



Meeting Minutes

December 16, 2013– 5:30 pm

Orange County Water Control & Improvement District No. 1 Board Room
460 E Bolivar Street, Vidor, Texas

Robert Viator President
Billy Perkins Vice-President
Tim Beard Secretary
Percy Foreman Director
Frank Inzer Director

Norman Blackman General Manager
David LeJune-absent Operations Manager
Karen Sampson Office Manager
Chris Serres-absent Financial Director

Others present: Larry Hunter, Provost Umphrey Law Firm; Toby Davis and Jeff Scogin, Carroll & Blackman Consulting Engineers, Inc.; Calvin Prosen Arceneaux & Gates Consulting Engineers, Inc.

Members of the audience are requested to step outside the Board Room to respond to a page or to conduct a phone conversation.

The O.C.W.C & I.D #1 Administrative office is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the General Manager's Office at 409.769.2669.

CALL TO ORDER

Announce the presence of a Quorum.

Robert Viator, President of the Board, called the meeting to order at 5:30 P.M., with a quorum present.

INVOCATION & PLEDGE OF ALLEGIANCE

Mr. Inzer offered the invocation and Mr. Beard led the pledges.

MEETING AGENDA

1. Citizen comments.
There were none present.
2. Consideration of Carroll & Blackman, Inc.'s Monthly Status Report concerning ongoing District projects.
Mr. Viator read the agenda item.

Mr. Davis presented progress pictures regarding Contract A. These pictures illustrate the demolition of the original treatment plant. Mr. Scogin reported on Projects B & C. He presented progress pictures of the lift stations at Cloverleaf, Tigerlake and Lower Lift, and maps illustrating the Force main progress. Mr. Perkins questioned Mr. Scogin regarding the delays on the IH 10 bore. TXDOT is not going to approve a permit until they are assured that the traffic control required will be met by the contractors. The contractors will have to re-submit the permits and that will require more work involved in the bore. Mr. Perkins voiced his displeasure that Carroll & Blackman had ignored his requests to have the bores completed more timely. He pointed out with the delays and increasing costs were not in the District's best interest. Mr. Blackman informed the Board that there was an agenda item addressing the costs associated with the new TXDOT permit. The Board will address this issue later in the meeting. Mr. Scogin reported on Project C, the Sewer Rehab project. The contractors have laid new sewer lines and have installed asphalt patching on some of the streets that have been completed.

The engineers completed their presentation and Mr. Viator asked for a motion.

A motion was made by Mr. Foreman and seconded by Mr. Inzer to approve Carroll & Blackman, Inc.'s Monthly Status Report concerning ongoing District projects, as presented. All voted aye.

3. Consideration and possible action of approval of Carroll and Blackman, Inc., monthly invoices for District projects as listed:

Invoice #20088 for Contract A – Wastewater Treatment Plant in the amount of \$2,964.00; Invoice #20089 for Contract B – Cloverleaf and Tiger Lake Lift Station/Force Main in the amount of \$8,595.00; Invoice #20090 – Contract C – Sanitary Sewer Collection System Rehabilitation in the amount of \$20,240.00; for a Grand Total of **\$31,799.00**.

Mr. Viator read the agenda item.

Mr. Blackman recommended paying the invoices.

Mr. Viator asked for questions. The Board had no questions, he then asked for a motion.

A motion was made by Mr. Inzer and seconded by Mr. Foreman to approve payment of Carroll & Blackman, Inc. monthly invoices, in the amount of \$31,799.00, as presented. All voted aye.

See Attachment.

4. Consideration and possible action on request for payment on Estimate 37 from Allco, Ltd., in the amount of \$70,107.50 for Construction Contract TWDB No. 72129-SRF-3358-02 – Contract A Wastewater Treatment Plant.

Mr. Viator read the agenda item.

Mr. Davis presented this invoice. Mr. Blackman recommended payment.

Mr. Viator asked for questions. The Board had no questions, he then asked for a motion.

A motion was made by Mr. Beard and seconded by Mr. Perkins to approve payment on Estimate 37 from Allco, Ltd., in the amount of \$70,107.50 for Construction Contract TWDB No. 72129-SRF-3358-02 – Contract A Wastewater Treatment Plant, as presented. All voted aye. See attachment.

5. Consideration and possible action to approve a partial release of retainage on Contract A – Wastewater Treatment Plant to Allco, Inc. in an amount that would reduce the total retainage currently held from 5% of the contract amount to 3% of the total contract amount, contingent upon approval of the Texas Water Development Board.

Mr. Viator read the agenda item. Mr. Blackman presented the item to the Board. He informed that the Board that in talking with the Texas Water Development Board (TWDB) it was established that TWDB would allow all but 1% of the retainage be released to the contractor, based on the of completion of the project. Mr. Blackman stated that he had recommended releasing all but 3%, but citing the view of the TWDB, he was more inclined to agree with TWDB. The Board had some discussion regarding releasing all but 2% of the retainage.

Mr. Viator asked for any more questions, none were asked, he asked for a motion.

A motion was made by Mr. Foreman and seconded by Mr. Inzer to release retainage on Contract A – Wastewater Treatment Plant to Allco, Inc. in an amount that would reduce the total retainage currently held from 5% of the contract amount to 2% of the total contract amount, contingent upon approval of the Texas Water Development Board. Mr. Viator, Mr. Beard, Mr. Foreman and Mr. Inzer voted aye. Mr. Perkins voted nay. Motion carried. See attachment.

6. Consideration of request for payment on Estimate #14 from Allco, Ltd., in the amount of \$134,318.71 for Construction Contract TWDB No. 72129-SRF-3358-02 – Contract B - Cloverleaf & Tiger Lake Lift Stations and Force Mains.

Mr. Viator read the agenda item. Mr. Scogin presented this invoice, and recommended payment of invoice.

Mr. Viator asked for questions. The Board had no questions, he then asked for a motion.

A motion was made by Mr. Inzer and seconded by Mr. Foreman to approve payment on Estimate #14 from Allco, Ltd. in the amount of \$134,318.71 for Construction Contract TWDB No. 72129-SRF-3358-02 – Contract B - Cloverleaf & Tiger Lake Lift Stations and Force Mains, as presented. All voted aye. See attachment.

7. Consideration of request for payment on Estimate #3 from T. Construction LLC., in the amount of \$504,106.38 for Construction Contract TWDB No. 72129-SRF-3358-02 – Contract C – Sanitary Sewer Rehabilitation Project.

Mr. Viator read the agenda item. Mr. Scogin presented this invoice.

Mr. Viator asked for questions. The Board had no questions, he then asked for a motion.

A motion was made by Mr. Beard and seconded by Mr. Inzer to approve payment on Estimate #3 from T Construction, LLC in the amount of \$504,106.38 for Construction Contract TWDB No. 72129-SRF-3358-02 – Contract C – Sanitary Sewer Rehabilitation Project, as presented. All voted aye. See attachment.

8. Consideration and possible action of the Agreement for Engineering Services General Services Contract and the notice of increase in the billing rates of Carroll & Blackman, Inc.

Mr. Viator read the agenda item. Mr. Blackman informed the Board that this is an annual notice regarding engineering for miscellaneous District needs. This does not address the engineering for Bond projects already in progress. The fees for those projects are a set amount.

Mr. Viator asked for any more questions, there were none, he asked for a motion.

A motion was made by Mr. Perkins and seconded by Mr. Foreman to approve the Agreement for Engineering Services General Services Contract and the notice of increase in the billing rates of Carroll & Blackman, Inc., as presented, motion carried. See attachment.

9. Consideration and possible action of the Proposal for Engineering Services, with Carroll & Blackman, Inc., for Orange County Water Control & Improvement District No. 1 – Oak Lane Wastewater Treatment Facility Permit Application Permit No.WQ0010875001.

Mr. Viator read the agenda item. Mr. Blackman informed the Board that the permit application process has to begin in February.

Mr. Viator asked the Board for any further questions, there were none. He asked for a motion.

A motion was made by Mr. Perkins and seconded by Mr. Inzer to approve the Proposal for Engineering Services, with Carroll & Blackman, Inc., for Orange County Water Control & Improvement District No. 1 – Oak Lane Wastewater Treatment Facility Permit Application Permit No.WQ0010875001, as presented, motion carried. See attachment.

10. Consideration of Arceneaux & Gates Consulting Engineers, Inc. Monthly Status Report on Water Well, Elevated Tank, and Transmission Lines Projects.

Mr. Viator read the agenda item. Mr. Prosen presented this report.

Mr. Viator asked for questions. The Board had no questions, he then asked for a motion

A motion was made by Mr. Beard and seconded by Mr. Inzer to approve Arceneaux & Gates Consulting Engineers, Inc. Monthly Status Report on Water Well, Elevated Tank, and Transmission Lines Projects, as presented. All voted aye. See attachment.

11. Consideration and possible action of Arceneaux & Gates Consulting Engineers, Inc. monthly invoices: Invoice #14135 in the amount of \$21,420.00 for Water Well #7 Project.

Mr. Viator read the agenda item. Mr. Blackman recommended payment of the invoice. Mr. Viator asked for a motion.

A motion was made by Mr. Perkins and seconded by Mr. Inzer to approve agenda items 11, 12, 13 and 14 as presented. Approved: Arceneaux & Gates Consulting Engineers, Inc. monthly invoices: Invoice #14135 in the amount of **\$21,420.00** for Water Well #7 Project, as presented. All voted aye. See attachment.

12. Consideration and possible action on request for payment of Estimate No. 8 for Contract No. 2 - Water Well #7 in the amount of \$45,539.28, to T. Johnson Industries, Inc.

A motion was made by Mr. Perkins and seconded by Mr. Inzer to approve agenda items 11, 12, 13 and 14 as presented. Approved: for payment of Estimate No. 8 for Contract No. 2 - Water Well #7 in the amount of \$45,539.28, to T. Johnson Industries, Inc.

13. Consideration and possible action on request for payment of Estimate No. 5 for Contract No. 3 – 500,000 gallon Elevated Storage Tank in the amount of \$298,800.00 to Landmark Structures LLP.

A motion was made by Mr. Perkins and seconded by Mr. Inzer to approve agenda items 11, 12, 13 and 14 as presented. Approved: payment of Estimate No. 5 for Contract No. 3 – 500,000 gallon Elevated Storage Tank in the amount of \$298,800.00 to Landmark Structures LLP.

14. Consideration and possible action on request for payment of Estimate No. 3 for Contract No. 5 –Water Line Extension (FM 1132/Hwy 12) in the amount of \$100,255.54 to McInnis Construction.

A motion was made by Mr. Perkins and seconded by Mr. Inzer to approve agenda items 11, 12, 13 and 14 as presented. Approved: Payment of Estimate No. 3 for

Contract No. 5 –Water Line Extension (FM 1132/Hwy 12) in the amount of \$100,255.54 to McClinnis Construction.

15. Consideration of approval/amendments to the minutes of the November 19, 2013 regular meeting.

Mr. Viator read the agenda item, and asked the Board if there were any questions. Having no questions, he asked for a motion.

A motion was made by Mr. Foreman and seconded by Mr. Inzer to approve the minutes of the November 19, 2013 regular meeting, as presented. Motion carried.

16. Consideration of General Manager's monthly status and financial report.

Mr. Viator read the agenda item.

Mr. Blackman presented all the reports. Mr. Beard asked is overtime was down, due to the Field Report reflecting 130 fewer water and sewer jobs for the month of October. Mr. Blackman answered that he had not compared the amount spent on overtime compared to months past. Mr. Perkins asked if we charged for LPSS repairs by the hour, and asked that we research the cost of the repairs. The Board may want to pass the repair cost to customers, so the District breaks even on those LPSS repairs.

Mr. Viator asked if there were any further questions, having no questions, he asked for a motion.

A motion was made by Mr. Inzer and seconded by Mr. Beard to approve the General Manager's monthly status and financial report, as presented. Motion carried. See attachment.

17. Consideration of payment of the District's monthly bills.

A motion was made by Mr. Perkins and seconded by Mr. Inzer to approve the payment of the District's monthly bills, as presented. Motion carried. See attachment.

18. Consideration of approving a Resolution documenting that the Board of Directors has reviewed and approved without change the Orange County Water Control & Improvement District No. 1's Investment Policy and Strategies in compliance with the Public Funds Investment Act, Chapter 2256 of the Texas Government Code and find and declare that the meeting at which this resolution was adopted was open to the public, that the Public Notice of time, place and subject matter of the public business to be considered was posted as required by law.

Mr. Viator read the agenda item. Mr. Blackman presented this Resolution.

Mr. Viator called for a motion.

A motion was made by Mr. Beard and seconded by Mr. Inzer to approve the Resolution documenting that the Board of Directors has reviewed and approved without change the Orange County Water Control & Improvement District No. 1's Investment Policy and Strategies in compliance with the Public Funds Investment Act, Chapter 2256 of the Texas Government Code and find and declare that the meeting at which this resolution was adopted was open to the public, that the Public Notice of time, place and subject matter of the public business to be considered was

posted as required by law, as presented, with no changes. Motion carried. See attachment.

19. Consideration of a proposal to sell the Tax Trust Property located at 315 Elgie, Vidor, Texas, Tax account # 000003-034401.

Mr. Viator read the agenda item and suggested that No. 19 & 20 be motioned together.

A motion was made by Mr. Perkins and seconded by Mr. Beard to approve the proposal to sell the Tax Trust Property located at 315 Elgie, Vidor, Texas, Tax account # 000003-034401 and Tax Trust Property located at 2575 E Railroad, Vidor, Texas, Tax account # 011314-000570, as presented. Motion carried. See attachments.

20. Consideration of a proposal to sell the Tax Trust Property located at 2575 E Railroad, Vidor, Texas, Tax account # 011314-000570.

Mr. Viator read the agenda item and

21. Consideration of approval of petitions and orders to add land to the Water District from the following landowners, to-wit:

- a. William C. Jiminez and wife, Morgan G. Jiminez, concerning a 0.2245 acre tract, being part of Lot 1 of Pine Forest Acres, located at 290 Pine Forest Drive, Orange County, Texas; and,
- b. Sherry Lynn Haley, a feme sole, concerning Lot 11 of Winfrey Addition, at 699 Windmill Way, Vidor, Orange County, Texas

Mr. Viator read the agenda item. Mr. Hunter recommended approval. He stated that these properties are currently being served by the District. These property owners will be added to the tax roll and pay in-District water and sewer rates.

A motion was made by Mr. Perkins and seconded by Mr. Beard to approve petitions and orders to add land to the Water District from the following landowners, to-wit:

- a. William C. Jiminez and wife, Morgan G. Jiminez, concerning a 0.2245 acre tract, being part of Lot 1 of Pine Forest Acres, located at 290 Pine Forest Drive, Orange County, Texas; and,
- b. Sherry Lynn Haley, a feme sole, concerning Lot 11 of Winfrey Addition, at 699 Windmill Way, Vidor, Orange County, Texas, as presented. Motion carried. See attachments.

22. Consideration of and possible action to approve entering into an Interlocal Agreement with the City of Vidor to share the costs and expenses to participate with the City of Orange and other Orange County governmental entities in a Consulting Agreement with Tim Richardson and Ron Lewis to assist in making application for a portion of the BP Deepwater Horizon restoration funding of infrastructure improvements in the Water District and the City of Vidor as well as other improvements in Orange County, Texas.

Mr. Viator read the agenda item.

Mr. Hunter informed the Board this item addresses the official signing of the City of Vidor agreement.

A motion was made by Mr. Inzer and seconded by Mr. Beard to approve entering into an Interlocal Agreement with the City of Vidor to share the costs and expenses to participate with the City of Orange and other Orange County governmental entities in a Consulting Agreement with Tim Richardson and Ron Lewis to assist in making application for a portion of the BP Deepwater Horizon restoration funding of infrastructure improvements in the Water District and the City of Vidor as well as other improvements in Orange County, Texas, as presented. Motion carried. See attachment.

23. Adjournment.

Mr. Viator read the agenda item and asked for a motion.

Mr. Perkins made a motion to adjourn the meeting, seconded by Mr. Beard. Motion carried.

Meeting adjourned at 8:10 P. M.



Robert Viator, President



Tim Beard, Secretary