

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

November 17, 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 Friday, November 17, 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, 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 Firefighter Patrick Polasek. 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; 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

There were no Oaths of Office to administer.

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.

Upon motion by Commissioner Pechukas, seconded by Commissioner McJunkin, 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 October 17, 2023 Board meeting;
2. Bookkeeper's Report, including payment of bills;
3. Purchase orders;
4. Engagement of auditor for preparation of District's Fiscal Year Ending ("FYE") December 31, 2023 Audit; and
5. Amended Budget for FYE December 31, 2023.

DISTRICT REAL ESTATE, DESIGN AND CONSTRUCTION MATTERS:

CENTRAL STATION AND FIRE TRAINING FACILITY CONSTRUCTION

Chief Meier reported that the Agreement with MA regarding design would be presented to the Board at its December 19, 2023 Board meeting. It was noted that RAB had not yet reviewed such Agreement with MA.

Mr. Martinez entered the meeting at this time.

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

Chief Meier reviewed with the Board an update on design and construction activities for the CCR Station. Mr. Martinez then presented to the Board PA No. 7 in the amount of \$270,636.00 from Bass Construction ("Bass"). 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 PA No. 7 from Bass in the amount of \$270,636.00.

A discussion ensued regarding the amount the Construction Committee, Commissioners Stacy and Kuykendall, was authorized to approve with regard to Change Orders ("CO") for the CCR Station design and construction, and it was noted that such amount was \$25,000.00. Further discussion ensued. 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 at least one (1) member of the Construction Committee and Chief Meier to approve CO amounts not to exceed \$50,000.00 for all construction projects.

JORDAN RANCH STATION PROPERTY LOCATION AND DESIGN

Commissioner Krenek reminded the Board that the District was selling the parcel it previously purchased for the proposed Jordan Ranch Station to Johnson Development and purchasing a separate parcel for same from Johnson Development. The Board then reviewed the real estate closing documents for both the sale and purchase of land and a Resolution Authorizing the Sale and Purchase of Real Estate and Appointing Representative to Execute Related Closing Documents (the "Resolution"). In response to a question from Commissioner McJunkin, Mr. Martinez explained that the plat had changed and there was a utility easement where the ditch was located. Upon motion by Commissioner McJunkin, seconded by Commissioner Pechukas, after full discussion and the question being put to the Board, the Board voted unanimously to approve all real estate closing documents and adopt the Resolution authorizing Commissioner Krenek to execute all closing documents.

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. (the "PGAL Agreement") for the Fulshear Station design, noting that PGAL had executed same.

Commissioner Kuykendall noted that he met with Ms. Crone to review the scope of detention/engineering work that Huitt-Zollars would perform. An extensive discussion ensued regarding the City of Fulshear's (the "City") request for land to utilize as a detention pond. Commissioner Stacy noted that the District's duty was to utilize its resources, such as land, for fire services, and therefore the District could not allow the City to utilize the District's property for a regional detention pond.

A discussion ensued regarding the construction delivery method for the Fulshear Station. Ms. Adams noted that the PGAL Agreement did not specify a delivery method. Further discussion ensued regarding the differences between Competitive Sealed Proposals ("CSP") and Construction Manager at Risk delivery methods. Upon motion by Commissioner Stacy, seconded by Commissioner McJunkin, after full discussion and the question being put to the Board, the Board voted unanimously to designate CSP as the construction delivery method for the Fulshear Station. Ms. Crone noted she would inform PGAL of same.

WATER LINE AND TEMPORARY CONSTRUCTION EASEMENT FOR STATION NO. 3 TO NORTH FORT BEND WATER AUTHORITY ("NFBWA")

Ms. Adams reviewed with the Board the status of the finalization of the Water Line and Temporary Construction Easement (the "Easement") for Station No. 3 to NFBWA. Ms. Adams noted that RAB had reviewed and provided revisions to the Easement and related Side Letter Agreement. 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 Easement and Side Letter Agreement, subject to finalization of same.

STATUS OF CLOSING ON LEASE/PURCHASE OF APPARATUS

Ms. King noted that all closing documents were executed, and that closing was scheduled for November 21, 2023.

INTERLOCAL PARTICIPATION AGREEMENT WITH LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) (THE "BUYBOARD ILA") AND RESOLUTION REGARDING SAME

Ms. Crone presented to the Board the BuyBoard ILA and Resolution regarding same, noting that the Fulshear Simonton Volunteer Fire Department previously utilized BuyBoard to procure goods and services, but that the District must contract with BuyBoard in order to purchase through it. Upon motion by Commissioner McJunkin, seconded by Commissioner Pechukas, after full discussion and the question being put to the Board, the Board voted unanimously to approve the BuyBoard ILA and adopt the Resolution regarding same.

REVIEW DISTRICT LIQUIDITY FOR POSSIBLE ADDITION OF FUNDS TO RESTRICTED RESERVE ACCOUNT

A discussion ensued regarding transferring funds to a restricted reserve account at a higher interest rate. It was the consensus of the Board to have MAC initiate the transfer of such funds.

AUTHORIZE COMMISSIONER AND DISTRICT STAFF ATTENDANCE AT SAFE-D ANNUAL CONFERENCE FEBRUARY 22-24, 2024 AT THE IRVING CONVENTION CENTER ("SAFE-D CONFERENCE")

Ms. King stated that the SAFE-D Annual Conference would take place in Irving, Texas in 2024 and that registration was open. 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 authorize attendance at the SAFE-D Annual Conference.

DISTRICT ADMINISTRATIVE REPORT

Ms. Crone reported that District staff were working to finalize the holiday-related events, including Breakfast with Santa and a Santa ride-along. Ms. Crone also informed the Board the District's insurance policy through VFIS was due for renewal.

Ms. Crone noted that an agreement for the redesign of Station No. 3 would be presented at the December 19, 2023 Board meeting.

FIRE CHIEF REPORT

Chief Meier reported that the Battalion Chiefs begin training on December 11, 2023.

PERSONNEL MATTERS

STAFF SALARY AND POSITIONS CONSIDERATION

Ms. Crone informed the Board that the bookkeeper job posting was finalized and published.

Mr. Martinez exited the meeting at this time.

TALENT MANAGEMENT PORTION OF PAYCOR SOFTWARE

The Board then reviewed a proposal from Paycor, Inc. ("Paycor") for the Talent Management Bundle in the annual amount of \$5,256.00 plus a one (1) time \$500.00 implementation fee. Upon motion by Commissioner McJunkin, seconded by Commissioner Kuykendall, after full discussion and with the question being put to the Board, the Board voted unanimously to accept the proposal from Paycor in the annual amount of \$5,256.00 plus a one (1) time \$500.00 implementation fee.

MODIFY PAID TIME OFF ("PTO") PAYOUT DATE

Commissioner Krenek stated there was a request to move the PTO payout date to a date separate from the regular payroll date. Chief Meier reviewed the proposed changes to the PTO payout date and recommended the Board consider increasing the PTO bank amount from 96 hours to 120 hours. A discussion ensued. Upon motion by Commissioner Stacy, seconded by Commissioner Pechukas, after full discussion and the question being put to the Board, the Board voted unanimously to authorize modifying the PTO payout date to a date in the fourth (4th) quarter, as determined by District staff, and increase the PTO bank amount from 96 hours to 120 hours.

FIRE CHIEF PROCUREMENT PROCESS

Commissioner Kuykendall reported that he was working with Ms. Crone on the procurement process for a Fire Chief.

FUTURE AGENDA ITEMS

Commissioner Krenek requested an item be added to the December agenda regarding procurement of speakers and microphones for the conference room.

CONVENE IN EXECUTIVE SESSION

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

All meeting attendees, with the exception of all members of the Board present, Chief Meier, Ms. Crone, Ms. Adams, Ms. King and Ms. Rodriguez, exited the meeting at 9:37 a.m.

Pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended, Section 551.074 regarding personnel matters, Commissioner Krenek convened the Board into Executive Session at 9:38 a.m. The persons present in the Executive Session at various times were Commissioners Krenek, Kuykendall, Pechukas, Stacy and McJunkin, Chief Meier, Ms. Crone, Ms. Adams, Ms. King and Ms. Rodriguez.

RECONVENE IN OPEN SESSION

All meeting attendees still present re-entered the meeting at 9:51 a.m. and Commissioner Krenek reconvened the meeting in open session, at which time the Board took no action.

There being no further business to come before the Board, and upon motion by Commissioner Kuykendall, seconded by Commissioner Krenek, after full discussion and the question being put to the Board, the Board voted unanimously to adjourn the meeting at 9:51 a.m.

PASSED, APPROVED, AND ADOPTED this 19th day of December, 2023.



Secretary, Board of Commissioners

(DISTRICT SEAL)

