

1. Establish quorum and call to order: President D. McJunkin established a quorum and called the meeting to order at 8:02 a.m. Other Commissioners present were: K. Stacy, E. Krenek, T. Kuykendall and R. Pechukas. District employees in attendance were: Brandi Crone, Chief Operating Officer ("COO"); Karol Bone, Administrative Assistant; and Chief Herc Meier. District consultants in attendance were: Regina Adams of Radcliffe Bobbitt Adams Polley PLLC ("RBAP"), District general counsel; Ricardo Martinez of Martinez Architects ("Martinez"); Brad Dill of BD Realty Advisors, LLC ("BD Realty"); Lisa Anel of BRW Architects, Inc. ("BRW") and Chuck Mathes of Brookstone Construction ("Brookstone"). District consultants in attendance via teleconference were: Sholeh Abedinzadeh of RBAP; Kaye Townley of Municipal Accounts & Consulting, LP ("MAC"), District bookkeeper; and Daniel Menendez of Huitt-Zollars, Inc. ("Huitt-Zollars"), District engineering consultant.
2. Public Comment: None.
3. Consent agenda:
  - a. Minutes from the March 16, 2021 meeting.
  - b. Bookkeeper's Report, including authorize payment of bills.

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

4. District Real Estate, Design and Construction Matters:
  - a. Status of Central Station and Fire Training Facility construction: Mr. Mathes presented an update on the status of the construction of the Central Station and reported that the pavement at the rear of the site has been completed, and the generator and dumpster are in place. Mr. Mathes noted that work continues on the burnished block, roofing, insulation and waterproof sheeting along the west end by the dormitory and administration. Mr. Mathes added that once such work is completed, it will be dry enough to allow interior work to progress more rapidly. Mr. Mathes reported that interior walls are going up, mechanical, electrical, and plumbing are being roughed in, and exterior walls and masonry are in progress. Mr. Mathes added that the project is overall progressing satisfactorily and is on schedule. Commissioner Krenek asked if there had been any delays with materials. Mr. Mathes responded the only materials delays have been the burnished blocks, and that he is not aware of any other potential delays. Commissioner Krenek also asked if there had been any increased costs for materials due to COVID-19 or for any other reason; Mr. Mathes responded that some contractors have asked for additional payment for materials, but so far, Brookstone has not paid any additional costs. Commissioner Krenek then asked Mr. Mathes if, to his knowledge, there are any unexpected cost increases at this time that the Board should be aware of, and Mr. Mathes responded that there are not.

Ms. Andel updated the Board on the driveway design changes, noting that the drainage part of design is complete and no additional culverts are required. Ms. Andel reported that BRW is currently attempting to contact someone at TxDOT for input on the driveway connection but has not received a response. Commissioner Kuykendall asked who they were trying to contact, and Ms. Andel responded Mark Wooldridge. Ms. Andel stated she will send the plans to Ms. Crone, who will forward to Commissioner Kuykendall to schedule a meeting with TxDOT. President McJunkin asked Mr. Mathes when Brookstone would need to begin work on this, and Mr. Mathes responded in June. Ms. Andel said BRW needs TxDOT's input so that they can finalize details to make one submission for review and approval.

- i. Pay applications and change orders: Mr. Mathes reported that there is one change order from the March Board meeting that was missing some verbiage on the scanned copy and will need to be signed again, and noted that there are three (3) Allowance Transfer Authorizations ("ATA") for consideration. Ms. Crone presented the ATAs to the Board for review and approval. Mr. Mathes explained that ATA #15 is for the Sanitary Storm and Conflict Box in the amount of \$4,664.00 and ATA #16 is for the Security System, the information for which was not available at the time the project was bid but that there are two allowances set aside in the Gross Maximum Price for this work and recommended approval of the ATAs so that Brookstone can assign a subcontractor to perform the work. Mr. Mathes added that ATA #17 is necessary because the Pump House Building package was not clear that a foundation (which is required) was not included in the package. Mr. Mathes stated that approval of the ATAs will allow the funds to be transferred so that the work can be completed. Commissioner Krenek motioned to approve ATA #s 15, 16 and 17, as presented; Commissioner Stacy seconded the motion; all voted AYE, motion passed.

Chief Meier requested an update on the driveway in front of the Central Station that leads from the bays to the parking lot. Mr. Menendez stated that he had submitted a variance to Fort Bend County ("FBC") Engineering for approval. Commissioner Pechukas added that it has been approved by Commissioner Meyers and should be on the FBC Commissioners Court agenda the following week.

Commissioner Stacy motioned to approve Pay Application #11, as presented, in the amount of \$882,095.67; Commissioner Pechukas seconded the motion; all voted AYE, motion passed.

- ii. Intent of future disposition of house located on Central Station site: President McJunkin gave a brief update on the house and the options that are available to the District. Commissioner Krenek made a motion to dispose of the house by sale and removal from the Central Station site; Commissioner Kuykendall seconded the motion. President

McJunkin requested to add to the motion authorization to perform additional clean up and disposal of additional adjacent structures; all voted AYE, motion passed. After discussion, the Board asked Ms. Crone to receive, open and compile the bids and prepare a bid sheet detailing each bid, if necessary, with a deadline for submittals being May 14, 2021.

iii. Future layout of Maintenance and Training Facility: Chief Meier stated he would like to proceed with plans and design for a future maintenance and training facility to be located behind the Central Station. Commissioner Pechukas motioned to authorize Chief Meier to coordinate with Huitt-Zollars to develop plans for the maintenance and training facility; Commissioner Krenek seconded the motion; all voted AYE, motion passed.

b. Development of Jordan Ranch station site:

i. Statements of Qualifications for design: President McJunkin reminded everyone that the selection of an architect for the design of this station was postponed until today's meeting and it was noted that at a previous meeting, it was determined the top two choices were PGAL and Martinez. Commissioner Stacy motioned to engage Martinez to design the Jordan Ranch Station; Commissioner Krenek seconded the motion. Commissioner Kuykendall commented that future projects should be awarded to other firms/architects. Commissioner Pechukas cautioned the Board that by staying with one architect it could possibly affect the type of bids the District may receive and limit the District on how firms may respond in the future. Commissioner Krenek added that he wants to see the District minimize cost to the taxpayers and make use of the similar design to the projects currently in progress. President McJunkin asked Mr. Martinez if his company would be overextended due to two District projects. Mr. Martinez responded that his company has sufficient staff to cover both projects, and Martinez regularly works with an assortment of contractors, and he therefore does not foresee any difficulties with taking on this design project. Mr. McJunkin asked if there was any further discussion before taking a vote; there was none; all voted AYE, motion passed.

c. Development of future Cross Creek Ranch ("CCR") station site:

i. Site development design: Mr. Martinez began by asking if everyone had an opportunity to review the summary, and Ms. Crone stated it was provided to the Board for review earlier in the morning. Mr. Martinez reviewed the summary of the status of the CCR project. Mr. Martinez stated that Martinez will review construction documents in early May, and such plans are scheduled to be submitted to the CCR Architectural Control Committee in mid-May and design documents will be submitted for permitting in mid-June. Mr. Martinez added that the Board of Directors of FBC Municipal Utility District No. 170 ("MUD 170") is scheduled to meet on May 3, 2021 to review the water and sewer application and he would like to ask the Board to approve

the payment of the tap fees in the amount of \$160,136.51. Commissioner Pechukas asked if the fee amount is what is needed and Mr. Martinez responded that it is the total amount required by MUD 170. Mr. Martinez added that advertisement for bids for Phase I would likely be ready before the next Board meeting and asked if the Board would want to hold a special meeting to authorize same or if the Board would like to take action now to authorize such advertisement. Commissioner Pechukas motioned to authorize Martinez to advertise for bids for Phase 1 construction; Commissioner Krenek seconded the motion; all voted AYE, motion passed. Ms. Crone asked for clarification on which municipal utility district ("MUD") is requesting the tap fee, noting that the agenda states FBC Municipal Utility District No. 169 and Martinez has MUD 170. It was noted that it was a clerical error on the agenda and MUD 170 is correct.

- ii. MUD 170 tap fees: Commissioner Krenek addressed the tap fees being charged by MUD 170. Mr. Krenek stated that the high tap fee issue needs to be addressed by the Texas Legislature and that MUD 170 is charging the exorbitant amounts because it cannot collect taxes, and this is an abuse of power. Commissioner Krenek motioned to approve the tap fee amount of \$160,136.51; Commissioner Pechukas seconded the motion. Commissioner Stacy asked Mr. Martinez if the District will see this again for other stations and he responded affirmatively. After further discussion President McJunkin called for a vote; all voted AYE, motion passed.

- d. Future station locations: The Commissioners tabled this real estate matter for discussion in Executive Session.

- 5. Annual review of Bookkeeper's Contract: Ms. Crone reported that she, Commissioner Stacy, Chief Meier and Mrs. Bone had met with Ms. Townley with MAC to discuss what the \$2,700 per month base fee included now that payroll service is no longer provided by MAC. Ms. Crone provided a synopsis of the meeting and commented on some of the additional fees that are being assessed, including audit, non-standard budget report, itemized invoicing on MAC's monthly invoice, 5-year plan and investment officer. Ms. Crone added that Ms. Townley was able to reduce the monthly base fee to \$2,500 per month. Commissioner Stacy commented that she was hoping for more of a concession in cost, but in an effort to reduce costs, the District could approve the use of standardized reports and possibly assign more tasks to Mrs. Bone. Commissioner Pechukas commented that the District would eventually be able to employ its own in-house accountant or bookkeeper as soon as space allows. Commissioner Krenek inquired about the duration of the contract. Ms. Adams stated that the contract requires a thirty-day cancellation notice. Commissioner Krenek stated that with the thirty-day cancellation notice the Board could still approve this contract and continue to search for a solution. Commissioner Pechukas added that the District has its planning meeting coming up in June and this matter can be discussed in detail as to the District's needs and available space. Commissioner Krenek asked if the insurance and bond amounts were sufficient, and Ms. Adams

responded affirmatively. Commissioner Krenek then motioned to approve and accept the contract subject to counsel's review and that the typical and customary services be listed in Article 1 and the flat monthly rate be changed to \$2,500/per month; Commissioner Kuykendall seconded the motion; all vote AYE, motion passed.

6. Interlocal Agreement with City of Fulshear ("Fulshear")/Police Department: Chief Meier reported Fulshear Police Chief Kenny Seymour had approached him about the possibility of storing the Police Department's airboat and possibly some other equipment on District property. Chief Meier responded it would be possible with an interlocal agreement. Chief Meier added that as of this time he has not received an agreement. Ms. Adams commented that the Board could authorize Chief Meier to negotiate with the Police Department and Fulshear if such agreement is received. Commissioner Krenek motioned to authorize Chief Meier to negotiate terms of the interlocal agreement, when received; Commissioner Pechukas seconded the motion; all voted AYE, motion passed.
  
7. District Telephone System Upgrades/Datavox: Ms. Crone stated she had received the information from RBAP and still needs to review much of the contract as it contains links to other affiliated agreements, and then return it to Datavox for review. Commissioner Krenek asked what the contract was for. Chief Meier stated that the District's current phone system is about ten (10) years old and is at the end of its useful life and that he and Ms. Crone would like to replace the systems at both stations. Ms. Crone commented that the phone systems at Station 1 and 3 would both be replaced now and when Central Station is ready the same system would be used there, and at any future stations. Commissioner Krenek asked if this system has the capability to expand from the three stations needed now to include the two stations in progress and any future stations. Ms. Crone responded that Datavox is a cloud-based system and would be able to accommodate any future needs. Commissioner Krenek inquired whether Datavox is offering the District the best pricing available given what the future growth will be; Chief Meier responded savings depend on the duration of the contract, whether three years or five years. Ms. Crone added that right now, almost every room has a phone, but in future plans, there will be some scaling down of equipment in the stations. Ms. Adams addressed certain issues with the contract, stating that the basic contract appeared to be standard but referenced various other contracts via links within the basic contract which resulted in the need to review several additional contracts all of which required addendums, including the District's standard governmental provisions. Ms. Adams stated that the Board could authorize proceeding with the Datavox contract subject to final approval by legal counsel. Commissioner Krenek motioned to proceed with the Datavox contract subject to review and approval of the final contract by District legal counsel; Commissioner Stacy seconded the motion; all voted AYE, motion passed.
  
8. District Administration Report: Ms. Crone reported that SAFE-D is offering on-demand training online that is only available until April 30 and another training option is the Fall Event in Fort Worth on September 16 – 18. Ms. Crone suggested discussing the Fall Event again in June if anyone is interested in attending. Ms. Crone

also stated she had sent an email to the Board for review the previous week regarding House Bill 553, which is scheduled to go before committee in the Texas Legislature that day. Ms. Crone spoke with Ed Schroeder, Committee Clerk, and provided him with a copy of the Board's resolution opposing the bill, and filed such resolution on the Texas Legislature's online portal. A copy was also sent to Molly Wilson, Chief of Staff for Representative Ed Thompson, who authored the bill. President McJunkin stated he spoke with Representative Phil Stephenson from Wharton and notified him that the District's resolution opposing the bill had been submitted online. Commissioner Pechukas reported that he had spoken with FBC Emergency Services District No. 2 and had asked them to write a letter in opposition to the bill. Commissioner Pechukas is hopeful that this will become a local bill for Brazoria County only and not a statewide bill.

Ms. Crone reported that the District has had four (4) fraudulent unemployment claims filed in the name(s) of active employees. All employees were aware of the claims and that staff had responded to the Texas Workforce Commission to advise them of the fraud attempt. Ms. Crone stated that she and Chief Meier had toured an aquatic training facility and that Chief Meier would report on that later in the meeting. Ms. Crone added that she and Chief Meier had met with Ms. Adams regarding various personnel policies and there would be more coming on this in the future. Ms. Crone next reported that she and Chief Meier would be holding five (5) interviews the next day for firefighter positions, and held three (3) interviews the previous week, and one (1) interview the week before, with three (3) of those applicants proceeding to the next phase of the interview process. Ms. Crone added that she is also working on a recruitment video to explain why the District's process is continually open and noted that one of the District's Battalion Chiefs is assisting with this project. Commissioner Krenek requested a written report regarding payrolls, benefits, retirement, and other ancillary costs involved in operating a station in anticipation of the influx of personnel that the District is working toward. Chief Meier responded that the District's current budget is for the operation of four (4) stations and the fifth station is not currently accounted for in budget projections, but should be. President McJunkin recommended the Board discuss this item at its June meeting, and Commissioner Pechukas agreed, noted that budget meetings will be coming up soon.

The Commissioners also discussed being able to hold an event for employees and Commissioners to write comments on the walls at Central Station before they are covered. Mr. Mathes stated that would not be a problem, as Brookstone works with a lot of clients who have done the same. Commissioner Kuykendall asked how the tour of Central Station went; and Ms. Crone responded that it went very well.

9. Fire Chief Run Report: Chief Meier reported on the tour of an aquatic training facility, which was completely moveable, similar to an above-ground pool. Chief Meier stated he would like to look at a similar product from another company for comparison. Commissioner Krenek asked what the estimated cost would be and Chief Meier responded approximately \$1,000,000. Ms. Crone added that there are several different components that can be added to achieve a more real-life water emergency

experience. President McJunkin asked how many facilities like this there are in the state, and Chief Meier and Ms. Crone responded there are only a couple. President McJunkin then asked if this was something the District could make available to other fire departments/ESDs for training; both responded affirmatively. Ms. Crone stated that this was part of the reason to schedule this project first for the training facility. Commissioner Stacy asked if the Board could possibly tour one of these facilities in conjunction with SAFE-D, and Chief Meier responded he would look into options.

Chief Meier reported there were a total of 275 calls for the month of March. Chief Meier stated that he has discovered that some vehicles did sustain damages due to Winter Storm Uri- one is in for repairs and the estimated cost is \$20,000. Chief Meier added that these repairs will be claimed on insurance.

Chief Meier commented that he and Commissioner Pechukas had met with Steve Sams regarding a temporary building for the Jordan Ranch station site.

Chief Meier also reported participating at a “Fill the Box” event and a Shred Day which benefitted the two Fulshear police officers that were injured in a plane crash. Chief Meier stated he had been approached by a Mason about setting a cornerstone on the new station and the Commissioners all agreed it would be a good idea. Commissioner Pechukas reported on the public appearances he and Chief Meier had been making in the community called “Coffee with the Chief”.

10. Convene into 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 10:04am to discuss real estate and personnel matters and reconvened to general session at 10:48am.

Commissioner Stacy made a motion to Request Qualifications for the design of the downtown Fulshear Station; Commissioner Krenek seconded the motion; all voted AYE, motion passed.

11. Adjourn: Commissioner Krenek motioned to adjourn the meeting; Commissioner Pechukas seconded the motion; all voted AYE, motion passed. The meeting was adjourned at 10:51am.

Passed and approved this the 18 day of May, 2021.



T. Kuykendall  
Secretary, Board of Commissioners