOTAL		\$70,998.66

Following a discussion, the motion carried.

12. Board of Directors–Discuss and Take Action to Fill Vacancy on Board of Directors. No Discussion. No action.
13. Personnel–Manager: Deliberate Appointment, Employment, and Duties of Manager to Succeed Current Manager Upon Retirement. No action. The deadline to accept application is March 15, 2022. After March 15, the two Boards will jointly interview candidates.
14. May 7, 2022 Election.
 - 14.1 Status Report. The Secretary-Pro Tem presented a Certificate of Unopposed Status and announced there is only one candidate for each place to be filled at the May 7, 2022 election, being Matthew McCarthy for Place 1 and Ronaldo Garcia for Place 2. President Garcia accepted the Certificate of Unopposed Status.

- 14.2 Cancellation of Election. The motion was made and seconded that this resolution and order be adopted:

WHEREAS, in accordance with the Texas Water Code and the Texas Election Code, Cameron County Drainage District No. 3 shall hold an election on May 7, 2022, at which time the required number of Directors shall be elected to fill the vacancies then occurring on the Board of Directors as provided by law; and

WHEREAS, that at said election two (2) directors are to be elected to membership on the Board of Directors of Cameron County Drainage District No. 3 to serve for a term as follows:

Place 1 Four (4) Years beginning May 13, 2022
Place 2 Four (4) Years beginning May 13, 2022

WHEREAS, the candidates whose names are to appear on the ballot are:

Place 1 Matthew McCarthy
Place 2 Ronaldo Garcia

WHEREAS, in accordance with Texas Election Code, Chapter 2, Subchapter C, it is hereby determined and found that:

1. for Place 1, there being only one candidate whose name is to appear on the ballot, said candidate is unopposed;
2. for Place 2, there being only one candidate whose name is to appear on the ballot, said candidate is unopposed;
3. no proposition is to appear on the ballot.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Directors of Cameron County Drainage District No. 3:

1. That the regular election to fill vacancies on the Board of Directors, called and ordered by this Board to be held on May 5, 2018, is hereby canceled.
2. That each of the following unopposed candidates is hereby elected:
Place 1 Matthew McCarthy 4-year term, beginning May 13, 2022
Place 2 Ronaldo Garcia 4-year term, beginning May 13, 2022
3. That a copy of this Order shall be posted on Election Day at each polling place that would have been used in the election.

Following a discussion, the motion unanimously carried.

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