

1. Establish quorum and call to order: President D. McJunkin established a quorum and called the meeting to order at 8:00am. Other Commissioners present were: K. Stacy, E. Krenek, T. Kuykendall and R. Pechukas. District employees in attendance were: Brandi Crone, Business Manager; Karol Bone, Administrative Assistant; Chief Herc Meier and Assistant Chief Wade Goates. District consultants in attendance were: Regina D. Adams of Radcliffe Bobbitt Adams Polley PLLC ("RBAP"), District general counsel; and Russ Cosbey and Daniel Menendez of Huitt-Zollars, District engineering consultants. Also in attendance was Ricardo Martinez with Martinez Architects ("Martinez"). District consultants in attendance via teleconference were: Kaye Townley of Municipal Accounts & Consulting ("MAC"), District bookkeeper and Lisa Anel of BRW Architects ("BRW").
2. Public Comment: none.
3. Consent Agenda:
  - a. Minutes from the October 20, 2020 meeting
  - b. Bookkeeper's Report, including authorize payment of bills
  - c. Quarterly Investment Report

Commissioner Kuykendall motioned to approve and accept the consent agenda items, as presented; Commissioner Pechukas seconded the motion; all voted AYE, motion passed.

4. Engineering Services Agreement with Huitt-Zollars: Ms. Crone stated that this item was inadvertently left off the November agenda for approval. Mr. Menendez explained that Huitt-Zollars is pleased to be a part of the District and looks forward to working with the District. Ms. Crone added that a meeting would be scheduled to review current and future District projects with Huitt-Zollars. Commissioner Pechukas motioned to approve and authorize execution of the Engineering Services Agreement, as presented; Commissioner Krenek seconded the motion; all voted AYE, motion passed.
5. District Real Estate, Design and Construction Matters:
  - a. Status of Central Station and Fire Training Facility construction:
    - i. Pay applications and change orders: Ms. Crone stated that Pay Application No. 6 from Brookstone has been presented for payment. Ms. Anel stated that such pay application is for \$770,148.59 and has been reviewed by BRW, is accurate and payment is recommended.

Ms. Anel added there are also several pending change orders for approval and one being held. President McJunkin reminded the Board the original Terracon contract amount had to be adjusted because the materials testing contractor is required to be on-site during all testing and drilling of the piers so it increased from \$50,580 to \$81,327. Ms. Anel stated that all piers are complete and total drilling days was 24. Commissioner Krenek asked if that would save the District some money and Ms. Anel responded that Brookstone would adjust the amount under the general conditions of the construction contract.

Commissioner Kuykendall asked about Change Order #2. Ms. Anel responded that this change order was modified from the original change order amount of \$86,607 to \$45,738. This was modified to cover only time and costs for Mr. Bissig.

Ms. Andel then reviewed Allowance Transfer #9 for the generator installation. Ms. Andel explained that the District had increased the size and the location of the generator and in doing so, the gas and power lines had to be relocated. Ms. Andel reminded the Board that the savings on the water well drilling allowed for the transfer of the \$100,000 savings to the generator allowance. Commissioner Krenek expressed his concerns that future allowance transfers/change orders at the end of the project would end up costing the District more money.

Change Order #4 Floor Drain. Ms. Andel stated the change order is for the addition of a floor drain in a restroom adjacent to the apparatus bays in the amount of \$2,322.00. Ms. Andel stated that the floor drain was completely left off the drawings.

Change Order #5 Damper and Fan Clarifications. Ms. Andel explained that there was a design split which was supposed to serve 3 areas and the change order was in the additive amount of \$3,678.00. Ms. Andel further explained that the original mechanical design was determined not to be sufficient and the change was made to meet regulation standards. Commissioner Krenek asked if there was an error in the mechanical design and asked if it was not the fault of the District, then why should the District have to pay 100% of the cost, Commissioner Pechukas added that this project is already very frustrating due to the constant change orders.

Change Order #6 Four Fold Door Details. Ms. Andel explained that the change order is in the additive amount of \$6,997.00 and while the door was included in the architectural drawings, the structural engineer did not indicate the size and requirements for installation not indicated. Commissioner Krenek asked how this was overlooked by any of the parties responsible for reviewing the plans and specifying the project. Commissioner Krenek added that this is just another example of more cost to the District for something that was not within its control.

Change Order #8 Exterior Building Signage. Ms. Andel stated that Chief Meier requested this change order in the additive amount of \$3,782.00. Chief Meier asked that the name of the station be changed from "Station 1" to "Fulshear Simonton Central Station".

Allowance Transfer #11 Temporary Water Well. President McJunkin explained that this transfer allows the District to transfer monies from the water well drilling allocation to install a new temporary construction water well for construction for \$17,408.00 Commissioner McJunkin noted that this option was preferred over paying North Fort Bend Water Authority pumpage fees and hauling water to the job site.

Commissioner Krenek asked Chief Meier what he would do with regard to Change Order #6 and Chief Meier responded that he would find another structural engineer. Ms. Adams reminded the Board that approval of the change order does not absolve the structural engineer's duty and responsibility for the design and that the change is a necessary component of the project that would be needed if the design had been performed correctly in the first place. Ms.

Adams noted that when the pay application for this work comes due, BRW could approach the structural engineer for any contribution to the change, if necessary. Commissioner Krenek motioned to approve all change orders and allowance transfers, as presented; Commissioner Kuykendall seconded the motion; all voted AYE, motion passed. Commissioner Pechukas again expressed his frustration with all the change orders. Commissioners Krenek and Stacy agreed they are frustrated and tired of the additional unexpected costs to the District, but agree to move ahead.

- ii. Communications with TxDOT regarding construction of acceleration/deceleration lane on FM 1093: Commissioner Krenek stated he and Commissioner Kuykendall prepared the letter together and the final version has been provided to the Board for review. Commissioner Pechukas motioned to approve and accept the letter, as presented; Commissioner Stacy seconded the motion; all vote AYE, motion passed.
  - iii. Ashe Road improvements in conjunction with Fort Bend County ("FBC") Engineering: Commissioner Pechukas reported that Rick Staigle of FBC Engineering submitted the schematic to him and which indicates 200' of concrete driveway but the road type has changed to entirely asphalt. Commissioner Pechukas added that construction costs would be around \$200,000 with an additional \$100,000 for topography. Commissioner Pechukas added that Fort Bend County could perform the work or the District could hire a contractor. Commissioner Stacy asked why the District is not using the entrance on FM 1093 and Chief Meier responded because Ashe Road was suggested. Ms. Andel stated that a decision needs to be made soon and the exit to FM 1093 would be best. Commissioner Pechukas added that the right-of-way on Ashe Road would go away if the District does not opt for this plan. After discussion the Commissioners decided to have Huitt-Zollars review the matter and discuss with FBC Engineering.
- b. Due diligence for acquisition of Jordan Ranch property: Ms. Adams stated that she would discuss the three sub items in executive session with the Board and added that in order to proceed with due diligence, assuming the Board accepts the three sub items; a site feasibility study still needs to be performed. Mr. Martinez presented his preliminary proposal to perform the feasibility study and added such study did not include a topographical survey or geotechnical survey. After some discussion, Commissioner Krenek motioned to approve the feasibility study proposal and, if necessary, to include the topographical and geotechnical surveys not to exceed \$17,500, contingent upon executive session discussions; Commissioner Stacy seconded the motion; all voted AYE, motion passed.
- i. Real Estate Appraisal of property: executive session
  - ii. Repurchase Option Agreement with Fort Bend Jordan Ranch L.P: executive session
  - iii. Right of First Opportunity Agreement with Fort Bend Jordan Ranch L.P: executive session
- c. Development of future Cross Creek Ranch station site
- i. Title policy for Unrestricted Reserve C, 2.766 acres, Creek Trace at Cross Creek Ranch, Section 6: Ms. Adams stated she received a partial release of lien from Johnson Development in October and the title company noted that there needed to be a partial release of another lien filed on the same day the original lien was filed. Ms. Adams noted that the second lien had only a slight change from the

first but it was enough to require a second partial release. Ms. Adams noted that her office sent a draft partial release of lien to Johnson Development and had followed up but has not seen an executed and recorded partial release of lien. Commissioner Pechukas emailed Mr. Rob Bamford of Johnson Development and asked when he thought the District might receive same and Mr. Bamford responded that he hopes to get to it during the week. Ms. Adams noted that this is the last document required to obtain the title policy.

- ii. Site development design and temporary station procurement: Mr. Martinez presented his proposal and preliminary conceptual design to the Board. Ms. Crone stated that Martinez is currently working on the preliminary design and we have no time line on this station. Mr. Martinez noted that the project design cost for Phase 1 is \$140,000. Chief Meier asked the Board to approve up to \$500,000 total for this project. Commissioner Pechukas motioned to approve authorization of up to \$500,000 for design and construction of this station; Commissioner Stacy seconded the motion; all voted AYE, motion passed.
  - d. Future station locations: executive session
  - e. Drainage Easement request from the City of Fulshear: executive session
6. Recommendation to FBC Commissioner's Court for the reappointment of Commissioners Krenek and Kuykendall: President McJunkin motioned to approve the recommendation to FBC Commissioners Court to reappoint Commissioners Krenek and Kuykendall to the Board; Commissioner Pechukas seconded the motion; all voted AYE, motion passed.

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8. Purchase of apparatus: Chief Meier presented pricing and payment options on the purchase of a new truck for Central Station. Chief Meier's recommendation is \$720,000 for the truck and \$149,000 for the equipment for a total of \$869,000. Chief Meier also recommended including a second apparatus for the Jordan Ranch location, adding that one is budgeted for and the second would be paid with reserve funds. Chief Meier added that bonds could be acquired for each apparatus for \$4,000. Commissioner Krenek motioned to approve Option #4 times 2 with the addition of bonds for each apparatus; Commissioner Kuykendall seconded the motion; all voted AYE; motion passed. The Commissioners noted they would like to revisit this agenda item in December for the possible purchase of a third apparatus.
7. Review District liquidity for possible addition to restricted reserve account: Ms. Crone stated the District currently has \$450,000 in reserves and added that the MAC suggested the reserves be increased to 6 – 12 months of operating costs, which would be \$3.5 million. The board asked that Ms. Townley work on a tier system to increase the reserve amount gradually and also ask Bill Blitch for his recommendations.
9. Fire Chief evaluation and Employment Agreement renewal: Ms. Crone stated that Section 2.2 of the Fire Chief's Employment Agreement allows for an annual evaluation and pay increase. Ms. Adams stated that the evaluation could be verbal or a questionnaire with comments completed by the Commissioners and even some employees if that is desired. Ms. Adams added that since this is a personnel matter, the discussion can occur in executive session. Commissioner Pechukas stated he is in favor of written evaluations and Commissioner Kuykendall stated that by having an evaluation it would give Chief Meier an opportunity to speak. Ms. Adams agreed to a form of evaluation to be distributed to the Commissioners prior to the December Board meeting.

10. US Digital Designs (“US Digital”) Purchase Agreement: Chief Meier stated that US Digital will not sell to contractors and that the alerting system is designed to be integrated into the station construction but is not budgeted in the construction costs. Chief Meier then recommended approval of the purchase of the US Digital system for \$121,204.83 for the Central Station location. Chief Meier noted additional systems would have to be purchased for each new station location and added that the price does not include any warranty but there will be an annual service agreement. Commissioner Kuykendall motioned to approve the purchase, as presented; Commissioner Pechukas seconded the motion; all voted AYE, motion passed.
11. Creation of District/FSFD logo: Ms. Crone and President McJunkin presented samples for the new District/FSFD logo for the Board’s review. Commissioner Stacy motioned to approve the sample, as presented; Commissioner Krenek seconded the motion; all voted AYE, motion passed.
12. District Administration Report: Ms. Crone began by stating that the letter to the FBC Auditor for the \$60,000 donation will be signed today and forwarded to their office. Ms. Crone added that the District has two firefighters starting on December 1 and the Department held a COVID-19-compliant pinning ceremony on November 12. Ms. Crone reported that as of January 1, 2021, MAC would no longer provide payroll services and she has one referral for that role and stated that the first payroll cycle would probably be done in-house.
13. Fire Chief Run Report: Chief Meier reported there were a total of 212 calls for the month of October.
14. Adjourn to Executive Session to discuss matters concerning pending or contemplated litigation, consultation with attorney, real property, or personnel, as authorized pursuant to Texas Government Code, Section 551.071, et.seq.: The Board convened in executive session at 10:39am and reconvened in open session at 11:44am. Commissioner Pechukas motioned to accept the appraisal of the Jordan Ranch property with the correction to the site boundaries on the schematic; Commissioner Krenek seconded the motion; all voted AYE, motion passed. Commissioner Pechukas motioned to accept the Repurchase Option Agreement and the Right of First Opportunity Agreement with Fort Bend Jordan Ranch L.P.; Commissioner Kuykendall seconded the motion; all voted AYE, motion passed.
15. Adjourn: Commissioner Kuykendall motioned to adjourn the meeting; Commissioner Stacy seconded the motion; all voted AYE, motion passed. The meeting was adjourned at 11:45am.

Passed and approved this the 19<sup>th</sup> day of January, 2020-2021

  
T. Kuykendall  
Secretary, Board of Commissioners

