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**MINUTES OF VIDEOCONFERENCE MEETING NO. 2330  
COMMISSIONERS OF JEFFERSON COUNTY  
JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7**

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

Date: August 18, 2020

Present: Commissioners  
Richard Beaumont  
Lester Champagne  
Billy Joe Butler  
Phil Kelley, Manager

Absent: James Gamble, Sr.  
Albert Moses, Jr.

Visitors: Tomeka Channel, DD7  
Brady Girouard, DD7  
Allen Sims, LJA Engineering  
Garrett Boudoin, 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 Champagne gave the invocation.

Minutes of Meeting No. 2329

The Minutes of Meeting No. 2329 was approved as read.

Consider Resolution Adopting Written Investment Policy

Resolution No. 463 Adopting Written Investment Policy was presented to the Board for consideration. Mr. Phil Kelley stated this is an annual routine formality and the proposed Investment Policy is the same as approved for the last several years. Commissioner Champagne moved to approve Resolution No. 463 Adopting Written Investment Policy. Commissioner Butler seconded the motion. The Chairman voted

aye. The motion carried. Resolution No. 463 is attached to and made a part of these minutes.

Consider Resolution Authorizing Interlocal Agreement for Use of Real Property with the City of Nederland

Resolution No. 464 Authorizing Interlocal Agreement for License to Encroach was presented to the Board for consideration. Mr. Phil Kelley stated the Interlocal Agreement is regarding a drainage channel that comes across Twin City Highway from the Central Gardens area and enters property owned by the City of Nederland. The ditch is not getting maintained, and Commissioner Weaver and some residents of Central Gardens have asked the District to clear the trees out of the channel. Mr. Kelley has been working with the Nederland City Manager to get the entities' attorneys to work on an Interlocal Agreement allowing the District to go on the City of Nederland's property to clear the trees out of the channel. Commissioner Champagne moved to approve Resolution No. 464 Authorizing Interlocal Agreement for License to Encroach with the City of Nederland. Commissioner Butler seconded the Motion. The Chairman voted aye. The motion carried. Resolution No. 464 is attached to and made a part of these minutes.

Consider Interest Payment from Debt Service Fund

Mr. Phil Kelley stated the District had received an invoice from Wells Fargo for an interest payment in the amount of Two Hundred Ninety-Two Thousand Seven Hundred Eighteen and 75/100 (\$292,718.75) Dollars from the Debt Service Fund for the District's Maintenance Note debt. This is the September 2020 interest payment. Commissioner

Champagne moved to approve the interest payment in the amount of Two Hundred Ninety-Two Thousand Seven Hundred Eighteen and 75/100 (\$292,718.75) Dollars. Commissioner Butler seconded the motion. The Chairman voted aye. The motion carried.

Consider Progress Payment No. 1 to Mason Construction for Improvements to Shamrock Ditch and Rodair Lateral 3

A recommendation letter was received from Kim Carroll of Texan Engineering for Progress Payment No. 1 to Mason Construction for Improvements to Shamrock Ditch and Rodair Lateral 3 in the amount of Ninety-Six Thousand Four Hundred Fifty-Eight and 82/100 (\$96,458.82) Dollars. Mr. Garrett Boudoin of LJA Engineering stated this payment is for the work completed in the month of July, and the contractor has poured approximately 380 linear feet of the concrete lining with only one weather delay. The contractor has completed twenty-four (24%) of the work using nineteen (19%) of the contract time. Payment includes mobilization of equipment to the job site, clearing and grubbing of trees and vegetation, placement of a construction entrance, removing existing fencing, excavation and shaping and concrete lining a portion of Rodair Gully Lateral 3. Commissioner Champagne moved to approve Progress Payment No. 1 to Mason Construction in the amount of Ninety-Six Thousand Four Hundred Fifty-Eight and 82/100 (\$96,458.82) Dollars. Commissioner Butler seconded the motion. The Chairman voted aye. The motion carried.

Consider Proposed Tax Rate for Purposes of Publishing Notice of Public Hearing on Tax Rate

Mr. Phil Kelley submitted two (2) tax rate scenarios, with one scenario reflecting a 3.65% increase in taxes and the other reflecting a 0.00% increase. Mr. Kelley said he had previously stated at the last Board meeting that the consensus was no tax increase and he thought that the effective rate could be recalculated to bring in the same amount of revenue as the District brought in last year with no tax increase. The Tax Office calculation worksheet goes through a series of tax calculations and even though the tax rate of \$0.305880/\$100 would be lower to bring in the same amount of revenue as last year and the fact that appraisals are up to the extent they are, this would actually be an increase of \$10.79 per \$100 on an average appraised value home of \$99,151 as shown on one scenario. The other scenario is the actual rate of \$0.294990/\$100 that would be no increase in taxes, but because of the way it is calculated, it will be a decrease in tax revenue to the District of approximately \$1,197,436.00. Due to the fact the District currently has a good fund balance, Mr. Kelley feels the decrease will not have a big adverse effect on the District, and he will still support the Board in no tax increase. Commissioner Champagne moved to approve no tax increase and a proposed rate of 0.294990 per \$100 value for purposes of publishing the Notice of Public Hearing on Tax Rate. Commissioner Butler seconded the motion. The Chairman voted aye. The motion carried.

Sabine Pass to Galveston Bay Project Summary

Mr. Kelley stated this agenda item is simply a discussion item, and the District has learned from the Project Manager of the Corps of Engineers for the Levee Improvement Project that the District is supposed to be giving summary reports on the project to be made part of the Minutes of Meeting and will go toward credit for public meetings. Therefore, Mr. Brady Girouard will begin giving a verbal summary at every meeting until the project is completed. Mr. Girouard stated currently the project is broken into multiple contracts as follows:

Contract 1 is a portion located off of Highway 87 just south of the Valero Tank Farm. It is the only contract that has been let and is under construction.

Contract 2 is the levee breach area and currently is in the early stages of design. Contract 2 has been proposed to be bid as a design build project. The Value Engineering Study was completed last week.

Contract 3 and 3B is being designed by the Corps of Engineers out of the Chicago District. The design is ongoing and about 65% complete. The District has been actively engaged in this project and will have a lot of work in kind coming up specifically on the Contract 3 portion inside Valero. Contract 3B is the area around KCS Railroad and the Port of Port Arthur. The District has coordinated considerably with the Port of Port Arthur and feels the Port is happy with the current alignment that affects their operations the least taking into consideration the Port's concerns.

Contract 3A is the remainder of the areas, including the Rose Hill area back to the south. There has been a lot of coordination meetings with stakeholders, utility companies and TXDOT.

Contract 4 is a catch all that is not included in Contract 3A. This is primarily a new segment near the Motiva loading docks off Sarah Jane Road.

Commissioner Beaumont asked when the contract for the levee breach area will begin. Mr. Kelley stated the schedule calls for Contract 2 to be bid out in September 2021; however, HDR, who is the design build team, is working on a design that the District does not want. The design they are working on is a steel wall, and the District made issue right away with this design in that the steel wall will be in a salt water environment and will take blasting and coating every few years, as well as the fact that the area where the tide fluctuates cannot be protected from rusting with cathodic protection. Brady Girouard, Allen Sims and Chris Salles has submitted other ideas like relocating the wall, and if the Corps will not agree to another design, the District will push back very hard. If the District cannot get any satisfaction from the Colonel, the District will take the matter on up the chain. The steel wall design is supposedly not an acceptable design anymore, and it is in a saltwater atmosphere. Mr. Girouard stated he feels the District made a good case for reasons of not wanting the steel wall design, including the ease of maintenance, along with constructability and not impacting commerce in the channel of Taylor's Bayou that will affect Valero's shipping.

#### Manager's Miscellaneous Reports/Financials

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

#### HFPL Maintenance/Herbicide Crew

##### Herbicide Application:

- Main Outfall Canal, Armor Stone Cover from PS9 to PS10, Main A, A6
- Pure Oil Ditch, Pure Oil Lat. 1, B4, B4A, B4B, B4 Ext., Main B, B7
- B4 Lat., A5, B2 Ext., B5, B5A, A4A, A4B, Main C (Concrete Section)
- Main C Loop & Loop Ext., C13, C14, KCS, Pine St. Ditch

- Pump Stations: 6-20, Williams St. Ditch, Blocks Bayou, Magnolia Ditch
- Main B Diversion, Industrial Ditch, Beauxart Gardens Lat. 2

Levee:

- Contracted Swat Construction to install a flap gate on the discharge side of closure structure 11 for secondary protection against storm surge.

Misc.:

- Installed gates on Rodair Gully Lat. 3A

Contractor:

- Ducks Dragline: Mowing HFPL to better inspect area set for repair under USACE PL84-99
- GP Evans Contractors LLC: Mowing HFPL & ROWs, Areas 6, 7, 8, 10, 11, 11A, 12 & 13

Control Center Operation and Pump Station Maintenance Report

- Blanchard record utilities
- Roy, Brown finish sump pump stand for 8908 annex
- Roy, Brown, Blanchard fab vacuum breaker pipes 12" for 8916 annexes, worked at 8917 #4 pump install
- Roy, Brown, Blanchard worked on 12" pipe 8916 annex vacuum breaker
- Roy, Brown, Blanchard fit and add roof support 8915 pump removal,
- Roy, Brown, Blanchard revise 12" pipe for 8916 annex vacuum breakers
- Roy, Brown, Blanchard revise 12" pipe for 8916 annex vacuum breakers, delivered to 8916 annex
- Roy, Brown fab new 3' stainless pipe for 8917 # 4 keel coolers
- Roy, Brown fab skid for new engine install 8907
- Blanchard record utilities
- Blanchard, Roy, Brown repair roof on fab shop 8902, replace rusty tin
- Blanchard, Brown fab engine mounts 8910 new install
- Blanchard, Brown fab new engine mounts 8910, weld support beams on intake bay screens 8917 #4 bay

- Blanchard, Brown fab engine mounts for new Cummins
- Blanchard, Roy, Brown fab engine mounts for 8907 Cummins
- Roy, Brown finish engine stand for 8907 and haul to red bear for paint
- Blanchard record utilities
- Blanchard, Roy, James start cutting and fabricating pieces for other engine stands
- Roy, James start cutting and fabricating pieces for other engine stands
- Blanchard record end of the month hours
- Roy, Brown, Blanchard pick up engine stand from red bear, install new engine on stand
- Roy, Brown work with door company on new door installation at 8905

Ditch Maintenance:

- Routine crossing runs have been done throughout the District, including Beauxart Gardens, Central Gardens, Nederland and Port Neches.
- Cleaned trucks and equipment.
- Cut and cleaned ditches, trees and guardrails throughout the District.
- Cut Pump Stations 7, 8, 9, 10, 11, 12, 13 and 14.
- Cleaned and maintained Pump Stations 8901, 8902, 8905 and 8919.
- Crews addressed several complaints throughout the District.
- Tractor Crew resumed its weekly mowing route throughout the District.

Rental Equipment:

- None

Construction Crew:

- Crew cleaned Pump Stations 7, 8, 10, 11, 15 and 16 along the seawall after each rain event.



- Made routine trash pickup at warehouse, emptied all trash dumpsters and trash bins.
- Cleaned and maintained equipment and trucks.
- Continued making repairs to concrete and earthen ditches throughout the District.

Rental Equipment:

1-LS250X3 Track hoe, Ducks Dragline Service

District Equipment:

4-5 Yard Dump Trucks  
Backhoe, Gradall

Construction Notes - Alligator Bayou Pump Station Annex  
July 27 2020 – August 7, 2020

Monday, July 27:

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

Allco superintendents (2) on site Mike Nunez (1) and Terrell (1) with (12) operators/laborers reported.

Allco's crew is grinding out cracks on the basement level walls and filling the voids with hydraulic cement to help stop water leaks. The dirt crew is digging dirt out from the cofferdam.

It was noted that power was lost on the job site at 1:00 pm and restored around 1:35 pm.

Tuesday, July 28:

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

Allco superintendents (2) on site Mike Nunez (1) and Terrell (1) with (12) operators/laborers reported.

Allco's crew is continuing to grind out cracks and filling the voids with hydraulic cement to help stop water leaks on the basement level. The sheet pile crew rained out at lunch time; it was too wet to drive dump trucks. Richie's crew is working on another job because they are waiting on more sheet pile to be pulled out of the cofferdam so that those piles can be driven on the North slope of the intake bay.

Wednesday, July 29:

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

Allco superintendents (2) on site Mike Nunez (1) and Terrell (1) with (12) operators/laborers reported.

Allco's crew is grinding out cracks in the basement level. The crew is also cleaning out the cool joints that are located on the outside of the station wall where it meets the sidewalk. The crew is preparing to caulk said joints to help stop water from traveling down into the basement level. The dirt crew is continuing to dig dirt out from the inside of the cofferdam.

Perkins Roofing Company is on site (1) repairing bubbles in the station's roof, mostly on the East end of station.

DD7 received (7) 55-gallon drums of Phillip 66, AGMA Grade 4, Grade 150, Extra Duty gear oil for the angle gears.

Thursday, July 30:

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

Allco superintendents (2) on site Mike Nunez (1) and Terrell (1) with (12) operators/laborers reported.

Allco's crew is caulking the cleaned-out joints in the concrete. The dirt crew broke the bucket after lunch when digging dirt out of the cofferdam. Digging is shut down until repairs can be made.

Weisinger is on site (6) painting welds on the discharge pipes for units # 1, 2, 3, 4, 5, and 6.

Friday, July 31:

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

Allco superintendents (2) on site Mike Nunez (1) and Terrell (1) with (12) operators/laborers reported.

Allco's crew is continuing to clean out the expansion and cold joints outside of the station and caulking the joints once they are cleared.

Weisinger is on site (6) finishing up painting inside of the pumps and where the siphon breaker flanges were added to the tops of the discharge pipes on all units. They also began installing the anti-thrust brackets on unit # 3's pump.

Bado has a welder on site working on repairing the clamp bucket.

A meeting was held at the job site office with Allen Sims, Scott Snyder, Tommy Harrison, Billy Patterson, and Mike Nunez in attendance to discuss the septic system, clutch equipment, and getting someone on site to wire the panel and clutches.

Monday, August 3:

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

Allco superintendents (2) on site Mike Nunez (1) and Terrell (1) with (12) operators/laborers reported.

Allco's crew is continuing to clean out the expansion and cold joints on the sidewalks next to the station and caulking the joints after. The dirt crew is digging dirt out from around the sheet pile on the cofferdam. The crew removed the cover on the roof top fan above unit # 4 to inspect why this fan is noisier than the other five fans. The crew aligned the belt from the motor to pulley and greased the two bearings below the pulley. It was noted that it sounds like the top bearing is what is making most of the noise.

Weisinger is on site (6) installing anti-thrust brackets on units' # 4 and 5 pumps.

Tuesday, August 4:

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

Allco superintendents (2) on site Mike Nunez (1) and Terrell (1) with (12) operators/laborers reported.

Allco's dirt crew is digging dirt out from the cofferdam, getting the site ready for the divers to cut more sheet pile tomorrow.

Weisinger is on site (6) continuing to install anti-thrust brackets on units' #5 and 6 pumps. Weisinger has a welder on site working on fitting the drive shaft guards and adjusting the height of the stands.

Wednesday, August 5:

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

Allco superintendents (3) on site Mike Nunez (1), Richie (1) and Terrell (1) with (15) operators/laborers reported.

Allco's crew is working with the divers to cut and remove sheet pile.

Diver Dan is on site (3) cutting more sheet pile from the cofferdam. The divers were only able to cut the sheets 10 to 11 feet under the water. It was noted that Allco was told to cut off 13 to 14 feet under the water to an elevation of (-11.0 ft.).

Chapman is on site (3) connecting the coolant hoses to units # 5 and 6 and filling them with water to check for leaks.

Weisinger is on site (6) installing the anti-thrust brackets on unit # 6's pump. The crew also began installing the driveshaft covers.

Thursday, August 6:

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

Allco superintendents (3) on site Mike Nunez (1), Richie (1) and Terrell (1) with (16) operators/laborers reported.

Allco's crew is working with the divers to cut and remove sheet pile.

Diver Dan is on site (3) cutting sheet pile from the cofferdam.

Weisinger is on site (6) cleaning the angle gears and the pump stands. The crew inspected the inside of the pump lubricators and started filling the lubricators with grease.

Chapman is on site (3) draining the engines and keel cooler of water after checking them for leaks.

DD7's Scott Snyder, Bryan G., and Gerald Sander filled units #4, 5, and 6 with premixed Cat. ELC 50/50 Coolant.

Friday, August 7:

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

Allco superintendents (3) on site Mike Nunez (1), Richie (1) and Terrell (1) with (16) operators/laborers reported.

Allco's crew is repairing some bad areas of concrete in the driveway by cutting the sections out, chipping down the sections, and repouring the sections. The repair sections are roughly 3 ft. x 2 ft. x 4 in. The sheet pile crew is working with the divers to remove the cut sheet pile.

Diver Dan is on site (3) cutting sheet pile from the cofferdam.

Weisinger is on site (6) is continuing to clean the angle gears and pump stands. The crew is also purging the grease line on the lubricators.

DD7's Scott Snyder, Nathan W., and Bryan G. finished filling units # 1, 2, and 3 with Cat. ELC 50/50 Coolant.

Mr. Phil Kelley presented the financial statements prepared by FMW, P.C. for the period ended July 31, 2020, and gave a collateral securities report as of July 31, 2020.

Mr. Kelley stated at the last meeting a resident had asked a question as to where the first Cummins diesel engine replacement would be. Mr. Kelley had answered that the first engine would be installed at the Delmar Pump Station. After talking to Pump Station Supervisor Dean Depew, Mr. Kelley has learned that they used the design of the skid that the engines sit on at Crane Bayou Pump Station to fabricate the first skid. Subsequently, the old skid will be modified to be used at Delmar Pump Station.

Therefore, to be clear, Mr. Kelley stated the first Cummins diesel engine replacement will be installed at Crane Bayou Pump Station instead of Delmar Pump Station.

Mr. Kelley reported the Shamrock Ditch Project that was recently let out for construction was put in the Budget last minute and then it was expanded to include Rodair Gully Lateral 3. Consequently, this project will likely go over budget over the next two (2) months, but there is plenty of excess funds in the special projects budget to amend this line item. Mr. Kelley also stated he will be submitting some worksheets for the Board's review for Special Projects and Capital Outlay at the next meeting for the upcoming year's budget.

Mr. Allen Sims of LJA Engineering gave a brief update on the Rodair Gully Study. He said at the end of last week his team was going over locations for the proposed detention ponds and pump station and getting these installed in the models. They are still a few weeks away from completing what projects will work the best.

#### Permits

Mammoet USA South – Request for Heavy Haul Crossing of the Hurricane Flood Protection Levee at Ramp G. Mr. Garrett Boudoin of LJA Engineering recommended approval with a Five Hundred and No/100 (\$500.00) Dollar permit fee and no bond required subject to special conditions contained within the permit. Commissioner Champagne moved to approve Mr. Boudoin's recommendation. Commissioner Butler seconded the motion. The Chairman voted aye. The motion carried.

Checks & Purchase Orders  
Maintenance Fund

Ck. No. 16906 – Duck’s Dragline Service, Inc.  
\$16,310.00 – Rental LS250X3 Trackhoe 7/31-8/12/20, Cutter Head 7/31-8/12/20  
and LS250X4 Trackhoe 7/31-8/12/20

Ck. No. 16907 - Filmr, LLC  
\$628.00 – Shooting Film, Editing Film and Social Media Post

Ck. No. 16908 – Function 4, LLC  
\$1,040.51 – Printer Copies

Ck. No. 16909 - GP Evans Contractors  
\$15,533.50 – Levee Mowing

Ck. No. 16910 – Johnny’s Towing & Recovery  
\$450.00 – Rental of Transport Truck to Move Crane

Ck. No. 16911 – LJA Engineering, Inc.  
\$95,785.17 – DD7 Data System, Server Hosting, Stormwater Management  
Plan, Update Data Operations System, Sabine Pass to Galveston  
Bay Project, Rodair Gully Study, Alligator Bayou Upgrade, General  
Engineering, Upgrade Lat A-3-A and A3, Diesel Engines and Upgrade  
Shamrock Ditch and Lateral 3 Beauxart Gardens

Ck. No. 16912 – Mason Construction, Ltd.  
\$17,200.00 – Sabine Pass to Galveston Project

Ck. No. 16913 – National Networks  
\$3,223.74 – Computer Services for September 2020

Ck. No. 16914 – National Tool Leasing, LLC  
\$1,518.52 – Rental of Inflatable Pipe Plug, 6/16-6/23/20

Ck. No. 16915 – Nerbert Frelow  
\$1,680.00 – Rental of Dump Truck, 8/3-8/14/20

Ck. No. 16916 – Port Arthur Newsmedia, LLC  
\$476.44 – Ad for Bid

Ck. No. 16917 – Ron Lewis & Associates  
\$3,500.00 – Legislative Consulting Fees

Ck. No. 16918 – Soutex Surveyors, Inc.

\$1,200.00 – Staking of Fence Line Rodair Gully Improvements V

Ck. No. 16919 – Sprint Waste Services

\$2,880.00 – Removal of Waste from Pump Stations July 2020 (3)

Ck. No. 16920 – Total Safety

\$4,290.00 – Air Quality Control During Abatement Process

Ck. No. 16921 – TWCA Risk Management Fund

\$1,000.00 – Liability Deductible

Ck. No. 16922 - W-Industries of Texas, LLC

\$13,708.38 – Update Data Operations System

Ck. No. 16923 – Mason Construction, Ltd.

\$96,458.82 – Improvements to Shamrock Ditch and Rodair Lateral 3

Ck. No. 2017 – Wells Fargo Corporate Trust Services

\$292,718.75 – Debt Service Payment

Ck. No. 5005 – LJA Engineering, Inc.

\$6,075.00 – Sabine Pass to Galveston Bay Project

Commissioner Butler moved that the checks from the Maintenance Fund be approved for payment. Commissioner Champagne seconded the motion. The Chairman voted aye. The motion carried.

Chairman Beaumont asked if there were any questions or comments from the public. Mr. David French of Nederland stated he was glad to see some things are being done on Rodair Gully and he had a question about a project on Rodair Gully and something about a pump and asked if that was correct? Mr. Allen Sims said he had stated the possibility of installing a pump station on Rodair Gully is being evaluated and is one of the items that is being considered in the Rodair Gully study. Mr. French asked what the capacity of Rodair Gully will be when the work that is being done is complete

based on the old 100-year flood? Mr. Sims stated they are running three (3) different flood scenarios at this time to see how they compare. (1) The old 100-year storm which is around a 13 inch rainfall in 24 hours that is the Technical Paper 40 from the National Oceanic and Atmospheric Administration (NOAA) from the '90s; (2) Atlas 14 which is about 18 inches of rain in 24 hours established around November 2019; and (3) Harvey which is approximately 40+ inches of rain. The team anticipates the design will be based upon Atlas 14, but this is really going to come down to a decision by the Board after all different options are presented. In the past, historically all improvements that were done from the late 90's to the present were to a 25-year storm which was a 10-inch rainfall. Mr. French then asked if there was a way the public can look at the options ahead of time? Mr. Kelley stated once the study is completed by LJA Engineering and published, then the study will become public information at that time. Mr. French asked how long out is completion of the study? Mr. Sims stated they hope to present the options to the Board in the next three weeks, and once there is direction from the Board on how to proceed, then the report will be finished, and this could take another month.

Mr. French then stated he is assuming that the Rodair Gully floodplain is the yellow section on the DD7 drainage map and asked if this was correct? Mr. Sims said he believes that is correct. Mr. French said what is not shown clearly is he lives in the Forest Central area, which also includes Highland North and part of Central Gardens, that have all been flooded or at least received high waters, and in trying to get under Highway 69 ("69") and through that section, it flooded back up on the west side of 69 as



the water could not get under the bridge and the jersey dividers that are out there now, so he would assume a pump would help pull the water down the canal faster. Mr. French was a little shocked to learn that the section of the laterals, or whatever you call them, that all connect together, the one coming from the north that then goes under 69 from the west into the Rodair Gully section that it actually collects on the east side of 69 up above the prison area, that it pulls water under 69 to the west side of 69, comes down and then goes back under 69 to the east side and into Rodair Gully. He does not even know if the District is aware of that section of the drainage piece. Mr. Sims stated he is aware of this, and it is a fairly small crossing at that north end. There is also a channel that runs parallel to 69 that reaches into that same area that flows south to Rodair. This is the old channel from years and years ago when 69 was originally built. Since then, the other channel has been dug that is the lateral going to the north to the prison system. This channel was enlarged and created as the prison systems were created back in the late '90s. Mr. Sims stated his team is looking at both. Mr. Kelley stated he feels like the ditch Mr. French is referring to is the small raw ditch that runs by the county jail. Mr. French said its not that small, and he does not know why any water would be brought to the east under 69 and only turn around and take it back west under 69 when the water cannot get under 69 going west into the Rodair Gully. He just wanted to bring this item up and he does not know this would be done and the residents on the east side flooded when the water is traveling west. Mr. Sims stated that drainage is the natural drainage pattern and was maintained by TXDOT when they build 69 and Highway 73 years and years ago. Mr. Sims then said since then, in the '90s a new ditch

was cut up into that area to help relieve the problem. Mr. French said he can hear what Mr. Sims' is saying but he can tell which way it prefers to drain as he has walked it, and it is coming east and adding to a problem that already exists. Messrs. Sims and Kelley said yes, it is coming east, and Mr. Sims said he believes it is coming east especially in small events. What Mr. Sims is trying to figure out as part of the modeling in the Rodair Gully Study is whether or not when there is a larger rainfall it should be overflowing to the ditch going south on the other side and which way it splits. Mr. Sims stated he does agree with Mr. French because it is the natural flow and in the smaller events that is the way it is going to go because that is just nature. Mr. French said that puts water in the canal for a bigger event and is filling it up and double dipping in the direction you are trying to take it.

Mr. French said his last item is he thinks to relieve the Central Gardens flooding problem and a number of problems to the east side, the water should be pumped to the river versus trying to add it to Rodair Gully. This is his opinion. Mr. Sims stated the item earlier on the agenda was an Interlocal Agreement between the Drainage District and the City of Nederland and this is so the District can clean out a ditch in an attempt to move that water to the river. Mr. French stated that would be great and thanked Mr. Sims.

Chairman Beaumont asked if there were any other questions from the public, and Mike Cabaniss asked when the District is planning on opening the Board meetings up to the public? Mr. Kelley answered as of right now, he really cannot answer that question. It just depends on when this coronavirus situation starts to ease up and he is sure the

District will try to follow suit with the other entities whenever meetings are opened back up. Mr. Cabaniss then asked if there was a way he could come and sit in the chair in the back corner of the room with his mask on to attend the meeting in person? Mr. Kelley stated that chair is normally taken, but the District's attorney is not in attendance today. Mr. Cabaniss then proceeded to count the Commissioners he could see stating there were three Commissioners today and normally there would be four or five, so that would be 2 more people and asked if there is a limit of people (like 10 to a room) that the District can have? Mr. Kelley stated based on the space in the room, the District is trying to maintain the distance, and it is hard to get five (5) Commissioners around a table and that is why everyone is wearing a mask.

Mr. Cabaniss then asked on the Sabine Pass to Galveston, is there anyway he can get a copy of the summary or does he need to go through the Public Records Act? Mr. Kelley stated the summary that Brady Girouard gave earlier in the meeting will be made a part of the minutes, and the minutes are posted on the District's website. Mr. Cabaniss said it takes about two to three weeks for the minutes to get posted, but the video is posted earlier. He continued to state that he shares a lot of stuff and there are 4,000 to 5,000 people seeing what he shares on social media. This is one of the items he wants to share, but if he must wait for the minutes, he will.

Mr. Cabaniss said about four weeks ago Allen Sims stated the District was about eight weeks out from the Alligator Annex being able to do a test run and asked if this is still on target? Mr. Sims stated yes, the couple of pieces of equipment they have been

waiting on should be received within the next one to two weeks, and subsequently there will be a week to two weeks after that for the test run.

Mr. Cabaniss stated at the last meeting the new Cummins engine was supposed to go to Delmar Pump Station and now it is going to Crane Bayou Pump Station. Is there a reason for that? Mr. Kelley stated yes, that after talking to Dean Depew, the first skid that was built for the first engine was based on the pattern at Crane Bayou Pump Station, and after that engine is installed, they will use that skid and alter it to fit the engine at Delmar Pump Station. Mr. Kelley stated that is why he had explained this earlier in the meeting to the Board because he had to change course on what he had said at the last meeting. Mr. Cabaniss clarified it was not because there was any issue at Crane Bayou where a last-minute change had to be made and it was because of a skid issue. Mr. Kelley said yes, as far as he knows.

Mr. Kelley then said getting back to the minutes, the minutes from today's meeting will not be approved until the next board meeting and once they are voted on and approved at the next board meeting, then the minutes will be posted on the District's website. Mr. Cabaniss then asked if the minutes would be posted that same week? Mr. Kelley stated it is usually the Wednesday after the board meeting. Mr. Cabaniss stated he will be looking for them because he really wants to get a copy of the information to share. Mr. Kelley stated Mr. Cabaniss mentioned requesting the information under the Public Information Act, but the fact is the District cannot release the minutes until they are approved by the Board. Mr. Cabaniss stated he understands.

Mr. Brady Girouard asked that it be noted that his report will be a verbal report and not a written report, and Mr. Kelley stated the minutes will summarize Mr. Girouard's report.

Mr. Cabaniss stated he does not mind coming to the zoom meetings, but the sound is still not crystal clear, and it is not because of the masks. Mr. Cabaniss has gone back through other meetings and has talked with Eric Adams who stated he is having the same problem. It is not just Mr. Cabaniss, it is a common fault to the point where Mr. Adams said he does not even want to waste his time. Sometimes you can hear and sometimes you cannot, and sometimes you cannot hear the things you really want to hear. Mr. Cabaniss asked if there is something that can be done? Mr. Kelley asked if the main problem is the audio? Mr. Cabaniss said yes, and Mr. Kelley said the District will try to do something different to make it better. Mr. David French spoke up and said he agrees it is the sound and that people who are closest to the mic can be heard and those farther away, cannot be heard. Mr. Cabaniss said that is it and thanked Mr. French. Mr. Cabaniss said there are times you want to hear key words so if something can be done, that would be great because he wants to share accurate information and when you can't hear it all, you don't want to make things up. He further said he has been posting on Facebook for DD7 for two and one-half (2 ½) years before DD7's Facebook even came up and it is not fair to the people who do want to get involved. Brady Girouard stated he is furthest from the microphone, and asked if Mr. Cabaniss could hear him? Mr. Cabaniss stated yes, but not like he is sitting in the room. Then Mr. Kelley asked if he could hear him, Mr. Cabaniss said yes, and Mr.

Kelley said the District will try to fix the situation. Mr. Cabaniss stated he appreciates the information given to him today.

Chairman Beaumont asked if there was anyone else with any questions or comments from the public. There were none.

At 2:41 p.m., Commissioner Butler moved that the meeting be adjourned. Commissioner Champagne seconded the motion. The Chairman voted aye. The motion carried.

*Billy Joe Butler*

\_\_\_\_\_  
Billy Joe Butler, Secretary

*Richard Beaumont*

\_\_\_\_\_  
Richard Beaumont, Chairman

**JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7  
RESOLUTION NO. 463  
ADOPTING WRITTEN INVESTMENT POLICY**

STATE OF TEXAS                   \*  
   \*  
COUNTY OF JEFFERSON        \*

WHEREAS, under the Public Funds Investment Act (Sec. 2256.001 *et seq*, Texas Government Code, hereinafter the “Act”), the District is required to adopt by resolution a written investment policy meeting the criteria of the Act; and

WHEREAS, the District has reviewed the investment policy and investment strategies set forth in the attached written instrument.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7:

THAT it is in the best interest and of direct benefit to the District to adopt the investment policy attached hereto; therefore, after reviewing same as required by law, it is hereby adopted.

That the Manager be, and hereby is, authorized to take any and all action and is authorized to execute any and all instruments, documents, or filings in connection with the accomplishment of the transactions outlined in this resolution and to certify the adoption of such resolutions to such parties which such Manager deems necessary or appropriate.

I, Billy Joe Butler, Secretary of the Board of Commissioners of Jefferson County Drainage District No. 7, do hereby certify that the above is a true and correct copy of a resolution adopted by the Board of Commissioners of Jefferson County Drainage District No. 7, at their meeting held on the 18<sup>th</sup> day of August, 2020, upon motion made

by Commissioner Champagne and seconded by Commissioner Butler

and adopted unanimously by said Board, a quorum being present.

Given under my hand this 18<sup>th</sup> day of August, 2020.

  
\_\_\_\_\_  
Secretary  
JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7



**JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7**  
**INVESTMENT POLICY**

The funds of each account of the Jefferson County Drainage District No. 7 (the "District") are to be invested in Certificates of Deposits or an interest bearing Money Market Account with the District's depository to match maturity with the cash needs of the District. All District funds shall be collateralized by U.S. Government Bonds/Treasury Notes or U.S. Agency Mortgage Backed Securities (Fannie Maes and/or Freddie Macs). Additionally, in the event the interest rate paid on Certificates of Deposit or the interest bearing Money Market Account falls below the interest rate paid on demand deposits, the Investment Officer/Officers are authorized to allow excess funds to remain on demand. As directed by the Board of Commissioners of the District, this investment policy conforms to the policy of Jefferson County Drainage District No. 7.

This investment policy is in compliance with the Texas Government Code, Title 10, Section 2256.023.

**RESOLUTION NO. 464  
AUTHORIZING INTERLOCAL AGREEMENT  
FOR LICENSE TO ENCROACH**

STATE OF TEXAS                                 \*  
   \*  
COUNTY OF JEFFERSON                     \*

WHEREAS, Jefferson County Drainage District No. 7 (the "District") desires to enter into an Interlocal Agreement with The City of Nederland (the "City") pertaining to the use of real property that lies outside of the District's jurisdiction; and

WHEREAS, the District desires a license from the City to perform clearing and grubbing of the Lamar Avenue Outfall Ditch to improve the flow of storm water; and

WHEREAS, the terms and conditions of said agreement and the use of the real property are described more particularly in the Interlocal Agreement attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, the District wishes to authorize the District's Manager to execute the Agreement on behalf of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7:

THAT it is in the best interest of the District to enter into an Interlocal Agreement for License to Use Real Property with the City of Nederland to perform clearing and grubbing of the Lamar Avenue Outfall Ditch to improve the flow of storm water and to authorize its Manager to execute on behalf of the District the attached Interlocal Agreement with the City.

THAT the Manager be, and hereby is, authorized to take any and all action and is authorized to execute any and all instruments, documents, or filings in connection with the accomplishment of the transactions outlined in this resolution and to certify the adoption of such resolutions to such parties which such Manager deems necessary or appropriate.

I, Billy Joe Butler, Secretary of the Board of Commissioners of Jefferson County Drainage District No. 7, do hereby certify that the above is a true and correct copy of a resolution adopted by the Board of Commissioners of Jefferson County Drainage District No. 7, at their meeting No. 2330 held on the 18<sup>th</sup> day of August, 2020, upon motion made by Commissioner Champagne and seconded by Commissioner Butler and adopted unanimously by said Board, a quorum being present.

Given under my hand this 18<sup>th</sup> day of August, 2020



Secretary

JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7

INTERLOCAL LICENSE TO  
ENCROACH

THE STATE OF TEXAS           §  
  §  
COUNTY OF JEFFERSON       §

WHEREAS, on the date last indicated below, the City of Nederland, a municipal corporation, situated in Jefferson County, Texas, hereinafter referred to as "Licensor" and Jefferson County Drainage District No. 7, of Jefferson County, Texas, hereinafter referred to as "Licensee" whether one or more, contracted and agreed as set forth herein; and,

WHEREAS, Licensor owns property known as the Lamar Avenue Outfall Ditch being more particularly described on EXHIBIT "A" attached hereto (the "Ditch"); and,

WHEREAS, the Ditch lies outside of the geographical limits of Licensee, so Licensee requested a license from Licensor to clear and grub the Ditch.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That Licensor hereby grants Licensee a license to clear and grub overgrown vegetation, sediment, and other obstructions in Licensee's discretion in and/or around the Ditch.

The subject property may be used and occupied by Licensee solely in connection with clearing and grubbing purposes stated above and for incidental purposes related thereto. Unless sooner terminated by a party as stated below, this license shall terminate on August 31, 2025. Licensor and Licensee may also extend the term by agreement.

Licensor does not warrant access. Licensee is responsible for its own access to the Ditch. Licensee makes no representations or warranties concerning the work it performs or does not perform.

Licensee shall perform an 811-dig call 48 hours prior to commencement of work.

Improvements shall not be made without first obtaining the written consent of Licensor and giving notice to Licensor, in writing, of how, when and to what extent such improvements are to be made. A copy of this license shall be attached to such notice. Clearing and grubbing are not considered improvements for purposes of this paragraph. All work done by Licensee is at Licensee's sole discretion. The grant of this license does not obligate Licensee to perform any work.

In the event either party desires to terminate this License for any or no reason, it may do so by 60 day written notice to the other party. Neither Licensee nor Licensor shall receive any compensation for the use of the Ditch and incidental property, or improvements made by Licensee.

Licensors, and any franchised utility of Licensors, reserves the right to make improvements, perform maintenance and construction to the said premises covered by this license where such is deemed necessary for the health, welfare and safety of the community. In doing so, Licensors shall not be liable to Licensee for any damage occasioned thereby and Licensee shall not be entitled to prosecute or maintain any claims against such parties for any such damage sustained by Licensee to said encroachment structure or any abutting or attached structures, improvements or land caused by the removal or alteration of any encroachment.

This license shall be recorded in the real property records in the Office of the County Clerk of Jefferson County, Texas, by Licensors.

This license is neither assignable nor transferable except in conjunction with and as a part of Licensee's conveyance of all the abutting property their license serves through probate or warranty deed or lease. In any event, Licensors shall be notified of such occurrence by delivering a copy of the document or documents conveying or leasing the same.

Any notice to Licensors shall be sufficient if mailed or hand-delivered to the Office of the City Manager, City of Nederland, Jefferson County, Texas. Any notice to Licensee shall be sufficient if mailed or hand-delivered to Licensee at Jefferson County Drainage District No. 7, Attention: Phil Kelley, P.O. Box 3244, Port Arthur, TX 77642.

EXECUTED this\_\_ day of \_\_\_\_\_, 2020.

LICENSOR :  
CITY OF NEDERLAND

By: \_\_\_\_\_  
Christopher Duque, City Manager

ATTESTED:

\_\_\_\_\_  
Gay Ferguson, City Clerk

APPROVED:

\_\_\_\_\_  
Jesse Branick, City Attorney

LICENSEE:

Jefferson County Drainage District No. 7  
Phil Kelley, Manager

THE STATE OF TEXAS           §  
  §  
COUNTY OF JEFFERSON       §

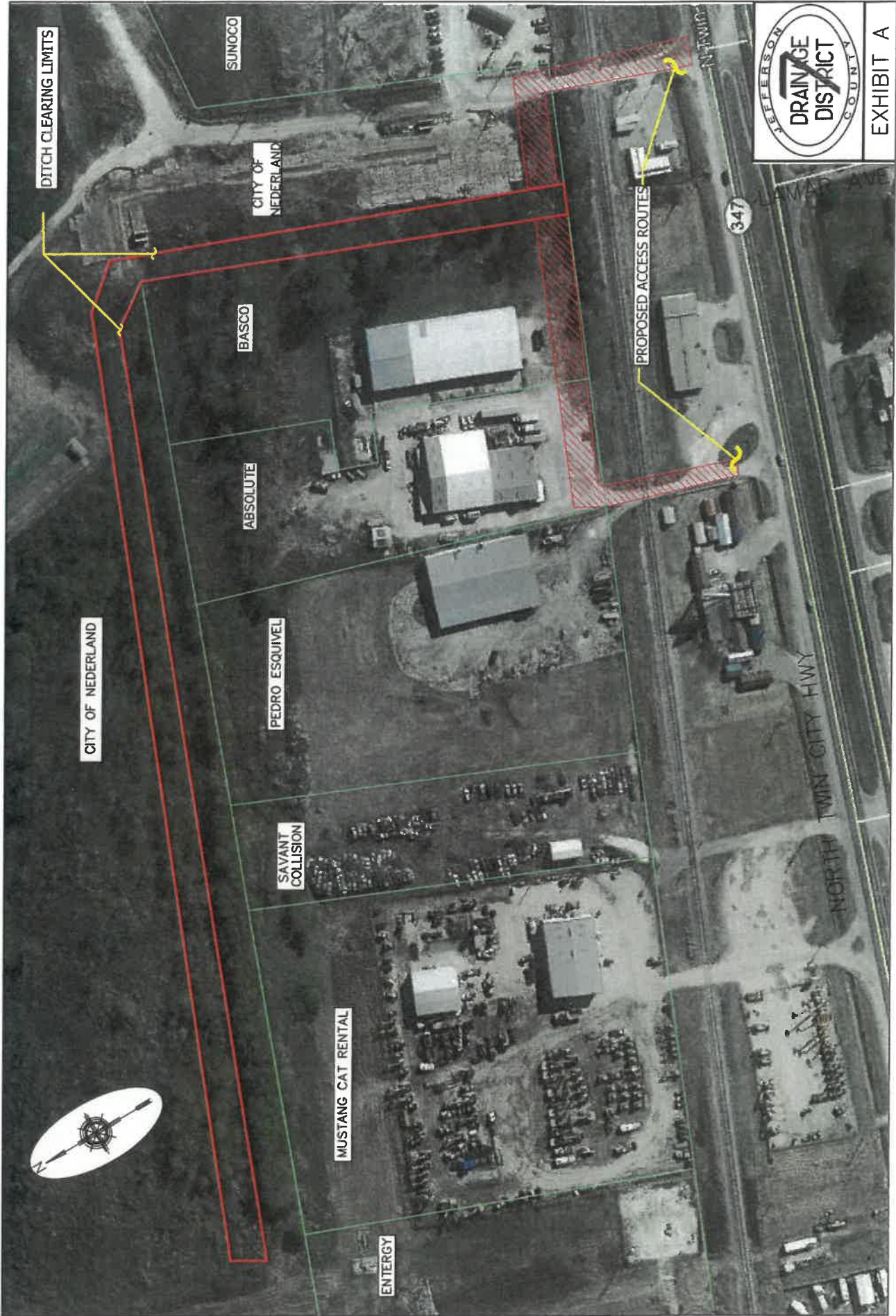
This instrument was acknowledged before me on \_\_\_\_\_, 2020 by  
The City of Nederland, Texas, Christopher Duque, City Manager.

\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS           §  
  §  
COUNTY OF JEFFERSON       §

This instrument was acknowledged before me on \_\_\_\_\_, 2020 by  
Jefferson County Drainage District No. 7, Phil Kelley, Manager.

\_\_\_\_\_  
Notary Public, State of Texas



DITCH CLEARING LIMITS

SUNOCO

CITY OF NEDERLAND

BASCO

ABSOLUTE

CITY OF NEDERLAND

PEDRO ESQUIVEL

SAVANT COLLISION

MUSTANG CAT RENTAL

ENERGY

PROPOSED ACCESS ROUTES

347

NORTH TWIN CITY HWY



EXHIBIT A