

**MINUTES OF VIDEOCONFERENCE MEETING NO. 2356
COMMISSIONERS OF
JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7**

Place: 4749 Twin City Highway, Suite 300
Port Arthur, Texas

Date: September 21, 2021

Present: Commissioners
Richard Beaumont
Lester Champagne
Albert Moses, Jr.
James Gamble, Sr.
Matthew Vincent
Phil Kelley, Manager

Visitors: Allen Sims, DD7
Dean Depew, DD7
Brady Girouard, DD7
Garrett Boudoin, DD7
Kim Carroll, Texan Engineering & Consulting, LLC
Cody Croley, LJA Engineering

The meeting was called to order at 2:00 p.m. by Chairman Beaumont after ascertaining that the Notice of Meeting had been posted in accordance with the law. Commissioner Moses gave the invocation.

Minutes of Meeting No. 2355

The Minutes of Meeting No. 2355 was approved as read.

Consider Approval to Attend TWCA 2021 Fall Conference

Mr. Phil Kelley stated the TWCA Fall Conference will be held in San Antonio on October 20-22, 2021. Commissioner Champagne moved that any Commissioner and staff be authorized to attend. Commissioner Vincent seconded the motion. The motion carried.

Consider Change Order No. 2 for Improvements to Lateral A-3-A Crossings at Hogaboom Road and Baird Street

Change Order No. 2 for Improvements to Lateral A-3-A Crossings at Hogaboom Road and Baird Street was presented to the Board for consideration. Mr. Garrett Boudoin stated the change order is to rectify the total contract amounts of the item quantities that were adjusted in the field during construction to accommodate existing underground public utilities and natural ground conditions. Quantities were primarily impacted by the field decision to expand the original construction limits to better transition driveway/roadway repairs with existing roadway and for the transitions between the existing concrete structures/natural ground and new construction. After all additions and subtractions were made, the total cost adjustment is an increase of Thirty-Three Thousand Seven Hundred Eighteen and 22/100 (\$33,718.22) Dollars, making a new contract amount of Six Hundred Sixty-Five Thousand Five Hundred Eighty-Six and 72/100 (\$665,586.72) Dollars. Commissioner Gamble questioned why the transition issues were not considered when the project was originally bid. Mr. Boudoin explained the condition of the asphalt lip was unknown at that time, and with the sewer collapsing and the contractor having to expand, dig out and reroute the sewer, additional footage had to be added to the road. There was no way to know any of this until the underground utilities were excavated and uncovered. Commissioner Champagne moved to approve Change Order No. 2 for Improvements to Lateral A-3-A Crossings at Hogaboom Road and Baird Street. Commissioner Gamble seconded the motion. The motion carried.

Consider Pay Request No. 9 (Final) to Norman Highway Constructors, Inc. for Improvements to Lateral A-3-A Crossings at Hogaboom Road and Baird Street

A recommendation letter was received from Kim Carroll of Texan Engineering & Consulting for Pay Request No. 9 (Final) to Norman Highway Constructors, Inc. for Improvements to Lateral A-3-A Crossings at Hogaboom Road and Baird Street in the amount of One Hundred Eleven Thousand Three Hundred Sixty-Three and 44/100 (\$111,363.44) Dollars. Mr. Garrett Boudoin stated this is the final payment request, which also includes the release of the 10% retainage. The pay request is for demobilization, monthly implementation of the traffic control plan and removal of the plan, finalization of permanent roadway reconstruction and placement of block sodding. The Contractor has completed 100% of the work using 87% of the contract time. Mr. Boudoin is happy with the job and stated the contractor did a good job. Commissioner Vincent moved to approve Pay Request No. 9 (Final) to Norman Highway Constructors, Inc. for Improvements to Lateral A-3-A Crossings at Hogaboom Road and Baird Street in the amount of One Hundred Eleven Thousand Three Hundred Sixty-Three and 44/100 (\$111,363.44) Dollars. Commissioner Gamble seconded the motion. The motion carried.

Award Contract(s) for Professional Engineering Services Related to Mitigation Improvements as a Result of Tropical Storm Imelda, DR-4466

Mr. Phil Kelley stated this agenda item is for the Rodair Gully Detention Grant the District is currently working on. The grant administrator for the project has already been contracted in Phase 1, and this contract will be the next step to satisfy FEMA requirements. Mr. Kim Carroll of Texan Engineering & Consulting submitted a

recommendation letter on behalf of the Administrative Committee that reviewed the Request for Qualifications for Professional Engineering Services Related to Mitigation Improvements as a Result of Tropical Storm Imelda, DR-4466. Seven (7) proposals were received on August 24, 2021, and a committee consisting of Allen Sims, Kirby Johnson and Mr. Carroll conducted an independent complete review of the proposals and scored each proposal. The criteria for the scoring and maximum points for each category is included in the recommendation letter. The committee recommends that the District award the contract and enter negotiations with LJA Engineering, Inc. In the event a contract cannot be negotiated with the selected firm, negotiations will be terminated, and the next highest scoring respondent will be notified regarding negotiation of a contract. The budget for Phase 2 of the project is less than Two Hundred Thousand and No/100 (\$200,000.00) Dollars for engineering services, which will provide updates on the Benefit Cost Analysis and 100% of the design plans. Commissioner Champagne moved to award the contract for Professional Engineering Services Related to Mitigation Improvements as a Result of Tropical Storm Imelda, DR-4466 to LJA Engineering, Inc., to authorize the District's Manager to begin negotiation of a contract for services and if a contract cannot be negotiated with the selected firm, negotiations will be terminated, and the next highest scoring respondent will be notified regarding negotiation of a contract. Commissioner Vincent seconded the motion. The motion carried.

Award Contract(s) for Professional Environmental Services Related to Damage Repairs and Improvements as a Result of Tropical Storm Imelda, DR-4466

Mr. Kim Carroll of Texan Engineering & Consulting submitted a recommendation letter on behalf of the Administrative Committee that reviewed the Request for Proposals for Professional Environmental Services Related to Damage Repairs and Improvements as a Result of Tropical Storm Imelda, DR-4466. Five (5) proposals were received on August 24, 2021, and a committee consisting of Allen Sims, Kirby Johnson and Mr. Carroll conducted an independent complete review of the proposals and scored each proposal. The criteria for the scoring and maximum points for each category is included in the recommendation letter. Environmental services are not technically a professional service under state law, and FEMA and TDEM require that a cost component be included in the bid. Respondents also had the opportunity to submit additional "other" work categories which match their standard categories. For the purpose of consistent proposal evaluation, it was decided to utilize only the standard categories listed. The hourly rates for each respondent were averaged on a raw and weighted basis which established the order of Cost Proposal submittals. Points were awarded based on that order from 25 for the lowest average cost to 10 for the highest. The environmental service work will be 100% completed during Phase 1 of the project. The committee recommends that the District award the contract and enter negotiations with Blanton and Associates, Inc. In the event a contract cannot be negotiated with the selected firm, negotiations will be terminated, and the next highest scoring respondent will be notified regarding negotiation of a contract. Mr. Carroll stated it is very

uncommon to not be able to negotiate a contract with the firm awarded the contract and he has only seen this happen once or twice in his career. Commissioner Champagne moved to award the contract for Professional Environmental Services Related to Damage Repairs and Improvements as a Result of Tropical Storm Imelda, DR-4466 to Blanton and Associates, Inc., to authorize the District's Manager to begin negotiation of a contract for services and if a contract cannot be negotiated with the selected firm, negotiations will be terminated, and the next highest scoring respondent will be notified regarding negotiation of a contract. Commissioner Moses seconded the motion. The motion carried.

Sabine Pass to Galveston Bay Project Summary

Mr. Brady Girouard gave a brief update on the Sabine Pass to Galveston Bay Project Summary (SP2GB). Contract 1 is still under construction, and it is anticipated that this Contract will be complete by December 2021. Geotechnical Work-in-Kind should be complete next week on Contract 2. The survey work is being held up due to a right-of-entry issue with Union Pacific Railroad. Contract 3 has reached 100% design. A walk through is scheduled for tomorrow with both the Corps' Galveston and Chicago Districts. Relocate efforts are continuing and contract packages will be submitted as soon as a few loose end issues are resolved. Contract 3B has reach 100% design level. A walk through was completed two (2) weeks ago, and there are some technical issues to be worked out with KCS Railroad before the District can proceed with its right-of-way acquisitions. Contract 3A is at a 95% design level. There is a considerable amount of relocates on this Contract, but they will be out of the industrial area, and,

therefore, will be easier and less expensive. A Design Charrette was held by the Corps of Engineers on Contract 4, although the District was unable to participate due to Hurricane Nicholas. Allen Sims and Barron Cook was able to sit in on portions of the meeting, and Mr. Girouard feels like topics of discussions will be revisited in the future. Allen Sims has been working with Motiva on an Advanced Funding Agreement on one of the more costly relocates. The Agreement has been executed, and the money for this relocate will come out of the GLO funds which have been provided to the District. Ray Russo and Barron Cook are working with the GLO for additional funding. The GLO has already funded approximately \$43 million, and the District has requested \$32 million of the total \$106 million.

Mr. Phil Kelley reported that the Corps, with its communication plan, is going to talk to the Plant Manager's Forum this Thursday morning. He and Allen Sims will attend. The meeting will be held at the ISTC Building on Highway 69. The Corps is planning to engage with the City of Port Arthur and its Council on October 12 at its morning meeting. Mr. Kelley has talked with the City of Port Arthur City Manager and put him on notice that someone with the Corps of Engineers will be contacting him or his staff to request to be on the agenda for the Council Meeting to explain the SP2GB Project and what effects it may have on the City. The Corps of Engineers may also contact the City of Groves; however, there are no direct impacts to the City of Groves.

Commissioner Champagne stated that as a result of Hurricane Nicholas, the President has implied there would be some federal money spent for the Gulf Coast on an Infrastructure Bill. This may be some funding the District can receive. Allen Sims

stated he, Phil Kelley and Ray Russo has talked about possible infrastructure money, COVID money, and four or five other categories of funding that may be coming toward Texas. Ray Russo is working with Nicole Sunstrum, the Executive Director of the Gulf Coast Protection District, to apply for the additional funding to go toward the remainder of the District's local match. Applications are due soon and paperwork is being completed. Mr. Kelley stated the Congress will be releasing the remainder of funds in the CARES Act for infrastructure; however, there are caveats as to whether it will be acceptable to the Corps of Engineers and if these funds can be legally used on the SP2GB Project. It is Mr. Kelley's understanding that the Infrastructure Bill is supposed to be voted on next week.

Consider Approval of Amended Budget for FY 20/21

Mr. Kelley presented the Amended Budget for FY 20/21 for approval and stated Ronnie Hollier is who worked on most of the amendments. Mr. Kelley went over the changes and stated the bottom line on Ditch and Levee Maintenance had to be increased and the money was taken from the Special Projects bottom line which was decreased by \$100,000. Throughout the entire Budget based on annualizing figures and the August month end figures, amounts were moved around on certain line items to stay under Budget by year end. Technically the only reason a Budget needs to be amended is if a bottom-line figure must be changed or the bottom-line figure is exceeded, but Mr. Kelley has always tried to reconcile everything. This is an annual formality that is done each year. Commissioner Moses moved to approve the Amended

Budget for FY 20/21 as submitted. Commissioner Champagne seconded the motion.

The motion carried.

Consider Approval of Budget for FY 21/22

The proposed Maintenance and Operating Fund Budget for FY 21/22 and the proposed Capital Projects Fund Budget for FY 21/22 were submitted for consideration. Mr. Kelley stated there were no changes from the Preliminary Budget he submitted at the last Board meeting. All numbers remained the same. He did get a notice last Friday afternoon that appraisals had been adjusted and were increased from the initial figure. He received this notice after the proposed Budget had been sent for review, so he did not change the Budget. The only effect this will have is that the District may collect more than projected in tax revenue. Commissioner Champagne commented that with the decrease in the tax rate that was adopted, this could possibly offset the reduced tax revenue the District is going to receive. Mr. Kelley stated it could potentially make the District break even. Commissioner Vincent made a motion that the Maintenance and Operating Fund Budget for FY 21/22 and the Capital Projects Fund Budget for FY 21/22 be adopted as submitted. Commissioner Gamble seconded the motion. The motion carried.

Manager's Miscellaneous Reports/Financials

Since the date of the last Commissioner's meeting, the following work has been done:

Construction Notes - Alligator Bayou Pump Station Annex
August 30, 2021 – September 3, 2021

Monday, August 30:

Alligator Project; Allco worked on site today. Weather conditions were partly cloudy to sunny. The site conditions were dry.

Allco's superintendents (2) on site (Terrell and Joe) with (2) operators/laborers reported.

Allco's crew is cutting up scrap iron. The crew did not work on the cofferdam today because no operators showed up for work.

DD7's crew is pumping down the system with (2) engines, training (2) operators at the station.

Tuesday, August 31:

Alligator Project; Allco worked on site today. Weather conditions were partly cloudy to sunny. The site conditions were dry.

Allco's superintendent (2) on site (Terrell and Joe) with (5) operators/laborers reported.

Allco's crew worked on the cofferdam today, dug dirt out from the middle of the dam.

Wednesday, September 1:

Alligator Project; Allco worked on site today. Weather conditions were cloudy. The site conditions were dry.

Allco's superintendent (2) on site (Terrell, Joe) with (5) operators/laborers reported.

Allco is working on the cofferdam, digging dirt out from the middle. The crew is also loading removed sheet piling onto trucks for haul off.

Thursday, September 2:

Alligator Project; Allco worked on site today. Weather conditions held on and off rain throughout the day. The site conditions were dry.

Allco's superintendent (2) on site (Terrell, Joe) with (5) operators/laborers reported.

Allco's crew is digging dirt out from the middle of the cofferdam.

DD7's crew is pumping down the system. They started pumping with (4) engines and finished with running (2) engines by the end of the day.

Friday, September 3:

Alligator Project; Allco worked on site today. Weather conditions were partly cloudy with scattered showers. The site conditions were dry.

Allco's superintendent (2) on site (Terrell and Joe) with (5) operators/laborers reported.

Allco is working on the cofferdam, digging dirt out from the middle.

DD7's crew is pumping down the system with (2) engines, training (2) operators at station.

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Mr. Phil Kelley presented the financial statements prepared by FMW, P.C. for the period ended August 31, 2021, and gave a collateral securities report as of August 31, 2021.

Mr. Kelley advised the Board that he and Allen Sims met with Sina Nejad yesterday regarding finalizing the plans and specifications on the new administration building. It looks like the building will need to be shifted down onto the additional property the District owns to have the building at the desired elevation. Therefore, Sigma Engineers will be making changes to the plans, and hopefully the District will be able to go out for bids by the end of the year. Some work will be done inhouse and this will save the District money, but costs have gone up since this project was started in 2015 and the total project costs will increase from the original bid.

Commissioner Moses thanked the Management and employees for the job done during the recent Hurricane Nicholas. Mr. Kelley advised the District did go on storm duty on Monday through Tuesday evening at 7:00 p.m. Some employees stayed and pumped until midnight Tuesday night. Commissioner Gamble stated he received several complimentary calls on a job well done and he was glad to hear some good things said. Mr. Kelley stated he was contacted by Mary Meaux of the Port Arthur News, and he and Allen Sims brought her out to Alligator Bayou Pump Station to take pictures for an article. Ms. Meaux wrote a very good article. Mr. Kelley stated that the

storm schedule and preparations are routine for the employees. Whenever a weather event is approaching, everyone from engineering, supervision and on down gets busy and makes the decisions that need to be made to be ready to the best of their ability. Mr. Allen Sims advised that District personnel did communicate with all four (4) cities and stayed in contact during the storm in case anyone had any issues.

Checks & Purchase Orders
Maintenance Fund

Ck. No. 18978 – FILMR, LLC
\$132.00 – Social Media Posts

Ck. No. 18979 – Groves Equipment Rental Co., Inc.
\$3,000.00 – Rental 9-Ton Carrydeck Crane, 8/24-9/23/21

Ck. No. 18980 – Hartmann Building Specialties
\$315.02 – Rental 2.8" Outside Corners, Clamp, Plate and Form Filler,
Rental 8' Outside Corner, Clamp, Form Filler and Panel and
Charge for Missing Wedge Bolt

Ck. No. 18981 – Johnny's Towing & Recovery
\$350.00 – Rental of Transport Truck 9/9/21

Ck. No. 18982 - LJA Engineering, Inc.
\$49,321.93 – Stormwater Management Plan, Data System and GIS
Project 2021, Nederland, Groves, Port Neches, Port Arthur
Coalition and Halbouty Detention HMGP

Ck. No. 18983 – LJA Environmental Services, LLC
\$1,650.00 – A-3-A, Groves and Halbouty Detention HMGP

Ck. No. 18984 – Mustang Rental Services
\$1,275.90 – Rental of Telehandler Fork Truck 9/8–9/9/21

Ck. No. 18985 – National Networks
\$3,638.74 – Computer Services for September 2021

Ck. No. 18986 - Nerbert Frelow
\$1,440.00 – Rental of Dump Truck, 9/7-9/9/21

Ck. No. 18987 – Norman Highway Constructors, Inc.
\$111,363.44 – Improvements to Lateral A-3-A Crossings at Hogaboom
Road and Baird Street

Ck. No. 18988 – Rain for Rent Groves
\$1,918.54 – Rental 8" Ind. Pump

Ck. No. 18989 - Ron Lewis & Associates
\$3,500.00 – Legislative Consulting Fees

Ck. No. 18990 – Sprint Waste Services, LP
\$2,493.00 – Removal of Waste from Pump Stations August 2021 (4)


Ck. No. 18991 – Tolunay-Wong Engineers, Inc.
\$23,561.25 – Sabine Pass to Galveston Project

Ck. No. 18992 – Waukesha-Pearce Industries, Inc.
\$13,725.00 – Rental Komatsu Dozer 8/17-9/14/21 and
Rental Komatsu Excavator 8/20 – 9/17/21

Commissioner Champagne moved that the checks from the Maintenance Fund be approved for payment. Commissioner Moses seconded the motion. The motion carried.

Chairman Beaumont asked if there was any other business to come before the Board. There was none.

At 2:41 p.m., Commissioner Moses moved that the meeting be adjourned. Commissioner Vincent seconded the motion. The motion carried.


Albert Moses, Jr., Secretary


Richard Beaumont, Chairman