

June 14, 2021
San Benito, Texas

The regular meeting of the Board of Directors of Cameron County Drainage District No. 3 convened on June 14, 2021, at 2:00 p.m., at the office of the District pursuant to notice duly given as required by law. Present were Randall McMurray and Matthew McCarthy, Directors; Sonia Lambert, Manager; Freddie Ortega, Drain Supervisor; Jack Brown, Engineer; and B. R. Dossett, Attorney. Vice-President McCarthy called the meeting to order and presided.

1. Minutes. The motion was made and seconded to approve the Minutes of the May 10, 2021 meeting. Following a discussion, the motion unanimously carried.
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 Montegua 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. A license agreement is needed.
 - 3.5 Petunia Acres Subdivision–Rios Surveying (2 acres out of Block 129, ESILCo.). No change in status since the last meeting.
 - 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 Massey Subdivision–being 1.27 acres out of Lots 1-5, Block 41, Third Addition to the City of San Benito. Owner: Larry Russell Massey and Alicia Pardo Massey. Engineer: Ferris, Flinn & Medina, LLC. This plat was approved at the last meeting as the Russell Massey Subdivision. The name has been changed. The motion was made and seconded that the plat of the Massey Subdivision be approved. Following a discussion the motion carried and Vice-President McCarthy signed the plat.
 - 3.9 MJE Rodriguez Subdivision, being 2.25 acres of land out of Block 80, Espiritu Santo Irrigated Land Company Subdivision [Volume 2, Page 7, Map Records of Cameron County, Texas]. Owner: Jan M. Rodriguez. Engineer: LDG Enterprises, LLC. The plat was approved at the May 10, 2021 meeting, but President Garcia has not signed the plat. Vice-President McCarthy signed the plat.
4. Audit of Fiscal Year Ending September 30, 2020.
 - 4.1 Annual Audit. The audit for the fiscal year beginning October 1, 2019 and ending September 30, 2020 was presented.

[President Garcia arrived during the presentation of the Audit and presided the remainder of the meeting].

The motion was made and seconded that the audit for the fiscal year beginning

October 1, 2019, and ending September 30, 2020 be accepted. Following a discussion, the motion unanimously carried.

- 4.2 Single Audit. Because the District received more than \$750,000.00 in federal funds during the fiscal year ended September 30, 2020, the District must submit an audit for each grant to the Federal Audit Clearing House. The District received only one grant. The required information is submitted online, together with a scan of the District's annual audit. That is, it is not an audit prepared by a CPA. Immediately after this meeting, Mr. Berkman will work with the office staff to complete and file the single audit.
5. Grants. TWDB #40023 Flood Protection Study-Texas Water Development Board Grant/Hydrologic and Hydraulic Model Update. The revised Escrow Agreement was submitted to the Texas Water Development Board (TWDB). Otherwise, there has been no change in the status of the grant since the last meeting.
6. 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.
7. Projects.
 - 7.1 Russell Main Drain–Consider and Take Action on Request of Nicanor Vasquez Regarding Upgrade of Road Crossing in Block 4, Parker Tract Subdivision Installed Pursuant to License Agreement Dated January 12, 2000. The District granted a license to Porfirio Vasquez and wife, Gloria G. Vasquez, and Nicanor Vasquez and Maria Luisa Vasquez, for a road crossing. A 36-inch diameter pipe was installed when the crossing was constructed in 2000. Since 2007, major improvements have been made to the Russell Main Drain, including the installation of 7-foot by 7-foot box culverts upstream of the crossing. The 36-inch diameter pipe has become a major restriction of the drain, causing major flooding during the last two major rain events. Paragraph 2.7 of the License Agreement provides:

If the crossing becomes a restriction of the drainage system for any reason, upon notice from Licensor, Licensees, at Licensees' sole cost and expense, shall be responsible for removing or correcting the restriction or bottleneck (which most likely would involve the replacement or enlargement of the pipe or structure). Should Licensees fail to remove or correct a restriction or bottleneck within 30 days after having been given notice to do so, Licensor can revoke this License Agreement and remove the crossing, and Licensees shall not be entitled to any compensation or damages from Licensor.
8. Agreements/Rights-of-Way/Permits/Interlocal Cooperation Contracts.
 - 8.1 Drain B-4. First Amended Interlocal Cooperation Contract Between City of San Benito and Cameron County Drainage District No. 3 For Extension of Stookey Road to Include Utilities. No change in status since the last meeting.
 - 8.2 Drain C/Drain C-Right–License for Down Drain in Block 179, San Benito Land & Water Co. for UTRGV Neuroscience Facility/Building. The License Agreement was prepared in March. All that was needed to finalize the License Agreement was the revised plan showing the end of the discharge pipe matching the existing slope of the drain. The revised plan has been provided. The final License Agreement will be

submitted to the University of Texas System no later than tomorrow.

- 8.3 Drain 383: Request of Ciro and Rhonda Garza for Road Crossing. License Agreement not completed.
 - 8.4 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 license agreement was submitted to the owner's Engineer by email on March 29, 2021. This morning, Manager Lambert re-submitted the license agreement to the owner's Engineer.
 - 8.5 Liberty Estates Phase II. The owner/developer of Phase II has cleaned the right-of-way of the seep drain that the Irrigation District is to convey to the Drainage District. However, during the recent major rain event, homeowners in Phase I complained of flooding. The one 36-inch underdrain was too small to handle stormwater runoff from both Phases. The owner/developer plans to install a second 36-inch diameter underdrain for Phase II.
9. Donations.
- 9.1 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]. All but one of the four children have signed the donation deed.
 - 9.2 Kwood Inc.–Offer to Convey to District a Drain in Vicinity of Proposed Arroyo Colorado Estates Phase 2.
 - (a) The subdivision was platted in 1962. The subdivision includes the segment of the District's F-23 Outlet Drain that is on, and north of, Line 23. The drain in the subdivision that is south of Line 23 is not a district drain. Most of the subdivision is in a low area and prone to flooding in rain events. Although platted, much of the subdivision has never been developed--that is, the streets, utilities and other infrastructure have not been constructed. Generally, only that part of the subdivision south of Line 23 has been developed. A developer now wants to develop the heretofore undeveloped parts of the subdivision, and has offered to donate the drain south of Line 23 to the District.
 - (b) It was noted that in 2005, Kwood Inc. made the same offer, which was declined because lot lines extend to the channel of the drain and there is no room between the channel of the drain and the lot lines, to maintain the drain. Lot owners have erected fences on their lot lines, and/or put other improvements on their lots that make it impossible to maintain the subject drain. The Board was of the opinion that there is no reason for the District to change its position now. No action.
 - (c) It was noted that as to the segment of F-23 Outlet Drain on Line 23 and north of Line 23, in 2005 the District filed, at Volume 11025, Pages 20-21, Official Records of Cameron County, Texas, a NOTICE OF DRAINAGE RIGHT-OF-WAY: ARROYO COLORADO ESTATES regarding the District's right-of-way for the F-23 Outlet Drain.
10. Annexation of Territory North of Arroyo Gardens (Shares 12 and 22). No change in status. Now waiting on Engineer Brown to prepare the metes and bounds descriptions of the drains to be conveyed to the District. It was noted that the District will not accept the drain that is on the west side of, adjacent and parallel to FM 1847/Paredes Line Road because there is no room to maintain the drain from the east side of the drain.

11. Reports.

11.1 Financial.

- (a) Financial Report for Month of May 2021. Presented and reviewed.
- (b) Financial Report for Current Fiscal Year Through May 31, 2021. Presented and reviewed.

11.2 Manager. All matters discussed under other Agenda items.

11.3 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. The District has to amend its pleadings and make the City Commissioners, Mayor, City Manager, and others, parties to the suit.
- (b) Covid-19 Pandemic. The Governor has declared that governmental entities can not require the wearing of masks; governmental entities can only recommend the wearing of masks. It was noted that this is the first in person meeting of the Board since the Pandemic was declared in March 2020.

11.4 Engineer. All matters discussed under other Agenda items.

11.5 Drain Supervisor. Report of work accomplished in the month of May 2021 presented.

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

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

12.1 The motion was made and seconded that issuance of the following checks issued between the May 10, 2021 meeting and this meeting be ratified:

13325 : Lucio's Tire Repair	Flat Repairs	\$150.00
13326 : First Community Bank	Payroll 05/13/21	\$30,820.74
13327 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$422.77
13328 : First Community Bank	Payroll 05/27/21	\$30,977.76
13329 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$422.77
13330 : VOID		-0-
13331 : James Mata	Roof Repair	\$4,200.00
13332 : First Community Bank	Petty Cash	\$560.13
13333 : First Community Bank	Payroll 06/10/21	\$30,719.86
13334 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$422.77
TOTAL		\$98,696.80

Following a discussion, the motion unanimously carried.

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

13335 : Advance Professional	Machine Repairs	\$128.30
13336 : AFLAC	Health Insurance	\$386.04
13337 : A4 Auto Supply	Auto Repairs	\$310.51
13338 : Allstate Insurance Co.	Insurance	\$74.67
13339 : AguaWorks Pipe & Supply	Drain Pipe	\$2,348.60
13340 : AT&T Mobility	Wireless Phone	\$191.90
13341 : Blue Cross & Blue Shield	Health Insurance	\$14,526.12
13342 : Brown, Leal & Associates	Engineering	\$520.00
13343 : Cameron Appraisal District	Quarterly Appraisal Fees	\$11,219.50
13344 : Cameron County Irrigation Dist. #2	Reimbursement	\$12,699.01
13345 : Commercial Billing	Machine Repairs	\$73.56
13346 : East Rio Hondo Water Supply Corp.	Office/Shop/Warehouse: Water Bill	\$66.83
13347 : ESRI, Inc.	ARC GIS	\$200.00
13348 : Gigabit Communications	Uverse/Internet	\$200.00
13349 : Goode Electric Company	Pump Repairs	\$90.00
13350 : Grajale's Tire Shop	Flat Repairs	\$265.00
13351 : Hollon Oil Company	Hydraulic Oil	\$1,863.39

13352 : Holt Company of Texas	Machine Repairs	\$2,077.88
13353 : Iafsa USA	Machine Repairs	\$1,140.74
13354: John Deere & Company	Machine Repairs	\$7,076.74
13355 : J & J Tire & Auto	Auto Repairs	\$1,779.84
13356 : Sonia Lambert	Phone Allowance	\$125.00
13357 : Lincoln National Life	Life Insurance	\$246.00
13358 : Luis Coronado	Welding Repairs	\$2,030.00
13359 : McCoy's	Machine Repairs	\$62.96
13360 : O'Reilly Auto Parts	Machine Repairs	\$370.22
13361 : Federico Ortega	Phone Allowance	\$45.00
13362 : Pitney Bowes	Postage Meter	\$178.68
13363 : Rio Grande Concrete	Drain Repairs	\$106.89
13364 : Rio Hondo Lumber & Supply	Drain Repairs	\$170.19
13365 : Rey's Tire Service	Flat Repairs	\$255.00
13366 : South Texas Bolt & Supply	Machine Repairs	\$73.05
13367 : Nelda Solorio	Janitorial	\$275.65
13368 : Tarpon Fire & Safety	Safety	\$317.00
13369 : Triple S Steel	Safety Supplies	\$879.93
13370 : Lucinda Trevino	Janitorial	\$275.65
13371 : Unifirst	Uniforms	\$526.24
13372 : Utility Trailer Sales	Machine Repairs	\$54.47
13373 : Wilco Life Insurance	Insurance	\$21.67
13374 : Wylie Case	Machine Repair	\$1,840.00
13375 : David Ybarra	Janitorial	\$407.15
13376 : Dossett Law Office	Legal Fees	<u>\$3,909.00</u>
TOTAL		\$69,408.38

Following a discussion, the motion unanimously carried.

13. Mandatory Annual Cyber-Security Training. It was noted that board members must annually take a cyber security training course approved by the Texas Department of Information Resources (DIR), and that this year the DIR has an on-line course, whereupon Directors Ronaldo Garcia, Matthew McCarthy, and Randall McMurray took and completed the DIR's on-line course.
14. Adjournment. There being no further business, the meeting was adjourned.