

MINUTES OF JANUARY 15, 2019, MEETING
HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 48

A regular meeting was duly called of Harris County Emergency Services District No. 48, which was held at the District Administration Building located at 21201 Morton Road, Katy, Texas 77449 on Tuesday, January 15, 2019.

CALL MEETING TO ORDER AND ESTABLISH A QUORUM.

The meeting was called to order at 7:00 p.m. by **Marshall Kramer**, President, who announced that a quorum was present. Those Commissioners present were:

Marshall Kramer	Present
Sam Henderson	Present
Bret Fossum	Present
Russell Solomon	Present
Michael Fleming	Present

Also present at the meeting were Fire Chief and Emergency Management Director, Jeff Hevey, Assistant Chief of Administration, Tommy Westall, Assistant Chief of EMS, Eric Bank, Acting Assistant Chief of Operations, Brett Ellis, Division Chief of Logistics, Ray Sidwell, HR Office Manager, Walla Mourad, Assistant Office Manager, Jackie Tobar, and other ESD Members. Also, Rich Majeres with Ubernosky & Majeres, PLLC, Ryan Fortner with Sales Revenue Inc., Ricardo Martinez with Martinez Architects, LLC, Stephen Sellers President of Texas Land Division, Richard Rolland with Grand Parkway Industrial LP., and Ira Coveler with the law firm of Coveler & Peeler, the District's legal counsel, were also present.

TO RECEIVE PUBLIC COMMENT.

No public comment.

TO ELECT DISTRICT OFFICERS FOR 2019 TERM.

Mr. **Henderson** made a motion for the District Officers to obtain the same positions for the 2019 term. Mr. **Solomon** seconded the motion. The motion passed 5 to 0.

TO REVIEW, DISCUSS, AND TAKE ACTION RELATED TO THE MONTHLY SALES TAX REPORT.

Mr. Fortner presented the Monthly Sales Tax Report. A review of the monthly reports provided by the Comptroller of Public Accounts reflects 3,042 active taxpayer accounts coded to Harris County Emergency Services District No. 48. Average number of taxpayers filing each month: 1,596. Sales tax receipts for calendar year 2018 total \$348,856.04. For tax year 2018 (March-February 2018), sales tax receipts total \$3,677,535.24. Within the District's recent sales tax allocation, fifty (50) businesses filed local taxes in excess of \$1,000. It is important to note that the taxpayers with returns over \$1,000 reflect 84% of the total monthly allocation, with combined filings of \$291,956.20. Harris County Emergency Services District No. 48 has received \$11,599,081.30 in sales tax receipts since October 1, 2014, effective date. The January 2019 local tax allocation to be refunded to the District totals \$348,856.04.

Please see Report from Ryan Fortner with Sales Revenue, Inc. for a complete listing and details of all figures presented.

Thereupon, Mr. **Henderson** made a motion to accept the Monthly Sales Tax Report as presented. Mr. **Fleming** seconded the motion. The motion passed 5 to 0.

TO RECEIVE A SALES TAX TREND PRESENTATION FROM COMMISSIONER BRET FOSSUM.

Commissioner Fossum made a sales tax trend presentation for the Board of Commissioners and District Staff to review.

TO RECEIVE A PRESENTATION FROM MR. RICARDO MARTINEZ OF MARTINEZ ARCHITECTS, LLC.

Mr. Martinez discussed the following items in his presentation:

Design Activities:

- The Design team is currently putting together construction documents for civil, landscaping, architectural, structural, MEP, and technology.
- Preliminary plans have been issued for cost estimates.
 - Two (2) estimates have been obtained:
 - \$5,611,210
 - \$6,010,354
- A preliminary layout of Temporary Facility
 - Upon receipt of a temporary facility, documents to be issued to Harris County Permitting Office.
 - Martinez Architects shall receive bids January 24th.
 - Awaiting civil plans and engineered trailer documents.

Anticipated Activities:

- Owner review of 95% Construction Documents-January 16TH.
- Martinez Architects to submit to Harris County Permitting Office week of January 21st.

Construction Activities:

- Agave Construction continues to encroach the site with construction activity of their site.
- Martinez Architects discussed this issue with the onsite Superintendent to cease encroaching, placing material, and using the site to conduct construction activities.
- Weisser Engineering provided an updated topographical survey to evaluate the impact of the site.

Schedule:

- On schedule for March bid.

Financials:

- No action

TO DISCUSS AND TAKE ACTION REGARDING THE DISTRICT'S NEW FIRE STATION NO. 1 PROJECT.

Mr. Martinez discussed the District's new Fire Station No. 1 project including the installation of temporary facilities. Boxx Modular came to an acceptable agreement on the contract. As a final technical specification change, it was noted to the Board that the subflooring will be upgraded to a one and 7/8th inch sub-floor flooring system. The acquisition and installation by Boxx Modular of their system will cost \$306,544. This does not include the work to prepare the site.

Mr. **Solomon** made a motion to move forward with Boxx Modular for the amount of \$306,544 and to sign the approved contract upon receipt. Mr. **Fossum** seconded the motion. The motion passed 5 to 0.

TO RECEIVE THE FINANCIAL REPORT FOR THE DISTRICT PREPARED BY THE DEPARTMENT ADMINISTRATIVE STAFF IN CONJUNCTION WITH MR. RICH MAJERES OF UBERNOSKY & MAJERES, PLLC AND TAKE ANY ACTION RELATED THERETO.

Mr. Majeres with Ubernosky & Majeres, PLLC presented the District's Financial Report. As of December 31, 2018, the District's combined Cash Balances (Current Assets) total \$8,430,565.69. The estimated remaining less 2019 Property Tax Collections are: \$3,810,670. Cash Reserve as of 12/31/18 total \$4,619.896.

Mr. **Henderson** made a motion to accept the Financial Report from the District Bookkeeper as presented. Mr. **Fossum** seconded the motion. The motion passed 5 to 0.

Please see the report from Rich Majeres with Ubernosky & Majeres, PLLC for complete listings and details of all figures presented.

TO REVIEW, DISCUSS, AND TAKE ACTION REGARDING THE KATY TRAILS DETENTION POND REQUEST FOR AN EASEMENT, AS WELL AS ANY MATTERS RELATED TO THE MAINTENANCE OF THE PORTER ROAD DETENTION POND.

Chief Sidwell discussed the Katy Trails Detention Pond request for an easement, as well as any matters related to the maintenance of the Porter Road Detention Pond.

Chief Sidwell and Chief Westall made a presentation of the status of the detention pond. The detention pond is in a state of disrepair.

The Board recognized Mr. Stephen Sellers President of Texas Land Division. Mr. Sellers acquired six (6) acres of property from the Living Way Church to develop a detention pond. Mr. Sellers also stated that the detention for Texas Land Division property "outfalls our portion into your pond. However, we do not have legal access to get to your pond". Mr. Seller stated that the related MUD attorneys have advised that Texas Land Division need legal access to maintain their pond. Therefore, there will need to be two (2) agreements to access the pond.

Mr. Richard Rolland with Grand Parkway Industrial LP also was recognized by the Board. Mr. Rolland acknowledged that Grand Parkway Industrial LP is responsible for the

maintenance of the pond. Mr. Roland stated that they would have repairs completed to the detention pond within thirty (30) days.

TO PAY DISTRICT INVOICES AND EXPENSES AND TAKE ACTION RELATED TO THE DISTRICT'S INVESTMENT FUNDS AND OTHER ACCOUNTS.

Ms. Tobar presented the Board with the District bills. The Board reviewed and discussed the District bills. Mr. **Henderson** made a motion to approve the District bills related to expenses incurred by the District since the prior meeting. Mr. **Solomon** seconded the motion. The motion passed 5 to 0.

Chief Westall discussed that Mr. Montoya, Senior Vice President with Allegiance Bank, can offer a 2.40% interest rate on the Harris County Emergency Services District No. 48 Operating Account and Irrevocable Standby Letter of Credit with the Federal Home Loan Bank of Dallas for the total amount of \$12 million.

Chief Westall discussed that the District close out the Compass Bank accounts within the next six (6) months and move those funds over to Frost Bank.

Chief Westall stated that he has successfully tested the process of transferring funds between Allegiance Bank to Texpool.

Mr. **Henderson** made a motion to allow the maximum balance of Allegiance Bank to be \$5 million and that all monies in excess will be transferred by Chief Westall to the TexPool or Texas CLASS accounts. Mr. **Fossum** seconded the motion. The motion passed 5 to 0.

TO REVIEW AND TAKE ACTION ON MINUTES OF PRIOR MEETINGS.

No action.

TO RECEIVE A REPORT FROM CHIEF JEFF HEVEY AND TAKE ANY NECESSARY ACTION RELATED TO HIS REPORT.

Chief Hevey stated that the Department has currently received four (4) applications for the Assistant Chief of Operations position.

TO RECEIVE THE EMS DIVISION REPORT FROM ASSISTANT CHIEF ERIC BANK AND TAKE ANY NECESSARY ACTION RELATED TO THE REPORT.

Chief Bank discussed the EMS Report. EMS had a total of 683 calls for the month of December 2018. Average response time was six (6) minutes and thirty-three (33) seconds. There were three-hundred ninety-four (394) non-transport/non-emergency calls. Life Flight was used once this month. EMS conducted the following Mutual Aid: two (2) calls to Katy FD, and seven (7) calls to Westlake FD. Chief Bank is currently working with insurance providers to get paid for transporting patients. EMS is still waiting to receive the new ambulance from Siddons Martin. This new ambulance will replace Medic 7. We did receive the new ambulance license from the State.

TO RECEIVE FIRE DIVISION AND ADMINISTRATIVE REPORTS AND TAKE ANY NECESSARY ACTION RELATED TO THE REPORT.

Chief Ellis discussed the Fire Report. Suppression had a total of 303 calls for the month of December 2018. There were 7 Mutual Aid requests. Average response times in District Structure Fires: 6 minutes 53 seconds. District-wide response times on all responses combined: 6 minutes 28 seconds, on average. Full-Time Suppression consists of thirty-nine (39) personnel: (3) Battalion Chiefs, (3) Captains, (6) Lieutenants, (15) Firefighter Driver-Operators, and (12) Firefighter EMTs. Part-Time Suppression consists of thirty-nine (39) personnel. Volunteer Suppression consists of forty-nine (49) personnel. Rehab consists of nineteen (19) personnel. Upcoming Suppression events: Full-Time Firefighter Assessment (hiring process) will begin on January 8, 2019. Full-Time Lieutenant Assessment process will begin on January 24, 2019. We have completed quarterly Live Fire Burns for all Full-Time personnel. We are creating a video from new DECON Standard for fire ground.

Chief Sidwell discussed an outstanding bill from Salas O'Brien. They provided a spreadsheet of the items owed for payment. Mr. Kramer stated it needed to be sent to Mr. David Rowe with Durotech Contractors for payment. Chief Sidwell will create a letter to be sent out to Durotech Contractors.

Ms. Tobar discussed the contract with Maria Palacio to hold the 2019 Awards Banquet and to reserve DJ "D-Vine sounds".

TO REVIEW, DISCUSS, AND TAKE ACTION ON THE ACQUISITION OF A NEW FIRE ENGINE PUMPER FROM SIDDONS MARTIN APPARATUS.

Chief Westall discussed the proposal for 831-HCESD No. 48 Velocity Pumper.

Mr. **Solomon** made a motion to approve the proposal for 831 HCESD No. 48 Velocity Pumper made by the Apparatus Committee. Mr. **Fossum** seconded the motion. The motion passed 5 to 0.

TO REVIEW, DISCUSS, AND TAKE ACTION REGARDING AUTHORIZING THE DISTRICT TO SEEK FINANCING PROPOSALS FOR THE NEW FIRE ENGINE PUMPER.

Mr. **Henderson** made a motion to allow Mr. Coveler to solicit a lender to finance \$835,119 for the Fire Engine Pumper. Mr. **Solomon** seconded the motion. The motion passed 5 to 0.

TO REVIEW, DISCUSS, AND TAKE ACTION REGARDING ADOPTION, AMENDMENT, AND EXPLANATION OF DISTRICT POLICIES, PROCEDURES, AND STANDARD OPERATING GUIDELINES.

Item tabled.

TO REVIEW, DISCUSS, AND TAKE ACTION ON ANY NECESSARY REPAIRS OF EQUIPMENT, APPARATUS, AND FACILITIES IN SERVICE TO THE DISTRICT.

Ladder 3 is currently in the shop being repaired. The vehicles that are currently out of service will be sent out to Siddons Martin for repairs.

REVIEW AND TAKE ACTION ON DISTRICT PERSONNEL MATTERS, INCLUDING ACTIONS REGARDING COMPENSATION, PROMOTION, DEMOTION, BENEFITS, SCHEDULING, RETENTION, HIRING AND/OR TERMINATION OF EMPLOYEES.

Item tabled.

TO REVIEW, DISCUSS, AND TAKE ACTION FOR THE SALE OR DISPOSAL OF SURPLUS AND/OR SALVAGE PROPERTY PURSUANT TO TEXAS HEALTH AND SAFETY CODE §775.251, INCLUDING DISPOSAL TO THE TEXAS FORESTRY SERVICE HELPING HANDS PROGRAM OR TO A PUBLIC SURPLUS AUCTION.

Chief Sidwell requested permission from the Board to place Medic 7 Ambulance for sale on Ambulance Trader for a listed sale price of \$20,000.

Mr. **Henderson** made a motion to list Medic 7 Ambulance on Ambulance Trader for \$20,000. Mr. **Solomon** seconded the motion. The motion passed 5 to 0.

TO DISCUSS ANY NEW ITEMS WHICH NEED TO BE ON THE AGENDA FOR THE SUBSEQUENT DISTRICT MEETINGS AND APPROVE THE PROPOSED MEETING DATES FOR THE BILL PAY MEETING TO BE HELD ON WEDNESDAY, FEBRUARY 6, 2019 AT 6:30 P.M., AND THE REGULAR MONTHLY MEETING TO BE HELD ON TUESDAY, FEBRUARY 19, 2019 AT 7:00 P.M.

1. Bill pay meeting to be held on Tuesday, February 5, 2019, at 6:30 p.m.
2. Regular monthly meeting to be held on Tuesday, February 19, 2019, at 7:00 p.m.
3. Workshop Strategic Planning meeting to be held on January 24, 2019, at 6:30 p.m.

TO MEET IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE §551.071 TO CONSULT WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS OR ON MATTERS WHICH REQUIRE CONFIDENTIALITY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS AND TAX CODE §323.3022 TO DISCUSS SALES TAX MATTERS.

The Board entered into Closed Session at 9:44 p.m., to consult with legal counsel.

The Board exited Closed Session at 10:47 p.m.

TO MEET IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE §551.072 TO DELIBERATE REGARDING REAL ESTATE MATTERS.

TO MEET IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE §551.074 TO DISCUSS PERSONNEL MATTERS.

TO AND TAKE ACTION ON DISTRICT REAL ESTATE MATTERS AND PERSONNEL MATTERS DISCUSSED IN CLOSED SESSION.

ADJOURNMENT.

Mr. Henderson made a motion to adjourn the meeting. Mr. Fleming seconded the motion. The motion passed 5 to 0. The meeting adjourned at 10:49 p.m.

The foregoing minutes were passed and approved by the Board of Commissioners on March 19, 2019.

Russell Solomon
District Secretary