

MINUTES OF A REGULAR MEETING
OF
TRINITY BAY CONSERVATION DISTRICT
Wednesday, October 11, 2023
9:00 O'clock A.M.

THE STATE OF TEXAS
COUNTY OF CHAMBERS

The Board of Directors of Trinity Bay Conservation District met at the offices of the District in Stowell, Texas on Wednesday, August 16, 2023, with the following Directors present:

Victor Caraway	President
Gregg Turner	Vice-President
Les Hankamer	Secretary
Rick Nicely	Director
Annette Rayburn	Director

Also present were Jerry Shadden, Crystal Threadgill, David Hoyt, Mike Will and Amos Roy, District Employees; Kate Leverett of Germer, District Counsel, John Mulryan, Jr. of the Chambers County Sherriff Department, Max Smith, Steve Fitzgerald, Susan LeBlanc with Representative Leo-Wilson's office, Gloria Way of the Seabreeze Beacon, Sharisa Nelson of the Seabreeze, Beacon, Wade Thibodeaux of Hometown Press.

Agenda Item 1:

President Caraway called the Meeting to order at 9:00 a.m.

Agenda Item 2:

The meeting was opened with a prayer by General Manager Shadden, who then led us in the Pledge of Allegiance to the American and Texas flags.

Agenda Item 3:

PUBLIC COMMENT

Max Smith – Yes sir, good morning. Last time I was here, I asked you for some free water for the elderly. I brought my sign with me again. What I suggested last time was free water for the elderly over some age, 70 or 65. People who live with a care laborer or someone who does not live with extended family. Hope you all prepared for a discussion and some kind of a vote and came to some kind of decision on that suggestion that I made. I was talking and my three minutes ran out last time about letting my people go. When Covid started, I had never seen anything like it. I heard them of course talking about it on the news, and they were talking about the Democrats were responsible. There were thousands of people responsible. Some Chinese lab worker in (*inaudible*) lab stole the virus and infected back to China and it escaped. So, then they were talking about how it was moving to the United States and they started all the rules, six feet and masks, and we closed the bars, the restaurants and the churches. I said "Churches", who doesn't want us to go to Church? I started to be enlightened, and it seems to me that Passover and Covid are a whole lot alike. They are both plagues. America has had a lot of plagues lately, we have had a lot of weather events, fish washing up on the beaches, we have had fires in California, Canada and Texas. We are having a little problem right now, I guess the weather is causing it, a problem with the boiling water. Why did we have the plagues back then, because Pharaoh would not let my people go. If you were talking about God's chosen people back then, they are the people taken to the Promise Land today. I was thinking who would God's people be today? They would be the blacks, the immigrants, the Jews and all the working people, the people that just work for a living. Today, my people are the elder people, the elderly, and I am asking you for free water for the elderly, people who live alone in their homes. If you shut these people's water off, they can live without water for 3 days. Now, I know something about this personally, but we are not going to talk about that today, at least I am not unless you bring it up. So, let my people go. I give the rest of my three minutes to the floor for who ever else wants to talk. Any comments from the committee on the decision of letting elderly people have some free water?

President Caraway – We normally do not make comments on Public Comments. We do, however, give a discount to the elderly over 65 and I think that amounts to about \$25.00 a month.

Agenda Item 4:

APPROVE MINTUES

Secretary Hankamer, made a Motion to approve Minutes of a Public Hearing and regular Meeting held September 13, 2023 and a Special Meeting held September 20, 2023. The motion was seconded by Director Nicely and it passed by unanimous vote.

Agenda Item 5:

FINANCIAL REPORTS

Director Nicely, made a Motion to approve the Financial Reports for September 30, 2023. The motion was seconded by Secretary Hankamer and it passed by unanimous vote.

Agenda Item 6:

TAX REPORTS

Secretary Hankamer, made a Motion to approve the Tax Reports for September 30, 2023. The motion was seconded by Director Nicely and it passed by unanimous vote.

Agenda Item 7:

ACCOUNTS PAYABLE

Secretary Hankamer, made a Motion to approve Accounts Payable. The motion was seconded by Director Nicely and it passed by unanimous vote.

Agenda Item 8:

RFQ'S FOR BANK DEPOSITORY

General Manager Shadden – Right now our contract is with East Chambers Bank and it is ten years old and we have extended multiple times. So, Kate suggested instead of just renewing it again, that we go out for bids. Interest rates have gone up tremendously. You should have a copy of the request in your packet and it will ask for CD rates, etc. Her suggestion was to go out for RFQ's and see who has the best deals.

Director Nicely – Is that limited to just banks or credit unions too?

Kate Leverett, District Counsel – We do not limit it to just banks, but most of the time it is just banks that can do the collateralization of public funds so they are typically the ones that will respond.

Vice President Turner, made a Motion to approve RFQ's for Bank Depository Contract. The motion was seconded by Director Rayburn and it passed by unanimous vote.

Agenda Item 9:

RENEWING RAW WATER CONTRACT WITH CLCND

General Manager Shadden – Again this is the same thing. It is a contract that needs to be renewed. They are the only game in town so there is really no reason to go out and get another source. They are .33¢ and that is the same rate as LNVA. We had to take a bunch of extra water; we were getting to the point that we were starting to suck air in the reservoirs we had pulled them down so far.

Vice President Turner – Are you going to up your usage?

General Manager Shadden – Yes, Mike and I had talked about that and we are going to average out what we took. It goes from .33¢ and anything over the 30,000,000 a month that we have a contract for then it goes up to .88¢.

Vice President Turner, made a Motion to approve renewing the raw water contract with Chambers-Liberty Counties Navigation District. The motion was seconded by Secretary Hankamer and it passed by unanimous vote.

Agenda Item 10:

2023-2024 BOARD MEETING SCHEDULE

General Manager Shadden - We tried to move the dates a little closer to the beginning of the month. All of Kates meeting are at the end of the month so she likes to have them before the 15th. And this is also the time we pay our bills. We tried to make them around the 11th or so to at least give us a week and half to be able to put all the board reports together because you can see how big the board reports are getting.

Director Nicely, made a Motion to approve the 2023-20204 Board Meeting Schedule. The motion was seconded by Director Rayburn and it passed by unanimous vote.

Agenda Item 11:

2023-2024 HOLIDAY SCHEDULE

General Manager Shadden – Yes Sir, these are the same Holidays that we had last year.

Secretary Hankamer, made a Motion to approve the 2023-20204 Holiday Schedule. The motion was seconded by Vice President Turner and it passed by unanimous vote.

Agenda Item 12:

RFQ'S FOR GRANT APPLICATION FOR HMGP, BRIC AND FMA

General Manager Shadden – We just went through this process with Traylor and Associates and we picked LJA as the engineer for the Severe Winter Storm. One direction on the Sever Winter Storm, they said it is at 100% but they have come back now and said it is 75/25. That is where we would go ahead

and wrap the piping and harden everything for winter storms. We have already precured Traylor and Associates to that, so now what we are going out for is hazard mitigation program, possibly the bridges that we are looking at replacing on 65 and 124. We have those funds to design the bridge, so this is actually going after the Grant money to replace them. Again, this would be 75/25. So I looked at that and I looked at doing something with the lower end of Mayhaw and finishing the ditch up behind the park and expanding the ditch on the lower end to get the water out of town, and possibly bringing another line up LeBlanc to take of the low side there. On 2936, I took the engineer over there and we looked at doing a bypass for east fork and west fork of Double Bayou to help that in there and bring it directly into the bay. For most of these, the first thing you have to do is go in there and look and say the benefit is necessary and it meets the criteria to be able to get Grant money for. Mayhaw is at the point where we have already done a study, so we are a little bit further ahead on it. The one you are talking about there, we would put that in there and get money to do the study and then next phase you back and they give you money to design a project and the 3rd stage you get Grant money to do the project. It will go in the paper and you have to send it to 10 people off of their list.

Director Nicely, made a Motion to approve requesting RFQ's for Grant Application Development and Grant Management for the 2023 Funding of Hazard Mitigation Grant Program (HMGP), Building Resilient Infrastructure and Communities Grant Program (BRIC), and/or Flood Mitigation Assistance Grant Program (FMA). The motion was seconded by Director Rayburn and it passed by unanimous vote.

Agenda Item 13:

RFQ'S FOR ENGINEERING SERVICE FOR 2023 FUNDING OF HMGP, BRIC AND FMA

General Manager Shadden – This is the same thing, but for the engineer firm.

Secretary Hankamer, made a Motion to approve going out for RFQ's for engineering services for the Hazard Mitigation Grant Program (HMGP) grants under DR-4705 Texas Severe Winter Storm from the Texas Division of Emergency Management. The motion was seconded by Director Nicely and it passed by unanimous vote.

Agenda Item 14:

MUNRO'S UNIFORM SERVICE

General Manager Shadden – We buy uniforms for our employees every year. There are not many companies around anymore that will just provide the uniforms. They also want us to use their services. I budgeted enough money to take care of this this year and they will clean their clothes and bring them back here starched and ironed. They will each get 9 sets, that way there are in a fresh set everyday. They come and pick them up on Thursday, wash, dry and starch them and bring them back the following week. It will make us look good in public to be well tailored and look nice.

Vice President Turner, made a Motion to approve a 3-year contract with Munro's Uniform Service not to exceed \$15,000.00. The motion was seconded by Secretary Hankamer and it passed by unanimous vote.

Agenda Item 15:

MAYHOU BAYOU ARTICULATED BLOCK CONTRACT

General Manager Shadden – The County received a one million dollar grant for the articulated block that we stocked over here behind the park. The GLO and the County signed contract to have that done and I just wanted to give you an update that the contract was executed 9/18/23 and that is the contract number. So, they will be going out for bids here pretty soon to hire a contractor to put these articulated blocks in. That was like the 2nd day I got back and they called and said can you spend the money and so I found something we needed and was able to spend the money for but we didn't have time for us to be able to enforce the County so they are going to have to hire a contractor to do it. I just wanted to let you know that we met with the GLO and the County and it is moving forward. There is no action needed on this. That is another one million dollars for Trinity Bay.

Agenda Item 16:

INSTALLING SURVEILLANCE CAMERA'S AT BOTH WATER PLANTS WITH ADVANCED SYSTEMS

General Manager Shadden – Our insurance provider is requiring us to put a monitoring system at both water plants in case an electric motor or something caught on fire it would notify someone. We had someone get in at the West water plant a couple of weeks ago and go around inside, so I figured while we were having Advanced System go out and put the fire monitoring system in, that we would go ahead in put a camera system in too, that way we can monitor the plants.

Vice President Turner, made a Motion to approve a contract to install surveillance cameras at both water plants with Advanced Systems. The motion was seconded by Director Nicely and it passed by unanimous vote.

Agenda Item 17:

INSTALLING FIRE MONITORING SYSTEMS AT BOTH WATER PLANTS WITH ADVANCED SYSTEMS

Vice President Turner, made a Motion to approve a contract to install fire monitoring systems at both water plants with Advanced Systems. The motion was seconded by Secretary Hankamer and it passed by unanimous vote.

Agenda Item 18:

20-FOOT DRAINAGE EASEMENT FROM WONDERFUL BEES LLC ON FM 1406 AND DEVILLIER ROAD

General Manager Shadden – The Board approved rerouting that ditch several months ago and this is just putting the easement documents into the record and filing them at the courthouse showing we have an easement there.

Director Nicely, made a Motion to approve accepting a 20-foot drain easement from Wonderful Bees LLC on FM 1406 and Devillier Road. The motion was seconded by Director Rayburn and it passed by unanimous vote.

Agenda Item 19:

20-FOOT DRAINAGE EASEMENT FROM ARMA REAL PROPERTY LLC ON FM 1406 AND DEVILLIER ROAD

General Manager Shadden – This is the same ditch. The ditch comes up and 20 feet from the ditch is where the property line is. ARMA owns it from 20 feet from this side of the ditch to the ditch so I had to get an easement from to get into the ditch. I made an agreement with them to pipes in so they could cross the easement to mow their stuff. This is the same thing, recording into the record to show we have an easement.

Director Nicely, made a Motion to approve accepting a 20-foot drainage easement from ARMA Real Property LLC on FM 1406 and Devillier Road. The motion was seconded by Director Rayburn and it passed by unanimous vote.

Agenda Item 20:

RESOLUTION #23-21 ACCEPTING A WATER MAIN CONSTRUCTED FOR ANAHUAC PRIMARY SCHOOL

General Manager Shadden – They are building a new school there, so we put in a 6” loop or and 8” loop around the school as fire protection. There are fire hydrants on it and our water meters are in there. We are also in a GSU easement so there are no private water systems within our stuff. So, we accept the 8” water main for maintenance and that also guarantees that we repair the fire hydrants and take care of the water meters and everything since there are no private water systems allowed in our District.

Vice President Turner, made a Motion to approve Resolution #23-21 accepting a water main constructed for Anahuac Primary School located at 2024 Belton Lane for operation and maintenance. The motion was seconded by Secretary Hankamer and it passed by unanimous vote.

Agenda Item 21:

EMERGENCY NOTIFICATION SYSTEM WITH REGROUP MASS NOTIFICATION

General Manager Shadden – This is a service just like Chambers County Warns. One of the main complaints that we have is when we shut the water off, no one notified us. If it is and emergency, you do not have time to notify people. This will be a one-year contract to see if we like it or not. I can pull map and pick the neighborhood and say we have a blow out or a stoppage and it will send out a mass text, email or phone call or how ever we have them set up to everyone that lives there. It will take a little time to get it all set up. It will let us choose the area that it needs to be sent out to and when we want to put notifications out. We are trying to address the issue of people not being aware of water being shut off, boil water notices, etc. There were 2 or 3 companies out there and this one seemed better suited for our needs.

Vice President Turner – Do you have a cost estimate on this?

Mike Will – Yes, the cost for the 1st year is \$5,200.00 and that is setup and everything. That will give us 285,000 credits. A text message or a phone call will each take 1 credit so it is more than enough for both sides by far.

Director Nicely, made a Motion to approve signing a one-year contract for an Emergency Notification System with Regroup Mass Notification. The motion was seconded by Director Rayburn and it passed by unanimous vote.

Agenda Item 22:

SURPLUS PROPERTY TO BE SOLD AT AUCTION

General Manager Shadden – We have 2008 Ford F150, 2010 F250, 2001 F350, 2013 F350 and a Rhino Cutter. On the Water we have a 2018 Ford F150, old cell phones, printers, computer screens and a couple of desks. All this will be put together with pictures and everything and taken to Horn Auction to be sold.

Vice President Turner, made a Motion to approve declaring equipment/trucks to be surplus property and sold at auction. The motion was seconded by Secretary Hankamer and it passed by unanimous vote.

Agenda Item 23:

RESOLUTION 23-22 HMPG APPLICATIONS

General Manager Shadden – This is the freeze money. I met with the engineer yesterday and we are going to meet on site next week and look at wrapping some of the outer pipes and we talked about putting some type of building over the altitude valve, so we are going to put that together. We have hired LJA and Traylor and Associates to do this work, so it is now the time to put a scope of work together of what we want to do and how much it is going to cost so we can submit this, and you are giving me the authority to submit it.

Vice President Turner, made a Motion to approve Resolution #23-22 authorizing the submittal of one or more DR-4705 HMGP applications to the Texas Department of Emergency Management, authorizing the General Manager to act as the District's authorized representative in all matters pertaining to the application, and committing matching funds. The motion was seconded by Director Nicely and it passed by unanimous vote.

Agenda Item 24:

INTER-LOCAL AGREEMENT WITH CHAMBERS COUNTY

General Manager Shadden – Kate and Nathan Brandimarte, the County's Attorney, worked together on this Inter-Local Agreement between the two of us and the way it is set up is Trinity Bay takes the lead on this and oversees it. As we are billed, then the County will pay their share. We will pay LJA as they do the design work and then we will send a bill to the County and they will reimburse us for their half. They have committed \$600,000.00 and we have committed \$600,000.00. Commissioners Court passed it unanimously yesterday.

Vice President Turner – What if LJA's price increases?

General Manager Shadden – I do not believe it can to e honest with you because he gave it to us in writing that that is what it is. The only thing that may come into play is if there are any utilities that have to be relocated that is unforeseen right now, but that would be in the construction phase.

Secretary Hankamer, made a Motion to approve entering into an inter-local agreement with Chambers County to pay LJA Engineering to design two bridges to improve drainage on Spindletop Bayou at State Highway 65 and 124. The motion was seconded by Director Nicely and it passed by unanimous vote.

Agenda Item 25:

CONTRACT WITH LJA TO DESIGN 2 BRIDGES AT SH 65 AND SH 124

General Manager Shadden – We just pretty much went over this.

Kate Leverett, District Counsel - The last item was entering into a an agreement with the County, this one is entering into an agreement with LJA to do the design work.

Director Nicely, made a Motion to approve entering into an agreement with LJA Engineering to design two bridges crossing Spindletop Bayou at State Highway 65 and Hwy 124 not exceed \$1,200,000. The motion was seconded by Director Rayburn and it passed by unanimous vote.

II. DRAINAGE REPORT:

Amos Roy reported on Drainage.

DRAGLINE AND CAT 329:

1. On 10-3-23 he finished the West fork of Spindletop. It needed some maintenance to the bucket, so we took care of that before moving it around to the East fork. Started on the East fork 10-9-23
2. We have been using the old Cat machine to clear some trees along the right of way to allow room for the dragline.

SPINDLETOP BAYOU S. OF SH65:

Komatsu Dozer – This machine is reworking the right of way and old spoils of Spindletop.

Old Fecon: This machine is cutting the right of way on Spindletop.

Long Reach 326' – This machine is cutting what the short reach cannot get on the bank.

EAST FORK OF DOUBLE BAYOU:

Newest Fecon- This machine is cutting on one of the several tributaries that we have in this area.

Komatsu Grinder – Grinding vegetation on the drainage ditch

NEW DRAIN DITCH AT BEE PLACE ON FM 1406 :

Komatsu Short Reach, Komatsu Dozer and Skid Steer – After receiving all the easement paperwork, we were able to get started on the new ditch on 9-25-23. They were able to finish later that week.

RELOCATING DOORNBOS BRIDGE:

Komatsu Short Reach – On 10-9-23 we started the relocation of the original Doornbos bridge from where the new concrete bridge is to replace and older bridge further downstream on Ogden ditch. We will pull the vibratory machine when we are ready to drive the piling and set the bridge.

SPRAY CREWS:

1. We will one ground rig spraying up until the first frost.
2. Looking into fall helicopter application.
3. Also looking into seeding the are that has been worked on Spindletop for erosion control.

I. UTILITIES REPORT:

Mike Will reported on Water and Wastewater.

1. Update on water and sewer line repairs since the September meeting. On the Winnie Stowell side we have repaired approximately 14 water main breaks and 22 sewer line breaks. On the West side we have repaired approximately 11 water main breaks and 18 sewer line breaks.
2. The TCEQ performed a wastewater inspection at the Smith Point WWTP on September 27th. The only issue the found was the grass needed cutting around the outfall. We have cut the grass and sent in documentation to the TCEQ.
3. We have received the lead and cooper sample on the West side of the District. Those results will be sent to the customers this week. All samples are below the TCEQ action levels.
4. In the past months we have noticed a scaling issue at the West WTP. We sent in raw water samples to our lab to be analyzed. The sample results show a high concentrate of manganese. I have discussed this with our chemical vendor and our engineer. The most common way to control manganese is to use a polyphosphate. Polyphosphates are used as sequestering agents: They keep iron, manganese and calcium in solution thereby preventing the formation of precipitated that could deposit scale or cause discoloration. If polyphosphate is used it will require approval from the TCEQ.

COMPLETED WATER AND SEWER LINE INSTALLATIONS:

- Water Line Extensions – 260’
- Sewer Line Extensions – 260’
- Gravity Sewer Taps – 1
- Grinder Stations – 6
- Grinder Station Discharge Lines – 2,007’
- Water Meters Installed – 31
- Water Main Tie ins – Two 8”
- New Subdivision Meters Installed – 4

IV. EXECUTIVE SESSION

- GOVERNMENT CODE 551, SUBCHAPTER D
- SECTION 551.071 - CONSULTATION WITH DISTRICT’S ATTORNEY REGARDING POSSIBLE LITIGATION
- SECTION 551.072 - DELIBERATION ABOUT REAL PROPERTY
- SECTION 551.074 - MATTERS OF PERSONNEL
- SECTION 551.075 - CONFERENCE WITH EMPLOYEE
- SECTION 551.076 - TO DELIBERATE THE DEPLOYMENT OR SPECIFIC OCCASIONS FOR IMPLEMENTATION OF SECURITY PERSONNEL OR DEVICES

If, during the course of the meeting covered by this Notice, the Board should determine that a closed or executive session of the Board should be held or is required in relation to any agenda item included in this Notice, then such closed or executive meeting or session, as authorized by the Texas Open Meetings Act, will be held by the Board at the date, hour, and place given in this Notice concerning any and all subjects for any and all purposes permitted by §551.071-551.084 of

the Texas Government Code and the Texas Open Meetings Act, including, but not limited to, §551.071—for the purpose of a private consultation with the Board’s attorney on any or all subjects or matters authorized by law.

V. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION.

VI. BOARD MEMBER REPORTS:

Secretary Hankamer – With the dry weather, he has had a lot of cracks happening because of the ground movement. If you get moisture in the ground, it is going to do the same thing all over again. Unfortunately, with the wetter weather we are getting that does not mean we are not going to have more lines break. We are probably going to have this same issue, but it is just the way mother nature is.

Mike Will – The last couple of ones we had, David and I have talked about them and how major they were due to lines just actually splitting. We have seen some A/C lines that have split that we have never seen happen before. They have a 3’ foot split in them. They just usually pop straight around, these are actually split down the line.

VII. ADJOURN.

Director Nicely made a Motion to Adjourn. The motion was seconded by Secretary Hankamer and it passed by unanimous vote.

Meeting Adjourned at 10:12 a.m.

READ AND APPROVED:



Victor Caraway, President

Attest



Les Hankamer, Secretary

Date: 11-15-23