

1. Establish quorum and call to order: President D. McJunkin established a quorum and called the meeting to order at 8:01 am. Other Commissioners present were: K. Stacy, T. Kuykendall, E. Krenek 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 Adams of Radcliffe Bobbitt Adams Polley, PLLC (“RBAP”), District general counsel; Daniel Menendez of Huitt-Zollars, District engineering consultant (“Huitt-Zollars”); and Lisa Anandel and Ray Holliday of BRW Architects (“BRW”). District consultants in attendance via teleconference were: Charlie LaConti and Kaye Townley of Municipal Accounts & Consulting (“MAC”), District bookkeeper; Ricardo Martinez of Martinez Architects (“Martinez”); Bill Blich of Blich Associates, District financial advisor; and Chuck Mathes of Brookstone Construction.
2. Public Comment: None.
3. Consent Agenda:
 - i. Minutes from the November 17, 2020 meeting
 - ii. Bookkeeper’s Report, including authorize payment of bills
 - iii. District’s publication of record as *Fort Bend Herald*
 - iv. Publication of Notice of District Administration Office Address
 - v. Filing of Annual Report with the Texas Department of Emergency Management
 - vi. Filing of financial and tax-related information with Texas Comptroller pursuant to Texas Local Government Code, 203.062 and 403.0241 for the Special Purpose District Public Information Database
 - vii. 2021 Annual Agenda

Commissioner Pechukas requested a revision to the November 17, 2020 minutes under item 5(a)(iii). Commissioner Pechukas motioned to approve the consent agenda subject to the requested revision to the minutes; Commissioner Kuykendall 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: Ms. Anandel reported that all piers have been completed, and concrete slabs for the living quarters would be poured within the next week. In response to a question from President McJunkin, Mr. Mathes reported that currently the trench drains are going to the oil separator, and added that oil and sand should not go through the septic system. Ms. Anandel stated that BRW is awaiting clarification from the Texas Commission on Environmental Quality regarding prohibited discharge, adding that everyday maintenance and washing of apparatus should not have an impact. Mr. Mathes stated that the wall separating the living quarters and administrative office must be constructed before second story steel can be placed and before the foundation can be poured in the bay area. Ms. Anandel added that the concrete pour for the bays would begin first.

- i. Pay applications and change orders: Ms. Andel explained Change Order #07 was due to the changes made to the size of the generator, resulting in modifications to the foundation, enclosure and gate. Ms. Andel added that Change Order #12 because the elevator shaft sump pump was inadvertently left off the drawings. Commissioner Krenk motioned to approve payment of Pay Application #07 in the amount of \$623,125.15, Change Order #12 in the additive amount of \$3,403.00; and Change Order #07 in the additive amount of \$31,594.00; Commissioner Pechukas seconded the motion; all voted AYE, motion passed.
 - ii. Communications with the Texas Department of Transportation ("TxDOT") regarding construction of acceleration/deceleration lane ("A/D lane") on FM 1093: Commissioner Pechukas reported that he and Huitt-Zollars have been in communication with TxDOT personnel, and that he anticipates a letter from TxDOT to the District stating that TxDOT will not construct the A/D lane, but supports the District paying for it, and would work with the District should it proceed with construction. It was noted that such project would require extra signage and coordination with the Bowser Road project. Mr. Menendez added that in prior correspondence regarding the A/D lane, concerns had been raised regarding driveway access. Mr. Menendez stated he spoke with Fort Bend County Engineering ("FBC Engineering") and noted that they seemed more receptive to proceeding with the project. Mr. Menendez further stated that he spoke with Commissioner Andy Meyers' office, who seemed supportive of the project going before Fort Bend County Commissioner's Court ("Commissioners Court"). Mr. Menendez noted that the County would defer to TxDOT, but had questions regarding the drawings. Ms. Andel reported she is updating the drawings showing the exit locations. It was discussed that, once complete, the District would submit a letter stating why it is seeking an exception to the ingress and egress requirements for FM1093 and then obtain approvals from Commissioner's Court and TxDOT. Mr. Menendez added he would draft the letter by the January Board meeting. Commissioner Pechukas added that Commissioner Meyers would support the County granting a variance on this.
 - iii. Ashe Road improvements in conjunction with FBC Engineering: Commissioner Pechukas reported that if the variance is granted, then the issue regarding Ashe Road improvements would be resolved. President McJunkin added that if the driveway located in the center section of FM 1093 is approved, then there would be no exit to Ashe Road.
- b. Due diligence for and acquisition of Jordan Ranch property:
- i. Feasibility study status: Mr. Martinez reported that he is discussing feasibility with Jordan Ranch's engineers. Mr. Martinez further reported that utilities and water are on the District side of the

- property line, and that Huitt-Zollars does not currently recommend a topographical survey. Mr. Martinez stated that he anticipated that he would present the feasibility study at the January Board meeting.
- ii. Supplemental Amendment to the Declaration of Covenants, Conditions and Restrictions for Jordan Ranch Commercial Property: Ms. Adams noted that she would discuss this real estate matter with the Board in Executive Session.
 - iii. Authority to take all actions necessary to close on and execute real estate closing documents for the Jordan Ranch property, as necessary: Ms. Adams stated that she would provide a status update on the real estate acquisition in Executive Session.
 - iv. Design and construction process for the development of the Jordan Ranch property: Commissioner Pechukas stated he would like to proceed with the Request For Qualifications ("RFQ") process for the design of the Jordan Ranch station and motioned to authorize administration to advertise for RFQs for the design of the Jordan Ranch station; Commissioner Kuykendall seconded the motion; all voted AYE, motion passed.
- c. Development of future Cross Creek Ranch station site: Mr. Martinez stated he would have additional plans to present at the January Board meeting. Mr. Martinez added that he anticipates the package from Boxx Modular should arrive at the site soon, at which time Phase 1 construction can begin. Mr. Martinez added that obtaining the design approval from Cross Creek Ranch Architectural Control Committee would be a process and plans to submit both the temporary and permanent design as one package.
- i. Title policy for Unrestricted Reserve C, 2.766 acres, Creek Trace at Cross Creek Ranch, Section 6: Ms. Adams stated that the District had received the outstanding partial release of lien from Johnson Development and the District has now received the full title policy.
 - ii. Site development design and temporary station procurement from Boxx Modular: Ms. Crone reported that Boxx Modular has the agreement revisions and she is awaiting a response from them. It was noted that Carport Central will be working with Boxx Modular on carport construction but installation of the carport will be performed by Infinity. Chief Meier stated that the quote from Carport Central for the carport is \$19,915, and is included in the initial bid approval. Chief Meier added that Mr. Martinez has reviewed the quote and approved the design. Commissioner Krenek motioned to approve any costs to Carport Central in an amount not to exceed \$20,000; Commissioner Pechukas seconded the motion; all voted AYE, motion passed.
 - iii. Future station locations: The Commissioners noted they would like to discuss this real estate matter in Executive Session.
 - iv. Drainage Easement request from the City of Fulshear (the "City"): Ms. Crone reported that she has not received any information and does not expect to until January.

5. Huitt-Zollars General Consulting Proposal Work Authorization: Commissioner Kuykendall motioned to approve the work authorization, as presented; Commissioner Pechukas seconded the motion; all voted AYE, motion passed. Commissioner Stacy asked if Huitt-Zollars will be attending all meetings or only as needed. President McJunkin responded that Huitt-Zollars' regular attendance at meetings was in the best interest of the District. Ms. Crone responded that Huitt-Zollars hourly rates are listed in the original contract and that she and Chief Meier had met with Mr. Menendez to discuss the District's needs and what is expected from them by the District.
6. Review District liquidity for possible addition to restricted reserve account: Ms. Crone began by explaining that Mr. Blitch and Ms. Townley were both in attendance via teleconference to discuss options on how to increase the restricted reserve account. Ms. Crone stated relevant documents provided by Mr. Blitch have been uploaded to the District's Dropbox for Board review. Mr. Blitch stated that the last two audits are far enough removed in time that it is difficult to analyze the District's current reserves. Mr. Blitch further stated that he would reevaluate the District's restricted reserve options after the FYE December 31, 2020 audit is prepared. Mr. Blitch recommended moving funds from the general operating fund to a new construction fund account, thus eliminating the need for restricted funds. Mr. Blitch added that it is ideal to have a minimum reserve of one hundred percent (100%) of the District's budgeted annual expenditures, excluding any capital expenditures, in reserve, adding that if the District has a large enough amount in reserve to cover any emergency, it prevents rushing to obtain approval for loans. Ms. Townley began by suggesting the District create a new money market account strictly for reserves and the District can budget an annual amount to add each year. Ms. Townley agreed and added that she had suggested six (6) months in reserve simply due to the amount required. Mr. Blitch and Ms. Townley stated they will coordinate to ensure this is completed. No action was required.
7. Approve annual employee payroll increases: Chief Meier stated he had included in the budget a 3% raise for all employees. Commissioner Pechukas said he had researched other areas and locations and agrees with the requested amount and motioned to approve the payroll increases; Commissioner Krenek seconded the motion; all voted AYE, motion passed.
8. Payroll/Human Resource company options: Ms. Crone reported that she has been in discussions with Paycom and Paycor regarding the District's payroll needs. She added that Paycor has a representative that is located in Fulshear, and if the District approves this recommendation, it would eliminate the need for NeoGov. Chief Meier added that Paycor offers many of the same benefits but is less cumbersome. Commissioner Stacy asked if it would be a cost savings from NeoGov and MAC and Chief Meier responded affirmatively. Chief Meier said that Paycor gives the option of online and digital onboarding and that the District would be able to create backup files at its office. Chief Meier also stated that Paycor is familiar with ESD time

schedules, which is a significant advantage. Commissioner Kuykendall motioned to approve an agreement with Paycor for an amount not to exceed \$18,560 subject to RBAP's review of such agreement; Commissioner Krenek seconded the motion; all voted AYE, motion passed.

9. 87th Texas Legislature (2021) interim matters affecting emergency services districts: Commissioner Pechukas began by stating that House Bill 553 would require that ESD's obtain approval from commissioner's court to conduct business, impose taxes, set and approve budgets, and enter into various agreements. Commissioner Pechukas stated this was likely a local issue and should not be imposed on ESDs statewide. Commissioner Pechukas stated he created a resolution for the Board's consideration that opposes this bill. Commissioner Pechukas added that the Board could take action now and hold the resolution until it may be necessary to send it. Ms. Adams added that SAFE-D will likely strongly oppose HB 553. Commissioner Pechukas stated he would like to meet with Senator Lois Kolkhorst to discuss and added that if this bill makes it through committee review, the Board could pursue further action in March. Commissioner Pechukas motioned to approve the resolution opposing HB 553, as presented; Commissioner Stacy seconded the motion; all voted AYE, motion passed.
10. Purchase of apparatus: Chief Meier stated he evaluated the reserve program and confirmed the need for three (3) new apparatus, the total cost of which would be \$2,609,983, with a cost savings of \$62,000 for the combined purchase totaling \$2,547,675. Chief Meier added that the cost of the payment and performance bond is \$11,000 and a performance bond guarantees delivery of apparatus, not reimbursement should the company default or go out of business. Chief Meier stated the purchase agreement is with Spartan. Ms. Adams recommended purchasing the payment and performance bonds. Commissioner Krenek motioned to approve the purchase of three (3) apparatus for a cost not to exceed \$2,547,675 and the purchase of payment and performance bonds; Commissioner Kuykendall seconded the motion; all voted AYE, motion passed.
11. District Administration Report: Ms. Crone stated that most administrative items have already been addressed. She reported two new firefighters started on December 1 and the new job posting would be posted soon. Ms. Crone added that the department is working to streamline the application and hiring process. Chief Meier stated he is planning to recruit from high schools and is working on creating videos for training and recruiting purposes. Ms. Crone reported that the wire transfer to Brookstone in November created an NSF on one of the District's account. Ms. Crone added that due to the District's relationship with New First National, the NSF had not resulted in an overdraft. Ms. Crone told the Board that she, Chief Meier and Commissioner Stacy had a meeting with Mr. LaConti and Ms. Townley to discuss this error. Commissioner Stacy added that MAC did not follow their own procedures in this case, but that steps are now in place to prevent this from occurring again. Ms. Crone added that Mr. Blich has provided the required Municipal Securities Rulemaking Board disclosures to the District.

12. Fire Chief Run Report: Chief Meier reported there were a total of 191 calls in November. Chief Meier then thanked the Commissioners for the purchase of the new apparatus and stations. Chief Meier closed by stating the estimated move-in date into the Central Station is October 2021.
13. Fire Chief Evaluation and Employment Agreement: Ms. Crone and Chief Meier stated that they reviewed the proposed evaluation form provided by RBAP and both agreed on the form. Ms. Adams stated the Board could approve the evaluation form and each Commissioner complete the evaluation form, develop a cumulative “score” and review with the Chief Meier in Executive Session. Commissioner Pechukas motioned to approve the evaluation form, as presented; Commissioner Stacy seconded the motion; all voted AYE, motion passed.
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 10:01am to discuss real estate matters and reconvened in open session at 10:16am. Commissioner Kuykendall motioned to grant authority to President McJunkin to execute the Jordan Ranch closing documents and approve the Supplemental Amendment to the Declaration of Covenants, Conditions and Restrictions for the Jordan Ranch property; Commissioner Krenek seconded the motion; all voted AYE, motion passed.
15. Adjourn: Commissioner Pechukas motioned to adjourn the meeting; Commissioner Stacy seconded the motion; all voted AYE, motion passed. The meeting was adjourned at 10:17am.

Passed and approved this the 19th day of January, 2021.



T. Kuykendall
Secretary, Board of Commissioners

