

**MINUTES OF THE FEBRUARY 20, 2014 MEETING OF THE
HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 9**

A meeting was duly called of the **HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 9**, which was held on February 20, 2014, at the administrative offices of the District, 9630 Telge Drive, Houston, Texas 77095.

The meeting was called to order at 7:37 p.m. by **MICHAEL LARRIVEE**, President. Those Commissioners present were **MICHAEL LARRIVEE**, **SUZANNE DAVIS**, **KEVIN KYLE**, **JACK BODMAN**, and **ROBERT JANUSAITIS**. Also present were **JENNIFER WALLS** and **RODNEY JANCZAK**, President and Interim Fire Chief, respectively, of the **CY-FAIR VOLUNTEER FIRE DEPARTMENT** (the "Department), chief officers and members of the Department, **AMY RAMON**, the District's General Manager, **BILL RUSSELL**, of **MYRTLE CRUZ, INC.**, the District's bookkeeper, **HOWARD KATZ**, of **COVELER & KATZ, P.C.**, the District's Counsel, District consultants and members of the public. Also present was **RICARDO MARTINEZ** from Joiner Partnership, the District's architects on various construction projects.

The Board first received public comment. None was offered.

The Board then addressed the commissioner election for May 10, 2014 for three seats. Counsel discussed the matter and explained the requirements imposed on the District regarding elections under federal and state laws and the past elections called by the District. Counsel presented an Amended Order of Election, naming Daisy Adame as EVC and Winchester Country Club as Precinct 2 voting location on election day. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve the Amended Election Order. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed the Minutes of the January 22, 2014 regular meeting. After review, Motion was made by Mr. **JANUSAITIS**, seconded by Ms. **DAVIS** to approve the Minutes as presented. After discussion, the Motion to approve the Minutes was approved by a vote of 5 to 0.

The Board then received a Financial Report from **BILL RUSSELL**, of **MYRTLE CRUZ, INC.**, the District's bookkeeper. Mr. **RUSSELL** noted the

operating account balance following the prior meeting of \$7,795,843.50, the receipt of tax revenue in the amount of \$5,129,827.60, tax penalty and interest in the amount of \$1,945.69, sales tax receipts of \$1,966,961.63, interest of \$2,866.60 and ambulance reimbursement for the Department emergency medical services of \$466,672.12, and Cy-Fair Chamber rental income of \$ -0-. Mr. **RUSSELL** said that dispatching fees of \$ -0- were also received. He also noted the balance sheet showed total District assets at \$62,436,891.09 (\$35,488,334.01 cash/cash equivalents; \$ -0- T-bills) short-term liabilities of \$ -0-, long term liabilities of \$4,221,136.00, and equity of \$58,215,755.09. Thereupon, after review, Motion was made by Mr. **BODMAN**, seconded by Mr. **KYLE** to approve the Financial Report as presented. After discussion, the Motion was approved by a vote of 5 to 0.

The compliance certification was delivered for the District investments showing compliance with the District's investment strategy/policy, and that all banks had returned security pledge agreements for the District's excess deposits.

The Board then addressed District investments. The Board reviewed the investment reports. There was discussion about investment instrumentalities. Mr. **KYLE** said that the District requires an investment advisor. There was discussion about amending the District Investment Policy to allow for outside investment advisor services and preparing an RFP for investment advisor services. Thereupon, after review, Motion was made by Mr. **KYLE**, seconded by Ms. **DAVIS** to approve the Financial Report as presented. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed administrative bills and commissioner fees as set forth in the Financial Report. After review, Motion was made by Mr. **BODMAN**, seconded by Mr. **JANUSAITIS** to approve the payment of District administrative bills and commissioner fees as presented in the Financial Report. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed the payment of Department Operations and Capital funding as set forth in the Financial Report. Ms. Ramon noted that

Operations funding was due at this meeting in the amount of \$1,536,766.00. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **KYLE** to approve the payment of Department Operations the amount of \$1,536,766.00. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed the payment of Department Capital funding as set forth in the Financial Report. Ms. Ramon noted that Capital funding was due at this meeting in the amount of \$76,308.36 (previously scheduled budgeted capital funding). After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve the payment of Department Capital in the amount of \$76,308.36. After discussion, the Motion was approved by a vote of 5 to 0.

The Board addressed revisions to the Department 2014 budget. Ms. Walls said there were none.

The Board then addressed sales tax matters. Counsel said he had presented three respondents to the solicitation of proposals for sales tax consulting services and Ms. Ramon said she has reviewed the proposals to provide analysis, recommendations and suggestions. She said she believed the best proposal and most comprehensive plan of services were offered by Sales Tax Assurance. She said that the other two companies provided less over-all services, which she said was important because of the small staff at the District. She said the fee was 35% of sales tax funds that were not being allocated properly to the District. After review, Motion was made by Mr. **KYLE**, seconded by Mr. **BODMAN** to approve awarding the sales tax consulting contract to Sales Tax Assurance. After discussion, the Motion was approved by a vote of 5 to 0.

The Board received a report from Amy Ramon, the District General Manager.

Ms. Ramon reported on the Motorola contract. There was a question raised by Ms. Davis about commissioners having the new radios. Assistant Chief-Support Services Mark Braswell said commissioner radios were not part of the package. After review, Motion was made by Ms. **DAVIS** to have radios ordered under the Motorola contract available to the commissioner. The Motion was not seconded.

Ms. Ramon and Ricardo Martinez from Joiner Partnership, the District's architects on various construction projects, reported on a requested change order for Station 12 of \$18,515.00 for upgrade on electrical system and grounding. After review, Motion was made by Mr. **KYLE**, seconded by Mr. **BODMAN** to approve the change order. After discussion, the Motion was approved by a vote of 5 to 0.

Mr. Martinez also delivered the rendering of the Station 1 communications tower.

The Board then received a report from committees. Ms. **DAVIS** reported on the College. She discussed the burn training facility and needed repairs/maintenance. She said the College obtained a quote to replace the roof and is proceeding. There was discussion about the cost responsibility for the maintenance of the training facility. Counsel said that the cost was the College's, while Ms. **DAVIS** said it was unclear. Counsel said he believed it was clear and would look into the contract. Ms. **DAVIS** said that she thought the District should cover part of the cost of the burn building facelift and repairs. Mr. **LARRIVEE** said given the questions why not wait for the questions to be answered. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve the payment of an amount not to exceed \$12,000.00 for the burn training facility facelift, with \$3,000.00 for the burn tower walls plus \$7,125.00 for the new concrete flooring. During discussion Scott Mullins, Assistant Chief-Facilities said there was not an urgency at this time. After discussion, the Motion failed by a vote of 1 to 4.

The Board addressed the committee report on the website. Ms. **DAVIS** said she needed to receive the election order. She also requested approval of a policy regarding postings on the website. After review, Motion was made by Mr. **KYLE**, seconded by Mr. **BODMAN** to approve adoption of a policy of posting on the website the District meeting notices and the Minutes after approved by the Board. After discussion, the Motion was approved by a vote of 5 to 0.

The Board received a committee report on the transition team. Ms. **DAVIS** said that she identified the use of a web-based voting system for the Department

new board elections. She said the cost will be \$2,400.00. Counsel said because this is a Department activity the Department needed to handle all the mechanics of the election with some District support.

There was then discussion about IT. Ms. Ramon said she is not on the District web-site drop box. After review, Motion was made by Mr. **KYLE**, seconded by Mr. **JANUSAITIS** to add Ms. Ramon to the web-site drop box. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed the proposed Interlocal Agreement with DPS for radio frequencies. Counsel said the contract was amended to reflect permission for the District to make the frequencies available to the Department. After review, Motion was made by Mr. **KYLE**, seconded by Mr. **JANUSAITIS** to approve the proposed Interlocal Agreement with DPS for radio frequencies. After discussion, the Motion was approved by a vote of 5 to 0.

The Board addressed the pay app no. 14 for the Durotech Phase 1 project. The architect certified the amount of \$199,472.68. After review, Motion was made by Mr. **KYLE**, seconded by Mr. **JANUSAITIS** to approve the pay app no. 14 for the Durotech Phase 1 project. After discussion, the Motion was approved by a vote of 5 to 0.

Counsel requested approval to instruct the lender on the Durotech Phase 1 project to fund the remaining amounts available on the construction loan into an escrow account because the draw period was expiring. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve to fund the remaining amounts available on the construction loan into an escrow account t. After discussion, the Motion was approved by a vote of 5 to 0.

The Board addressed the Bridgeland development and the prospect of building facilities there for the fire and EMS service. Assistant Chief-Facilities Mullins said the next meeting was February 25.

The Board addressed long-range planning Phase 2. Mr. Martinez said the process was proceeding. He said the Station 5 walk-through was scheduled for Friday. He said sleeping quarters would not be occupied until the Certificate of Occupancy was issued.

Department vice president Tom Jacovich addressed Station 9 renovation. He questioned the cost at \$1.3 million. He said the station was 28 years old and suggested a new station was called for. Mr. **KYLE** said this has been on the plans for a long time, and what has changed now to re-build instead of renovate. Department vice president Jacovich said the cost has gone up. Mr. **JANUSAITIS** said that a new study would be necessary to make sure a new station design would fit on the Station 9 land. Mr. **LARRIVEE** also said that the Department and the District do not own the land at Station 9. A series of motions ensued:

Motion was made by Mr. **KYLE**, seconded by Ms. **DAVIS** to delay Station 9. After discussion, the Motion was approved by a vote of 4 to 1.

Motion was made by Mr. **KYLE**, seconded by Ms. **DAVIS** to delay Station 9 and place it in the Phase 3 component. After discussion, the Motion was approved by a vote of 5 to 0.

Motion was made by Mr. **KYLE**, seconded by Mr. **BODMAN** to study the best plan for Station 9, renovation or re-build and authorize up to \$10,000.00 for the study. Ms. **DAVIS** asked if the District can purchase the land. After discussion, the Motion was approved by a vote of 5 to 0.

Motion was made by Ms. **DAVIS**, seconded by Mr. **KYLE** to remove Station 9 from the Durotech Phase 2 contract and approve the payment of actual damages incurred by Durotech by this action. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed matters from the February 9, 2014 workshop. There was discussion about implementation of the LRP, KPI and IT. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **BODMAN** to authorize up to \$47,000.00 for the consultants to advise on implementation of LRP, KPI and IT. During discussion, Mr. **KYLE** asked if this should wait until after the election. Ms. **DAVIS** said the work of the Board does not stop because of an election and the process needs to move forward. There was discussion about the components of the plan, including KPIs, HR and IT. Consultant Steve Ferguson said that before KPIs are adopted the Board has to determine the objectives of the process. There was discussion about the roles of the various consultants. Mr. Ferguson

said he is like a project manager supervising the process. Ms. **DAVIS** said that Joe Davis and Bill St. Clair need to remain engaged. Mr. St. Clair said his firm specialized in drafting KPIs. As a clarification, Ms. **DAVIS** said all the consultants would stay on the task. After discussion, the Motion was approved by a vote of 4 to 0 (Mr. Kyle abstaining).

The District then considered Department 30-day requests. The Department requested approval to purchase three ambulances for \$721,815.00 through BuyBoard. After review, Motion was made by Mr. **KYLE**, seconded by Mr. **BODMAN** to approve the purchase and waive the 30-days. After discussion, the Motion was approved by a vote of 5 to 0.

The Department requested approval to bid landscaping services. After review, Motion was made by Mr. **KYLE**, seconded by Mr. **BODMAN** to approve the request. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then received the monthly report from the Cy-Fair Volunteer Fire Department.

The Board received written reports from the Department.

The Department presented the EMS billing report.

Ms. Walls delivered the status change report.

Ms. Walls said that the monthly TexFir reports were filed with the State Fire Marshall's office.

Ms. Walls delivered the over-time report and the accident/injury log.

Ms. Walls said that the Department employee count was 243 (121 full-time, 122 part-time), and the active volunteer membership was 383, with 12 new members.

The Board then reviewed the Department's Purchase Requisition Report.

The Board reviewed all pages.

After review, Motion was made by Mr. **KYLE**, seconded by Mr. **BODMAN** to approve all items within budget. Mr. **JANUSAITIS** asked about Item 15, Firehouse software. He said there were other products that can be reviewed, such as Image Trend. Department IT manager Danny Corgiat said this will need

a study. After discussion, the Motion was approved by a vote of 5 to 0, with item 15 limited to the analytics item.

Ms. Walls noted the LOSAP report.

The Department delivered a report on the transition. Ms. Walls said everything is on schedule. She said the Department board election was set for March 24. Ms. Walls said that all SOPs and SOGs were updated to reflect the operational re-structuring of the Department. She said the McGrath Group was working on fire chief recruitment and that recruitment ends March 7.

(Mr. Bodman departed the meeting at 10:30 p.m.)

Assistant Chief-Support Services Braswell said that the Department was approached by other agencies about getting onto the Department's radios and for dispatch services. After review, Motion was made by Mr. **KYLE**, seconded by Ms. **DAVIS** to establish a committee with Mr. Janusaitis to lead the committee to look into this. After discussion, the Motion was approved by a vote of 4 to 0.

(Mr. Kyle departed the meeting at 10:35 p.m.)

The Board entered executive session at 11:10 p.m. pursuant to Section 551.072 Government Code, to discuss and consider real estate matters. The Board re-entered open session at 11:14 p.m.

The Board addressed real estate matters. After review, Motion was made by Mr. **JANUSAITIS**, seconded by Ms. **DAVIS** to authorize up to \$20,000.00 for a market research for land in the District. After discussion, the Motion was approved by a vote of 3 to 0.

There being no further business brought before the Board nor any further public comment, upon Motion made the meeting adjourned at 11:14 p.m.

Secretary of the Board