

**MINUTES OF MEETING OF THE
BOARD OF COMMISSIONERS**

JULY 20, 2021

**THE STATE OF TEXAS
COUNTY OF FORT BEND
FORT BEND COUNTY EMERGENCY SERVICES DISTRICT NO. 4**

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The Board of Commissioners (the "Board" or the "Commissioners") of Fort Bend County Emergency Services District No. 4 (the "District") met in regular session, open to the public, at 30626 Fifth Street, Fulshear, Texas 77441, the regular meeting place of the District, on Tuesday, July 20, 2021, at 8:00 a.m.; whereupon, the roll was called of the members of the Board, to-wit:

Daniel McJunkin	President
Ed Krenek	Vice President
Tommy Kuykendall	Secretary
Kim Stacy	Treasurer
Robert Pechukas	Assistant Secretary/Treasurer

All members of the Board were present, thus constituting a quorum. Also attending the meeting were: Fire Chief Herc Meier, Assistant Chief Wade Goates, Ms. Brandi Crone and Ms. Karol Bone, employees of the District; Ms. Regina D. Adams and Ms. Sholeh Abedinzadeh (via teleconference), attorneys, and Ms. Hannah Slaven (via teleconference), paralegal, of Radcliffe Bobbitt Adams Polley PLLC (the "Attorney" or "RBAP"), attorneys for the District; Ms. Lisa Anandel of BRW Architects ("BRW"); Mr. Chad Nesvadba of Huitt-Zollars, Inc. ("Huitt-Zollars" or "Engineer"), District engineering consultant; Mr. Sebastian Garcia of Brookstone Construction ("Brookstone"); Mr. Brad Dill of BD Realty Advisors ("BD Realty"). Also attending via teleconference were Ms. Carol Morrison of Municipal Accounts & Consulting, L.P. ("MAC"), bookkeeper for the District; and Mr. Bill Blich of Blich Associates, Inc. ("Blich"), financial advisor to the District.

WHEREUPON, the meeting was called to order at 8:00 a.m. and evidence was presented that public notice of the meeting had been given in compliance with the law. The posted notices of the meeting are attached hereto.

PUBLIC COMMENT

There were no public comments.

OATHS OF OFFICE FOR FIREFIGHTERS AND CAPTAIN

Ms. Crone presented the following new firefighters to take their oaths of office: Firefighter Brock Arthun; Firefighter Jake Blalack; Firefighter Matthew Heck; Firefighter Homer Malacara; Firefighter Lucas Rodriguez; and Firefighter Felix Serrano. Commissioner Kuykendall administered the oaths of office to the firefighters. Ms. Crone noted that the new captain would be sworn at the August Board meeting.

APPROVE CONSENT AGENDA

The Board reviewed the items reflected on the Consent Agenda. Commissioner McJunkin explained that this portion of the agenda deals with routine matters of the Board, and that no separate discussion of such items will occur unless a Commissioner or a member of the public requests that an item be moved to the regular portion of the agenda.

Upon motion by Commissioner Kuykendall, seconded by Commissioner Pechukas, after full discussion and the question being put to the Board, the Board voted unanimously to approve the item(s) on the Consent Agenda, as follows:

1. Minutes of the May 26, 2021 special meeting, June 15, 2021 regular meeting, and June 16, 2021 special meeting;
2. Bookkeeper's Report, including authorizing payment of all bills;
3. Acknowledging receipt of Ten (10) and Twenty (20) Year Write-offs of Delinquent Ad Valorem Taxes; and
4. Approving the District Outside Employment Policy.

DISTRICT REAL ESTATE, DESIGN AND CONSTRUCTION MATTERS

Mr. Garcia provided an update regarding the status of the construction of Central Station and Fire Training Facility (the "Central Station"), noting that: the masonry work was progressing; sheetrock was being placed; and windows were being installed. Mr. Garcia further reported that irrigation tanks have been completed and the well has been constructed, but the housing still needs to be installed. Mr. Garcia also noted that the underground conduit was being installed and Brookstone was preparing to place the masonry for the bays.

The Board requested an update regarding the Central Station driveway. Ms. Anandel reminded the Board that the revised plans were submitted to Texas Department of Transportation ("TxDOT") on May 17, 2021, and stated that BRW has not received a reply. Ms. Anandel stated that Fort Bend County (the "County") conditionally approved the plans, subject to TxDOT approval. Ms. Anandel explained that the concrete driveway in front of the bays would be poured so that the masonry for the bays can be placed on schedule. It was noted that Mr. Daniel Menendez of Huitt-Zollars has frequently been in contact with TxDOT, and TxDOT has all of the documents it needs for approval of the plans for the driveway.

The Board next considered pay estimates, change orders, and allowance transfers related to the construction of the Central Station. Mr. Garcia presented Allowance Transfer ("AT") Nos. 22, 23, and 24, credits in the amounts of \$30,643.00, \$10,540.00 and \$1,195.00, respectively. AT No. 22 is for cancellation of a contract with Sarvicus for an alerting system and related materials and devices; AT No. 23 is for modifications to an aluminum canopy; and AT No. 24 is for revisions to aluminum corner guards. Mr. Garcia also presented Pay Application No. 14 in the amount of \$1,080,180.22. Upon motion by Commissioner Krennek, seconded by Commissioner Kuykendall, after full discussion and the question being put to the Board, the Board voted unanimously to approve Pay Application No. 14 and AT Nos. 22, 23, and 24.

Upon motion by Commissioner Krenek, seconded by Commissioner Kuykendall, after full discussion and the question being put to the Board, the Board voted unanimously to authorize discussion of the placement of a cornerstone at the Central Station. Chief Meier reviewed the design of the cornerstone with the Board, noting that the core values of the District would be inscribed across the top. Chief Meier noted there was room for a time capsule within the area designated for the cornerstone.

Commissioner McJunkin reported that the District received one (1) bid in the amount of \$34,800.00 from Molly Ladner d/b/a Urban Acquisitions and Development for the house located on the Central Station site. In response to a question from Commissioner Krenek, Commissioner McJunkin affirmed that demolition was included in the bid. Commissioner Krenek requested that the bill of sale for the house include a release of lien and indemnification of the District. Ms. Adams stated RBAP would prepare the bill of sale. Upon motion by Commissioner Pechukas, seconded by Commissioner Krenek, after full discussion and the question being put to the Board, the Board voted unanimously to accept the bid for the purchase and removal of the house located on the Central Station site.

Chief Meier next reported on the status of design and construction of the Cross Creek Ranch ("CCR") Station, noting that the construction of the temporary station was on schedule. Chief Meier also reported that the City of Fulshear has agreed to reduce the tap fee cost for the CCR Station. Chief Meier noted that there has been some difficulty determining a place to park the temporary station trailer. Ms. Adams then explained that the construction contract for the temporary station with LaW Construction & Consulting, LLC ("LaW") required some amendment to remove terms for materials testing at the site, as well as some cost and construction period increases. Ms. Adams added that some of the cost components include parking lot construction. Upon motion by Commissioner Krenek, seconded by Commissioner Pechukas, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Amended Construction Contract with LaW.

Ms. Adams next presented to and reviewed with the Board a materials testing contract Terracon Consultants, Inc. for the CCR Station site. Upon motion by Commissioner Pechukas, seconded by Commissioner Kuykendall, after full discussion and the question being put to the Board, the Board voted unanimously to approve the contract with Terracon.

Ms. Adams next presented to and reviewed with the Board a Utility Commitment Letter ("UCL") from Fort Bend Municipal Utility Districts Nos. 169 and 170 for the CCR Station. A discussion ensued regarding the difference between capacity cost, tap fees and impact fees and whether or not the District should be required to pay impact fees. Commissioner Krenek emphasized that the District should only pay costs once. Ms. Adams noted that water districts may not charge impact fees. Upon motion by Commissioner Krenek, seconded by Commissioner Stacy, after full discussion and the question being put to the Board, the Board voted unanimously to approve the UCL.

Ms. Crone reported that Ricardo Martinez of Martinez Architects, Inc. had placed the Jordan Ranch Station development report in the District's Dropbox for Board review.

2021 TAX RATE SETTING PROCESS/TRUTH IN TAXATION

Mr. Blich next addressed the Board regarding financing the construction of stations and the setting of the 2021 tax rate. Mr. Blich explained that he planned to attend the Board's August meeting to review the property tax rate, and that he is preparing an analysis of District revenues and growth

relative to anticipated stations and manpower needs. The Board discussed possible special meeting dates, as all Commissioners were not available for the Board's regular meeting in August. After discussion, the Commissioners reached a consensus to hold a special meeting on August 31, 2021 to discuss the District's 2021 tax rate.

CONTINUED DISCUSSION OF DISTRICT REAL ESTATE, DESIGN AND CONSTRUCTION MATTERS

Ms. Crone reported that, regarding design and construction of the Fulshear Station, she has been in touch with a representative of PGAL, who stated they would like to meet to begin the design process discussion by late August or early September, in hopes of soliciting construction bids by October.

The Board next discussed receiving a presentation from AG|CM regarding project management services. After discussion, the Board requested that Ms. Crone inquire whether AG|CM would be available to present at the proposed special meeting on August 31, 2021. After some discussion, Commissioner Stacy suggested AG|CM might require approximately twenty minutes to present.

TELEPHONE COMMUNICATIONS SYSTEM FOR DISTRICT STATIONS

Ms. Adams reported that GreatAmerica Financial Services Corporation ("GreatAmerica"), the financing organization that works with DataVox for the lease of the phone system recently approved by the Board for use by the District, sent a lease agreement that Ms. Adams revised to reflect the statutory rights of the District, but those revisions were not accepted by GreatAmerica. A discussion ensued regarding whether the District might purchase the phone system outright and enter into an agreement for maintenance or warranty with DataVox as an alternative to a financing through GreatAmerica. After discussion, the Board requested that Chief Meier contact DataVox to explore further acquisition options.

FUTURE DISPATCH PROVIDER OPTIONS

Chief Meier reported that he contacted personnel from Harris-Fort Bend Emergency Services District No. 100 regarding a potential agreement for dispatch services, and was offered an agreement to provide services for approximately \$15,000 - \$20,000 per month. Commissioner Pechukas reminded the Board that the County was currently reviewing dispatch options, and under consideration was the option to place dispatch under the Fire Marshal. Commissioner Pechukas noted that, should the County place dispatch under the Fire Marshal, dispatch would be more favorable to all fire departments, including the District. A discussion ensued regarding timing, logistics and staffing for dispatch, following which, the Board requested more information regarding dispatch services as presented by Chief Meier and Commissioner Pechukas.

DISTRICT ADMINISTRATION REPORT

Ms. Crone reported that she received notice on July 2, 2021, that changes were being made to the health insurance benefits plan currently held by the District. Ms. Crone explained that the current plan covers eighty percent (80%) of costs after the deductible is met, as opposed to one hundred percent (100%) as before. Ms. Crone explained that overall insurance costs were increasing because the District employed more people, but the cost per person was decreasing because the average age of the firefighters was lower.

Ms. Crone next reported that she was approached by Firehouse Subs with a request for memorabilia and surplus equipment that a new sandwich shop may use for décor, and that she was working to provide the surplus valueless property.

A brief discussion ensued regarding ways to expedite Board meetings. The Commissioners requested that action items on the agenda be noted with asterisks and that a summary page of the Bookkeeper's Report be provided.

Ms. Crone next updated the Board regarding upcoming events, noting that a Breakfast with the Chief would be held on Saturday, July 24, 2021, and that the Board has a budget workshop meeting scheduled for Thursday, July 22, 2021.

Ms. Crone also updated the Board regarding personnel matters, noting that the District hired three (3) full-time firefighters and one (1) part-time firefighter, but the captain's position is still open.

FIRE CHIEF RUN REPORT

Chief Meier reported that there were 258 calls in June and that training is ongoing.

CONVENE IN EXECUTIVE SESSION

Commissioner McJunkin then stated that the Board would be going into Executive Session at this time to discuss real estate matters.

All meeting attendees, with the exception of all members of the Board present, Mr. Dill, Ms. Adams, Ms. Abedinzadeh (via teleconference), Ms. Slaven (via teleconference), Chief Meier, Ms. Crone and Ms. Bone exited the meeting at 9:40 a.m.

Pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended, specifically Sections 551.071 and 551.072 regarding attorney-client privilege and real estate matters, Commissioner McJunkin convened the Board into Executive Session at 9:40 a.m. The persons present in the Executive Session at various times were Commissioners McJunkin, Krenek, Stacy, Kuykendall and Pechukas, Chief Meier, Ms. Crone, Ms. Bone, Mr. Dill and Ms. Adams. Ms. Abedinzadeh and Ms. Slaven attended via teleconference.

RECONVENE IN OPEN SESSION

All meeting attendees still present re-entered the meeting at 10:07 a.m.

Commissioner McJunkin reconvened the meeting in open session at approximately 10:07 a.m. at which time the Board took the following action:

Upon motion by Commissioner Krenek, seconded by Commissioner Pechukas, after full discussion and the question being put to the Board, the Board voted unanimously to reject the offer to purchase the District's 6.412 acre tract.

There being no further business to come before the Board, upon motion by Commissioner Pechukas, seconded by Commissioner Kuykendall, after full discussion and the question

being put to the Board, the Board voted unanimously to adjourn the meeting at 10:09 a.m.

PASSED, APPROVED, AND ADOPTED this 17th day of August, 2021.


Secretary, Board of Commissioners

(DISTRICT SEAL)

