

March 9, 2020  
San Benito, Texas

The regular meeting of the Board of Directors of Cameron County Drainage District No. 3 convened on March 9, 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 February 10, 2020 meeting were presented and reviewed. It was noted that the plat of A.M. Betancourt Subdivision, being 1.0 acre out of Block 15, San Benito Land & Water Company Subdivision, was on the Agenda of the February 10, 2020 meeting, and that there was no action because the final plat (mylar) was not presented. The motion was made and seconded that the Minutes of the February 10, 2020 meeting, as corrected, be approved. Following a discussion, the motion unanimously carried.
2. Public Comment Period. No one appeared.
3. Subdivisions.
  - 3.1 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. No action.
  - 3.2 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. 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]. The final plat (mylar) was not presented for signing. No action.
  - 3.4 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]. No discussion. No action.
  - 3.5 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.
  - 3.6 Toth-Greer Subdivision, being a replat of a 2.74 acre tract comprised of the north 60.0 feet of Lot 1, Frank R. Smith Unit 2, recorded in Volume 23, Page 37, Map Records of Cameron county, Texas, and all of Lot 3R, Block 1, Harlingen Towne Centre Subdivision No. 2, recorded in Cabinet 1, Page 2013A, Map Records of Cameron County, Texas. Owner/Developer: Tibor Investments, LLC. Engineer: Ferris, Flinn & Medina, LLC. It was noted there are no District drains or drainage facilities in the property. It was also noted there are general drainage easements, rights-of-way and dedications on the plat. The motion was made and seconded that the plat of Toth-Greer Subdivision is approved subject to the condition that Cameron County Drainage District No. 3 does not accept any of the general drainage easements, rights-of-way, and dedications on the plat. Following a discussion, the motion unanimously carried.
  - 3.7 A.M. Betancourt Subdivision, being 1.0 acre out of Block 15, San Benito Land & Water Company Subdivision. The final plat (mylar) was not presented. No action. It was noted that this plat was on the Agenda of the February 10, 2020 meeting, and that there was no action because the final plat (mylar) was not presented at the February 10, 2020, meeting.

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. Manager Lambert is scheduled to meet with County Commissioner David Garza next week to discuss a joint program with the County.

5. Election: May 2, 2020.

5.1 Status Report. Secretary McMurray presented a Certificate of Unopposed Status and announced there is only one candidate for the one term to be filled at the May 2, 2020 election, being Randall McMurray. President Garcia accepted the Certificate of Unopposed Status.

5.2 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 2, 2020, 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 one (1) Director is 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 3, Four (4) Years beginning May 15, 2016

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

Place 3 Randall McMurray

**WHEREAS**, in accordance with TEXAS ELECTION CODE, Chapter 2, Subchapter C, it is hereby determined and found that for Place 3, only one person filed an Application for a Place on the Ballot; no one filed a Declaration of Write-in Candidacy; there being only one candidate for Place 3, said candidate is unopposed; and that no proposition is to appear on the ballot;

**WHEREAS**, Texas Election Code § 2.51 provides that an election may be cancelled if all filing deadlines have passed, each candidate for an office listed on the ballot is unopposed, and 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 2, 2020, is hereby canceled.
2. That each of the following unopposed candidates is hereby elected:  
Place 3 Randall McMurray. 4 years, beginning May 15, 2020
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.

6. Vehicles/Equipment.

6.1 Pickup Purchased at January 13, 2020 Meeting. The pickup was delivered and is in service:

Unit #69      2020 Ford F150 Super Crew truck, VIN #1FTEW1C57LKD73837

6.2 Purchase of Backhoe. Doggett Heavy Machinery and Nueces Power Equipment submitted bids for one backhoe:

Doggett Heavy Machinery	\$108,578.00	one John Deere 410L Backhoe Loader
Nueces Power Equipment	\$104,500.00	one Case 590SN 4wd Backhoe Loader

Field Supervisor advised that both machines meet the District's specifications and both are responsible bidders. The motion was made and seconded that the low bid of Nueces Power Equipment in the amount of \$104,500.00, for one Case 590SN 4wd Backhoe Loader be accepted, and Manager Lambert be authorized to sign the documents necessary to finalize the purchase. Following a discussion, the motion unanimously carried.

6.3 Disposal of Equipment.

- (a) Manager Lambert reported that these items are no longer operable and have no salvage value:

Air Compressor	HON 4 drawer file cabinet
Air Compressor	IPad Key board 1
ArcGIS 9.2 Software	IPad Keyboard 2
Brother HLL 2360DW	IPad Keyboard 3
Brother HLL 6200DW	IPad Keyboard 4
Dell Keyboard KM632	Lexmark E240N Printer
Dell Photo Scan Printer	Lexmark E260 Printer
HON Chair	Lexmark E260 Printer
HON Chair	Victor 2640 Calculator

The motion was made and seconded that the items are declared to be surplus and shall be removed from the inventory of District assets, and the items be destroyed and the remains pitched into the garbage dumpster. Following a discussion, the motion unanimously carried.

- (b) Manager Lambert reported that these items are not needed by the District and might have value.

Apple iPad 1	Apple iPad 3	HP OfficeJet 7610 Printer
Apple iPad 2	Apple iPad 4	

The motion was made and seconded that the items are declared to be surplus and shall be removed from the inventory of District assets; the items be sold by whatever method is economically feasible; and if no one purchases an item, or sale of an item is not economically feasible, all items not sold shall be destroyed and the remains pitched into the garbage dumpster. Following a discussion, the motion unanimously carried.

7. Projects.

7.1 NRCS Disaster Relief/EWP Grant for Repairs.

- (a) Status Report. Manager Lambert received and signed the project agreement last week. The contract requires the work to be completed by about June 18, 2020, but the grant administer, the Natural Resources Conservation Service, advised that it is aware that an extension will be necessary. It is the goal of the District to complete as much of the project as possible before an extension is requested.
- (b) Bidding. Engineer Brown advised that the required advertisement for bids will be published on March 23, 2020. The bid package has been prepared so that parts of the project can be awarded to different contractors. The motion was made and seconded that the plans and the advertisement for bids be approved. Following a discussion, the motion unanimously carried.

7.2 Drain A Improvements Grant. The grant still has not been closed out. No action required of the District at this time.

7.3 East Line Drain Relief Project 2012. No change in status since the February 10, 2020 meeting.

7.4 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 still has not yet met with the Russells.

- (b) Straightening of Russell Main Drain in Block 4, Parker Tract. Engineer Brown presented no recommendations.
- 7.5 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 (south side of Liberty Estates Phase II). Discussed under Agenda Item 3.5.
- 7.6 Documenting Rights-of-Way for Drains in Blanket Easements. No change in status.
- 7.7 Other Projects. None.
- 8. Annexation of Territory North of Arroyo Gardens (Shares 12 and 22).
  - 8.1 Annexation Petitions. Petitions not completed.
  - 8.2 Donations of Drains in Annexed Territory. Waiting for Engineer Brown to provide descriptions.
- 9. Agreements/Rights-of-Way/Permits/Interlocal Cooperation Contracts.
  - 9.1 Drain B-3: SBCISD Request for Road Crossing for Natatorium and Performing Arts complex. The License Agreement has been finalized.
  - 9.2 Drain E-1 and Drain E. Agreement for relocation of School District's down drain inlet from District property to School District property has been presented to the School District. The District has received no response from the School District.
  - 9.3 Drains Crossed by FM 509: Request of Military Highway Water Supply Corporation for Waterline to Cross Drains. License Agreement not completed. MHWSC has advised that it plans to construct one twelve inch (12") diameter waterline on the west side of, adjacent and parallel to F.M. 509, from a point at or near the intersection of F.M. 509 and U.S. Highway 281, also known as Military Highway, to a point at or near the intersection of F.M. 509 and F.M. 800, and will cross:
    - (a) DRAIN A EXTENSION, all of which is piped
    - (b) DRAIN A-1, an open drain
    - (c) DRAIN R, an open drain.
 The plans submitted show the waterline being run over the Drain A Extension pipeline, and over the culverts installed in the other two drains where F.M. 509 crosses the drains, whereas the District requires that utilities run under District culverts and pipelines by boring. Director McMurray stated that it is his understanding the waterline has already been installed.
  - 9.4 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 2020. The signed license agreement must be signed by the City and AEP. The City delivered the License Agreement to the District this morning, signed only by the City and without payment of the required fees. The City has been told that the City must handle getting AEP to sign, and that the District will not finalize the License Agreement until AEP signs and all fees are paid.
  - 9.5 La Gloria Drain also known as McMurray Drain: Request of AEP for Down Drain. AEP still has not delivered the signed license agreement to the District.
  - 9.6 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 advised it will not construct any new road crossings and wants the License Agreement finalized at the Board's April 2020 meeting. However, the Developer still has not provided the plans and information necessary to complete the license agreement.

- 9.7 Acciona Energy USA Global, LLC--Request for License Agreement For Aerial and Underground Electric Transmission Line Crossings for La Chalupa Wind Farm. License agreement not finalized. The required exhibits still have not been submitted. Rather than raise the aerial transmission line to comply with the District's height requirement, Acciona may propose piping the drains where crossed by the aerial transmission line, thereby eliminating the need to work under the aerial transmission line with boomed equipment.
  - 9.8 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. Acciona has advised that it has not finalized its agreement with ERHWSC for the waterline.
  - 9.9 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. Draft of license agreement not completed.
  - 9.10 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.
  - 9.11 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.
  - 9.12 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.
  - 9.13 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.
  - 9.14 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.
  - 9.15 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.
  - 9.16 US 77/83 Parallel Corridor Project [US 77/83 SPC Phase II]. Issue with County still not resolved.
  - 9.17 Request of AEP/Percheron for Fiber Optics Cable on Existing Electric Transmission Line. Required information still not presented. No action.
10. Donations.
- 10.1 Drain A Bypass Drain in Blocks 76R, 78R, 79A, and 102: Resurvey of Rice Tract Subdivision. The donation has been finalized.
  - 10.2 Drain A-6: Eduardo Cañas and Carlos Leal offer to donate 80 foot wide strip of land dedicated as "Drain Ditch ROW" on plat of Cañas Subdivision [Cab. 1, Page/Slot 48-A, Map Records]. The District's staff has not completed its study. Aerial

photographs suggest that fences and driveways of the adjoining lot owners do not extend into the right-of-way. Rather, the problem is that when the plat prepared and filed in 1977, it was not submitted to the District for its review and approval, and there is less than 20 feet between the channel of drain and the lot lines.

- 10.3 Randall Crane: Donation of Drains in Blocks 214 and 213, San Benito Land & Water Co. No change in status since the last meeting.
- 10.4 Drain Along Line Common to Blocks 83 and 88, Espiritu Santo Irrigated Land Company Subdivision. No change in status since the last meeting.
- 10.5 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.
11. Watershed Studies: Drainage Watershed Study-Town of Combes Lead Entity. The Town of Combes has advised that the application is almost ready for submission.
12. Website. Manager Lambert anticipates the website will be online by the end of March 2020.
13. Interlocal Cooperation Contract with Cameron County Irrigation District No. 2. The Board of Cameron County Irrigation District No. 2 will take action on this item at its March 12, 2020 meeting.
14. Reports.
  - 14.1 Financial.
    - (a) Financial Report–February 2020. Presented and reviewed.
    - (b) Financial Report for Fiscal year though February 29, 2020. Presented and reviewed.
  - 14.2 Manager.
    - (a) Update of District’s Hydrologic and Hydraulic Model. The engagement letter has not been received.
    - (b) Car Wrap Advertising Scam. Fake Drainage District checks are being issued by scam artists. This scam involves a car owner agreeing to put signs/decals on the owner’s car to advertise a business. The scam artist submits to the car owner a check, for example in the amount of \$5,000.00, which appears to have been issued by the advertiser- business. The car owner is told to deposit the check, keep an agreed amount, say \$500.00, and immediately send the remainder to the graphic designer via money order or wire transfer. The designer is supposed come and put the signs/decals on the car. It will take days for the problem to be discovered. In the meantime, the scam artist has the cash. When the check bounces, the car owner is ultimately legally responsible for the missing money. The District learned of the scam before any fake checks had been submitted to the District’s depository. Now, each day the District issues checks, the District submits a list of the checks to the depository, which only honors the checks listed.
  - 14.3 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 still has not rendered its decision.
  - 14.4 Engineer. All matters discussed under other Agenda items.
  - 14.5 Drain Supervisor. Report of work accomplished in the month of February 2020 presented.
  - 14.6 City of San Benito. No one appeared on behalf of the City.

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

15.1 The motion was made and seconded that issuance of the following checks between the February 10, 2020 meeting and this meeting be ratified:

12592 : J & J Tire and Auto	Auto Repair	\$1,048.31
12593 : First Community Bank	Payroll [02/20/2020]	\$29,318.97
12594 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$602.77
12595 : Valley Appraisal Service	El Ranchito Appraisal	\$1,750.00
12596 : First Community Bank	Petty Cash	\$460.52
12597 : Boswell-Elliff Ford	2020 F150 Unit 69	\$25,563.75
12598 : First Community Bank	Payroll [03/05/2020]	\$34,915.40
12599 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$602.77
TOTAL		<u>\$94,262.49</u>

Following a discussion, the motion unanimously carried.

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

12600 : AFLAC	Health Insurance	\$50.31
12601 : Alamo Distribution	Machine Repairs	\$1,554.19
12602 : Allegra Printing	PO Books	\$405.36
12603 : Allstate Insurance Co.	Insurance	\$74.67
12604 : Amigo Bolt & Supply	Machine Repairs	\$78.09
12605 : AT&T Mobility	Wireless Phone	\$205.69
12606 : Blue Cross & Blue Shield	Health Insurance	\$13,890.00
12607 : Boswell-Elliff Ford	Auto Repairs	\$87.91
12608 : Cameron Appraisal District	Quarterly Assessment	\$9,952.25
12609 : Cameron County Irrigation Dist. #2	Reimbursement	\$13,044.78
12610 : Commercial Billing	Machine Repair	\$137.05
12611 : City of Brownsville	Disposal	\$1,925.00
12612 : Dainamik	GPS Monitoring	\$770.00
12613 : East Rio Hondo Water Supply Corp.	Office/Shop/Warehouse: Water Bill	\$71.56
12614 : Fast Signs	Safety	\$167.78
12615 : Firestone	Auto Repairs	\$238.78
12616 : Gateway Printing	Office Supplies	\$368.06
12617 : Gigabit Communications	Uverse/Internet	\$200.00
12618 : Grajale's Tire Shop	Flat Repairs	\$17.00
12619 : Nelda Hernandez	Janitorial	\$834.43
12620 : Hollon Oil Company	Hyd Oil	\$1,407.65
12621 : John Deere Financial	Machine Repairs	\$731.08
12622 : Sonia Lambert	Phone Allowance	\$125.00
12623 : Lincoln National Life	Life Insurance	\$216.48
12624 : McCoy's Lumber Company	Machine Repairs	\$102.16
12625 : Office Depot	Office Supplies	\$113.10
12626 : Ortega, Federico	Phone Allowance	\$45.00
12627 : Rio Grande Concrete	Safety	\$210.38
12628 : Texas Refinery Corp.	Moly Grease	\$719.28
12629 : Texas Water Conservation Association	Member Dues	\$715.00
12630 : Lucinda Trevino	Janitorial	\$220.52
12631 : Tractor Supply Corp.	Machine Repairs	\$2,451.35
12632 : Texas Water Conservation Association	Insurance Liability	\$354.00
12633 : Unifirst	Uniforms	\$546.54
12634 : Wilco Life Insurance	Life Insurance	\$21.67
12635 : Wylie Case	Machine Repairs	\$1,788.03
12636 : David Ybarra	Phone Allowance	\$265.52
12637 : Brown, Leal & Assoc.	Engineering Services	\$7,903.50
12638 : Dossett Law Office	Legal Fees	\$3,150.00
12639 : H & V Equipment	Machine Repairs	\$2,188.19
12640 : Sonia Lambert	TWCA Conference	\$785.11
12641 : Lucio's Tire Shop	Flat Repairs	\$125.00
12642 : Matt's Cash & Carry	Drain Repairs	\$193.03
12643 : O'Reilly Auto Parts	Machine Repairs	\$3,261.73
TOTAL		<u>\$71,712.23</u>

Following a discussion, the motion unanimously carried.

16. 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 14.3. No executive session held.

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