

February 10, 2020  
San Benito, Texas

The regular meeting of the Board of Directors of Cameron County Drainage District No. 3 convened on February 10, 2020, at 2:00 p.m., at the office of the District, 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 Minutes of the January 13, 2020 meeting were presented and reviewed. The motion was made and seconded that the Minutes of the January 13, 2020 meeting be approved. Following a discussion, the motion carried.
2. Public Comment Period. No one appeared.
3. Subdivisions.
  - 3.1 Resaca Del Monte Subdivision, Phase II. Attorney Dossett reported that at the August 19, 2019 meeting, the plat of this subdivision received preliminary approval because the final plat (mylar) was not presented for signing; the final plat was not presented for signing at the September 2, September 23, and October 14 Board meetings; President Garcia signed the final plat on October 24, 2019; and the plat was filed at Cabinet 1, Page/Slot 3940, Map Records of Cameron County, Texas on December 3, 2019. The motion was made and seconded that the plat of Resaca Del Monte Subdivision, Phase II receive final approval, and the signing of the plat outside a meeting on October 24, 2020, be ratified. Following a discussion, the motion unanimously carried.
  - 3.2 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 not presented for signing. The Developer plans to present the plat for final approval at the March 2020 Board meeting.
  - 3.3 MJE Rodriguez Subdivision, being 2.25 acres of land out of Block 80, Espiritu Santo Irrigated Land Company Subdivision. The final plat (mylar) was not presented for signing. The Developer plans to present the plat for final approval at the March 2020 Board meeting.
  - 3.4 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]. The final plat (mylar) was not presented for signing. The Developer plans to present the plat for final approval at the March 2020 Board meeting.
  - 3.5 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]. The final plat was not presented. Issues involving the seep ditch along the south side of the property are still not resolved. No action.
  - 3.6 Peralez 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. The final plat (mylar) was not presented. No action.
4. Pollution Control/MS4 Permit: Tire and Debris Pickup and Disposal. Manager Lambert reported that the District's MS4 permit requires the District to have a program to pick up tires and debris. Regarding tires thrown into drains and on drainage right-of-way, the District purchased the mini-excavator in 2016 dedicated to the removal of tires from drains, has a trailer on which to place and haul tires removed from drains and rights-of-way, and has three employees assigned to the removal and disposal of tires from District drains and rights-of-

way. However, the District has no program for the pick up and disposal of debris other than tires. The motion was made and seconded that Manager Lambert meet with the County to discuss an interlocal cooperation contract with the County regarding the disposal of debris the District removes from its drains and rights-of-ways. Following a discussion, the motion unanimously carried.

5. Election: May 2, 2020. To date, only Randall McMurray has filed an Application for Place on the Ballot.
6. Vehicles/Equipment.
  - 6.1 Pickup Purchased at January 13, 2020 Meeting. The scheduled delivery date is February 25, 2020.
  - 6.2 Replace Backhoe. The 2014 TREX TX840E Backhoe, S/N SMFJD4BC0CJKS1578, [Trex 4] purchased at the September 8, 2014 meeting, slipped into an irrigation canal on August 12, 2019. The price of the machine was \$75,000.00. With trade-in, the District paid \$62,500.00. The District's insurance carrier declared the machine a total loss and valued the machine at \$34,375.00. There being a \$1,000.00 deductible, the District received the settlement check in the amount of \$33,375.00. The Board, being of the opinion the backhoe needs to be replaced, directed Manager Lambert to solicit bids for a replacement machine.
7. Audit. Geary Berkman, CPA, presented the audit for the fiscal year beginning October 1, 2018 and ending September 30, 2019. At the conclusion of the presentation, the motion was made and seconded that the audit be accepted. Following a discussion, the motion unanimously carried.
8. Projects.
  - 8.1 NRCS Disaster Relief/EWP Grant for Repairs. The project agreement still has not been submitted to the District, but the District has received enough information for Engineer Brown to commence preparation of plans. No action.
  - 8.2 Drain A Improvements Grant. The grant still has not been closed out. No action required of the District at this time.
  - 8.3 East Line Drain Relief Project 2012. Attorney Dossett has not completed research to determine if rights-of-way acquired by the wind farms overlap the strip of land on which the District wants to construct the drain.
  - 8.4 Green Valley Farms Diversion Project.
    - (a) New Drain Along East Side of Share 14 Between Russell Drain No. 6 and FM 510. Jack Brown reported that he has not yet met with The Russells.
    - (b) Straightening of Russell Main Drain in Block 4, Parker Tract. Engineer Brown presented no recommendations.
  - 8.5 Cameron County Irrigation District #2 Assignment of Drains to Drainage District.
    - (a) Status. No change in status.
    - (b) Seep Drain on North Side of Canal A. No change in status. Discussed under Agenda Item 3.5.
  - 8.6 Documenting Rights-of-Way for Drains in Blanket Easements. No change in status.
  - 8.7 Other Projects. None.

9. Annexation of Territory North of Arroyo Gardens (Shares 12 and 22).
  - 9.1 Annexation Petitions. Attorney Dossett has commenced preparation of annexation petitions for Yountville Holdings, LLC and Rio Hondo Implement Co. Inc.
  - 9.2 Donations of Drains in Annexed Territory. Waiting for Engineer Brown to provide descriptions.
10. Agreements/Rights-of-Way/Permits/Interlocal Cooperation Contracts.
  - 10.1 Drain B-3: SBCISD Request for Road Crossing. License Agreement completed and will be presented to the School District.
  - 10.2 Drain E-1 and Drain E. An agreement regarding the removal of the down drain inlet from the District's right-of-way has been completed and will be presented to the School District.
  - 10.3 Drains Crossed by FM 509: Request of Military Highway Water Supply Corporation for Waterline to Cross Drains. Military Highway Water Supply Corporation is constructing a waterline that commences at or near the intersection of U.S. 281/Military Highway and F.M. 509, and runs north on the west side of F.M. 509 to F.M. 800, where it turns and runs west along F.M. 800 to the County Line and beyond. The waterline will cross the Drain A Extension (piped), Drain A-1, and Drain R. A license agreement has been completed. The motion was made and seconded that the request be granted subject to the Military Highway Water Supply Corporation signing the license agreement. Following a discussion, the motion unanimously carried.
  - 10.4 La Gloria Drain also known as McMurray Drain: Request of AEP for Down Drain. The substation is for the Rayos Del Sol Solar Farm. The permit for down drain was submitted to AEP in November 2019; AEP still has not delivered the signed license agreement to the District. Rayos Del Sol Solar Project, LLC has told the landowners on which the solar farm will be constructed that construction will not commence until this summer, at the earliest. AEP has not commenced construction of the substation, and it is likely it will not commence construction and not finalize the permit for down drain until it knows for sure that Rayos Del Sol Solar Project, LLC will construct the wind farm. It was noted that this pertains to Agenda Item 10.5, also.
  - 10.5 La Gloria Drain also known as McMurray Drain: Request of Rayos Del Sol Solar Project, LLC for Road and Collection Line Crossings. The Developer has not presented the information needed to complete the license agreement. Requests that the District grant a blanket right-of-way have been rejected.
  - 10.6 Acciona Energy USA Global, LLC.
    - (a) Request for License Agreement For Aerial and Underground Electric Transmission Line Crossings for La Chalupa Wind Farm. License agreement not finalized. A draft of the license agreement has been prepared, but in many exhibits provided, there are errors and required information omitted. Also, additional exhibits must be provided. La Chalupa has been told what is needed, but has not yet provided the corrected and additional exhibits.
    - (b) Request that Aerial Crossings of Transmission Line be Less than 40 Feet Above Berms of Drains. La Chalupa advised there would be no aerial crossings of drains, but the exhibits show an aerial transmission line that will cross District drains at about 14 locations. The District required that the pole locations be staked, and required information be provided on the height of the transmission line where it crosses drains. The pole locations were staked and all but one pole satisfies the District's distance requirement. La Chalupa may want to pipe the drain rather than move the pole, which Manager Lambert says will be acceptable. Based on information provided, the height of the

transmission line does not meet the height requirements. La Chalupa wants the District to waive the height requirement. La Chalupa was told that the height requirement is for the protection of the District's employees that operate the District's long reach equipment. The motion was made and seconded that the request to waive the 40 foot height requirement where the transmission lines crosses a drain be rejected. Following a discussion, the motion unanimously carried.

- 10.7 East Rio Hondo Water Supply Corporation Request for Waterline Crossings for Acciona Energy Office. The signed license agreement has not been delivered to the District.
  - 10.8 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. Attorney Dossett anticipates having a draft of the license agreement finished by the March 2020 Board meeting.
  - 10.9 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.
  - 10.10 Drain Along Line Common to Blocks 83 & 88, Espiritu Santo Irrigated Land Company Subdivision: Request of Rio Hondo CISD for Down Drains for New Middle School in Block 88. License Agreement not finalized.
  - 10.11 Various Drains: Request of AEP for License Agreement for Crossings for New La-Palma to Loma-Alta Line a/k/a San Benito-Brownsville Line. Not finalized.
  - 10.12 Down Drain License: Request of Maria Guadalupe Zelaya Ortez d/b/a Transmigrantes Nuevo Milenio for Property in Blocks 8 & 14, Hicks Reserve No. 1. No change in status since the last meeting.
  - 10.13 DTL Properties, LLC: Down Drain Permit--22.71 Acres of Land Out of Tracts 3, 4, and 5 of Alfredo Garza Heirs Partition in Share 22 of Espiritu Santo Grant. Not finalized.
  - 10.14 District 6 Drain and Fresnos D-1 Drain: Ebony West Subdivision-Mejia & Rose (Block 57, Los Fresnos Land & Irrigation Company Subdivision). Jim Rose, the Developer's engineer, has submitted information. License Agreement not yet finalized.
  - 10.15 License Agreement for Down Drain: Los Jardines Estates. This item was on the Agenda in error. The Board directed that it be removed from the Agenda at a prior meeting.
  - 10.16 US 77/83 Parallel Corridor Project [US 77/83 SPC Phase II]. Issue with County still not resolved.
  - 10.17 Request of AEP/Percheron for Fiber Optics Cable on Existing Electric Transmission Line. Required information still not presented. No action.
  - 10.18 Drain F-West: Request of City of Rio Hondo for Aerial Electric Line Crossing for Water Treatment Plant in Block 257, SBL&WCo. License Agreement submitted to City in January. The signed license agreement has not been delivered to the District.
11. Donations.

- 11.1 Drain A Bypass Drain in Blocks 76R, 78R, 79A, and 102: Resurvey of Rice Tract Subdivision.
  - (a) El Ranchito Inc. Donation of 15.68 Acres. Waiting on Valley Appraisal Service to complete the appraisal.
  - (b) El Ranchito Inc. Donation of 0.11 Acre. Juan Montalvo and wife conveyed the 0.11 acre to El Ranchito Inc., which then conveyed the 0.11 acre to the Drainage District by deed recorded on January 23, 2020 as Doc. #2537, Official Records of Cameron County, Texas. This completes the donation of the 0.11 acre.
- 11.2 Drain A-6: Eduardo Cañas and Carlos Leal Donation of 80 foot Wide Strip of Land Dedicated as "Drain Ditch ROW" on Plat of Cañas Subdivision [Cab. 1, Page/Slot 48-A, Map Records]. No report.
- 11.3 Randall Crane: Donation of Drains in Blocks 214 and 213, San Benito Land & Water Co. No change in status since the last meeting.
- 11.4 Drain Along Line Common to Blocks 83 and 88, Espiritu Santo Irrigated Land Company Subdivision. No change in status since the last meeting.
- 11.5 Airport Drain: Status Report on Conveyance of Right-of-Way and Take Any Action Necessary to Accept Donation of Right-of-Way. No change in status since the last meeting.
12. Watershed Studies: Drainage Watershed Study-Town of Combes Lead Entity. Manager Lambert reported on a meeting of representatives of the participating entities. The District now waits while the grant application is prepared, submitted, and considered. This item will be deleted from the Agenda until there is something to report.
13. Website. Manager Lambert anticipates the website will be online in March 2020.
14. Interlocal Cooperation Contract with Cameron County Irrigation District No. 2. An Interlocal Cooperation Contract with Cameron County Irrigation District No. 2 "Regarding Transfer of Two Employees" dated February 10, 2020, was presented. Manager Lambert noted that the three new brush cutters are still scheduled for delivery in April 2020. The motion was made and seconded that the interlocal Cooperation Contract between Cameron County Irrigation District No. 2 and Cameron County Drainage District No. 3 Regarding Transfer of Two Employees dated February 10, 2020, be approved. Following a discussion, the motion unanimously carried.
15. Reports.
  - 15.1 Financial.
    - (a) Financial Report–January 2020. Presented and reviewed.
    - (b) Financial Report for Fiscal year though January 31, 2020. Presented and reviewed.
  - 15.2 Manager: Update of District’s Hydrologic and Hydraulic Model. Engagement letter not yet received.
  - 15.3 Attorney.
    - (a) *Cameron County Drainage District No. 3 and Cameron County Irrigation District No. 2, et al. vs. City of San Benito.* The Court of Appeals has not rendered its decision.
    - (b) Required Annual Reports. Discussed at January 13, 2020 meeting. Now that the Audit for the fiscal year ended September 30, 2019 has been completed, the District can submit the Special Purpose District Report which is due no

later than April 1.

15.4 Engineer. All matters discussed under other Agenda items.

15.5 Drain Supervisor. Report of work accomplished in the month of January 2020 presented.

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

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

16.1 Ratification of Checks. The motion was made and seconded that issuance of the following checks between the January 13, 2020 meeting and this meeting be ratified:

|                                   |   |                 |
|-----------------------------------|---|-----------------|
| 12541 : First Community Bank      | Payroll [01/23/20]                      | \$28,809.87     |
| 12542 : Texas Child Support SDU   | Employee Wage Withholding-Child Support | \$602.77        |
| 12543 : Moore Land Surveying, LLC | El Ranchito Drain A Bypass              | \$2,500.00      |
| 12544 : First Community Bank      | Payroll [02/06/20]                      | \$30,760.78     |
| 12545 : Texas Child Support SDU   | Employee Wage Withholding-Child Support | <u>\$602.77</u> |
| TOTAL                             |   | \$63,276.19     |

Following a discussion, the motion unanimously carried.

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

|  |                                   |             |
|--|-----------------------------------|-------------|
| 12546 : Alexander Business Development       | MS4 Annual                        | \$1,000.00  |
| 12547 : AguaWorks Pipe & Supply              | Drain Repairs                     | \$2,923.00  |
| 12548 : Amigo Bolt & Supply                  | Machine Repairs                   | \$59.90     |
| 12549 : AT&T Mobility                        | Wireless Phone                    | \$205.69    |
| 12550 : Blue Cross & Blue Shield             | Health Insurance                  | \$13,890.80 |
| 12551 : Bud's Quality Plumbing               | Backflow Test                     | \$476.79    |
| 12552 : Cameron County Irrigation Dist. #2   | Reimbursement                     | \$16,335.65 |
| 12553 : East Rio Hondo Water Supply Corp.    | Office/Shop/Warehouse: Water Bill | \$102.59    |
| 12554 : Fast Signs                           | Door Signs                        | \$48.80     |
| 12555 : First Community Bank                 | Petty Cash                        | \$452.64    |
| 12556 : Fastenal Company                     | Safety Supplies                   | \$107.17    |
| 12557 : Gateway Printing                     | Office Cabinet                    | \$470.65    |
| 12558 : Gigabit Communications               | Uverse/Internet                   | \$200.00    |
| 12559 : Grajale's Tire Shop                  | Flat Repairs                      | \$103.00    |
| 12560 : H & V Equipment                      | Machine Repairs                   | \$11,434.69 |
| 12561 : Nelda Hernandez                      | Janitorial                        | \$339.46    |
| 12562 : Hollon Oil Company                   | Hydraulic Oil                     | \$2,273.60  |
| 12563 : Holt Company of Texas                | Machine Repairs                   | \$535.50    |
| 12564 : John Deere Financial                 | Machine Repairs                   | \$1,807.94  |
| 12565 : Sonia Lambert                        | Phone Allowance                   | \$456.96    |
| 12566 : Lincoln National Life                | Life Insurance                    | \$216.48    |
| 12567 : Matt's Cash & Carry                  | Drain Repairs                     | \$80.95     |
| 12568 : McCoy's Lumber Company               | Other Repairs                     | \$36.69     |
| 12569 : O'Reilly Auto Parts                  | Machine Repairs                   | \$1,669.77  |
| 12570 : Ortega, Federico                     | Phone Allowance                   | \$45.00     |
| 12571 : Postmaster                           | Post Office Box                   | \$92.00     |
| 12572 : Power Plan                           | Machine Repairs                   | \$265.70    |
| 12573 : Pruneda Tech Service                 | Toner                             | \$125.00    |
| 12574 : Purchase Power                       | Postage Meter                     | \$10.95     |
| 12575 : Rio Grande Concrete                  | Machine Repairs                   | \$50.06     |
| 12576 : Rio Grande Steel                     | Machine Repairs                   | \$82.00     |
| 12577 : Rio Hondo Lumber & Supply            | Machine Repairs                   | \$15.52     |
| 12578 : Texas Water Conservation Association | Convention                        | \$450.00    |
| 12579 : Lucinda Trevino                      | Janitorial                        | \$220.52    |
| 12580 : Unifirst                             | Uniforms                          | \$732.94    |
| 12581 : WTS Industrial                       | Machine Repairs                   | \$205.53    |
| 12582 : Wilco Life Insurance                 | Life Insurance                    | \$21.67     |
| 12583 : Wylie Case                           | Machine Repairs                   | \$4,079.21  |
| 12584 : David Ybarra                         | Janitorial                        | \$265.52    |
| 12585 : Coastal Voice & Data                 | Phone Line Repair                 | \$75.00     |
| 12586 : Brown, Leal & Associates             | Engineering Services              | \$3,260.00  |
| 12587 : Buffo & Berkman                      | Audit                             | \$7,000.00  |
| 12588 : Dossett Law Office                   | Legal Fees                        | \$3,405.00  |
| 12589 : Nelda Hernandez                      | Janitorial                        | \$118.94    |
| 12590 : Lucio's Tire Shop                    | Flat Repairs                      | \$160.00    |

12591 : Town of Combes  
TOTAL

HAZ Mitigation Plan

\$5,000.00  
\$80,909.28

Following a discussion, the motion unanimously carried.

17. 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 15.3. No executive session held.
18. Action on Matters Discussed in Executive Session. No executive session held.
19. Adjournment. There being no further business, the meeting was adjourned.