

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

**August 28, 2023**

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

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 33301 F.M. 1093, Fulshear, Texas 77441, the regular meeting place of the District, on Monday, August 28, 2023, at 8:00 a.m.; whereupon, the roll was called of the members of the Board, to-wit:

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

All members of the Board were present, except Commissioner Stacy, thus constituting a quorum. The following District employees were in attendance: Fire Chief Herc Meier; Chief Wade Goates, Assistant Chief of Training; Chief Mark Flathouse, Assistant Chief of Operations; Ms. Brandi Crone, Chief Operations Officer ("COO"); Ms. Karol Bone, Administrative Assistant; and Firefighters Luke Roberts, Anthony Gillespie, John Bradley, Andrew Mendoza, Rachel Rayne, Jeremy Giles, Pastrick Polasek and Chris Valderrama (collectively, the "Firefighters"). Also in attendance were: Ms. Regina D. Adams (via teleconference) and Ms. Meredith King, attorneys, and Ms. Raechel Rodriguez (via teleconference), legal assistant, of Radcliffe Adams Barner PLLC (the "Attorney" or "RAB"), attorney for the District; Ms. Carol Morrison (via teleconference) of Municipal Accounts & Consulting, L.P. ("MAC"), bookkeeper for the District; Mr. Bill Blich (via teleconference) of Blich and Associates, financial advisor for the District; and Mr. Ricardo Martinez of Martinez Architects ("MA").

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.

**OATH OF OFFICE**

Commissioner Pechukas administered the Oath of Office to Firefighters Rayne, Roberts and Giles.

**PUBLIC COMMENT**

There was no public comment.

## **APPROVE CONSENT AGENDA**

The Board reviewed the items reflected on the Consent Agenda. Commissioner Krenek explained that this portion of the agenda dealt 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 requested that an item be moved to the regular portion of the agenda. Commissioner Krenek requested the SunCoast Resources Tank Reservation and Rental Agreement (the "Suncoast Agreement") 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 or authorize the item(s) on the Consent Agenda, as follows:

1. Minutes from the July 11, 2023 budget workshop and July 18, 2023 Board meeting;
2. Bookkeeper's Report, including authorize payment of bills;
3. Quarterly Investment Report;
4. Order Declaring Property as Surplus and Authorizing Sale of Same; and
5. Purchase orders.

## **THE SUNCOAST AGREEMENT**

In response to a question from Commissioner Kuykendall, Chief Meier stated that tanks were available to the District year-round, but that a reservation was required during hurricane season. A discussion ensued regarding whether the District was required to obtain additional insurance coverage in the event of contamination, to which Chief Meier responded he would investigate such matter further. Upon motion by Commissioner Kuykendall, seconded by Commissioner McJunkin, after full discussion and the question being put to the Board, the Board voted unanimously to approve and authorize execution of the SunCoast Agreement, subject to revisions, as presented.

## **PROPOSED 2023 AD VALOREM TAX RATE**

### **REVIEW 2023 CERTIFIED TAXABLE VALUES**

Mr. Blich next reviewed with the Board the 2023 Tax Rate Calculation Worksheet.

### **DISCUSS PROPOSED 2023 TAX RATE AND HEAR FINANCIAL ADVISOR'S RECOMMENDATION**

Mr. Blich indicated that the Fort Bend County (the "County") Tax Assessor-Collector utilized a 100.26% collection rate to perform the 2023 tax rate calculations. Mr. Blich recommended the District propose a \$0.095673 per \$100 assessed valuation total tax rate, which was the voter approval rate with the unused increment, for 2023, allocating \$0.011300 for debt service and \$0.084373 for operations and maintenance purposes. A discussion ensued regarding the proposed tax rate.

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 propose a total tax rate of \$0.095673 per \$100 assessed valuation, consisting of \$0.011300 for debt service and \$0.084373 for operations and maintenance purposes.

Mr. Blich exited the meeting at this time.

**SCHEDULE PUBLIC HEARING DATE AND AUTHORIZE PUBLICATION OF NOTICE REGARDING SAME**

A discussion ensued regarding setting the public hearing for and authorizing publication of the proposed 2023 tax rate.

Upon motion by Commissioner McJunkin, seconded by Commissioner Kuykendall, after full discussion and the question being put to the Board, the Board voted unanimously to set the public hearing regarding the 2023 tax rate for September 19, 2023 at 8:00 a.m. at the District's Central Station, 33301 F.M. 1093, Fulshear, Texas 77441 and authorize publication of the proposed 2023 tax rate in the *Fort Bend Herald*.

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

**CENTRAL STATION AND FIRE TRAINING FACILITY CONSTRUCTION**

Mr. Martinez updated the Board on the design of the fire training facility. Chief Meier noted that Fort Bend County Emergency Services District No. 100 was building an aquatic center near the District that District staff could utilize for training.

A discussion ensued regarding completion of the punch list for the Central Station. Ms. Crone noted that the concrete crack in the Central Station was not a structural issue.

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

Mr. Martinez reviewed with the Board an update on design and construction activities for the CCR Station. Mr. Martinez also reviewed CO No. 8 with the Board to install three (3) window frames in the additive amount of \$1,379.00. Mr. Martinez stated that CO No. 8 had not been finalized and was not ready for the Board's consideration.

**JORDAN RANCH STATION PROPERTY LOCATION AND DESIGN**

Ms. Crone reported that the Earnest Money Contracts for the sale of 3.5-acres of land to Fort Bend Jordan Ranch LP ("FBJR") and the purchase of 1.43-acres of land by the District from FBJR were executed.

## FULSHEAR STATION DESIGN

Ms. Crone updated the Board on the status of the proposed Standard Form of Agreement Between Owner and Architect with PGAL, Inc. ("PGAL") for the Fulshear Station design ("PGAL Agreement"), noting that PGAL was reviewing some requested changes to the payment structure from the District. Commissioner Kuykendall noted he would review the PGAL Agreement prior to the September 19, 2023 Board meeting.

It was noted there were real estate matters related to the Fulshear Station to discuss during Executive Session.

## REVIEW DRAFT BUDGET FOR FISCAL YEAR ENDING ("FYE") DECEMBER 31, 2024 (THE "2024 BUDGET")

Chief Meier presented to the Board the proposed 2024 Budget, noting that the tax rate used to calculate revenue was based on the *de minimis* tax rate rather than the voter approval rate the Board proposed earlier in the Board meeting. Chief Meier reported that the updated draft 2024 Budget would be ready in the following two (2) weeks. A discussion ensued regarding capital projects.

## UPDATE ON REQUEST FOR PURCHASE OF WATER LINE EASEMENT AT STATION NO. 3 FROM NORTH FORT BEND WATER AUTHORITY ("NFBWA")

Ms. Adams noted that she previously contacted Property Acquisition Services, LLC, NFBWA's property acquisition consultant, with regard to the District's counteroffer and had not received a response but would reach out to them prior to the September 19, 2023 Board meeting.

## HEALTH/WELLNESS GYM EQUIPMENT/MEMBERSHIP FOR DISTRICT EMPLOYEES

Commissioner Krenek reminded the Board that it previously reviewed a proposal for gym equipment but was awaiting additional options. The Board then reviewed a proposal from ProMaxima Manufacturing ("ProMaxima") for a total body gym in the amount of \$7,410.00, which included freight and installation charges. 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 accept the proposal from ProMaxima in the amount of \$7,410.00.

Ms. Crone noted that the District's participation in the nutrition program was due to expire and requested authorization to extend such program. 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 authorize an amount not to exceed \$2,500.00 to extend the District's participation in the nutrition program.

## DISTRICT ADMINISTRATIVE REPORT

Ms. Crone stated she had nothing further to report.

## **FIRE CHIEF REPORT**

Chief Meier reviewed the Fire Chief Report noting there were 383 total calls for service.

Chief Meier reported that Chief Flathouse was getting acclimated to the District's policies and procedures and District staff. Chief Meier went on to update the Board on the status of District job postings.

Chief Meier then reported that a District vehicle was taken in for repairs due to a knocking sound and it was determined that the transmission needed replacement. Chief Meier noted that the transmission was included in the warranty. A discussion ensued regarding whether the number of vehicles in the District's fleet was sufficient. It was the consensus of the Board that the District should work to build a reserve of vehicles to replace any out-of-service vehicles.

## **PERSONNEL MATTERS**

### **CONSIDER TIMING OF ADVERTISEMENT FOR FIRE CHIEF**

The Board then reviewed two (2) proposals for recruitment services from GovHR USA and Strategic Government Resources. After extensive discussion, the Board determined that it would prefer the District handle the recruitment of a Fire Chief internally. Upon motion by Commissioner Krenek, seconded by Commissioner McJunkin, after full discussion and the question being put to the Board, the Board voted unanimously to appoint Commissioners Pechukas and Kuykendall to a committee to assist District staff with the recruitment of a Fire Chief.

### **HOLIDAY PAY AND LIST OF HOLIDAYS**

The Board then reviewed the District's 2023 Holiday Schedule. In the absence of Commissioner Stacy, the Board tabled this matter until the September 19, 2023 Board meeting.

### **PAY SCALE**

It was noted that this item would be discussed during Executive Session.

### **ORGANIZATIONAL CHART ("ORG CHART")**

Commissioner Pechukas exited the meeting at this time.

Chief Meier went on to present to the Board the District's current Org Chart. Chief Meier also presented a proposed Org Chart that included additional positions the District intended to fill.

Commissioner Pechukas reentered the meeting at this time.

### **CONVENE IN EXECUTIVE SESSION**

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

All meeting attendees, with the exception of all members of the Board present, Chief Meier, Ms. Crone, Ms. Bone, Ms. Adams, Ms. King and Ms. Rodriguez, exited the meeting at 9:43 a.m.

Pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended, Section 551.072 regarding real estate matters and Section 551.074 regarding personnel matters, Commissioner Krenek convened the Board into Executive Session at 9:43 a.m. The persons present in the Executive Session at various times were Commissioners Krenek, Kuykendall, Pechukas and McJunkin, Chief Meier, Ms. Crone, Ms. Bone, Ms. Adams, Ms. King and Ms. Rodriguez.

Ms. Bone entered Executive Session at 9:46 a.m.

Ms. Bone exited Executive Session at 9:58 a.m.

Commissioner Pechukas exited Executive Session at 10:08 a.m.

Ms. Crone exited Executive Session at 10:17 a.m.

### **RECONVENE IN OPEN SESSION**

All meeting attendees still present re-entered the meeting at 10:19 a.m. and Commissioner Krenek reconvened the meeting in open session, at which time the Board took the following action:

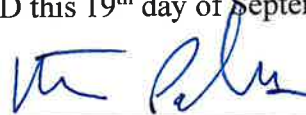
Upon motion by Commissioner Kuykendall, seconded by Commissioner McJunkin, after full discussion and the question being put to the Board, the Board voted unanimously to approve the pay rates for part-time firefighters and the administrative assistant position, as discussed in Executive Session.

### **REVIEW UPDATE ON 88<sup>TH</sup> TEXAS LEGISLATURE**

It was the consensus of the Board to table this matter until the District's September 19, 2023 Board meeting.

There being no further business to come before the Board, and upon motion by Commissioner Kuykendall, seconded by Commissioner McJunkin, after full discussion and the question being put to the Board, the Board voted unanimously to adjourn the meeting at 10:20 a.m.

PASSED, APPROVED, AND ADOPTED this 19<sup>th</sup> day of September, 2023.



(DISTRICT SEAL)

Secretary, Board of Commissioners

