

**MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF
CAMERON COUNTY DRAINAGE DISTRICT NO. 5
February 27, 2024**

A meeting of the Board of Directors of Cameron County Drainage District No. 5 convened on February 6, 2024, at 9:30 p.m. at the office of the District pursuant to notice duly given as required by law. Present were Directors Steve Jennings (via telephone), Jerome Wade, and Nicholas Consiglio, General Manager Rolando Vela, Assistant General Manager Veronica Larraga, District Engineer Jack L. Brown, District Attorney Buddy R. Dossett, and GIS Specialist Eloy Macias. Also in attendance were Alan Moore, Diana Izaguirre, and Dustin Moore. Vice-President Consiglio called the meeting to order and presided.

Item 1 Pledge of Allegiance

Item 2 Minutes. The minutes of the February 6, 2024 meeting were presented and reviewed. The motion was made by Jerome Wade and seconded by Nicholas Consiglio that the February 6, 2024 meeting be approved. Following a discussion, the motion unanimously carried.

Item 3 Public Comment Period. No one appeared. No written comments were received.

Item 4 Subdivisions.

4.1 CAPITAL CITY ESTATES (BEING A 12.267 ACRE TRACT OUT OF BLOCK SIX (6) AND A PORTION OF BLOCK SEVEN (7) OUT OF THE F.Z. BISHOP SUBDIVISION OF SURVEY 39). Final plat not presented. It was noted that there is no District drain in the subdivision. Engineer Brown has advised the developer that in his opinion that there will be a problem with street flooding. The motion was made by Jerome Wade and seconded by Nicholas Consiglio that this plat be given preliminary approval. Following a discussion, the motion unanimously carried.

4.2 HAND VILLAGE (A 15.62 ACRE TRACT OF LAND, OUT OF BLOCK TWO (2), WILSON TRACT SUBDIVISION). It was noted that if a plat is not acceptable in all respects, approval must be denied. Engineer Brown advised that the plat is not acceptable in all respects. The motion was made by Jerome Wade and seconded by Nicholas Consiglio that approval of this plat be denied. Following a discussion the motion unanimously carried.

4.3 CENTRAL PERK SUBDIVISION (BEING 2.89 ACRES OF LAND (3.00 ACRES DEED) OUT OF BLOCK 6, DOUGHERTY-PAILLET SUBDIVISION OUT OF SURVEY 293). Preliminary plat presented. It was noted that the Payne Lateral Drain is along the west side of this subdivision and the Developer plans to widen the Payne Lateral Drain. It was also noted that the Developer plans to discharge storm water into the Payne Lateral Drain. Accordingly, a down drain license will be required. The motion was made by Jerome Wade and seconded by Nicholas Consiglio that this plat be given preliminary approval subject to the down drain license being finalized. Following a discussion, the motion unanimously carried.

- 4.4 AGAVE ESTATES (A 15.76 ACRE TRACT OF LAND, BEING ALL OF BLOCK 4, A PART OR PORTION OF BLOCKS 3, 5 AND BLOCK 17, STUART PLACE SUBDIVISION, SURVEY 42) It was noted that if a plat is not acceptable in all respects, approval must be denied. Engineer Brown advised that the plat is not acceptable in all respects. The motion was made by Jerome Wade and seconded by Nicholas Consiglio that approval of this plat be denied. Following a discussion the motion unanimously carried.
- 4.5 TRINITY HEIGHTS PHASE II SUBDIVISION (15.99 ACRES OF LAND COMPRISED OUT OF 4.95 ACRES OUT OF BLOCK 5, 4.82 ACRES OUT OF BLOCK 7, AND 6.22 ACRES OUT OF BLOCK 9 STUART PLACE RESUBDIVISION). Plat presented. It was noted that the Stuart Place Main Drain is along the east side of the subdivision. Engineer Brown advised it cannot be determined from the drawings presented that there is no less than 25 feet between the channel of the drain and that the lot lines needs to be staked. It was also noted that the Developer plans to discharge storm water into the Stuart Place Main Drain. Accordingly, a down drain license will be required. The motion was made by Jerome Wade and seconded by Nicholas Consiglio that this plat be given preliminary approval subject to the down drain license being finalized and verification that the District has 25 feet between the channel of the drain and the lot lines. Following a discussion, the motion unanimously carried
- 4.6 RE-PLAT OF LOTS 1 & 2: COASTAL SUBDIVISION (2.81 ACRES OF LAND, COMPRISED OF LOTS 1 & 2, COASTAL SUBDIVISION). Plat presented. It was noted that there are no District drains in the subdivision. The subdivision will drain into the storm sewer for Loop 499. The motion was made by Jerome Wade and seconded by Nicholas Consiglio that this plat receive final approval. Following a discussion, the motion unanimously carried and Vice-President Consiglio signed the plat.
- 4.7 RE-PLAT OF ADAM'S COVE SUBDIVISION (5.49 ACRES OF LAND OUT OF BLOCK 26, BRIGGS & COLEMAN SUBDIVISION OF SECTION 49). Plat presented. It was noted that there are no District drains in the subdivision. The motion was made by Jerome Wade and seconded by Nicholas Consiglio that this plat receive final approval. Following a discussion, the motion unanimously carried and Vice-President Consiglio signed the plat.
- 4.8 GOMEZ TRACT (ALL OF BLOCKS 146, 147, 148, 149, 150 AND 151, MCLEOD-HOOD PROPERTIES SUBDIVISION NUMBER 1). Plat presented. It was noted that there are no District drains in the subdivision. The motion was made by Jerome Wade and seconded by Nicholas Consiglio that this plat receive final approval. Following a discussion, the motion carried and Vice-President Consiglio signed the plat.
- 4.9 GARRETT ACRES ESTATES (15.24 ACRES OUT OF BLOCK 36 OF THE STUART PLACE SUBDIVISION OF SURVEY 298). It was noted that if a plat is not acceptable in all respects, approval must be denied.

Engineer Brown advised that the plat is not acceptable in all respects. The motion was made by Jerome Wade and seconded by Nicholas Consiglio that approval of this plat be denied. Following a discussion the motion unanimously carried. It was noted that there is a District drain in the subject property and that a down drain license will be required.

- 4.10 SPENCER SUBDIVISION (BEING A 6.49 ACRES OF LAND COMPRISED OF THE FOLLOWING TRACTS; TRACT 1 BEING ALL OF LOT 1, WADKINS SUBDIVISION, CONTAINING 0.73 ACRE, TRACT 2 BEING 4.21 ACRES OUT OF BLOCK 2, STUART PLACE SUBDIVISION, SURVEY 298; AND TRACT 3 CONTAINING 1.55 ACRES AND BEING THE EAST 135.2 FEET OF BLOCK 1, STUART PLACE SUBDIVISION, SURVEY 298). Preliminary plat presented. It was noted that there is no District drain in the subdivision The motion was made by Jerome Wade and seconded by Nicholas Consiglio that this plat be given preliminary approval. Following a discussion, the motion unanimously carried.
- 4.11 PALM COURT COMMERCIAL SUBDIVISION (5.24 ACRES OF LAND OUT OF SURVEY 41, STUART PLACE SUBDIVISION Plat presented. It was noted that there are no District drains in the subdivision. The motion was made by Jerome Wade and seconded by Nicholas Consiglio that this plat receive final approval. Following a discussion, the motion unanimously carried and Vice-President Consiglio signed the plat.

Item 5 May 4, 2024 Election. The Secretary presented a Certificate of Unopposed Status and announced there is only one candidate for Place 3 which is to be filled at the May 4, 2024 election, being Nicholas Consiglio. The motion was made by Jerome Wade and seconded by Nicholas Consiglio that this Order Canceling Election be adopted:

WHEREAS:

1. In accordance with the Texas Water Code and the Texas Election Code, Cameron County Drainage District No. 5 shall hold an election on May 4, 2024, at which one (1) Director is to be elected to membership on the Board of Directors of Cameron County Drainage District No. 5, to serve a term of four (4) years beginning May 12, 2024;
2. The deadlines for filing an application for place on the ballot and a declaration of write-in candidacy have passed;
3. Pursuant to Texas Water Code § 49.101 and Election Code § 146.051, a write-in vote may not be counted unless the name written-in appears on the list of write-in candidates, and no declaration of write-in candidacy was filed;
4. The candidate whose name is to appear on the ballot is:

Place 3 Nicholas Consiglio

5. No proposition is to appear on the ballot;

NOW, THEREFORE, it is hereby determined by the Board of Directors of Cameron County Drainage District No. 5 that in accordance with Texas Election Code Chapter 2, Subchapter C, the May 4, 2024 election can be cancelled and the unopposed candidate can be declared elected. Accordingly, IT IS ORDERED that:

1. The election to be held on May 4, 2024 is cancelled.
2. The following unopposed candidate is hereby elected to membership on the Board of Directors of Cameron County Drainage District No. 5, to serve a term of four (4) years beginning May 12, 2024:

Place 3 Nicholas Consiglio

3. 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.

Item 6 2023 Flood Mitigation Assistance (FMA) Grant—Combes Relief Drain Project. Manager Vela reported that an authorized representative must be expressly appointed for this grant by a form of resolution provided for that purpose. The motion was made by Jerome Wade and seconded by Nicholas Consiglio that this Resolution be adopted:

Be it resolved, that in connection with federal and state grant applications and the management thereof, Rolando Vela has been designated by the Board of Directors as the Sub recipient Authorized Representative and granting signatory authority for said grants, on behalf of Cameron County Drainage District No.5.

Following a discussion, the motion unanimously carried.

Item 7 Grant Management Services Contract—Texas Division of Emergency Management (TDEM) Grant for the BUS 77 and UPRR drainage improvements. The grant requires that an ad hoc committee review and rank the proposals for grant management services. The rankings of the ad hoc committee are:

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|-----------------|--------------------------|
| 1 st | Scheibe Consulting, LLC, |
| 2 nd | Grant Works |
| 3 rd | Border Affairs |

The motion was made by Jerome Wade and seconded by Nicholas Consiglio to approve the ranking order. Following a discussion, the motion unanimously carried.

Item 8 Combes Relief Drain Project—F.M. 508 Crossing. The District’s Combe Relief Drain Project plans call for a for a single 4’x4’ box culvert to be installed where the drain crosses FM 508. In the meantime, the City of Combs obtained a grant for its

Nixon Road Project which includes the installation of one 30 inch diameter pipe where the Combes Relief Drain will cross F.M 508. The District offered to pay \$250,000.00 to the City of Combes to upgrade its crossing to a 4'x4' box culvert. The City rejected the District's offer. The City of Combes' has contracted with Rhyner Construction Services, Inc. to install the one 30 inch diameter pipe by open cut.. Rhyner is ready to commence work. Engineer Brown reported that, if ordered today, delivery of the 4'x4' box culvert would be no less than 6 months. Rhyner is willing to install two additional 30 inch diameter pipes for \$65,145.76. Engineer Brown advised that three 30 inch diameter pipes approximate the capacity of a 4'x4' box culvert. The City's project engineer, Sigler, Winston and Greenwood, would have amend the plans to include the two additional 30 inch diameter pipes and offered to do so at a cost of \$15,000,00. Engineer Brown recommended that the District pay Rhyner to install the Rhyner Construction Services, Inc and pay the project engineer to amend the plans to include the two additional pipes, but authorize him to negotiate the engineering fee. The motion was made by Jerome Wade and seconded by Nicholas Consiglio that (a) the District accept the offer of Rhyner Construction Services, Inc. to install two Rhyner Construction Services, Inc. install two additional 30 inch diameter pipes for crossing of F.M. 508 for \$65,145.76 and contract with Rhyner Construction Services, Inc. and/or the City of Combes for the installation of the two additional 30 inch diameter pipes, and (c) that Engineer Brown be authorized to negotiate the fee to paid to amend the plans to include the two additional pipes, and (e) the District pay no more than \$15,000 for the preparation of the amended construction plans. Following a discussion, the motion unanimously carried.

- Item 9 Drain Maintenance-Hay Baling. Manager Vela reported that Mr. Jose Morales has requested permission to cut and bale the grass on District property in return for him keeping the bales. It was noted that in the past the District has entered into such arrangements to save the District the cost of mowing the property. The motion was made by Jerome Wade and seconded by Nicholas Consiglio the District enter into a contract with Mr. Jose Morales to bale hay on specified Drainage District property for a term of one year, in return for him keeping the bales, on the condition that he release the District from all liability for personal injury and property loss while operating on District property. Following a discussion, the motion unanimously carried.
- Item 10 Quarterly Investment Report. The Quarterly Investment Report for the 4th quarter of 2023 was presented. The motion was made by Jerome Wade and seconded by Nicholas Consiglio to approve the Quarterly Investment Report for the 4th quarter of 2023. Following a discussion, the unanimously motion carried.
- Item 11 Financial Reports. District Financial Reports for the 4th quarter of 2023 were presented. The motion was made by Jerome Wade and seconded by Nicholas Consiglio that the District Financial Reports of the 4th quarter of 2023 be accepted and approved. Following a discussion, the unanimously motion carried.
- Item 12 Reports
12.1 Manager.
a) Post event critique of the February 15 Grand Opening presented

- b) Post Office Box. The District has rented P.O. Box 427, at the Harlingen Post Office Sub Station which is in the same building as the District's Office.
- c) Murphy and Southfork Laterals Interconnect Project. Moore Land Surveying has been engaged to stake the proposed right-of-way in Blocks 43 and 39, Wilson Tract, for the inspection of the landowners.

12.2 Engineer – No additional report.

12.3 Attorney – No additional report.

Item 13 Payment of Accounts, Wages, and Director's Services. The motion was made by Nicolas Consiglio and seconded by Jerome Wade that these checks be issued:

CONSTRUCTION & MAINTENANCE FUND

Ck No. 7216	Rolando Vela	\$ 3,587.32
Ck No. 7217	Veronica Larraga	2,153.73
Ck No. 7218	Eloy S. Macias, Jr.	1,900.35
Ck No. 7219	BCBSTX	5,677.44
Ck No. 7220	Dearborn Life Insurance Company	14.20
Ck No. 7221	WM Corporate Services, Inc.	2,901.59
Ck No. 7222	Scheibe Consulting, LLC	14,467.50
Ck No. 7223	Rolando Vela	200.00
Ck No. 7224	Wells Fargo Financial Leasing, Inc.	399.00
Ck No. 7225	NV's Creations, LLC	129.90
Ck No. 7226	Harlingen Irrigation District No. 1	1,311.25
Ck No. 7227	Veronica Larraga	45.17
Ck No. 7228	Rolando Vela	1,431.54
TCDRS (ACH Debit)		3,424.82
Electronic Federal Tax Payment System		<u>5,348.70</u>
TOTAL CONSTRUCTION & MAINTENANCE FUND		<u>\$ 42,992.51</u>

Following a discussion, the motion unanimously carried

Item 14 Executive Session. None.

Item 15 Action on items in Executive Session. None.

Item 16 Adjournment. There being no further business, the meeting was adjourned at 10:53 a.m.

Steve Jennings, President

ATTEST:

Jerome Wade, Secretary