

**MINUTES OF THE AUGUST 18, 2016 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 August 18, 2016, at the administrative offices of the District, 9630 Telge Drive, Houston, Texas 77095.

The meeting was called to order at 6:00 p.m., by **ROBERT JANUSAITIS**, President. Those Commissioners present were **ROBERT JANUSAITIS**, **SCOTT DeBOER**, **DAVID LANGENBERG** and **BETTY BOREN AVERY**. Commissioner **JEREMY M. MARTINSON** was not in attendance. Also present were **AMY RAMON**, Fire Chief, of the **CY-FAIR VOLUNTEER FIRE DEPARTMENT** (the "Department"), chief officers and members of the Department, **BILL RUSSELL**, of Myrtle Cruz, Inc., the District's bookkeeper, **HOWARD KATZ** and **IRA COVELER**, of Coveler & Katz, P.C., the District's Counsel, and members of the public. Also present were **RICARDO MARTINEZ**, District architect, **HIEU HART** of Weisser Engineering, **MICHAEL BLAKEMORE** of JE Dunn Construction and member(s) of the public.

The commissioners and other persons present at the meeting joined together in reciting the Pledge of Allegiance of the United States and the Pledge of Allegiance to the Texas state flag. Ms. Avery delivered an invocation.

The Board received public comment. David Wilson addressed the Board with a prepared statement. Additionally, Commissioner Avery announced that Dennis Fox of Station 7, had served the Department for 30 years. She, also, voiced her appreciation for superior service by the Department's handling of two apartment fires requiring a good deal of mutual aid.

The Board next addressed the Minutes of the July 21, 2016 regular meeting. After review, Motion was made by Ms. **AVERY**, seconded by Mr. **LANGENBERG** to approve the Minutes. After discussion, the Motion was approved by a vote of 4 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 \$8,386,786.73, the receipt of tax revenue in

the amount of \$39,494.20, tax penalty and interest in the amount of \$9,945.06, sales tax receipts of \$1,997,309.17, interest of \$4,272.25, and ambulance reimbursement for the Department emergency medical services of \$526,682.37. The balance sheet presented at this meeting showed assets of \$108,867,370.11 (\$61,693,880.11 cash), liabilities of -0-, and equity of \$108,867,370.11. Mr. Russell also reported that TexPool had climbed a little bit and that the CD rates seemed to be going down. Thereupon, after review, Motion was made by Mr. **DeBOER**, seconded by Mr. **LANGENBERG** to approve the Financial Report. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then addressed the certified 2016 appraisal values, effective tax rate calculations and tax rate scenarios. Ira Coveler explained that we expected to receive information from the Harris County Tax Office in the very near future, but that as of the date of the meeting, nothing had been received yet. Additionally, Mr. Coveler stated that the information would be available at the regular September meeting of the District.

The Board next addressed agenda item 5, the District 2017 budget. Mr. **DeBOER** and Mr. **JANUSAITIS** will work on the budget. No action taken.

The Board held on agenda items 6 and 7 pertaining to the proposal of the District's 2016 tax rate and scheduling of necessary public hearings for same.

The Board then addressed District investments. Mr. **RUSSELL** stated that there were no CDs needing review or renewal at this time. No action was required at this time.

The Board then addressed if action was necessary with respect to the District depository pledge agreements. Mr. **RUSSELL** stated that no action was required at this time.

The Board then addressed administrative bills and commissioner fees as set forth in the Financial Report. After review, Motion was made by Mr. **DeBOER**, seconded by Mr. **LANGENBERG** to approve the payment of District administrative bills and commissioner fees. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then addressed the issue of attendance at conferences and related expense reimbursement procedures and adoption of uniform reporting form. Mr. **DeBOER** reported that he was working on the procedures. Mr. Katz questioned whether the attendance at conferences would be pre-approved. Ms. **EVERY** shared that the State of Texas gives travel discounts. Mr. **LANGENBERG** shared that there is State Library Archive conference scheduled for September 20th and 21st. Mr. **LANGENBERG** requested to attend a training conference. A Motion made by Mr. **DeBOER** seconded by Ms. **EVERY** to have the District pay the expenses related to Mr. **LANGENBERG's** attendance at a training conference. After discussion, the Motion was approved by a vote of 4 to 0.

The Board addressed the payment of Department Operations as set forth in the Financial Report. Chief Amy Ramon noted that Operations funding was due at this meeting in the amount of \$2,101,134. After review, Motion was made by Mr. **LANGENBERG**, seconded by Mr. **DeBOER** to approve the payment of Department Operations. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then addressed the payment of Department Capital funding as set forth in the Financial Report. Chief Ramon noted that Capital funding was due at this meeting in the amount of \$21,467.99. After review, Motion was made by Mr. **DeBOER**, seconded by Mr. **LANGENBERG** to approve the payment of Department Capital and the expense reimbursement. After discussion, the Motion was approved by a vote of 4 to 0.

The Board addressed revisions to the District and Department 2016 budgets. Mr. Russell and Chief Ramon stated that there were none at this time.

With respect to the sales tax reports, Ms. **EVERY** reported that Mr. Richard Fletcher of Sales Tax Assurance had informed her that he was unavailable to be in attendance at the commencement of the meeting. She also shared that he was on his way to the meeting and requested that we skip this agenda item until later. Since Mr. Fletcher was not in attendance at the meeting at the time this agenda item was reached the Board tabled matters related to the sales tax reports.

The Board then addressed the KPI's for the District-Department service evaluation. Ms. **AVERY** discussed pages 170 and 172. No action taken.

The Board then addressed E-View traffic preemption and to install traffic preemption equipment on traffic signals in the District. Mr. **DeBOER** questioned whether the District should or could enter into an agreement with E-Views given that there is pending litigation regarding the company. Ms. **AVERY** inquired about the status of the lawsuit and about the cost of the E-Views system. Chief Ramon is developing a map indicating placement of traffic lights within the District and possible locations for deploying the E-View system. The Board held on action pending the availability of additional information.

The Board tabled agenda item 17, proposed Interlocal Agreement with Harris County to allow for the District to install E-View traffic preemption equipment on traffic signals on the county roads in the District..

The Board then received a report from Karina Martinez, the District Administrative Assistant. Ms. Martinez reported there was still more water in the back of the building. Mr. **DeBOER** offered to review the flooring impacted by water and noted that he expected there were two (2) additional locations in which water could possibly penetrate the building. Ms. Martinez added that there was damaged stucco and a contractor needed to inspect the shower. Ms. Martinez was asked to schedule an inspection of same.

The Board next received a report from District architect, Ricardo Martinez, and an update on 2016 construction projects, including revisions to drawing for new fire stations. Mr. Martinez reported the following:

Station 13: We are in the process of applying for permit and working with JE Dunn to resolve roadway issues. Working to obtain preliminary design approval from Bridgeland Development.

Station 9: Ms. Hieu Hart of Weisser Engineering reported that Station 9 is about 90 % complete on civil engineering. She was working to negotiate "out of district service" with the Spencer Road Public Utility District. However, this would require MUD 186 to approve the District to receive "out of district service"

regarding sewer service only and water would remain with MUD 186. Ms. Hart is also working to have the street light relocated at Station 9 so it isn't the driveway. The hope is to have the light moved across the street.

Station 2: Design of Station 2 is about 90% complete.

Station 7: There was discussion regarding this project and the committee's findings regarding whether this station could be remodeled or if needed to be razed and transitioned to a new construction project.

After review, Motion was made by Mr. **DeBOER**, seconded by Ms. **EVERY** to authorize Ricardo Martinez to move forward with Station 7 as a new design project as opposed to a remodel. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then addressed contract with JE Dunn as CMAR for District station projects. The Board held on action pending legal review of the contract.

Mr. Fletcher arrived at the meeting during the presentation made by Mr. Martinez. A Motion was made by Mr. **DeBOER**, seconded by Ms. **EVERY** to return to item 14 of the agenda. The Motion was approved by a vote of 4 to 0.

Mr. Fletcher presented a report on the sales tax data within the District. Mr. Fletcher stated though oil and gas are down, the District is on track indicated as follows:

- For Calendar Year 2016 we finally have good baseline numbers for making a more accurate analysis going forward.
- Mr. Fletcher stated that for Calendar Year 2015 some numbers are artificially high due to work performed by Sales Tax Assurance which resulted in large gains in sales tax revenue that distorted the trending of the historical sales tax data.
- Since 2014 Sales Tax Assurance has recovered approximately \$6,000,000 of sales tax revenue to the District and estimates a \$30,000,000 recovery over a 10-year period

No action taken.

The Board next returned to agenda item 22. The agenda item was tabled as it the Board is not in a position to take action on funding mechanism for the Station 2, 7, 9 and 13 construction projects.

The Board then addressed the possible road abandonment at the Cherry Park site. Mr. Katz reported some progress was being made on this matter. He advised that efforts were being continued to encourage homeowners to abandon the property to the District.

The Board addressed revisions to the Department 2016 budget and quarterly reallocations. Chief Ramon said there were none.

The District then considered Department 30-day requests or requests for the sale of surplus vehicles and depleted equipment. Chief Ramon said there were none other than set forth in Agenda No. 30.

The Board then addressed the acquisition of four (4) rescue boats and related equipment to respond to large scale water events. Chris Garcia presented a report supporting the need for the boats. Mr. **DeBOER** asked why a larger motor was not being considered for the boats. Chris Garcia explained that the smaller motors were preferred as it was important to keep each boat as light as possible. Mr. **DeBOER** then questioned if the boats would be water jet or propeller style and Mr. Garcia recommended the propeller style as debris sometimes clogs the intake on the water jet style boats. He also clarified that the boats would be for evacuation use only and that these boats were not swift water rescue boats. A Motion was made by Mr. **DeBOER** seconded by Ms. **AVERY** to authorize the purchase of the rescue boats not to exceed \$78,838.56. After discussion, the Motion was approved by a vote of 4 to 0.

The Board addressed decals containing the phrase "In God We Trust" to be added to the Seal of the District and on District apparatus. Mr. **DeBOER** stated that many of the departments were applying these type of stickers to their vehicles. Mr. **DeBOER** had spoken with individuals of multiple faiths and received unanimous support from all religious denominations. After review, Motion was made by Mr. **DeBOER**, seconded by Mr. **LANGENBERG** to approve the

application of the decals to District apparatus. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then considered the engagement of a third-party inspector to review and inspect the HVAC systems at the various fire stations within the District. Joseph Jones of Kilgore Industries responded to questions about the HVAC inspections to be made at the stations. Mr. Jones explained the need to take measurements and calculations noting DBR would review the findings. Chief Ramon and Mr. **JANUSAITIS** had requested the presence of Kilgore Industries at the meeting. Mr. Martinez had also recommended Kilgore Industries as a third-party inspector.

After review, Motion was made by Mr. **DeBOER**, seconded by Mr. **LANGENBERG** to engage the services of Kilgore Industries at a rate of \$7,200. It was anticipated that the inspection work would take approximately two weeks to complete. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then addressed the curb painting of private streets as “fire lanes” within the District territory. Ms. **AVERY** identified that the red curbed streets were being painted without any authority from the department or the District. She specifically stated that the street addresses in Charleston Colony were being painted over and that the Charleston Colony HOA board or the Charleston Colony management company were responsible for painting the curbs. Additionally, it was stated that the curb painting and designation of fire zones was being performed arbitrarily and without any request being made by the Department or the District. The HOA in Charleston Colony had previously called Chief Ramon, but she had not requested that the curb painting to be initiated by anyone. Chief Ramon had only discussed with the HOA the challenges of getting vehicle access inside some of the subdivisions within the District. No action taken.

The Board then addressed approvals of Department requested purchases (Agenda Item 30):

BID APPROVALS

- a. Uniform Bid
- b. EMS Supplies
- c. EMS Pharmaceuticals

- d. Supplemental, Accidental and Health Coverage
- e. Workers' Compensation
- f. Medical/Dental/Vision/STD/LTD/GAP/FSA

After review, Motion was made by Mr. **DeBOER**, seconded by Mr. **LANGENBERG** to approve the bid approvals listed. After discussion, the Motion was approved by a vote of 4 to 0.

DISPOSALS

Maintenance Shop Equipment

Ms. **AVERY** questioned the date of purchase, purchase amount and useful life of the maintenance equipment. After review, Motion was made by Mr. **DeBOER**, seconded by Mr. **LANGENBERG** to approve the disposals presented. After discussion, the Motion was approved by a vote of 4 to 0.

EMERGENCY PURCHASE REQUESTS

- a. Siddons Martin, Aerial and chassis annual service hydraulic, TW-9, \$3,307.45
- b. Houston Freightliner, Replace and program ECM – Transporter, \$4,451.12

After review, Motion was made by Mr. **DeBOER**, seconded by Mr. **LANGENBERG** to approve the emergency purchase requests presented. After discussion, the Motion was approved by a vote of 4 to 0.

CAPEX

Safety Vision, 12 Channel DVR system replacement (M-1, M-2, M-3, M-5, M-11), \$22,389

After review, Motion was made by Mr. **DeBOER**, seconded by Mr. **LANGENBERG** to approve the capex presented. After discussion, the Motion was approved by a vote of 4 to 0.

OPERATIONS

- a. BB&T Bank, Payroll taxes 2 weeks end 08/03/16, \$135,000.00
- b. BB&T Bank, Payroll taxes 2 weeks end 08/17/16, \$135,000.00
- c. Schubot Law Firm, Legal services for July, 2016, \$3,083.00

- d. CDW, Laptops and accessories (4), \$7,405.00
- e. Multiple Task Force Tips Service Seminar, 08/30-09/01 (2 persons), \$1,300.00
- f. Priority Dispatch, Annual renewal, \$12,288.00
- g. Medic, CE 1 year access (623 users @ \$15/each), \$9,345.00
- h. Multiple EMS Expo Registration and travel (2 persons), \$3,348.00
- i. Mobile Wireless, Netmotion mobility maintenance, 2 years, \$13,226.00
- j. 10.Vorys, Sater, Seymour, Legal services for June, 2016, \$8,034.00
- k. Matthew Streger, Just Culture Department training, \$7,060.00
- l. RBC Dain Rauscher, Annual LOSAP contribution, \$330,000.00
- m. Justin Reed Pinnable EMS Conference, Registration and travel, \$2,612.00
- n. Multiple Firehouse Expo Conference, Registration and travel (2 persons), \$3,425.00
- o. Medstar, Online EMT course and supplies (17 members), \$24,508.00

After review, Motion was made by Mr. **DeBOER**, seconded by Mr. **LANGENBERG** to approve the operations presented. After discussion, a Motion was approved by a vote of 4 to 0 for items a-f and h-o. Ms. **AVERY** had questions regarding item g of the operations request. After further discussion, item g was also approved separately by a vote of 4 to 0.

The Board then addressed other requests for bids and proposals and purchases. No action taken.

The Board then addressed ISO matters. A meeting is scheduled to meet with the ISO representative on Monday. The meeting should provide a better understanding of what needs to be done to improve the District's rating. The Department is putting a plan together and wishes to proceed though it is unknown at this time whether a consultant will engaged as opposed to directly engaging with ISO. It was noted that forty (40) points are related to waters supply issues and this was a matter completely beyond the control of the District. Bill Russell, who because of his relationship with MUDs from a bookkeeping perspective is very familiar with the policies and procedures of MUDs, stated that once-a-year the MUDs tested the hydrants ("flush valves") and advised obtaining pressure test results from the MUDs. No action taken.

The Board addressed the Department EMS patient satisfaction program. Justin Reed was introduced as the new EMS Chief. No new report this month.

The Board then received a report from District committees. Pictures taken of the apartment 311 fire were given to Karina Martinez.

The Board entered closed session at 7:51 p.m. and returned to open session at 8:08 p.m.

There being no further business brought before the Board nor any further public comment, upon Motion made the meeting adjourned at 8:08 p.m.

On Motion made by Ms. **AVERY** seconded by Mr. **LANGENBERG** the Board reconvened at 8:12 p.m. After discussion, the Motion was approved by a vote of 3 to 0. Mr. **DeBOER** was not in the room at the time of the Motion.

The Board next re-opened Agenda item 26 regarding the purchase of four (4) rescue boats was re-opened. After further review, Motion was made by Mr. **LANGENBERG** seconded by Ms. **AVERY** to authorize a modified amount for the purchase of the rescue boats not to exceed \$96,238.56 as opposed to the \$78,838.56, which is the amount the Board had originally approved earlier in the meeting. After discussion, the amount approved for the purchase of four (4) rescue boats was modified to \$96,238.56 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 8:17 p.m.

Secretary of the Board