

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

OCTOBER 19, 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, October 19, 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. The following District employees were in attendance: Fire Chief Herc Meier; Ms. Brandi Crone, Chief Operations Officer; Assistant Chief Wade Goates; and Ms. Karol Bone, Administrative Assistant. Also in attendance were: Ms. Regina D. Adams and Ms. Sholeh Abedinzadeh (via teleconference), attorneys, and Ms. Raechel Rodriguez (via teleconference), legal assistant, of Radcliffe Bobbitt Adams Polley PLLC (the "Attorney" or "RBAP"), attorney for the District; Ms. Carol Morrison (via teleconference) of Municipal Accounts & Consulting, L.P. ("MAC"), bookkeeper for the District; Ms. Lisa Anandel (via teleconference) of BRW Architects ("BRW"); Mr. Ricardo Martinez (via teleconference) of Martinez Architects ("Martinez"); Mr. Chuck Mathes of Brookstone Construction ("Brookstone"); Mr. Brad Dill (via teleconference) of BD Realty Advisors ("BD Realty"); Mr. Chad Nesvadba, P.E. of Huitt-Zollars, Inc. ("Huitt-Zollars" or "Engineer").

WHEREUPON, the meeting was called to order at 8:03 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.

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 would occur unless a Commissioner or a member of the public requests that an item be moved to the regular portion of the agenda. The Board asked questions regarding the Grooming Policy and Stryker AED Pro Care Product Service Plan Agreement.

Upon motion by Commissioner Kuykendall, seconded by Commissioner Stacy, 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 September 21, 2021 regular meeting;
2. Bookkeeper's Report, including authorizing payment of all bills;
3. Grooming Policy; and
4. Stryker AED Pro Care Product Service Plan Agreement.

DISTRICT REAL ESTATE, DESIGN AND CONSTRUCTION MATTERS:

CENTRAL STATION AND FIRE TRAINING FACILITY CONSTRUCTION

Mr. Mathes then provided an update regarding the construction of and delays to Central Station. Mr. Mathes stated that Fort Bend County Fire Marshal approval has been secured, subject to a follow-up inspection on wiring. In response to a question from Commissioner Krenek, Mr. Mathes stated that construction would reach substantial completion by mid-December. Mr. Mathes stated Brookstone has not received a response from AT&T regarding questions pertaining to the AT&T line located near the driveway. Mr. Mathes also reported on the progress of the installation of tile. Mr. Mathes stated that the grout lines did not match the approved rendering because the dimensions of the actual tile did not match the specifications in the manufacturer's description of the tile. Ms. Anadel stated that the tile received was the tile ordered but the dimensions were not as marketed. An extensive discussion ensued regarding whether the tile could be utilized or needed to be returned. Ms. Anadel stated she provided new layout options for the tile to Ms. Crone earlier in the day for District staff to review.

Mr. Mathes then presented Change Order ("CO") No. 5 for a time extension of 47 days. Mr. Mathes also presented Pay Application ("PA") No. 17 in the amount of \$904,913.92. 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 CO No. 5 for the time extension and PA No. 17 in the amount of \$904,913.92.

Ms. Crone reported purchaser of the house on the Central Station property still has not submitted payment nor coordinated removal of the house and has not been responsive to Ms. Crone. It was the consensus of the Board to have RBAP transmit correspondence to the purchaser with a 30-day deadline to provide payment for and remove such house, otherwise, the District would rescind its acceptance of her offer and place the house back on the market.

CROSS CREEK RANCH ("CCR") STATION DESIGN AND CONSTRUCTION INCLUDING PAY APPLICATIONS, CHANGE ORDERS AND ALLOWANCE TRANSFERS

Mr. Martinez next reported on the status of the construction of the temporary CCR Station. Mr. Martinez presented PA No. 3 from LaW Construction and Consulting in the amount of \$103,716.25 for the temporary CCR station construction. 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 PA No. 3 in the amount of \$103,716.25.

Mr. Martinez next presented CO No. 3 for site grading and storm sewer installation and vent hood installation for a project cost increase of \$44,896. Mr. Martinez explained that the drainage system needs to be completed during Phase I, rather than Phase II. Chief Meier noted other options available regarding the vent hood installation. 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 CO No. 3 for the site grading and storm sewer installation, but not the vent hood installation.

Mr. Martinez then presented CO No. 4 for the installation of a Guardian Fire Suppression System ("Guardian System") for a project cost increase of \$9,164. Chief Meier stated that the District could purchase this system for less by handling the installation in-house. A discussion ensued regarding insurance coverage for in-house installation. Ms. Crone stated she would contact the insurance company and confirm coverage for same. 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 decline CO No. 4 and authorize Chief Meier to purchase a Guardian System for an amount not to exceed \$3,000, subject to insurability of in-house installation of same.

Mr. Martinez next reported that Martinez met with the District's building committee to review the permanent CCR Station plans and specifications and address final revisions. Mr. Martinez recommended soliciting proposals for low bid for same. A discussion ensued regarding the preferred delivery method and District staff's understanding that Construction Manager at Risk ("CMAR") would be the construction delivery method. Ms. Crone reviewed the role of the CMAR during construction of the Central Station. Commissioner Krenek expressed apprehension for hiring a CMAR. An extensive discussion ensued regarding the role and impact of a CMAR. Upon motion by Commissioner Kuykendall, seconded by Commissioner Stacy, after full discussion and the question being put to the Board, the Board voted four (4) votes in favor and one (1) opposed, with Commissioner Krenek voting in opposition, to authorize publication of request for qualifications ("RFQs") for CMAR for the construction of the permanent CCR Fire Station.

The Board considered the purchase of a US Digital Designs ("US Digital") Station Alerting System ("Alert System") for the CCR Station. Chief Meier explained that purchasing the Alert System directly through US Digital would cost \$49,975, including installation. Chief Meier stated that Fort Bend County Municipal Utility District No. 151 ("MUD 151") agreed to sell components of its Alert System it's no longer utilizing for \$2,500. Chief Meier explained that by purchasing components separately and contracting the District's IT Manager to install the Alert System, the District could save approximately \$10,000. Upon motion by Commissioner Pechukas seconded by Commissioner Stacy, after full discussion and the question being put to the Board, the Board voted unanimously to: 1) authorize purchase of the Alert System from US Digital in the amount of \$26,552; 2) authorize purchase of components to the Alert System from MUD 151 in the amount of \$2,500; and 3) authorize installation of same by the District's IT Manager.

JORDAN RANCH STATION DESIGN

Mr. Martinez next reported on the status of design and construction of the Jordan Ranch Fire Station. Mr. Martinez stated that Martinez is currently in the design development phase and that the station site signage was at the printer.

Mr. Martinez and Mr. Mathes exited the meeting at this time.

FUTURE STATION LOCATIONS, RELATED FEASIBILITY ASSESSMENTS AND OTHER DUE DILIGENCE MATTERS, INCLUDING AMENDMENT TO COVENANTS, CONDITIONS AND RESTRICTIONS ON PROPERTY

Ms. Adams recommended that this item be discussed further in Executive Session.

RFQS FOR PROJECT MANAGEMENT SERVICES

It was the consensus of the Board to table this matter until the November Board meeting.

DISTRICT ADMINISTRATIVE REPORT

Ms. Crone next presented and reviewed with the Board the District Administrative Report. Ms. Crone reported that she met with PGAL in September to discuss its proposed contract for the Fulshear Fire Station design and polled staff on potential designs. Ms. Crone stated four (4) firefighters were promoted to Captain and are in officer training. Ms. Crone next reported that the District has added a personality evaluation component to the hiring process and engaged Dr. Rion Hart for such evaluations. Ms. Crone also reported that the District is preparing a 30-second promotional video for recruitment purposes.

FIRE CHIEF RUN REPORT

Chief Meier reported that there were 322 calls in the prior month. Chief Meier asked if the Board had any objections to the Boy Scouts of America utilizing District property for an event, to which the Board had no objections. Chief Meier reviewed with the Board two (2) recent house fires with video and explained that firefighters had significant issues with extinguishing one (1) fire because the fire hydrant was not designed to be used for fire suppression, but rather as a flushing line and therefore provided no water pressure so the District had to go to the next hydrant 1,000 feet away and utilize a pumper truck. Chief Meier reported that the District was invited to attend Weston Lakes Property Owner's Association meeting on October 21st to discuss the fire. Commissioner Pechukas requested Chief Meier prepare an after action report for the recent house fires. Chief Meier stated those were in process. Chief Meier next reported on the finalization of the WestCom Communications Center Dispatch Agreement.

CONVENE IN EXECUTIVE SESSION

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

All meeting attendees, with the exception of all members of the Board present, Ms. Adams, Ms. Abedinzadeh, Ms. Rodriguez, Mr. Dill, Chief Meier, Ms. Crone, Ms. Bone and Mr. Nesvadba exited the meeting at 10:56 a.m.

Pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended, specifically Section 551.072 regarding real estate matters, Commissioner McJunkin convened the Board into Executive Session at 10:59 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. Nesvadba, Ms. Adams, Mr. Dill, Ms. Abedinzadeh and Ms. Rodriguez.

RECONVENE IN OPEN SESSION

All meeting attendees still present re-entered the meeting at 11:07 a.m. and Commissioner McJunkin reconvened the meeting in open session, at which time the Board took the following action:

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 amendment to the Declaration of the Covenants, Conditions and Restrictions for the proposed property purchase, as discussed in Executive Session.

FIRE CHIEF RUN REPORT (CONT.)

Chief Goates reviewed with the Board a map of the potential locations of and three (3) mile radius related to the areas for future stations throughout the District.

There being no further business to come before the Board the meeting was adjourned at 11:14 a.m.

PASSED, APPROVED, AND ADOPTED this 16th day of November, 2021.

(DISTRICT SEAL)


Secretary, Board of Commissioners

