

August 9, 2021
San Benito, Texas

The regular meeting of the Board of Directors of Cameron County Drainage District No. 3 convened on August 9, 2021, 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; Freddie Ortega, Drain Supervisor; and B. R. Dossett, Attorney. President Garcia called the meeting to order and presided.

1. Minutes. The Minutes of the June 14, 2021 meeting were presented and reviewed. The motion was made and seconded to approve the Minutes of the June 14, 2021 meeting. Following a discussion, the motion unanimously carried. There was no meeting in July 2021.
2. Public Comment Period. No one appeared. No written comments were received.
3. Subdivisions.
 - 3.1 A.M. Betancourt Subdivision, being 1.0 acre out of Block 15, San Benito Land & Water Company Subdivision. Final plat not presented. No action.
 - 3.2 Rancho Monteagua Subdivision–Guzman & Munoz, being 20.33 acres out of Block 215, San Benito Land & Water Company Subdivision. Final plat not presented. 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]. Discussed under Agenda Item 8.4.
 - 3.4 San Jose Nagel 7 Subdivision-Rios Surveying (29.76 acres out of Blocks 99, 100, 119, 120, SBICO). Plat not presented. No action. The Drainage District will issue no license agreement for this subdivision. The facility being crossed, with a potable waterline, is an irrigation canal owned by Cameron County Irrigation District No. 2.
 - 3.5 Petunia Acres Subdivision–Rios Surveying (2 acres out of Block 129, ESILCo.). The City of San Benito still refuses to approve this plat because it has the District's signature block, and the Developer is unwilling to violate the District's rule requiring the District's approval on the plat.
 - 3.6 Del Rio Subdivision Phases VI-VII–being 22.4 acres out of Blocks C & D, James Dickinson Subdivision. Final plat not presented. No action.
 - 3.7 3C Subdivision–being 40 acres out of Block 129, SBL& WCo. Corrections to plat required. Final plat not presented. No action.
 - 3.8 IHOP at Ed Carey Subdivision–being 1.81 ac. out of Block 181, SBL& WCo. Final plat not presented. It was noted that this subdivision fronts Ed Carey Drive. There are no District drains in the property. The drainage plan is to discharge stormwater into Ed Carey Drive. The motion was made and seconded that the plat of IHOP at Ed Carey Subdivision receive preliminary approval. Following a discussion, the motion unanimously carried.
4. Drainage Issues in Block 209, SBL&WCo. A delegation representing the Resaca Vista Homes Condominiums Homeowners Association, led by Mr. Mike Frazier, and Timothy Jarvis, owner of Lots 39 and 40, Palma del Lago Subdivision, which subdivision adjoins Resaca Vista Homes Condominiums, appeared to discuss drainage issues in and around the Resaca Vista Homes Condominiums during the July 2021 rain event. A discussion followed:
 - 4.1 It was noted that Resaca Vista Homes Condominiums and Palma del Lago Subdivision are on the easterly side of North Sam Houston Boulevard in Block 209 [Line P], in a horseshoe loop or bend of Cameron County Irrigation District No. 2's

Main Canal, also known as the Resaca de los Fresnos. Cameron County Irrigation District No. 2 owns a strip of land adjacent and parallel to the edge of the Resaca. The remainder of the horseshoe loop, being 37.06 acres, is not owned by Cameron County Irrigation District No. 2.

- 4.2 In relationship to Line 20, the upstream end of a Drainage District drain, on some maps designated F Section 1, is north of Line 20 at the west right-of-way of North Sam Houston Boulevard near the intersection of Line P and the Main Canal. There is a pipe/culvert under North Sam Houston Boulevard by which stormwater from land in the horseshoe loop easterly of North Sam Houston Boulevard enters the F Section 1 Drain. During the July 2021 rain event, there was no issue with the Drainage District's drain, and the culvert under North Sam Houston Boulevard was not then, and is not now, restricted.
- 4.3 Originally, there was an open seep ditch that originated at the culvert under North Sam Houston Boulevard, and ran clockwise, adjacent and parallel to the Main Canal, to its upstream end south of Line 20 at the east right-of-way of North Sam Houston Boulevard near the intersection of Line P and the Main Canal. About 1967, the owner of the 37.06 acres piped the seep ditch. He developed the Resaca Vista Homes Condominiums in 1972. It is likely an underground drainage pipe that carries stormwater from Resaca Vista Homes Condominiums intersects the piped seep ditch at or near the northwesterly corner of the property developed as Resaca Vista Homes Condominiums. A preliminary investigation by the Drainage District suggests that there is a restriction in the piped seep ditch, near the northwesterly corner of the property owned by Resaca Vista Homes Condominiums. Whether the pipe has collapsed or is just clogged can only be determined by uncovering the pipe where the problem is suspected.
- 4.4 Cameron County Irrigation District No. 2 is willing to convey the seep ditch to Cameron County Drainage District No. 3.
- 4.5 Mr. Jarvis stated that he believes water is topping the berm of the Main Canal and is flooding his property. The Drainage District's preliminary study found no breach of the berm, which suggests the water is coming from the lake (lago) in Palma del Lago Subdivision. The Drainage District found no inlet into the piped seep ditch for Palma del Lago Subdivision.

Following a discussion, the Drainage District's Board stated that the District is willing to accept the assignment of the seep ditch on the following conditions. First, the boundary line of the land owned by Cameron County Irrigation District No. 2 will have to be determined by a survey. Second, the piped seep ditch will have to be located. Third, if there is not enough room in the land owned by Cameron County Irrigation District No. 2 to maintain the seep drain, the adjoining owners will have to convey a right-of-way so the Drainage District can maintain the seep ditch. Fourth, if it has sufficient right-of-way, the Drainage District will uncover as much of the pipe as necessary to find the restriction. Fifth, if the Drainage District deems it necessary, it will remove all or part of the pipe and return it to an open ditch.

5. Detention Basins. The Cameron County Engineer appeared and advised that the County is revising its subdivision regulations. Where detention basins are required, the owner/developer often fails to maintain the detention basins. The County would like for the Drainage District to accept responsibility for all detention basins within the District constructed after the effective date of the revised subdivision regulations. The Board advised that it would study the request. It was noted that if the District is willing to accept detention basins, the detention basins would have to be adjacent to a drain ditch.
6. Grants. TWDB #40023 Flood Protection Study-Texas Water Development Board Grant/Hydrologic and Hydraulic Model Update. It is anticipated that the grant will be funded soon.
7. Equipment—Brushcutter. The District's insurance claim for the brushcutter destroyed by fire

on March 3, 2021 was settled on May 24, 2021. The insurance company paid \$75,133.34.

8. Russell Main Drain: Private Road Crossing in Block 4, Parker Tract Subdivision owned by Porfirio and Nicanor Vasquez and Their Respective Spouses. The demand that the crossing be upgraded was sent to and received by the owners. Mr. Porfirio Vasquez met with Manager Lambert to discuss the possibility of the owners paying the District to acquire and install the required box culverts. Manager Lambert is studying the request and will report to the Board at the next meeting. Manager Lambert noted that due to the size of culverts required, the District would not be able to install the box culverts with its employees and equipment.
9. Agreements/Rights-of-Way/Permits/Interlocal Cooperation Contracts.
 - 9.1 Drain C/Drain C-Right–License for Down Drain in Block 179, San Benito Land & Water Co. for UTRGV Neuroscience Facility/Building. Should be finalized soon. The person handling this transaction has advised that the License Agreement has been sent to the person authorized to execute the documents on behalf of the University of Texas System.
 - 9.2 Los Fresnos Outlet. San Jose Nagel 7 Subdivision. The facility being crossed is an irrigation canal, not a Drainage District Drain. Accordingly, no license agreement needs to be issued by the Drainage District.
 - 9.3 Drain 383: Request of Ciro and Rhonda Garza for Road Crossing. License Agreement not completed.
 - 9.4 Request of Chet Monigold, Owner of 8.3 Acre Tract Out of Block 257, San Benito Land & Water Company Subdivision [Volume 1, Page 25, Map Records], being developed as Las Villas Del Rio Subdivision, for License Agreement. Still no response from the landowner and developer. The owner/developer wants to put stormwater into the Irrigation District seep ditch in the southeast corner of the block. However, the Drain Supervisor reports that the under-drain is in the northeast corner of the block.
 - 9.5 Liberty Estates Phase II, being 10.64 acres out of Blocks 5, 6, 12, Cunningham’s Subdivision of Block 35, SBL&WCo.

It was noted at the May 10, 2021 meeting that the Owner/Developer filed the Plat of Phase II in the Map Records without obtaining the approvals of the Drainage District and Cameron County Irrigation District No. 2. The plat dedicates a 40 foot strip to the Irrigation District adjacent and parallel to the canal. Since the plat was not submitted to the Irrigation District, the strip has not been accepted by the Irrigation District.

- (a) Report–July 2021 Rain Event. Residents of Phase I complain of flooding in July worse than in prior rain events. As discussed at the June 14, 2021 meeting, the reason for flooding in a May 2021 rain event was undoubtedly due to the one 36-inch underdrain installed under Lateral A being too small to handle stormwater runoff from both Phases. The owner/developer proposes to install a second 36-inch diameter underdrain under Lateral A for Phase II. Manager Lambert noted that the July 2021 rain event evidenced the additional underdrain may not solve the Owner/Developer’s problem because road crossings downstream of Block 35 may need to be upgraded also.
- (b) Conveyance of Seep Ditch on North Side of Lateral A to Drainage District–Status Report. Deed not prepared pending resolution of other issues.
- (c) Upgrade of Underdrains–Status Report. The Owner-Developer is not making any improvements pending resolution of other issues. The Notes page to the plat, Cabinet 1, Page/Slot 4065, Map Records of Cameron County, Texas shows a 30 foot strip running west from the northwesterly corner of Phase II

to a point approximately 337 feet, thence southerly to the seep ditch on the north side of Lateral A. The Owner/Developer has constructed a drain in the 30 foot strip. The Notes state that this drain will be privately owned. In order to maintain what is presently a seep ditch, a culvert will have to be installed in the private drain for the passage of Drainage District equipment maintaining the seep ditch.

- (d) Road Crossings Downstream of Phases I & II. As mentioned above, the structures where F.M. 2520, also known as South Sam Houston Boulevard, crosses Drain B-2, and crossings where various roads cross Drain B-3, may need to be upgraded. The crossings will have to be studied to determine what needs to be done, the cost, and the timetable.

10. Donations.

10.1 Drain A-6: Offer of Eduardo Cañas to Donate 80 Foot Wide Strip of Land Dedicated as "Drain Ditch ROW" on Plat of Cañas Subdivision [Cabinet 1, Page/Slot 48-A, Map Records]. Donation deed completed. Donation deed recorded on August 2, 2021.

10.2 Drains in Territory North of Arroyo Gardens (Shares 12 and 22, Espiritu Santo Grant). Manager met with the owners on August 4, 2021 to discuss the drains to be conveyed to the District. The District Engineer has not completed the metes and bounds descriptions.

11. Annexation of Territory North of Arroyo Gardens (Shares 12 and 22). No change in status. Discussed under Agenda Item 9.2.

12. Budget—Proposed for Fiscal Year Beginning October 1, 2021 and ending September 30, 2022. A proposed budget for the Fiscal Year beginning October 1, 2021 was presented and discussed. The motion was made and seconded that the proposed budget be accepted and final action on the proposed budget be taken at a meeting to be held on August 24, 2021 at 9:00 a.m. Following a discussion, the motion unanimously carried.

13. Tax Rate for 2021. It was proposed that the District adopt a tax rate of \$0.147218 per \$100 valuation for calendar year 2021. The motion was made and seconded that the proposed tax rate of \$0.147218 per \$100 valuation for calendar year 2021 be accepted, that final action on the proposed tax rate be taken at the August 24, 2021 meeting, and the required notice of public hearing on tax rate be published as required by law. Following a discussion, the motion unanimously carried.

14. Tax Rate for 2021. It was noted that the Tax Code, as amended, requires that a person be designated to calculate No-New-Revenue Tax Rates and Voter Approval Rates and to certify the Tax Rate Calculation Worksheets for the District. A resolution was adopted at the August 10, 2020 meeting designating the Manager of the District, presently Sonia Lambert, as the person designated to calculate the No-New-Revenue Tax Rates and Voter Approval Rates and to certify the Tax Rate Calculation Worksheets for the District for the year 2020. The Cameron County Tax Assessor-Collector wants this action to be done each year, but accepted the resolution adopted in 2021. To make it clear that the Manager of the District is the designated person each year, a resolution was presented. Following a discussion, the motion unanimously carried.

15. Reports.

15.1 Financial.

- (a) Financial Report for Month of June 2021. Presented and reviewed.
- (b) Financial Report for Month of July 2021. Presented and reviewed
- (c) Financial Report for Current Fiscal Year Through July 31, 2021. Presented and reviewed.
- (d) Investment Report for Second Quarter 2021. Presented and reviewed. It was noted that due to the need to have cash to pay for the District's portion of the

grants, the District presently has no certificates of deposit. The interest rate on the District's checking account is higher than the CD rate. The motion was made and seconded that there be no change in the District's investment policy. Following a discussion, the motion unanimously carried.

15.2 Manager. All matters discussed under other Agenda items.

15.3 Attorney.

(a) *Cameron County Drainage District No. 3 and Cameron County Irrigation District No. 2, et al. vs. City of San Benito.* Report on Court of Appeals decision. No change in status.

(b) Covid-19 Pandemic. The Governor has declared that beginning in September 2021, the special rules allowing meetings by telephone and teleconference will be rescinded. It was noted that this will not affect the District because it resumed meetings in person in June 2021.

15.4 Engineer. No report. Not present.

15.5 Drain Supervisor. Report of work accomplished in the months of June and July 2021 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 The motion was made and seconded that issuance of the following checks issued between the June 14, 2021 meeting and this meeting be ratified:

13377 : First Community Bank	Payroll 06/24/21	\$30,459.78
13378 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$422.77
13379 : AFLAC	Health Insurance	\$386.04
13380 : Blue Cross & Blue Shield	Health Insurance	\$14,526.12
13381 : Dainamik	GPS Monitoring	\$1,015.00
13382 : Firestone	Machine Repairs	\$1,386.52
13383 : Lincoln National Life	Life Insurance	\$255.84
13384 : TWCA RMF	Liability and W/C Insurance	\$32,706.00
13385 : Wilcac Life Insurance	Insurance	\$21.67
13386 : First Community Bank	Payroll 07/08/21	\$30,907.06
13387 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$422.77
13388 : Allstate Insurance Company	Insurance	\$74.67
13389 : AguaWorks Pipe & Supply	Drain Repairs	\$655.80
13390 : AT&T Mobility	Wireless Phone	\$214.50
13391 : Cameron County Irrigation Dist. #2	Reimbursement	\$26,157.24
13392 : Commercial Billing	Machine Repairs	\$188.79
13393 : Dainamik	GPS Monitoring	\$1,015.00
13394 : East Rio Hondo Water Supply Corp.	Office/Shop/Warehouse: Water Bill	\$72.76
13395 : Gateway Printing	Office Supplies	\$132.62
13396 : Gigabit Communications	Uverse/Internet	\$200.00
13397 : H & V Equipment	Machine Repairs	\$1,268.33
13398 : Hollon Oil Company	Hydraulic Oil	\$1,384.60
13399 : J & M Hydraulics	Machine Repairs	\$1,031.56
13400 : John Deere & Company	Machine Repairs	\$1,358.89
13401 : Sonia Lambert	Phone Allowance	\$125.00
13402 : O'Reilly Auto Parts	Machine Repairs	\$1,770.81
13403 : Ortega, Federico	Phone Allowance	\$829.50
13404 : Rio Grande Concrete	Machine Repairs	\$76.21
13405 : Rey's Tire Service	Flat Repairs	\$899.00
13406 : South Texas Bolt & Supply	Machine Repairs	\$309.42
13407 : Nelda Solorio	Janitorial	\$220.52
13408 : Triple S Steel	Safety	\$478.73
13409 : Lucinda Trevino	Janitorial	\$220.52
13410 : Unifirst	Uniforms	\$660.05
13411 : David Ybarra	Janitorial	\$318.00
13412 : Sonia Lambert	Website Annual	\$47.70
13413 : Texas Refinery Corp.	Moly Grease	\$849.50

13414 : First Community Bank	Payroll 07/22/21	\$35,090.90
13415 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$422.77
13416 : First Community Bank	Payroll 08/05/21	\$34,304.75
13417 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$422.77
TOTAL		<u>\$223,310.48</u>

Following a discussion, the motion unanimously carried.

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

13418 : AFLAC	Health Insurance	\$386.04
13419 : Alamo Distribution	Safety Supplies	\$449.22
13420 : Allstate Insurance Co.	Insurance	\$74.67
13421 : AT&T Mobility	Wireless Phone	\$246.52
13422 : Blue Cross & Blue Shield	Health Insurance	\$14,526.12
13423 : Cameron County Clerk	Deposit: Copies, Filing Fees, and Notices	\$250.00
13424 : Central Plumbing & Electric	Other Repairs	\$60.12
13425 : Cameron County Irrigation Dist. #2	Reimbursement	\$22,977.31
13426 : East Rio Hondo Water Supply Corp.	Office/Shop/Warehouse: Water Bill	\$72.36
13427 : ESRI, Inc.	ARCGIS	\$200.00
13428 : Firestone	Machine Repairs	\$1,013.98
13429 : Gigabit Communications	Uverse/Internet	\$200.00
13430 : H & V Equipment	Machine Repairs	\$1,526.42
13431 : Hollon Oil Company	Hydraulic Oil	\$1,912.00
13432 : Holt Company of Texas	Machine Repairs	\$3,868.36
13433 : Iafsa USA	Machine Repairs	\$13,788.60
13434 : J & M Hydraulics	Machine Repairs	\$593.73
13435 : John Deere & Company	Machine Repairs	\$2,993.43
13436 : Sonia Lambert	Phone Allowance	\$410.78
13437 : Made Rite Janitorial Supply	Office/Janitorial	\$133.90
13438 : O'Reilly Auto Parts	Machine Repairs	\$966.38
13439 : Federico Ortega	Phone Allowance	\$45.00
13440 : Rey's Tire Service	Flat Repairs	\$340.00
13441 : Nelda Solorio	Janitorial	\$220.52
13442 : Lucinda Trevino	Janitorial	\$220.52
13443 : TOPS-The Outdoor Power Store	Other Repairs	\$82.58
13444 : TxDOT	License Agreement	\$28.00
13445 : Texas Water Conservation Assoc. RMF	Insurance Expense	\$6,651.00
13446 : Unifirst	Uniforms	\$537.96
13447 : Wilcac Life Insurance	Insurance	\$21.67
13448 : David Ybarra	Janitorial	\$265.52
TOTAL		<u>\$75,062.71</u>

Following a discussion, the motion unanimously carried.

17. Personnel

17.1 Executive Session Pursuant to Texas Government Code Section 551.074 to Deliberate the Appointment/Hiring of an Assistant Manager. No executive session was held.

17.2 Action in Open Session Regarding the Appointment/Hiring of an Assistant Manager. Manager Lambert reminded the Board of her intention to retire effective at the close of business on May 31, 2023, and the need to hire an Assistant Manager with the plan that the Assistant Manager will replace her. A discussion followed. There was no action.

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