

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
ORANGE COUNTY DRAINAGE DISTRICT**

May 9, 2023

The regular monthly meeting of the Board of Directors of the Orange County Drainage District was held on Tuesday, May 9, 2023, at 10:00 a.m. at the District Office located at 8081 Old Highway 90, Orange, Texas. A quorum of the Board of Directors was present for this meeting of the Board of Directors at the location set forth above.

DIRECTORS PRESENT:

Russell Covington	Director, Precinct No. 1
James Scales	Director, Precinct No. 3
Hal LaPray	Director, Precinct No. 4

DIRECTORS ABSENT:

Brent Peveto	Director At-Large
Larry Ancelot, Jr.	Director, Precinct No. 2

OTHERS PRESENT:

Neal Ford	General Manager
Douglas Manning	Assistant General Manager
Don Carona	Executive Manager of Special Projects
Cindy Pent	Recording Secretary
Martin Dies	Attorney
Keri Michutka	Accountant
Mickey Moshier	Insurance Consultant

MEETING OPENED

Mr. Scales called the meeting of the Board of Directors of the Orange County Drainage District to order at 10:00 a.m. Mr. Manning led the Invocation and the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. LaPray made a motion to dispense with the reading of, and to approve, the minutes of the April 11, 2023, regular meeting. Mr. Covington seconded the motion. Motion carried 3-0.

VISITORS

None

RECOGNIZE ACCEPTANCE OF TEXPOOL APRIL 2023 REPORT

No action required.

APPROVAL OF APRIL 2023 BILLS

After review and discussion, Mr. Covington made a motion to approve the bills for April 2023. Mr. LaPray seconded the motion. Motion carried 3-0.

CONSIDERATION AND APPROVAL OF HIRING WATHEN, DESHONG & JUNCKER, LLP TO CONDUCT THE DISTRICT’S ANNUAL AUDIT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023

Mr. Covington made a motion to approve hiring Wathen, DeShong & Juncker, LLP to conduct the District’s annual audit for the Fiscal Year ending September 30, 2023. Mr. LaPray seconded the motion. Motion carried 3-0.

CONSIDERATION AND APPROVAL OF SETTING THE DISTRICT’S 2024 EMPLOYER CONTRIBUTION RATE TO THE TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM (TCDRS) AT 13.75% (13.50% FOR RETIREMENT PLAN RATE, AND 0.25% FOR GROUP TERM LIFE RATE), OR ALTERNATIVELY AT SUCH OTHER PERCENTAGE DETERMINED BY THE BOARD OF DIRECTORS

Mr. LaPray made a motion to approve setting the District’s 2024 employer contribution rate to the Texas County and District Retirement System (TCDRS) at 13.75% (13.50% Retirement Plan Rate, and 0.25% for Group Term Life Rate). Mr. Covington seconded the motion. Motion carried 3-0.

CONSIDERATION FOR APPROVAL OF AN AMENDMENT TO *APPENDIX A – FEE SCHEDULE, DRAINAGE CRITERIA MANUAL AND REGULATIONS OF THE ORANGE COUNTY DRAINAGE DISTRICT (THE “MANUAL”)* TO REFLECT NEW RATES FOR FEES ASSOCIATED WITH THE REVIEW, SUBMISSION, AND APPROVAL OF DEVELOPMENTS GOVERNED BY THE MANUAL

Mr. LaPray made a motion to table this agenda item. Mr. Covington seconded the motion. Motion carried 3-0.

CONSIDERATION FOR APPROVAL OF *RIGHT OF WAY INSTRUMENT – ENTERGY TEXAS, INC. (WR# 35895456)* TO BE LOCATED ON THE DISTRICT’S PROPERTY AT 8081 OLD HIGHWAY 90, ORANGE, TEXAS, AND TO AUTHORIZE THE DISTRICT’S GENERAL MANAGER TO EXECUTE THE SAME. THE PURPOSE OF THE INSTRUMENT IS TO PROVIDE ELECTRICAL SERVICE TO THE DISTRICT’S EQUIPMENT SHED LOCATED BEHIND THE EXISTING DISTRICT SHOP

Mr. LaPray made a motion to approve the Right of Way Instrument – Entergy Texas, Inc. (WR#35895456) to be located on the District’s property at 8081 Old Highway 90, Orange, Texas, and to authorize the District’s General Manager to execute the same. The purpose of the instrument is to provide electrical service to the District’s equipment shed located behind the existing District shop. Mr. Covington seconded the motion. Motion carried 3-0.

DISCUSSION AND APPROVAL OF APPLICATION FOR UTILITY PERMIT FOR THE OVERHEAD FIBER/POWER LINE SUBMITTED BY GOLDEN TRIANGLE POLYMERS COMPANY LLC TO BE PLACED 30’ ABOVE THE SOUTH PERIMETER DITCH LOCATED NEAR THE ORANGE COUNTY AIRPORT

Mr. Covington made a motion to approve the Application for Utility Permit for the overhead Fiber/Power Line submitted by Golden Triangle Polymers Company LLC to be placed 30’ above the South Perimeter Ditch located near the Orange County Airport. Mr. LaPray seconded the motion. Motion carried 3-0.

DISCUSSION AND APPROVAL OF APPLICATION FOR UTILITY PERMIT FOR THE PLACEMENT OF A 13.8 KILOVOLT ELECTRIC DISTRIBUTION LINE BY GOLDEN TRIANGLE POLYMERS COMPANY LLC TO BE BORED UNDER THE NORTH PERIMETER DITCH NEAR FOREMAN ROAD

Mr. Covington made a motion to approve the Application for Utility Permit for the placement of a 13.8 kilovolt Electric Distribution Line by Golden Triangle Polymers Company LLC to be bored under the North Perimeter Ditch near Foreman Road. Mr. LaPray seconded the motion. Motion carried 3-0.

CONSIDERATION AND POSSIBLE ACTION ON A REQUESTED AMENDMENT TO THE TAX ABATEMENT AGREEMENT BETWEEN OPTIMUS STEEL, LLC AND THE ORANGE COUNTY DRAINAGE DISTRICT

Mr. Covington made a motion to approve the requested amendment to the Tax Abatement Agreement between Optimus Steel, LLC and the Orange County Drainage District. Mr. LaPray seconded the motion. Motion carried 3-0.

RECEIPT AND CONSIDERATION OF THE RECOMMENDED RANKINGS OF THE EVALUATION COMMITTEE PREVIOUSLY DESIGNATED BY THE BOARD, AND SELECTION OF, AND AWARD OF CONTRACT TO A FIRM(S) TO PROVIDE PROFESSIONAL ENGINEERING SERVICES PURSUANT TO THE DISTRICT'S REQUEST FOR QUALIFICATIONS FOR GENERAL PROFESSIONAL ENGINEERING SERVICES (RFQ-2023-01-GEN-ENG), AND AUTHORIZATION OF THE DISTRICT'S EXECUTIVE MANAGER OF SPECIAL PROJECTS, UPON CONSULTATION AND APPROVAL OF THE DISTRICT'S ATTORNEY, TO NEGOTIATE AND EXECUTE A CONTRACT WITH SUCH FIRM(S) ON BEHALF OF THE DRAINAGE DISTRICT

Following a report by the District Purchaser regarding the evaluation of firms in response to the District's Request For Qualifications For General Professional Engineering Services (RFQ-2023-01-GEN-ENG), Mr. LaPray made a Motion to rank the firms based on their submitted statements of qualifications in the following order and to select Tidewater Professional Services, LLC, as the most highly qualified firm:

1. Tidewater Professional Services, LLC
2. Schaumburg & Polk
3. Arceneaux Wilson and Cole
4. LJA
5. Terracon
6. Tolunay-Wong
7. Raba Kistner

and to authorize the District's Executive Manager of Special Projects to negotiate a contract with such firm in accordance with Section 2254.004 of the Texas Government Code, and to execute a contract with Tidewater Professional Services, LLC, on behalf of the Drainage District, subject to the review and approval of the District's attorney. Mr. Covington seconded the motion. Motion carried 3-0.

CONSIDERATION AND AUTHORIZATION OF JOE ESCOBEDO, THE DISTRICT PURCHASER, TO OPEN THE SEALED QUALIFICATIONS TIMELY SUBMITTED IN RESPONSE TO THE DISTRICT'S REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL ENGINEERING SERVICES, RFQ-2023-02-BESSIE HEIGHTS-HMGP, AT 2:00 P.M. ON MAY 17, 2023, AND TO PROVIDE COPIES OF SUCH QUALIFICATIONS TO THE EVALUATION COMMITTEE MEMBERS DESIGNATED BY THE BOARD OF DIRECTORS TO REVIEW, SCORE, AND RANK SAID STATEMENTS OF QUALIFICATION AND PROVIDE SUCH EVALUATIONS TO THE BOARD FOR THE BOARD'S CONSIDERATION IN SELECTING THE SERVICE PROVIDER(S) TO BE RETAINED TO PROVIDE SUCH SERVICES

Mr. LaPray made a motion to authorize Joe Escobedo, the District Purchaser, to open the sealed qualifications timely submitted in response to the District's request for Qualification for Professional Engineering Services (RFQ-2023-02-Bessie Heights-HMGP) at 2:00 p.m. on May 17, 2023, and to provide copies of such qualifications to the evaluation committee members designated by the Board of Directors to review score, and rank said statements of qualification and provide such evaluations to the Board for the Board's consideration in selecting the service provider(s) to be retained to provide such services. Mr. Covington seconded the motion. Motion carried 3-0.

CONSIDERATION AND DESIGNATION OF AN EVALUATION COMMITTEE, CONSISTING OF THE DISTRICT PURCHASER, GENERAL MANAGER, ASSISTANT GENERAL MANAGER AND THE EXECUTIVE MANAGER OF SPECIAL PROJECTS TO REVIEW, SCORE, AND RANK ALL OF THE SUBMITTALS TIMELY RECEIVED IN RESPONSE TO THE DISTRICT'S REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL ENGINEERING SERVICES, RFQ-2023-02-BESSIE HEIGHTS-HMGP, WHICH COMMITTEE WILL PROVIDE SUCH EVALUATIONS TO THE BOARD OF DIRECTORS FOR CONSIDERATION, IN THE BOARD'S SOLE DISCRETION, IN SELECTING THE SERVICE PROVIDER(S) TO BE RETAINED TO PROVIDE SUCH SERVICES, CONSIDERING ALL OF THE CRITERIA SET FORTH IN SAID REQUESTS FOR QUALIFICATIONS

Mr. Covington made a motion to designate an evaluation committee consisting of the District Purchaser, General Manager, Assistant General Manager, and the Executive Manager of Special Projects to review, score, and rank all of the submittals timely received in response to the District's request for qualifications for Professional Engineering Services (RFQ-2023-02-BESSIE HEIGHTS-HMGP) which committee will provide such evaluations to the Board of Directors for consideration, in the Board's sole discretion, in selecting the service provider(s) to be retained to provide such services, considering all of the criteria set forth in said requests for qualifications. Mr. LaPray seconded the motion. Motion carried 3-0.

CONSIDERATION AND AUTHORIZATION OF JOE ESCOBEDO, THE DISTRICT PURCHASER, TO OPEN THE SEALED QUALIFICATIONS TIMELY SUBMITTED IN RESPONSE TO THE DISTRICT'S REQUEST FOR QUALIFICATIONS FOR ENGINEERING SERVICES RELATED TO THE TIGER CREEK DETENTION POND PROJECT CDBG-RMIT, RFQ-2023-03-TIGER CREEK-CDBG-FMIT, AT 2:00 P.M. ON MAY 31, 2023, AND TO PROVIDE COPIES OF SUCH QUALIFICATIONS TO THE EVALUATION COMMITTEE MEMBERS DESIGNATED BY THE BOARD OF DIRECTORS TO REVIEW SCORE, AND RANK SAID STATEMENTS OF

QUALIFICATION AND PROVIDE SUCH EVALUATIONS TO THE BOARD FOR THE BOARD'S CONSIDERATION IN SELECTING THE SERVICE PROVIDER(S) TO BE RETAINED TO PROVIDE SUCH SERVICES

Mr. Covington made a motion to authorize Joe Escobedo, the District Purchaser, to open the sealed qualifications timely submitted in response to the District's Request for Qualifications for Engineering Services related to the Tiger Creek Detention Pond Project CDBG-RMIT (RFQ-2023-03-TIGER CREEK-CDBG-RMIT) at 2:00 p.m. on May 31, 2023, and to provide copies of such statements of qualifications to the evaluation committee members designated by the Board of Directors to review score, and rank said statements of qualification and provide such evaluations to the Board for the Board's consideration in selecting the service provider(s) to be retained to provide such services. Mr. LaPray seconded the motion. Motion carried 3-0.

CONSIDERATION AND DESIGNATION OF AN EVALUATION COMMITTEE, CONSISTING OF THE DISTRICT PURCHASER, GENERAL MANAGER, ASSISTANT GENERAL MANAGER, AND THE EXECUTIVE MANAGER OF SPECIAL PROJECTS TO REVIEW, SCORE, AND RANK ALL OF THE SUBMITTALS TIMELY RECEIVED IN RESPONSE TO THE DISTRICT'S REQUEST FOR QUALIFICATIONS FOR ENGINEERING SERVICES RELATED TO THE TIGER CREEK DETENTION POND PROJECT CDBG-RMIT, RFQ-2023-03-TIGER-CREEK-CDBG-RMIT, WHICH COMMITTEE WILL PROVIDE SUCH EVALUATIONS TO THE BOARD OF DIRECTORS FOR CONSIDERATION, IN THE BOARD'S SOLE DISCRETION, IN SELECTING THE SERVICE PROVIDER(S) TO BE RETAINED TO PROVIDE SUCH SERVICES, CONSIDERING ALL OF THE CRITERIA SET FORTH IN SAID REQUESTS FOR QUALIFICATIONS

Mr. LaPray made a motion to designate an evaluation committee, consisting of the District Purchaser, General Manager, Assistant General Manager, and the Executive Manager of Special Projects to review, score, and rank all of the submittals timely received in response to the District's Request for Qualifications for Engineering Services related to the Tiger Creek Detention Pond Project CDBG-RMIT (RFQ-2023-03-TIGER CREEK-CDBG-RMIT), which the committee will provide such evaluations to the Board of Directors for consideration, in the Board's sole discretion, in selecting the service provider(s) to be retained to provide such services, considering all of the criteria set forth in said requests for qualifications. Mr. Covington seconded the motion. Motion carried 3-0.

CONSIDERATION AND AUTHORIZATION FOR DRAINAGE DISTRICT STAFF TO APPROVE THE DRAINAGE STUDY FOR BRIDGE CITY HIGH SCHOOL CTE ADDITION PROJECT, TO BE LOCATED AT 2690 TEXAS AVENUE, BRIDGE CITY, TEXAS, PREPARED BY GAVIN P. STEVENS, P.E., DATED APRIL 17, 2023

Mr. LaPray made a motion to authorize Drainage District Staff to approve the Drainage Study for Bridge City High School CTE Addition project, to be located at 2690 Texas Avenue, Bridge City, Texas, prepared by Gavin P. Stevens, P.E., dated April 17, 2023. Mr. Covington seconded the motion. Motion carried 3-0.

CONSIDERATION AND AUTHORIZATION FOR DRAINAGE DISTRICT STAFF TO APPROVE THE DRAINAGE STUDY FOR THE WISE STREET APARTMENTS PROJECT, TO BE LOCATED ON WISE STREET, BRIDGE CITY, TEXAS, PREPARED BY JEREMY J. MITCHELL, P.E., DATED APRIL 21, 2023

Mr. Covington made a motion to authorize Drainage District Staff to approve the Drainage Study for the Wise Street Apartments project, to be located on Wise Street, Bridge City, Texas, prepared by Jeremy J. Mitchell, P.E., dated April 21, 2023. Mr. LaPray seconded the motion. Motion carried 3-0.

CONSIDERATION AND AUTHORIZATION FOR DRAINAGE DISTRICT STAFF TO APPROVE THE DRAINAGE STUDY FOR ENTERGY ORANGE COUNTY ADVANCED POWER STATION INITIAL SITE FILL PHASE 1 PROJECT, TO BE LOCATED AT THE EXISTING ENTERGY POWER PLANT ON FM 1442, PORT ARTHUR, TEXAS, PREPARED BY VASUDEV B. PATEL, P.E., DATED APRIL 26, 2023

Mr. Covington made a motion to authorize Drainage District Staff to approve the Drainage Study for Entergy Orange County Advanced Power Station Initial Site Fill Phase 1 project, to be located at the existing Entergy Power Plant on FM 1442, Port Arthur, Texas, prepared by Vasudev B. Patel, P.E., dated April 26, 2023. Mr. LaPray seconded the motion. Motion carried 3-0.

CONSIDERATION AND AUTHORIZATION FOR DRAINAGE DISTRICT STAFF TO APPROVE THE DRAINAGE STUDY FOR THE PINEHURST VILLAS PROJECT, TO BE LOCATED ON WESTPARK AVENUE, PINEHURST, TEXAS, PREPARED BY MATTHEW K. LOOS, P.E., DATED MARCH 22, 2023

Mr. LaPray made a motion to authorize Drainage District Staff to approve the Drainage Study for the Pinehurst Villas project, to be located on Westpark Avenue, Pinehurst, Texas, prepared by Matthew K. Loos, P.E., dated March 22, 2023. Mr. Covington seconded the motion. Motion carried 3-0.

CONSIDERATION AND AUTHORIZATION FOR THE GENERAL MANAGER TO APPROVE THE DRAINAGE PLAN (“PLAN”) FOR THE BRIDGE CITY MIDDLE SCHOOL PROJECT NO. 0289-200, LOCATED AT 1029 ROUND BUNCH ROAD, BRIDGE CITY, TEXAS 77611, DATED MARCH 23, 2023, AND PREPARED BY CLAYCOMB ASSOCIATES, ARCHITECTS, INC., UNDER THE AUTHORITY OF GAVIN P. STEVENS, P.E., SUBJECT TO, AND PROVIDED THAT, ALL CHANGES TO THE PLAN THAT ARE NECESSARY FOR THE PLAN TO BE IN COMPLIANCE WITH THE DISTRICT’S DRAINAGE REQUIREMENTS, AS DETERMINED BY THE DISTRICT’S ENGINEER AND STAFF, ARE MADE AND INCORPORATED INTO THE PLAN

Mr. LaPray made a motion to authorize the General Manager to approve the Drainage Plan (“Plan”) for the Bridge City Middle School Project No. 0289-200 located at 1029 Round Bunch Road, Bridge City, Texas 77611, dated March 23, 2023, and prepared by Claycomb Associates, Architects, Inc., under the authority of Gavin P. Stevens, P.E., subject to, and provided that, all changes to the Plan that are necessary for the Plan to be in compliance with the District’s drainage requirements, as determined by the District’s Engineer and Staff, are made and incorporated into the Plan. Mr. Covington seconded the motion. Motion carried 3-0.

CONSIDERATION AND APPROVAL OF THE FINAL PLAT OF PIRATE'S COVE ESTATES (PHASE I) LOCATED IN THE CITY OF VIDOR, TEXAS, PREPARED BY SOUTEX SURVEYORS AND ENGINEERS INC. UNDER THE AUTHORITY OF JEREMY J. MITCHELL, P.E., SUBJECT TO, AND PROVIDED THAT ALL CHANGES TO THE FINAL PLAT AND ALL HOA RELATED DOCUMENTS AS REQUIRED BY THE DISTRICT ARE MADE, AS DETERMINED AND APPROVED BY THE DISTRICT'S ENGINEER, STAFF AND COUNSEL

Mr. Covington made a motion to approve the Final Plat of Pirate's Cove Estates (Phase I) located in the City of Vidor, Texas, prepared by Soutex Surveyors and Engineers Inc. under the authority of Jeremy J. Mitchell, P.E., subject to, and provided that, all changes to the final plat and all HOA related documents as required by the District are made, as determined, and approved by the District's Engineer, Staff, and Counsel. Mr. LaPray seconded the motion. Motion carried 3-0.

CONSIDERATION AND APPROVAL OF AN AMENDMENT TO THE BUDGET FOR FISCAL YEAR 2022-2023 FOR THE PURPOSE OF BUDGETING ADDITIONAL REVENUE AND ADDITIONAL EXPENSES ASSOCIATED WITH THE PURCHASE OF FIXED ASSETS

Mr. LaPray made a motion to approve the amendment to the budget for Fiscal Year 2022-2023 for the purpose of budgeting additional revenue and additional expenses associated with the purchase of fixed assets. Mr. Covington seconded the motion. Motion carried 3-0.

BOARD GOES INTO EXECUTIVE SESSION

Time: 10:50 a.m. Mr. LaPray made a motion to enter into Executive Session to consult with the District's attorney on a matter protected by attorney-client privilege. See, Tex. GOV'T CODE §551.071(2). Mr. Covington seconded the motion. Motion carried 3-0.

RECONVENE IN OPEN SESSION

The Board reconvened in open session at 11:46 a.m.

BOARD ADJOURNS

There being no further business to discuss, Mr. LaPray made the motion to adjourn. Mr. Covington seconded the motion. Motion carried 3-0. The meeting adjourned at 11:47 a.m.

James Scales
Secretary

Cindy Pent
Recording Secretary