

November 30, 2023
San Benito, Texas

The regular meeting of the Board of Directors of Cameron County Drainage District No. 3 convened on November 30, 2023, at 10:40 a.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, General Manager; Craig Harmon, Assistant General Manager; Freddie Ortega, Drain Supervisor; Jack Brown, Engineer; and B. R. Dossett, Attorney. President Garcia called the meeting to order and presided. It was noted that Matthew McCarthy appeared for the November 13, 2023 meeting but the meeting was not held due to a lack of a quorum, and rescheduled to this date.

1. Minutes. The Minutes of the October 16, 2023 regular meeting were presented and reviewed. The motion was made and seconded that the Minutes of the October 16, 2023 regular meeting be approved. Following a discussion, the motion unanimously carried.
2. Public Comment Period. No one appeared. No written comments were received.
3. Subdivisions.
 - 3.1 Pomelo Bend Subdivision. It was noted that most of the land being subdivided is out of that part of Share 15, Espiritu Santo Grant, labeled "Rio Grande Canal Co. 66.3 acres" on, and a small part is out that part of Share 12, Espiritu Santo Grant, labeled "N.T. Guernsey 250 acres" on, the plat of the Fresnos Land and Irrigation Company recorded at Volume 3, Page 9, Map Records of Cameron County. The property is on the west side of Olmito North Road north of, but near the point where Olmito North Road crosses the Cuates Resaca. The description of the property on the plat is in error in numerous respects, including a statement that part of the property is out of the El Jarden Resubdivision of Share 29. Owner/Developer: RG4 Development, LLC. Plat prepared by: Lorenzo Amaya Surveying. The final plat was presented for consideration at the November 13, 2023 meeting. The plat having received preliminary approval at the November 14, 2022, meeting and there being no District drains in the property, Matthew McCarthy signed the plat on November 13, 2023. The motion was made and seconded that the plat of Pomelo Bend Subdivision be approved and that the signing of the plat by Matthew McCarthy on November 13, 2023 be ratified. Following a discussion, the motion carried.
 - 3.2. Ochoa Subdivision, being the northeast 10 acres out of Block 93, San Benito Irrigation Company Subdivision. Orive Land Surveying, LLC presented a preliminary plat. It was noted that there are no District drains in the property. The motion was made and seconded that the plat of the Ochoa Subdivision receive preliminary approval. Following a discussion, the motion carried.
 - 3.3 Parra Estates, being 0.24 acres out of Lot 5 & 6, Block 12, Evans Subdivision. Owner/Developer: David Parra. Plat prepared by: Rios Surveying, LLC. Final plat presented. This subdivision fronts Business 77, west of, but near the intersection of Business 77 and McCulloch Road. There are no District drains in the property. It was noted that this plat received preliminary approval at the September 11, 2023, meeting. The motion was made and seconded that the plat of Parra Estates be approved. Following a discussion, the motion carried and President Garcia signed the plat.
 - 3.4 B-77 Phase B Subdivision, being 5.29 acres out of Lots 8 and 9 of Block 129, and Lots 5 and 12 of Block 126, San Benito Land & Water Company Subdivision. Owner/Developer: Fabian Contreras. Plat prepared by: Rio Delta Engineering. It was noted that this plat received preliminary approval at the March 13, 2023 meeting and again at the October 16, 2023 meeting, and that there are no drains in the subject property, but the subject property adjoins Drain 129 (in Lots 8, 9, and 16 of Block 129), fee title to which Fabian Contreras, *et al.* conveyed to the District by Donation Deed dated November 1, 2010, recorded at Volume 17276, Pages 35-42, Official Records of Cameron County. It was also noted that the property will drain into Drain 129, and thus a license agreement for a down drain is required, and that the drainage

plan for the subdivision provides that Drain 129 will be widened to satisfy the City of San Benito's storm water detention requirements. The final plat presented was presented for consideration at the November 13, 2023 meeting. Matthew McCarthy signed the plat on November 13, 2023. The motion was made and seconded that the plat of B-77 Phase B Subdivision be approved and that the signing of the plat by Matthew McCarthy on November 13, 2023 be ratified, and that the owner/developer be allowed to widen Drain 129 to satisfy the City of San Benito's storm water detention requirements. Following a discussion, the motion carried.

4. Audits.

4.1 Audit of Fiscal Year Ended September 30, 2022. Robert Lopez, CPA estimates that the audit is 80% completed and anticipates that it will be ready for the Board's consideration in December. The motion was made and seconded that the next Board meeting be held on December 18, 2023, at 2:00 p.m. Following a discussion, the motion carried. Manager Lambert reported that Geary Berkman died last week.

4.2 Audit of Fiscal Year ended on September 30, 2023. This audit will not commence until the audit of the fiscal year ended September 30, 2022 has been completed.

5. Equipment.

5.1 Brushcutters—Purchase of Two New Brushcutters and Disposal of Old Brushcutters. Tentative delivery of both machines is mid-February 2024. The appraised value of the machines has not yet been received, which is necessary in order to decide whether to trade-in or sell the machines being replaced.

5.2 Dozer—Purchase of New Dozer and Disposal of 2012 D6K Dozer. Tentative delivery is mid-January 2024.

5.3 Excavator—Purchase of New Long Reach Excavator and Disposal of Long Reach Excavator. Holt says that the machine will be delivered between December 10 and December 15, 2023.

6. Rancho Grande Diversion Project/Drain A Bypass Extension to River—Installation of Structure at Outfall. Scheibe Consulting, LLC is not ready to present its recommendations.

7. Projects.

7.1 East Line Drain Relief Project 2012. No change in status since the last meeting. Letters to the landowners are still not ready to mail.

7.2 TWDB #40023 Flood Protection/Infrastructure Study—Hydrologic and Hydraulic Model Update. Work continues. On schedule to be completed by the Fall 2024 deadline. Schiebe Consulting, LLC is presently working on the model of the Drain B-2 watershed, which is needed for agenda items 7.3 and 7.4.

7.3 Drain B-2: Upgrade of Pennsylvania Boulevard Road Crossing.

(a) Status Report. Scheibe Consulting, LLC is not ready to present its study and recommendations.

(b) Decisions Necessary. No decisions need to be made.

7.4 Drain B-2: Upgrade of Road Crossings Downstream from Pennsylvania Boulevard. Discussed under Agenda Item 7.3.

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

8.1 Drain 382 in South 15 Acres of North 25 Acres of Block 382, SBIC: Request of Adrian and Cathy Coronado for Road and Utility Crossings. Landowners still have

not returned signed license agreement.

- 8.2 Drain E in Block 22, San Benito Land & Water Company Subdivision–License Agreement to San Benito CISD for Four Down Drains (for Bus Barn). School District paid the license fee but still has not returned the signed license agreement.
 - 8.3 Liberty Estates Phase II, being 10.64 Acres Out of Blocks 5, 6, 12, Cunningham’s Subdivision of Block 35, San Benito Land & Water Company Subdivision. No change in status since the last meeting. Assistant Manager Harmon noted that multiple under-drains, rather than one under-drain, will be required.
 - 8.4 Drain E between La Palma Street and Stenger Street. Notice of Drain Right-of-Way not completed.
 - 8.5 Drain F-Right/F Left–Request of Randall Crane for Road Crossing. In order to complete the license agreement, the location of the crossing needs to be provided by the landowner.
9. Donation: Drains in Territory North of Arroyo Gardens (Shares 12 and 22, Espiritu Santo Grant). Late last week Rios Surveying submitted metes and bounds descriptions and survey drawings of the drains to be conveyed to the District. Upon review, it was noted corrections need to be made to the descriptions and drawings. The annexation of the land in Share 22 and the donation of the drains will be on the agenda of the December 18, 2023 meeting.
 10. Rules Revision. Not ready for Board action. Craig Harmon reported that the new City Manager is receptive to working with the District to improve the subdivision plat review and approval process. The plan is for the City to provide the District’s rules when first contacted by an owner/developer and vice-versa. A discussion followed about what the City and District can do when an owner/developers’ drainage plan is woefully inadequate to handle the internal drainage of the subdivision.
 11. Manager–Transition.
 - 11.1 Amendment or replacement of Interlocal Cooperation Contract dated July 1, 2000 with Cameron County Irrigation District No. 2. Decisions necessary to prepare the Interlocal Cooperation Contract were made at the Joint Board meeting held immediately prior to this meeting. The revised Contract will be presented to the Board at the December 18, 2023 meeting.
 - 11.2 Authorized Signers on District Bank and Financial Accounts. When the agenda was prepared, First Community Bank questioned whether Craig Harmon title’s on the bank’s records could be General Manager when in fact he will not be General Manager until January 1, 2024. The Bank has since changed its records to list Craig Harmon as General Manager, so no action is required.
14. Reports.
 - 14.1 Financial.
 - (a) Financial Report for Month of October 2023. Presented and reviewed.
 - (b) Financial Report for Fiscal Year through October 31, 2023. Presented and reviewed.
 - 12.2 Manager: Assistant Manager’ Health Insurance. No action required. A decision was made at the joint meeting held immediately prior to this meeting.
 - 12.3 Attorney.
 - (a) Eminent Domain Report for calendar year 2023. Filed on November 3, 2023.

- (b) Impact Fees. Research still not completed, but preliminary conclusions presented. A general discussion followed about impact fees and how to pay for drainage improvements needed so property can be developed.
- (c) May 4, 2024 Election. The election order can be adopted at either the January or February Board meetings. It will probably be presented for Board action at the January meeting.

12.4 Engineer. All matters discussed under other Agenda items.

12.5 Drain Supervisor. Written report of work accomplished in the month of October 2023 presented.

12.6 Report by Representative of City of San Benito. No one appeared regarding this Agenda item.

13. *Cameron County Drainage District No. 3 and Cameron County Irrigation District No. 2, et al. vs. City of San Benito.*

13.1 Status Report. The City no longer requires the Irrigation District and Drainage District sign-off paragraphs be removed from a plat before the City will consider the plat.

13.2 Consider and take action on settlement of suit. The motion was made and seconded that the Drainage District dismiss the lawsuit if the City will agree in writing that the City will not reject plats because the Irrigation District and Drainage District sign-off paragraphs are on the face of the plats. Following a discussion, the motion carried.

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

14.1 The motion was made and seconded that issuance of the following checks issued between the October 16, 2023 meeting and this meeting be ratified:

14652 : Firestone	Tractor Tires	\$4,861.96
14653 : First Community Bank	Petty Cash	\$372.22
14654 : Matt's Cash & Carry	Trailer Repairs	\$168.83
14655 : O'Reilly Auto Parts	Machine Repairs	\$1,587.93
14656 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$397.39
14657 : Lincoln National Life	Life Insurance	\$226.32
14658 : Dossett Law Office	Legal Fees	\$2,425.00
14659 : Craig M. Harmon	Seminars	\$25.00
14660 : JR ITSoftware Solutions	Programming	\$880.24
14661 : Sonia Lambert	Seminars	\$25.00
14662 : Scheibe Consulting, LLC	TWDB Project	\$1,716.25
14663 : Lucinda Trevino	Janitorial Supplies	\$174.90
14664 : Pruneda Tech Service	Toner	\$475.00
14665 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$397.39
14666 : Craig M. Harmon	TWCA Conference	\$639.80
14667 : Sonia Lambert	TWCA Conference	\$510.71
14668 : Safelite Auto Glass	Windshield Unit 71	\$188.63
14669 : AFLAC	Health Insurance	\$249.84
14670 : Allstate Insurance Co.	Insurance	\$74.67
14671 : AguaWorks Pipe & Supply	Drain Repairs	\$3,978.16
14672 : AT&T Mobility	Wireless Phone	\$229.52
14673 : Blue Cross & Blue Shield	Health Insurance	\$15,153.36
14674 : Commercial Billing	Machine Repairs	\$594.79
14675 : Dainamik	GPS Monitoring	\$910.00
14676 : Daniel Diaz	Phone Allowance	\$45.00
14677 : Douglas Diaz	Janitorial	\$96.46
14678 : Drop Dead Pest Control	Bee Removal	\$150.00
14679 : East Rio Hondo Water Supply Corp.	Office/Shop/Warehouse: Water Bill	\$82.51
14680 : Gateway Printing	Office Supplies	\$106.41
14681 : Gigabit Communications	Uverse/Internet	\$1,000.00
14682 : Grajale's Tire Shop	Flat Repairs	\$101.00
14683 : Hollon Oil Company	Hydraulic Oil	\$1,311.52
14684 : JR ITSoftware Solutions	Programming	\$1,202.37

14685 : John Deere Financial	Machine Repairs	\$3,014.03
14686 : Sonia Lambert	Phone Allowance	\$125.00
14687 : Matt's Cash & Carry	Tools	\$135.98
14688 : Nueces Power Equipment	Machine Repairs	\$855.67
14689 : O'Reilly Auto Parts	Machine Repairs	\$2,584.48
14690 : Ortega, Federico	Phone Allowance	\$45.00
14691 : Pico Propane	O/R Diesel	\$18,992.43
14692 : Rey's Tire Service	Flat Repairs	\$335.00
14693 : Nelda Solorio	Janitorial	\$357.35
14694 : Lucinda Trevino	Janitorial	\$427.25
14695 : UniFirst	Uniforms	\$479.24
14696 : Wilcac Life Insurance	Insurance	\$21.67
14697 : Wylie Case	Machine Repairs	\$2,161.74
14698 : David Ybarra	Website Maintenance	<u>\$250.00</u>
TOTAL		\$144,660.52

Following a discussion, the motion unanimously carried.

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

14699 : Dossett Law Office	Legal Fees	\$1,180.00
14700 : Lincoln National Life	Life Insurance	\$236.16
14701 : David Ybarra	GIS Training	<u>\$1,787.00</u>
TOTAL		\$3,203.16

15. Health Insurance. Proposals were presented and reviewed at the October 16, 2023 meeting under the Manager's report and the Board accepted the proposal of United Health Care for the period of December 1, 2023 to November 30, 2024. The motion was made and seconded that the acceptance of the proposal of United Health Care for the period of December 1, 2023 to November 30, 2024 be ratified and approved. Following a discussion, the motion carried.

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

approved and signed xxxxx 12/18/23

Ronaldo Garcia, President

approved and signed xxxxx 12/18/23

Matthew McCarthy, Vice President