

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

**DECEMBER 21, 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, December 21, 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 Andel (via teleconference) of BRW Architects ("BRW"); Mr. Ricardo Martinez (via teleconference) of Martinez Architects ("Martinez"); Messrs. Sebastian Garcia and Jeremy Stovall of Brookstone Construction ("Brookstone"); Mr. Brad Dill of BD Realty Advisors ("BD Realty"); and Mr. Chad Nesvadba, P.E. (via teleconference) of Huitt-Zollars, Inc. ("Huitt-Zollars" or "Engineer").

WHEREUPON, the meeting was called to order at 8:02 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.

**RESOLUTION HONORING FORT BEND COUNTY (THE "COUNTY") PRECINCT NO. 3  
COMMISSIONER ANDY MEYERS (THE "RESOLUTION")**

The Board considered the Resolution. It was noted that due to a scheduling conflict, Commissioner Meyers was unable to attend the meeting. 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 approve the Resolution. It was the consensus of the Board to present the Resolution to Commissioner Meyers in the near future.

## **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. Commissioner Stacy requested that the Bookkeeper's Report and APG&E Agreement for Retail Electricity Services for Station Nos. 1 and 3 and the house on FM 1093 ("APG&E Agreement") be removed from the Consent Agenda.

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 approve the item(s) on the Consent Agenda, as follows:

1. Minutes of the October 21, 2021 special meeting and November 16, 2021 regular meeting;
2. ACH payment for fuel;
3. Designate publication of choice (*Fort Bend Herald*) and authorize publication of Notice of District Administration Office;
4. Authorize filing of Annual Report with Texas Department of Emergency Management due January 1, 2022;
5. Review and approve 2022 Annual Agenda;
6. Authorize Commissioner attendance at SAFE-D Annual Conference in Round Rock, Texas February 17 – 19, 2022;
7. Authorize payment of VFIS insurance premium (due January 2022) via ACH;
8. Authorize payment of Texas Mutual Workers' Compensation premium (due January 2022) via ACH; and
9. Authorize filing of financial and tax-related information with Texas Comptroller pursuant to Texas Local Government Code, Sections 203.062 and 403.0241 for the Special Purpose District Public Information Database.

## **BOOKKEEPER'S REPORT**

Commissioner Stacy requested clarification of the line item "Additional report preparation" on the MAC invoice. Ms. Morrison explained that this charge is applied when MAC revises reports. Commissioner Stacy went on to note that she considers the Xerox charge on the MAC invoice to be high and requested MAC monitor such fee. Ms. Morrison explained that MAC printing invoices and handling audit preparation could result in higher Xerox charges but that she would confirm.

## **APG&E AGREEMENT**

Commissioner Stacy next inquired if the APG&E rate for electricity services was brokered by the District's Retail Electricity Provider broker. Ms. Crone affirmed same and noted that the new broker representative attempted to lock-in the same rate as the District's other accounts.

Upon motion by Commissioner Stacy, seconded by Commissioner Kuykendall, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Bookkeeper's Report, including authorizing payment of all bills and approve the APG&E Agreement.

## **DISTRICT REAL ESTATE, DESIGN AND CONSTRUCTION MATTERS:**

### **CENTRAL STATION AND FIRE TRAINING FACILITY CONSTRUCTION**

Mr. Garcia provided an update regarding the construction of the Central Station. Mr. Garcia stated that expected completion is mid-January. Mr. Garcia reported there were no new construction or supply chain issues. Mr. Garcia also reported that the driveway is complete. An extensive discussion ensued regarding the vent hood to the stove and possible construction modifications for same.

Ms. Andel then presented Brookstone's Pay Application ("PA") No. 19 in the amount of \$749,943.12. Mr. Garcia next presented Change Order ("CO") No. 26 for: 1) an additive amount of \$20,318.00 for landscaping changes; and 2) a credit in the amount of \$34,404.00 for the temporary irrigation and Hydromulch at the Detention Pond. Mr. Garcia noted the difference, totaling a deductive amount of \$14,086.00 to be transferred to the District's expenditure allowance. Mr. Garcia went on to present CO No. 27 in an additive amount of \$20,974.00 to be funded from the District's expenditure allowance for: 1) fire damper locations; 2) second floor trench drain type 2 waterproofing; 3) power for water tank motors; and 4) changes to the restroom wall tile. 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: 1) PA No. 19 in the amount of \$749,943.12; 2) CO No 26 in a deductive amount of \$14,086.00 to be transferred to the District's expenditure allowance; and 3) CO No 27 in an additive amount of \$20,974.00 to be funded from the District's expenditure allowance.

Ms. Crone stated that the District was not successful in contacting the selected purchaser of the house on the Central Station property and RBAP sent a letter via Certified Mail on December 10, 2021 rescinding the District's acceptance of the offer. Ms. Crone stated that she will do a walk-through of the house and meet with Mr. Dill in January to determine if the District has use for the house or will relist it for sale.

Ms. Crone went on to report that District staff is currently working on the furniture/fixtures budget. Ms. Crone stated that the District will utilize its current furniture until the delivery of the new items.

### **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 to the Board a Certificate of Compliance and Certificate of Substantial Completion. Mr. Martinez presented PA No. 5 and final from LaW Construction and Consulting in the amount of \$26,167.53 for the temporary CCR station construction. Mr. Martinez reported that the

warranty period began December 10<sup>th</sup>. 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 approve PA No. 5 and final in the amount of \$26,167.53 and accept the Certificate of Substantial Completion.

Mr. Martinez went on to report on the status of the permanent CCR Station noting that the City of Fulshear Zoning Board of Adjustment (the "Fulshear Zoning Board") approved the District's parking variance request allowing the District to have fewer than 29 parking spots. Mr. Martinez and Ms. Crone explained the reasoning on why the District had to put a request in. Commissioner Kuykendall stated that the Board should have knowledge of these issues earlier in the process. Commissioner Krenek went on to state that this parking requirement should not be applicable for this type of governmental service, and something should be done at a higher level of government to change such requirements. Ms. Crone stated that this issue was discussed during the Fulshear Zoning Board meeting.

Mr. Martinez reviewed with the Board a summary of three (3) proposals submitted by Christensen Building Group, Brookstone and Teal Construction for Construction Manager at Risk ("CMAR") for the CCR permanent station construction. Mr. Martinez noted that Martinez recommends Brookstone based on the rankings and interview process. An extensive discussion ensued regarding each Commissioners' thoughts on the proposers. 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 accept the proposal from Brookstone to be the CMAR of the CCR permanent station construction.

JORDAN RANCH STATION DESIGN

Mr. Martinez next reviewed the status of design of the Jordan Ranch Fire Station stating that the District is in a holding pattern. Upon request from Commissioner Krenek, Chief Meier stated that he will repair the future station location sign at the site to prevent it from falling.

FULSHEAR STATION DESIGN

Ms. Crone reported that the District has received RBAP's revisions to the Scope of Services and Fee Proposal for pre-design/planning from PGAL and that the District will move forward after PGAL answers some questions.

APPROVE AGREEMENTS FOR IMPLEMENTATION AND INSPECTION OF SECURITY SYSTEMS AT DISTRICT STATIONS BY ADT (THE "ADT AGREEMENT")

Ms. Crone presented to the Board the ADT Agreement for alarm monitoring requirements. A discussion ensued. 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 ADT Agreement.

FUTURE STATION LOCATIONS, RELATED FEASIBILITY ASSESSMENTS AND OTHER DUE DILIGENCE MATTERS

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

## **APPROVE RESPONDER 360 SUBSCRIPTION AGREEMENT RELATED TO DISPATCH SERVICES**

Chief Meier presented to the Board the Responder 360 Subscription Agreement. Chief Meier explained that this would allow the District to receive call notifications as well as provide mapping so that all District apparatus could be located. 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 approve the Responder 360 Subscription Agreement, subject to revisions in Sections 2.3 and 6.5.

## **BREATHING AIR COMPRESSOR**

Chief Meier next explained to the Board that a breathing air compressor was removed in error from the contract specifications for the Central Station property, but the District does still need such item and requested approval to purchase same through the BuyBoard purchasing cooperative. 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 authorize the purchase of a breathing air compressor for use at the Central Station property and reallocation of budgeted funds for same.

## **CONSIDER REGULAR BOARD MEETING DAY/TIME CHANGE**

Commissioner Pechukas requested the Board consider rescheduling its regular Board meeting time to afternoons. Ms. Crone stated that she would poll the Commissioners and consultants to determine what time would work best for everyone. It was the consensus of the Board to discuss this further at the January Board meeting.

## **SCHEDULE JANUARY WORKSHOP MEETING**

Ms. Crone stated that there are several items for the Board to review and discuss. It was the consensus of the Board to hold a workshop meeting on Tuesday, January 25, 2022, at 4:30 p.m.

## **DISTRICT ADMINISTRATIVE REPORT**

Ms. Crone presented to and reviewed with the Board the District Administrative Report. Ms. Crone stated that the District held staff onboarding from November 9<sup>th</sup> to December 3<sup>rd</sup>. Ms. Crone reported that she is working with Ms. Morrison and Mr. Bill Blich, the District's financial advisor, to update the District's five (5)-year strategic plan. Ms. Crone further reported that the District has enlisted Santa Claus to visit neighborhoods throughout the District, which has increased traffic to the District's Facebook page.

## **FIRE CHIEF RUN REPORT**

Chief Meier reported that there were 247 calls in the prior month. Chief Meier reported that he would look into District staffing issues in January. Chief Meier further reported that the District is relocating its Fulshear medic to the Central Station. Chief Meier also reported that there will be a ribbon cutting ceremony for the temporary CCR Station on Wednesday, January 5, 2022, at 8:30 a.m.

**CONVENE IN EXECUTIVE SESSION**

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

All meeting attendees, with the exception of all members of the Board present, Chief Meier, Ms. Crone, Chief Goates, Ms. Bone, Mr. Nesvadba, Mr. Dill, Ms. Adams, Ms. Abedinzadeh and Ms. Rodriguez exited the meeting at 9:59 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 10:00 a.m. The persons present in the Executive Session at various times were Commissioners McJunkin, Krenek, Stacy, Kuykendall and Pechukas, Chief Meier, Ms. Crone, Chief Goates, Ms. Bone, Mr. Nesvadba, Mr. Dill, Ms. Adams, Ms. Abedinzadeh and Ms. Rodriguez.

**RECONVENE IN OPEN SESSION**

All meeting attendees still present re-entered the meeting at 10:21 a.m. and Commissioner McJunkin reconvened the meeting in open session, at which time the Board took no further action.

There being no further business to come before the Board the meeting and upon motion by Commissioner Pechukas, seconded by Commissioner Kuykendall, after full discussion and the question being put to the Board, the Board voted to adjourn at 10:21 a.m.

PASSED, APPROVED, AND ADOPTED this 18<sup>th</sup> day of January, 2022.

  
Secretary, Board of Commissioners

(DISTRICT SEAL)

