

**MINUTES OF VIDEOCONFERENCE MEETING NO. 2383
COMMISSIONERS OF
JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7**

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

Date: November 1, 2022

Present: Commissioners
Richard Beaumont Phil Kelley, General Manager (Via Zoom)
Albert Moses, Jr. Allen Sims, Assistant Manager
Matthew Vincent Glenn Steele, Attorney for District
James Gamble, Sr.
Lester Champagne

Visitors: Dean Depew, DD7
Brady Girouard, DD7
Garrett Boudoin, DD7

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. 2382

The Minutes of Meeting No. 2382 was approved as read.

Open Bids and Consider Award for Diesel Engines and Reduction Gears for Foley & Ninth Avenue Pump Stations

Bids were opened and read pertaining to the Diesel Engines and Reduction Gears for Foley & Ninth Avenue Pump Stations. One bid was received from Cummins Sales and Service. The bid included the bond with a bid of \$498,360.00 for 4 engines with 4 reduction gears. Commissioner Vincent asked about the cost in comparison to the last project bid relating to the diesel engine replacement project. Mr. Sims stated that the increase was slightly less than 10%. Commissioner Vincent asked how long the request

for proposals was open. Mr. Sims stated that the District is required to advertise once a week for two consecutive weeks before the date the bids are opened, and the first publication must not be later than the 14th day before the date the sealed bids are open. Commissioner Champagne made a motion to table the award of the bid to allow time to ensure the insurance, engineering and specifications are in line with the request for proposal. Commissioner Vincent seconded the motion. The motion carried.

Consider Adopting Proposed 2023 Holiday Schedule

A proposed 2023 Holiday Schedule was submitted for consideration. Mr. Sims stated the proposed holidays are in line with Jefferson County's holidays for next year. Although the District normally follows the same holidays as Jefferson County, there was discussion last year to add Juneteenth as a District holiday. Commissioner Gamble stated that he would like to see Juneteenth added to the District's holiday schedule. A brief discussion was held. Attorney Glenn Steele stated that the District can legally add any holiday the board votes to support. Commissioner Gamble motioned to add Juneteenth to District's holiday schedule and approve the 2023 proposed holiday schedule as amended. Commissioner Moses seconded the motion. The motion carried. The days listed below are adopted as the District's holidays for 2023:

January 16, 2023 (Monday)	Martin Luther King, Jr. Day
February 20, 2023 (Monday)	President's Day
April 7, 2023 (Friday)	Good Friday
May 29, 2023 (Monday)	Memorial Day
June 19, 2023 (Monday)	Juneteenth
July 4, 2023 (Tuesday)	Independence Day

September 4, 2023 (Monday)	Labor Day
November 10, 2023 (Friday)	Veteran's Day
November 23 & 24, 2023 (Thursday & Friday)	Thanksgiving
December 25 & 26, 2023 (Monday & Tuesday)	Christmas
January 1, 2024 (Monday)	New Year's

Sabine Pass to Galveston Bay Project Summary

Mr. Brady Girouard gave a brief update on the Sabine Pass to Galveston Bay Project Summary and stated that there is no substantial progress to report. Design efforts continue. The District is not engaging in any actual construction until a decision has been made by USACE regarding the environmental issues. Mr. Sims stated that he, Chris Sallese, Ray Russo, and Mark Mazzanti attended the National Waterways Conference in Houston. There were several senior executive staff from USACE in attendance which presented the opportunity for key issues to be discussed in detail. Those key issues included increase in costs, schedule delays, and environmental issues. During these discussions, it was explained that it is not the letter of the Corps' environmental policy, but the interpretation of the policy by the Office of Counsel that the District is in opposition. The Office of Counsel is interpreting the policy under the residential policy standard instead of industrial policy standard. The District feels that the industrial policy standard should be applied and can be met. The Office of Counsel has yet to provide any documentation to support their position. Mr. Sims added that he spoke with Mike Braden, USACE, Head of Mega Projects, Galveston District. A meeting was held this week between the Galveston District and headquarters. Mr. Braden stated that he feels like there is some forward movement regarding the issues. At the end of the meeting, he was

instructed to add two years to the design process of each project that involves Hazardous, Toxic and Radioactive Waste (HTRW), submit new schedules, and add ten million dollars in engineering costs to help improve the issues discussed. The Office of Counsel was also instructed to produce documentation to corroborate USACE's long-standing environmental policy. During a discussion with the Assistant Secretary of the Army, he stated that he had five major objectives. The top two were protecting life and property and protecting underserved communities. Although the industry that the wall runs through is not considered an underserved community, the surrounding areas are. The risk of encountering hazardous contamination as opposed to not replacing the walls is much higher to the life and safety of the people behind those walls, especially since one of the walls has already failed. There will likely be a new disaster relief bill associated with Hurricane Ian presented next year. There is not enough time to compile the necessary data for this year's legislative session. The legislature is looking to modify the Balanced Budget Act of 2018 that is funding the District's levees in the new disaster relief bill.

Various discussions were had regarding the continuation of the Sabine Pass to Galveston Bay Project in the event the state discontinues funding the District's 35% cost share. At this time, the District feels that educated decisions cannot be made until further information is received from the state.

Manager's Miscellaneous Reports

Mr. Sims stated that he received a phone call from the local bridge engineer working with Texas Department of Transportation (TXDOT) regarding the District's Hwy 365 gate structure. The engineer stated that due to funding constraints, TXDOT was not going to be able to build a road up and over the District's Hwy 365 gate structure. A meeting was held with TXDOT regarding the decision. TXDOT representatives advised

that due to increase costs, it lacked \$4 million dollars to install the roadway as designed. Mr. Sims stated that the USACE's estimate to replace the gate structure was \$ 6 million dollars. The District has the option to pay \$6 million to USACE to replace the gate structure or pay \$4 million dollars to TXDOT and remove the gate structure. A Corps representative agreed either option will go toward the District's 35% cost share match on the S2G Project. The District opted for the lesser cost option. An email was sent by the Corps representative to the District and TXDOT to confirm this agreement. TXDOT requested \$4 million dollars and a commitment for change orders on the portion in the area of the levee to move forward with the project. The District agreed. TXDOT also requested assistance with discussions with Jefferson County regarding help with the 10% cost of right of way located outside of the District. Mr. Sims agreed to assist with this matter.

EXECUTIVE SESSION – CONSIDER AND TAKE ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION

No executive session held.

Checks & Purchase Orders
Maintenance Fund

Ck. No. 21154 – Duck's Dragline Service, Inc.

\$12,620.00 – Equipment Rental, Levee Maintenance, and New Administration Building Project

Ck. No. 21155 – FILMR

\$60.00 – Social Media Posts

Ck. No. 21156 – Function 4 LLC

\$206.30 – Konmin Copier Lease Payment

Ck. No. 21157 – GP Evans Contractors

\$6,561.00 – Seasonal Mowing Contract

Ck. No. 21158 – Groves Equipment Rental Co. Inc.
\$2,700.00 – 15 Ton Crane Rental, 10/17-11/16/22

Ck. No. 21159 – James Gamble, Sr.
\$270.00 – Health Insurance Payment

Ck. No. 21160 – Jefferson County Tax A/C
\$9.37 – 2022 Property Tax – Hoelzer Property Acquisition

Ck. No. 21161 – Nerbert Frelow
\$1,920.00 – Dump Truck Rental, New Administration Building Project

Ck. No. 21162 – Phil Kelley
\$618.73 – Travel Expense for TWCA Fall Conference

Ck. No. 21163 – Port Arthur News
\$804.04 – Advertising – Stormwater Management Plan & Diesel Engine Replacement Projects

Ck. No. 21164 – Southeast Texas Regional Planning Commission
\$150.00 – SETRPC Membership Dues

Ck. No. 21165 – Sunbelt Rentals
\$7,479.50 – Equipment Rental – New Administration Building Project

Ck. No. 21166 – Texan Engineering & Consulting, LLC
\$7,560.00 – General Engineering, Permits & Blocks Bayou Project

Ck. No. 21167 – Tidal Basin Government Consulting, LLC
\$82.50 – Rodair Gully Detention HMGP Project

Ck. No. 21168 – Texas Department of Agriculture
\$75.00 – Bruce Kirkgard Herbicide License Renewal

Ck. No. 21169 – United of Omaha
\$2,099.27 – Health Insurance Payment

Ck. No. 21170 – United States Postal Service
\$500.00 – Postage for Postage Meter

Ck. No. 21171 – Xylem Dewatering Solutions, Inc.
\$5,625.00 – PS 3 Discharge Pipe Support Rehab

Ck. No. 21172 – Brady Girouard
\$600.00 – Travel Advance - Texas Aquatic Plant Management Society Conference

Ck. No. 21173 – Bryant P. James

\$600.00 – Travel Advance - Texas Aquatic Plant Management Society Conference

Ck. No. 21174 – Dan Delich Consulting

\$1,695.56 – Legislative Consulting Fees

Ck. No. 21175 – Dannenbaum Engineering Corp.

\$1,885.59 – Groves & Rodair Gully Detention HMGP Project

Ck. No. 21176 – Mazzanti & Associates, LLC

\$2,500.00 – Legislative Consulting Fees

Ck. No. 21177 – Ray Russo

\$11,090.24 – Legislative Consulting Fees

Ck. No. 21178 – Wells Fargo

\$1,177.81 – Travel and Meetings, Engine Diesel Engine Replacement

Ck. No. 21179 – Dannenbaum Engineering Corp.

\$9,913.59 – Sabine Pass to Galveston Bay Project–WIK

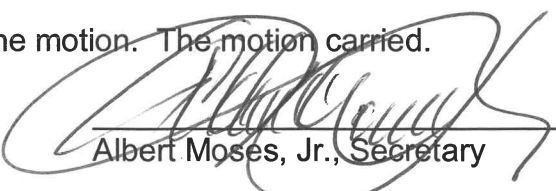
Ck. No. 21180 – Function 4, LLC

\$204.77 – Copier Copy Overage Charge

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

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

At 2:28 p.m., Commissioner Vincent moved that the meeting be adjourned. Commissioner Moses seconded the motion. The motion carried.


Albert Moses, Jr., Secretary


Richard Beaumont, Chairman