

From: Melody Galland <Melody.Galland@txdot.gov>
Sent: Thursday, March 1, 2018 6:59 PM
To: Mario Runco <mrunco@wcid50.com>
Cc: Larry Whittington <Larry.Whittington@txdot.gov>
Subject: Re: HCWCID 50 NASA Road 1 Storm Drain Issue

Mr. Runco,

It was nice meeting you yesterday. I want to take this opportunity to thank the Water District and A&S Engineers for working with us and providing us with the information you had gathered in order to find a resolution to the blockage of the box culvert. Since I was not able to find any files with the original permit for the construction of the Marina, the plans you provided were critical in helping us to understand the issue with the extension of the box culvert. I am glad to inform you that I just received a phone call from Larry Whittington, our Maintenance Supervisor, letting me know that the Marina contractor just located the opening of the box culvert.

Thanks to you and the cooperation of all parties it has enabled us to be where we are today.

Regards,
Melody

From: mrunco@wcid50.com
Sent: Saturday, February 24, 2018 11:23 AM
To: Melody Galland
Cc: Raciél Castillo Jr; Delon.Guy@pct2.hctx.net; david@wcid50.com; dbonham@smithmur.com; jra@as-engineers.com; rda@a-sengineers.com; Arcadio.Avalos@pct2.hctx.net; Maria Aponte; Larry Whittington
Subject: Re: HCWCID 50 NASA Road 1 Storm Drain Issue

Melody,

Thanks so much for the updates and being proactive in helping to have the obstruction removed from in front of the culvert. In the absence of any previous updates from the Department on its actions and with the urgency to protect our constituency with the spring rains and hurricane season approaching, the District ended up taking many of the same actions the Department did in parallel with it. It would have been advantageous to have coordinated efforts.

We too inspected the length of the culvert from the north side including via a SCUBA diver, a physical probe, and a hydroblasting probe; all at some expense. All of the inspections verified that there were no obstructions within the culvert and it was clear all of the way across NASA Road 1 except that the outfall to Clear Lake on the south side was blocked by the bulkhead. The inspections also served to locate the specific point of blockage for removal of the bulkhead.

After these measured efforts, we notified the Seagate Homeowners association both in person via the president of the association and in writing via a demand letter from our attorney on January 8, 2018 requesting removal of the bulkhead as soon as possible. The Homeowners Association did not respond so at our last District meeting on February 16, 2018, at which there were many (~40+) concerned and distressed citizens, the Board decided to file suit in Harris County Court to obtain a court order for immediate removal of the bulkhead. This occurred on Thursday, February 22, 2018 and the court issued a temporary "restraining" order for them to remove the bulkhead with a hearing set for a permanent "injunction" for removal on Monday, February 26, 2018. The court clearly understood the urgency of the matter and cited the recalcitrance of the Homeowners Association in taking such quick and definitive action. Ultimately, court action was initiated 40 days from when the demand letter was sent and at least 30 days from when it was received, providing appropriate yet ample time for a response, which never came.

The District feels at this point that the recent actions taken by the Homeowners Association and the contractor have only been precipitated by both the Department's actions and by the filing of the lawsuit and the obtaining of the court order; where in the absence of such, there may still not have been any movement on the issue. Indeed, they had not even notified their property management company and their attorney until mid-week last week just before the hearing.

At this point with the recent movement that has occurred and the prospect that definitive action on removing the bulkhead will take place this Monday, February 26, 2018, the District has asked the court to postpone Monday's hearing for obtaining the

permanent order for removal of the bulkhead for one week in the hope the matter will be resolved without further involvement of the court, which they did. The hearing is not set for Monday, March 5, 2018. The District even posted a modest bond to pay for the removal activities if it is found, as the the Homeowners Association had alluded in court even in the face of the actual findings of fact, that the bulkhead is not blocking anything and there is no culvert behind it, all of which served to gain the confidence of the court to issue the order as expeditiously as it did.

The District has also since learned that the Homeowners Association and the Contractor will share the cost of the work for removal of the bulkhead.

We are looking forward to having this issue finally resolved by the latter part of next week.

Sincerely and thank you again,
Mario Runco Jr.
President, Board of Directors
HC WCID 50

From: Melody Galland <Melody.Galland@txdot.gov>
Sent: Thursday, February 22, 2018 6:56 PM
To: Mario Runco <mrunco@wcid50.com>
Cc: Larry Whittington <Larry.Whittington@txdot.gov>
Subject: Re: HCWCID 50 NASA Road 1 Storm Drain Issue

Mr. Runco,

We have been working with our Maintenance Section and the Seagate Homeowners Association to find a resolution to the box culvert blockage. We had various field visits with various parties involved. On February 7, we had our contractor run a camera through the box culvert. However, the water level was too high and we tried again the following day. We reviewed the video and it shows a blockage. We showed this video to the Seagate Association who had the bulkhead contractor on site. The contractor said they remembered performing the work but they claimed to be sure that there was an opening and if there was any blockage it was due to something else other than the bulkhead. I told them I would have our contractor clean the box culvert to eliminate any doubts of other type of obstructions. As we tried to clean the culver with high water pressure we hit something solid and the pier at the Marina vibrated. Our Maintenance Supervisor, Larry Whittington contacted the bulkhead contractor, Payne Brothers, who originally did the construction of the pier to let him know of the outcome. **I also reported our findings to the Seagate Homeowners Association and they informed us this afternoon that the Association has decided to work on resolving this issue by instructing the contractor to open the bulkhead.** They expect to begin work shortly and I asked them to notify us once a date is set for the contractor to mobilize.

Please let me know if you have any additional questions.

Thanks,
Melody I. Galland, P.E.
Southeast Area Engineer
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Cell: (281) 686-9899