

June 12, 2023
San Benito, Texas

The regular meeting of the Board of Directors of Cameron County Drainage District No. 3 convened on June 12, 2023, at 2:00 p.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, Manager; Rick Martinez, Assistant Manager; Jack Brown, Engineer; and B. R. Dossett, Attorney. President Garcia called the meeting to order and presided.

1. Minutes. The Minutes of the May 8, 2023 meeting were presented and reviewed. The motion was made and seconded that the Minutes of the May 8, 2023 meeting be approved. Following a discussion, the motion unanimously carried.
2. Public Comment Period. No one appeared. No written comments were received.
3. Subdivisions. No plats were presented.
4. Audit. The audit of the fiscal year ended September 30, 2022 was not submitted. A few minutes before the meeting convened, Manager Lambert was advised that the auditor, Mr. Berkman, had been hospitalized and it appears that it is unlikely that he will resume his practice. Following a discussion, the Board directed that engagement of another CPA to conduct the audit be placed on the Agenda for the July 2023 regular Board meeting.
5. Equipment.
 - 5.1 Brushcutter Purchased to Replace Brushcutter DD#33. The Dealer has advised that the machine will be delivered tomorrow, June 13, 2023.
 - 5.2 Purchase of Two Excavators and Sale of Machines Being Replaced.
 - (a) 2023 Caterpillar Model 330 Excavator, Serial No. 0LHW30333. Delivered and in service.
 - (b) 2018 Caterpillar Model 330 FL Excavator, Serial No. OMBX20429. Cameron County Irrigation District No. 2 has taken possession of the machine.
 - (c) 2023 Caterpillar Model 330 Excavator, Serial No. 0LHW30333. Delivered and in service.
 - (d) 2017 Caterpillar Model 330 FL, Serial No. MBX10485. Sale to Iafsa USA Inc. finalized. Iafsa USA has taken possession of the machine.
6. Resaca Vista Drain in Blocks 209 and 215, San Benito Land & Water Co.: Cameron County Irrigation District No. 2 Conveyance of Seep Ditch to Drainage District. A meeting of the

Resaca Vista Condominiums Homeowner's Association is scheduled for July 13, 2023.

7. Russell Main Drain: Private Road Crossing in Block 4, Parker Tract Subdivision, Owned by Porfirio and Nicanor Vasquez and Respective Spouses. The landowners still have not upgraded the crossing.
8. Projects.
 - 8.1 East Line Drain Relief Project 2012. No change in status since the last meeting.
 - 8.2 Drain B-2: Upgrade of Pennsylvania Boulevard Road Crossing.
 - (a) Status Report. The District's Engineer is working on the plans.
 - (b) City of San Benito Proposal that Removal of Sewer Line be Included in District's Contract for Installation of Crossing Upgrade. City representatives met with Manager Lambert and proposed that the District include removal of the sewer line in the District's crossing upgrade contract, and the City reimburse the District. Thereafter, the City's engineer advised in writing that the District must pay for removal of the sewer line. The motion was made and seconded that:
 - (i) the District shall not pay for removal of the sewer line,
 - (ii) removal of the sewer line shall not be included in the District's contract, and
 - (iii) the crossing upgrade commence as soon as possible after the plans are completed.Following a discussion, the motion carried.
 - (c) Other Necessary Decisions. On June 8, 2023, the Texas Division of Emergency Management (TDEM) announced that it is accepting applications for project funding under the FEMA Hazard Mitigation Grant Program (HMGP) related to the Severe Winter Storm 2023 disaster declaration [FEMA-DR-4705]. Eric Schiebe advised that grant applications can be made under this grant program for the Pennsylvania Boulevard crossing upgrade and the downstream road crossing upgrades. The application period is June 8, 2023 through November 3, 2023. The motion was made and seconded that Eric Schiebe be authorized to apply for a DR-4705 grant for the Pennsylvania Boulevard crossing upgrade and the downstream road crossing upgrades. Following a discussion, the motion carried.
 - 8.3 Drain B-2: Upgrade of Road Crossings Downstream from Pennsylvania Boulevard. Grant funding discussed under Agenda Item 8.2(c).
 - 8.4 Rancho Grande Diversion Project/Drain A Bypass Extension to River.

- (a) Status Report. Manager Lambert has contacted Rubicon Water. The next step is a meeting of Rubicon Water and District representatives at the project site. The meeting date has not been finalized, but most likely will be in July 2023. Engineer Brown advised that IBWC approval may be required, and advised that District representatives meet with IBWC and any other governmental entity whose permission or cooperation may be required. The Board directed that meetings with IBWC and any other governmental entity whose permission or cooperation may be required for installation of the Flume Gate be scheduled as soon as possible.
 - (b) Necessary Decisions for purchase of Flume Gate. No discussion. No action.
 - (c) Necessary Decision for Installation of Flume Gate. No discussion. No action.
- 8.5 Resaca Monte Detention Basin. Plans submitted and reviewed. Manager Lambert and Attorney Dossett are of the opinion that the plans conform to the District's requirements. The motion was made and seconded that the plans for the Resaca Monte Detention Basin be approved, and that Manager Lambert is authorized to sign a letter or other form documenting the District's approval. Following a discussion, the motion carried.
- 9. Agreements/Rights-of-Way/Permits/Interlocal Cooperation Contracts.
 - 9.1 Drain 382 in North 10 Acres of Block 382, SBIC: Request of Luis S. Lopez and Denise C. Lopez Revocable Living Trust for License Agreement to Install Livestock Crossing and Waterline Crossing. The License Agreement still has not been signed and returned by landowner. No action.
 - 9.2 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. License Agreement still has not been signed and returned by the landowner. No action.
 - 9.3 Drain E in Block 22, San Benito Land & Water Company Subdivision. No change in status since the last meeting.
 - 9.4 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.
 - (a) Conveyance of Seep Ditch on North Side of Lateral A to Drainage District. Deed conveying the seep ditch to the Drainage District not finalized.
 - (b) Upgrade of Underdrains-Status Report. No change in status.
 - 9.5 Russell Main Drain in Share 14, Espiritu Santo Grant: Request of East Rio Hondo Water Supply Corp. for Potable Waterline Crossings (for Madeira Waterline Project).

No change in status.

- 9.6 Los Indios #2 Drain in Block 48, Los Indios Irrigated Land Co. Subdivision: Request of United States of America for Potable Water Line Crossing for FMSCA Inspection Facility Upgrade. No change in status since the last meeting.
- 9.7 Drain D in Block 128, San Benito Land & Water Company Subdivision-Request for Down Drain License for Proposed 3C Subdivision. No change in status since the last meeting.
- 9.8 Drain E-1: Relocation of SBCISD's Down Drain Inlet on South Side of High School. The School District still has not responded to the request that the down drain be moved from the District's property to the School District's property.
- 9.9 Drain A Bypass Extension to River-Request to Construct Street Over Box Culverts Installed North of U.S. 281, also known as Military Highway. The Main Canal for the irrigation system constructed and operated by Cameron County Irrigation District No. 16 runs north in Block 100 of the Rice Tract from the pump house at the River. In 2019, CCID#16 merged and consolidated into Cameron County Irrigation District No. 2. Pursuant to an agreement with CCID#16, the Drainage District piped the Main Canal in the south 550 feet, more or less, of Block 100 that is north of U.S. 281, and installed two rows of 10 foot by 10 foot box culverts on the west side of, adjacent and parallel to the piped segment of the Main Canal. A developer wants to subdivide a tract of land north of U.S. 281 that adjoins Block 100 to the west as a residential subdivision, and has requested permission to construct a street in the south 550 feet of Block 100 that is north of U.S. 281-that is, over the Drainage District's box culverts and the piped segment of the Main Canal. The motion was made and seconded that the request be denied. Following a discussion, the motion carried. The Developer also wants to install three outfalls discharging into the Drain. It was noted that a down drain license would be required for the outfalls.

10. Grants.

- 10.1 TWDB #40023 Flood Protection/Infrastructure Study-Hydrologic and Hydraulic Model Update. No report.
- 10.2 Status Report on Securing Funding to Include the Territory in City of San Benito in the Hydrologic and Hydraulic Model Update.
 - (a) Building Resilient Infrastructure and Communities (BRIC) Grant Application. Discussed under 10.2(b), next.
 - (b) FEMA Hazard Mitigation Grant Program (HMGP). The TWDB has approved the District's application for an HMGP grant and a BRIC grant. The HMGP grant is known interchangeably as Flood Hazard Mitigation Grant and

Flood Mitigation Grant. However, the District can receive only one grant, and must select which one it wants. Eric Schiebe recommended the District select the Flood Hazard Mitigation Grant. The motion was made and seconded that the District accept the Flood Hazard Mitigation Grant. Following a discussion, the motion carried.

(c) Other Funding. No report.

11. Donations: Drains in Territory North of Arroyo Gardens (Shares 12 and 22, Espiritu Santo Grant). No change in status since the last meeting.

12. Rules Revision. Not ready for Board action.

13. Reports.

13.1 Financial.

(a) Financial Report for month of June 2023 presented and reviewed.

(b) Financial Report for fiscal year through June 30, 2023 presented and reviewed.

13.2 Manager. Legislation pertinent to drainage and drainage districts discussed.

13.3 Attorney.

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

(b) Drain E Notice of Drain Right-of-Way. Notice of the location of the pipeline between La Palma and Stenger Streets has not yet been completed.

13.4 Engineer. The proposed contract for engineering services to be provided to the District by Scheibe Consulting, LLC has been submitted. The item not being on the Agenda, action will be taken at the July 2023 regular Board meeting. All other matters discussed under other Agenda items.

13.5 Drain Supervisor. Written report of work accomplished in the month of May 2023 presented. Drain Supervisor Ortega is on vacation.

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

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 May 8, 2023 meeting and this meeting be ratified:

14427 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$422.77
14428 : Belinda Sepulveda	Cabinets for Office breakroom	\$600.00
14429 : Lucinda Trevino	Table for Office breakroom	\$393.38
14430 : Lincoln National Life	Life Insurance	\$246.00
14431 : Cameron County Irrigation Dist. No. 2	Reimbursement	\$3,045.08
14432 : Rodolfo Cardenas	AC Repair-Office	\$275.00
14433 : Ricardo Martinez	Training	\$120.00
14434 : Holt Company of Texas	Excavators 19 and 21	\$768,286.00
14435 : Texas Water Conservation Association	Summer Conference-Rick Martinez	\$450.00
14436 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$720.47
14437 : Ruben Rodriguez	Kitchen Hood for Office breakroom	\$425.00
TOTAL		<u>\$774,983.70</u>

Following a discussion, the motion unanimously carried.

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

14438 : AFLAC	Insurance	\$249.84
14439 : AguaWorks Pipe & Supply	Drain Repairs	\$6,730.12
14440 : Arroyo Colorado	MS4 Permit Renewal	\$2,500.00
14441 : AT&T Mobility	Wireless Phone	\$156.75
14442 : Blue Cross & Blue Shield	Health Insurance	\$16,416.14
14443 : Blumberg Excelsior	Minute Books, Vol. 10 and Vol. 11	\$845.30
14444 : Cameron County Clerk	Legal Documents-replenish account	\$350.00
14445 : Cameron County Irrigation Dist. No. 2	Reimbursement	\$4,135.91
14446 : Direct Energy	Warehouse: Electricity Bill	\$269.07
14447 : East Rio Hondo Water Supply Corp.	Office/Shop/Warehouse: Water Bill	\$88.14
14448 : Gateway Printing	Plotter Paper	\$58.26
14449 : Gigabit Communications	Uverse/Internet	\$200.00
14450 : Grajale's Tire Shop	Flat Repairs	\$67.00
14451 : H & V Equipment	Machine Repairs	\$5,249.25
14452 : Hollon Oil Company	Hydraulic Oil	\$260.00
14453 : Iafsa USA	Machine Repairs	\$6,208.45
14454 : JR ITSoftware Solutions	Computer Programming	\$1,596.50
14455 : John Deere Financial	Machine Repairs	\$5,144.59
14456 : J & J Tire & Auto	Auto Repairs	\$349.00
14457 : Sonia Lambert	Phone Allowance	\$125.00
14458 : Lewis Electric Motors	Machine Repairs	\$420.00
14459 : Morado's Pest Control	Bee Extraction	\$150.00
14460 : Matt's Cash & Carry	Other Repairs	\$366.50
14461 : O'Reilly Auto Parts	Machine Repairs	\$1,483.94
14462 : Ortega, Federico	Phone Allowance	\$214.00
14463 : Rio Hondo Lumber & Supply	Drain Repairs	\$45.23
14464 : Rey's Tire Service	Flat Repairs	\$780.00
14465 : South Texas Bolt & Supply	Machine Repair	\$47.50
14466 : Nelda Solorio	Janitorial	\$275.65
14467 : Texas Refinery Corp.	Moly Grease	\$2,412.22
14468 : Triple S Steel	Safety Supplies	\$581.70
14469 : Lucinda Trevino	Janitorial	\$275.65
14470 : TOPS-The Outdoor Power Store	Mower Repair	\$52.12

14471 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$720.47
14472 : UniFirst	Uniforms	\$516.13
14473 : Valley Fire & Safety	Fire Extinguishers-recertification & recharging	\$533.00
14474 : Wilcac Life Insurance	Insurance	\$21.67
14475 : Wylie Case	Machine Repairs	\$395.55
14476 : David Ybarra	Janitorial	\$320.65
14477 : Dossett Law Office	Legal Fees	\$1,990.00
14478 : Lincoln National Life	Life Insurance	\$246.00
14479 : Commercial Billing	Machine Repairs	\$103.56
14480 : Holt Company of Texas	Machine Repairs	\$2,577.06
14481 : Pitney Bowes	Postage Meter Rental	\$178.68
TOTAL		<u>\$65,706.60</u>

Following a discussion, the motion unanimously carried.

15. Board of Directors-Fill Vacancy on Board of Directors. No discussion. No action.
16. Adjournment. There being no further business, the meeting was adjourned.