

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

**June 13, 2023**

The regular monthly meeting of the Board of Directors of the Orange County Drainage District was held on Tuesday, June 13, 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:**

Larry Ancelot, Jr.	Director, Precinct No. 2
James Scales	Director, Precinct No. 3
Hal LaPray	Director, Precinct No. 4

**DIRECTORS PRESENT BY VIDEO-CONFERENCE CALL:**

Brent Peveto	Director At-Large
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**DIRECTORS ABSENT:**

Russell Covington	Director, Precinct No. 1
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**OTHERS PRESENT:**

Neal Ford	General Manager
Douglas Manning	Assistant General Manager
Don Carona	Executive Manager of Special Projects
Tammy Johnson	Recording Secretary
Martin Dies	Attorney
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. LaPray led the Invocation and the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Mr. Ancelot made a motion to dispense with the reading of, and to approve, the minutes of the May 9, 2023, regular meeting. Mr. LaPray seconded the motion. Motion carried 4-0.

**VISITORS**

None

**PUBLIC HEARING ON AMENDING A TAX ABATEMENT BETWEEN THE ORANGE COUNTY DRAINAGE DISTRICT AND OPTIMUS STEEL, LLC**

The Board of Directors opened the Public Hearing to receive public comment regarding the proposed amendment of the tax abatement agreement between the Orange County Drainage District and Optimus Steel, LLC. The Board of Directors noted that the Notice of Public Hearing had been posted in accordance with Texas law. No members of the public attended or participated in the Public Hearing. Accordingly, the Public Hearing was closed.

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

Mr. LaPray made a motion to approve the amendment to the Tax Abatement Agreement between Optimus Steel, LLC, and the Orange County Drainage District. Mr. Ancelot seconded the motion. Motion carried 4-0.

**PUBLIC MEETING REGARDING THE SABINE RIVER RELIEF DITCH EXTENSION AND EXPANSION PROJECT**

The Board of Directors opened the Public Hearing to receive public comment regarding the proposed Sabine River Relief Ditch Extension and Expansion Project. The Board of Directors noted that the Notice of Public Hearing had been posted in accordance with Texas law. No members of the public attended or participated in the Public Hearing. Accordingly, the Public Hearing was closed.

**RECOGNIZE ACCEPTANCE OF TEXPOOL MAY 2023 REPORT**

No action required.

**APPROVAL OF MAY 2023 BILLS**

After review and discussion, Mr. LaPray made a motion to approve the bills for May 2023. Mr. Ancelot seconded the motion. Motion carried 4-0.

**CONSIDER FOR APPROVAL THE RENEWAL OF INSURANCE COVERAGE FOR WORKERS' COMPENSATION, AUTOMOBILE LIABILITY AND PHYSICAL DAMAGE, GENERAL LIABILITY, CRIME, ERRORS AND OMISSIONS, EXCESS LIABILITY AND COMMERCIAL PROPERTY WITH TWCA RISK MANAGEMENT FUND FOR THE 2023-2024 FUND YEAR**

Mr. Ancelot made a motion to approve the renewal of insurance coverage for Workers' Compensation, Automobile Liability and Physical Damage, General Liability, Crime, Errors and Omissions, Excess Liability and Commercial Property with TWCA Risk Management Fund for the 2023-2024 Fund Year in accordance with the TWCA submitted quote. Mr. LaPray seconded the motion. Motion carried 4-0.

**CONSIDERATION AND APPROVAL OF THE AGREEMENT BETWEEN THE ORANGE COUNTY DRAINAGE DISTRICT AND RON LEWIS & ASSOCIATES FOR LEGISLATIVE CONSULTATIVE SERVICES**

Mr. Peveto made a motion to approve the agreement between the Orange County Drainage District and Ron Lewis & Associates for legislative consultative services. Mr. Ancelot seconded the motion. Motion carried 4-0.

**DISCUSSION AND APPROVAL OF APPLICATION FOR PIPELINE AND UTILITY PERMIT FOR APPROXIMATELY 135 FEET OF 4-INCH PLASTIC NATURAL GAS UTILITY LINE SUBMITTED BY CENTERPOINT ENERGY RESOURCES CORP. TO BE PLACED ENTIRELY WITHIN THE ROAD RIGHT OF WAY ALONG DAYTON STREET, ORANGE COUNTY, TEXAS**

Mr. Ancelot made a motion to approve the Application for Pipeline and Utility Permit for approximately 135 feet of 4-inch plastic Natural Gas Utility Line submitted by CenterPoint Energy Resources Corp. to be placed entirely within the road right of way along Dayton Street, Orange County, Texas. Mr. LaPray seconded the motion. Motion carried 4-0.

**DISCUSSION AND APPROVAL OF APPLICATION FOR PIPELINE AND UTILITY PERMIT FOR TWO LINES, 4-INCH DIAMETER, SUBMITTED BY CENTERPOINT ENERGY RESOURCES CORP. TO BE PLACED ALONG MEDICAL CENTER BOULEVARD IN ORANGE COUNTY, TEXAS**

Mr. Peveto made a motion to approve the Application for Pipeline and Utility Permit for Two Lines, 4-inch diameter, submitted by CenterPoint Energy Resources Corp. to be placed along Medical Center Boulevard in Orange County, Texas. Mr. Ancelot seconded the motion. Motion carried 4-0. Mr. Peveto instructed Tammy Johnson to execute the permit on his behalf and with his express permission.

**DISCUSS AND CONSIDER THE APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN THE ORANGE COUNTY DRAINAGE DISTRICT AND THE CITY OF BRIDGE CITY REGARDING THE BRIDGE CITY MARSH DRAINAGE IMPROVEMENT PROJECT**

Mr. Ancelot made a motion to approve the Interlocal Agreement between the Orange County Drainage District and the City of Bridge City regarding the Bridge City Marsh Drainage Improvement Project and authorize the Executive Manager of Special Projects to execute the same. Mr. LaPray seconded the motion. Motion carried 4-0.

**CONSIDERATION AND APPROVAL OF THE FINAL PLAT OF ORANGE GARDENS PHASE I SUBDIVISION LOCATED ADJACENT TO HIGHWAY 105 AND NEAR HIGHWAY 62, SUBJECT TO, AND CONTINGENT UPON, THE APPROVAL OF THE DISTRICT'S ATTORNEY OF ALL DEDICATORY AND HOA-RELATED DOCUMENTS**

Mr. Ancelot made a motion to approve the Final Plat of Orange Gardens Phase I Subdivision located adjacent to Highway 105 and near Highway 62, subject to, and contingent upon, the approval of the District's attorney of all dedicatory and HOA-related documents. Mr. LaPray seconded the motion. Motion carried 4-0. Mr. Peveto instructed Tammy Johnson to execute the plat on his behalf and with his express permission.

**CONSIDERATION AND AUTHORIZATION FOR DRAINAGE DISTRICT STAFF TO APPROVE THE DRAINAGE STUDY FOR MAURICEVILLE FAMILY DOLLAR PROJECT, TO BE LOCATED AT THE INTERSECTION OF HIGHWAY 12 AND WOODRIDGE ROAD, ORANGE, TEXAS, PREPARED BY TIMOTHY J. MOORE, P.E., DATED MAY 15, 2023**

Mr. LaPray made a motion to authorize the Drainage District Staff to approve the Drainage Study for Mauriceville Family Dollar Project, to be located at the intersection of Highway 12 and Woodridge Road, Orange, Texas, prepared by Timothy J. Moore, P.E., dated May 15, 2023. Mr. Ancelot seconded the motion. Motion carried 4-0.

**CONSIDERATION AND AUTHORIZATION FOR DRAINAGE DISTRICT STAFF TO APPROVE THE DRAINAGE STUDY FOR PATRIOT AIRBOATS PROJECT, TO BE LOCATED AT 810 EDGEWOOD STREET, VIDOR, TEXAS, PREPARED BY DONALD R. KING, P.E., DATED APRIL 3, 2023**

Mr. LaPray made a motion to authorize the Drainage District Staff to approve the Drainage Study for Patriot Airboats project, to be located at 810 Edgewood Street, Vidor, Texas, prepared by Donald R. King, P.E., dated April 3, 2023. Mr. Ancelot seconded the motion. Motion carried 4-0.

**CONSIDERATION AND AUTHORIZATION FOR DRAINAGE DISTRICT STAFF TO APPROVE THE DRAINAGE STUDY FOR THE ORANGE VALLEY DETENTION POND PROJECT, TO BE LOCATED ON NORTH 15<sup>TH</sup> STREET, ORANGE, TEXAS, PREPARED BY JEFFREY D. LEAVINS, P.E., DATED MAY 22, 2023, SUBJECT TO THE REVIEW AND APPROVAL OF THE DISTRICT'S ATTORNEY OF AN ACCEPTABLE DETENTION POND AND DRAINAGE INFRASTRUCTURE MAINTENANCE AGREEMENT TO BE EXECUTED BY THE APPROPRIATE PARTIES**

Mr. Ancelot made a motion to authorize the Drainage District Staff to approve the Drainage Study for Orange Valley Detention Pond project, to be located on North 15<sup>th</sup> Street, Orange, Texas, prepared by Jeffrey D. Leavins, P.E., dated May 22, 2023, subject to the review and approval by District Staff of an acceptable detention pond as well as the execution of a drainage infrastructure maintenance agreement as well as other legal instruments recommended by the District's attorney. Mr. LaPray seconded the motion. Motion carried 4-0.

**CONSIDERATION AND AUTHORIZATION FOR DRAINAGE DISTRICT STAFF TO APPROVE THE DRAINAGE STUDY FOR THE WHATABURGER NORTH 16<sup>TH</sup> STREET PROJECT TO BE LOCATED AT 3124 NORTH 16TH STREET, ORANGE, TEXAS, PREPARED BY JEFFREY D. LEAVINS, P.E., DATED JUNE 6, 2023 SUBJECT TO THE REVIEW AND APPROVAL OF THE DISTRICT'S ATTORNEY OF AN ACCEPTABLE DETENTION POND AND DRAINAGE INFRASTRUCTURE MAINTENANCE AGREEMENT TO BE EXECUTED BY THE APPROPRIATE PARTIES**

Mr. Ancelot made a motion to authorize the Drainage District Staff to approve the Drainage Study for the Whataburger North 16<sup>th</sup> Street project to be located at 3124 North 16<sup>th</sup> Street, Orange, Texas, prepared by Jeffrey D. Leavins, P.E., dated June 6, 2023 subject to the review and approval by District Staff of an acceptable detention pond and other drainage infrastructure as well as the execution of such legal

instruments recommended by the District's attorney. Mr. LaPray seconded the motion. Motion carried 4-0.

**CONSIDERATION AND AUTHORIZATION FOR THE EXECUTIVE MANAGER OF SPECIAL PROJECTS TO EXECUTE THE CONTRACT WITH TRAYLOR & ASSOCIATES, INC. ON BEHALF OF THE DISTRICT FOR GRANT ADMINISTRATION SERVICES RELATING TO THE CDBG-RMIT PROGRAM GRANT FOR THE TIGER CREEK DETENTION POND PROJECT**

Mr. LaPray made a motion to authorize the Executive Manager of Special Projects to execute the contract with Traylor & Associates, Inc. on behalf of the District for grant administration services relating to the CDBG-RMIT Program grant for the Tiger Creek Detention Pond Project. Mr. Ancelot seconded the motion. Motion carried 4-0.

**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 ENGINEERING SERVICES PURSUANT TO THE DISTRICT'S REQUEST FOR QUALIFICATIONS FOR ENGINEERING SERVICES RELATED TO THE BESSIE HEIGHTS DRAINAGE DITCH IMPROVEMENT PROJECT (RFQ-2023-02-BESSIE HEIGHTS-HMGP), 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 on behalf of the evaluation committee previously designated by the Board, regarding the evaluation of firms in response to the District's Request for Qualifications for Engineering Services related to the Bessie Heights Drainage Ditch Improvement Project (RFQ-2023-02-BESSIE HEIGHTS-HMGP), 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. Arceneaux, Wilson and Cole
3. Schaumburg & Polk

and to authorize the District's Executive Manager of Special Projects, upon consultation and approval of the District's attorney, to negotiate and execute a contract with Tidewater Professional Services, LLC on behalf of the Drainage District. Mr. Peveto seconded the motion. Motion carried 4-0.

**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 ENGINEERING SERVICES PURSUANT TO THE DISTRICT'S REQUEST FOR QUALIFICATIONS FOR ENGINEERING SERVICES RELATED TO THE TIGER CREEK DETENTION POND PROJECT (RFQ-2023-03-TIGER CREEK-CDBG-RMIT), 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 on behalf of the evaluation committee previously designated by the Board, regarding the evaluation of firms in response to the District's Request for Qualifications for Engineering Services related to the Tiger Creek Detention Pond Project (RFQ-2023-03-TIGER CREEK-CDBG-RMIT), Mr. Peveto made a motion to rank the firms based on their submitted statements of qualifications in the following order and to select DEC Engineering, as the most highly qualified firm:

1. DEC Engineering
2. Tidewater Professional Services, LLC
3. LJA Engineering, Inc.
4. Freese & Nichols
5. Schaumburg & Polk

and to authorize the District's Executive Manager of Special Projects, upon consultation and approval of the District's attorney, to negotiate and execute a contract with DEC Engineering on behalf of the Drainage District. Mr. Ancelot seconded the motion. Motion carried 4-0.

**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 LAWRENCE ROAD DETENTION POND PROJECT (DR-4572) (RFQ-2023-04-LAWRENCE ROAD DETENTION POND-HMGP), AT 2:00 P.M. ON JULY 5, 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. Ancelot made a motion to authorize Joe Escobedo, the District Purchaser, to open the sealed statements of qualifications timely submitted in response to the District's request for Qualifications for Engineering Services related to the Lawrence Road Detention Pond Project (DR-4572) (RFQ-2023-04-LAWRENCE ROAD DETENTION POND-HMGP), at 2:00 p.m. on July 5, 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 4-0.

**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 LAWRENCE ROAD DETENTION POND PROJECT (DR-4572) (RFQ-2023-04-LAWRENCE ROAD DETENTION POND-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. Ancelot 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 Lawrence Road Detention Pond Project (DR-4572) (RFQ-2023-04-LAWRENCE ROAD DETENTION POND-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 4-0.

**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 approve the 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. Ancelot seconded the motion. Motion carried 4-0.

**BOARD GOES INTO EXECUTIVE SESSION**

Time: 11:02 a.m. Mr. Ancelot 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. LaPray seconded the motion. Motion carried 4-0.

**RECONVENE IN OPEN SESSION**

The Board reconvened in open session at 11:57 a.m.

**BOARD ADJOURNS**

There being no further business to discuss, Mr. Ancelot made the motion to adjourn. Mr. LaPray seconded the motion. Motion carried 4-0. The meeting adjourned at 11:58 a.m.



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James Scales  
Secretary



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Tammy Johnson  
Recording Secretary