

**MINUTES OF THE SEPTEMBER 22, 2016 MEETING OF THE
HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 9**

A meeting was duly called of **HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 9**, which was held on September 22, 2016, at the administrative offices of the District which are located at 9630 Telge Drive, Houston, Texas 77095.

The meeting was called to order at 7:00 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, **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, **RONALD WELCH** of Municipal Information Services, **JOSEPH JONES** of Kilgore, **MICHAEL BLAKEMORE** of J.E. 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 spoke about the financial package not being available online ahead of the meeting for the public to review. Mr. Wilson expressed the opinion that it was difficult to access information on the District's website. There was also discussion regarding his prepared statement from the prior meeting being part of the minutes. Colleen Vera stated that the District had collected a significant amount of sales tax for the District and the funds had not been allocated to date for expenses of the District. Ms. Vera suggested the Board consider lowering taxes within the District with respect to the 2016 tax rate setting process.

During public comment, Ms. **AVERY** announced two special recognitions of achievement. She stated that David Spring of Station 2 had dedicated 25 years of

service to the community and Chris Von Wiesenthal of Station 11 had dedicated 30 years of service to the community.

The Board next addressed the Minutes of the August 18, 2016 regular meeting. After review, Motion was made by Ms. **AVERY**, seconded by Mr. **DeBOER** to approve the Minutes. After discussion, the Motion was approved by a vote of 4 to 0.

The Board discussed amongst themselves and with District counsel whether to attach the written statement provided at the prior meeting by Mr. Wilson. After review, Motion was made by Mr. **LANGENBERG**, seconded by Mr. **DeBOER** to attach Mr. Wilson's statement to the Minutes of the August 18, 2016 regular meeting. The Board agreed that statements read at meetings by members of the public could be attached to the District minutes. Mr. Coveler cautioned that the statements offered into the written record needed to match what was actually stated at the meeting. He also stated that the Board would retain discretion to determine what statements would be included as part of the minutes. Finally, Mr. Coveler stated that statements from members of the public were not an endorsement or approval of the matters contained therein regardless of whether they were included as part of the minutes. After discussion, the Motion was approved by a vote of 4 to 0.

A Motion was made by Mr. **JANUSAITIS**, seconded by Mr. **DeBOER** to take the agenda out of order. Mr. **JANUSAITIS**, requested that the District consider the high profile water rescue vehicle at agenda item 30 under Capex as Mr. Chris Garcia, who was also present at the meeting, needed to leave early related to a prior commitment. After discussion, the Motion to take the agenda out of order was approved by a vote of 4 to 0.

Following the Motion, Mr. Chris Garcia made a presentation to the Board about his investigation for obtaining a high profile water rescue vehicle for service to the District. Mr. Garcia also shared with the Board that the rescue boats purchased should be received by the District by October 15, 2016. After review, Motion was made by Mr. **LANGENBERG**, seconded by Ms. **Avery** to approve acquisition of the high profile water rescue vehicle. He recommended that the

District consider obtaining a 5-ton high water rescue vehicle which could be purchased from a company in Utah that will retrofit the trucks to accommodate the District's needs. After discussion, the Motion to purchase the proposed high water rescue vehicle and emergency equipment needed to outfit vehicle was approved by a vote of 4 to 0.

Following the vote, the Board resumed the normal agenda and returned to item 3 of the agenda for **BILL RUSSELL'S** presentation of the financial report.

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 was \$7,051,855.54, the receipt of tax revenue in the amount of \$30,476.26, tax penalty and interest in the amount of \$2,922.31, sales tax receipts of \$1,997,309.17, interest of \$4,272.25, and ambulance reimbursement for the Department emergency medical services of \$639,291.97. The balance sheet presented at this meeting showed assets of \$110,596,412.54 (\$63,422,922.54 cash), liabilities of -0-, and equity of \$110,596,412.54. Mr. Russell also reported that Certificate of Deposit ("CD") Rates were holding steady therefore nothing unusual to report. Thereupon, after review, Motion was made by Mr. **LANGENBERG**, seconded by Mr. **DeBOER** to approve the Financial Report. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then received a presentation from Dr. Ron Welch of Municipal Information Services regarding property tax accounts. Dr. Welch discussed the expected growth and expansion of the District. Furthermore, he stated that the challenges to the economy due to declining oil prices would impact the District for at least another year. However, he also stated that the lower oil prices were not entirely bad for the economy and some other sectors of the economy improved despite lower oil prices. Dr. Welch reviewed his report with the commissioners and the commissioners made inquiries of Dr. Welch as he presented his report. The Board appreciated Dr. Welch's efforts in preparing the report.

The Board then addressed the certified 2016 appraisal values, effective tax rate calculations and tax rate scenarios. Mr. Coveler presented the Effective Tax Rate calculations as well the Tax Rate Scenarios for the District Budget. There

was discussion about the information gathered to prepare the Tax Rate scenario as well as discussion regarding the different rates modeled.

The Board next addressed agenda item 5, the District 2017 budget. Mr. **JANUSAITIS** stated that he and Mr. **DeBOER** were going to work with Bill Russell on a Budget for the Board to review.

The Board then addressed the proposal of the District's 2016 tax rate. Thereupon after review, Motion was made by Ms. **AVERY**, seconded by Mr. **DeBOER** to approve the proposed rate of \$0.053/\$100.

The Board took no action on scheduling public hearings for the tax rate process as the rate proposed did not exceed the Effective Tax Rate calculation.

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. A Motion made by Mr. **LANGENBERG** seconded by Mr. **DeBOER** to develop an expense report form and to pre-approve attendance by commissioners at conferences/trainings conducted through (1) Fire Rescue International ("FRI"), (2) International Association of Fire Chiefs ("IAFC"), (3) Texas State Association of Fire and Emergency Districts ("SAFE-D"), (4) the Texas State Library and Archives Commission ("TSLAC"), (5) Fire Department Instructors Conference ("FDIC") and/or (6) the State of Texas. 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 \$1,859,827.00. After review, Motion was made by Ms. **EVERY**, 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 \$22,344.98. 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.

The Board tabled matters related to the sales tax reports.

The Board then addressed the KPI's for the District-Department service evaluation. No action taken.

The Board then addressed E-View traffic preemption and to install traffic preemption equipment on traffic signals in the District. Mr. Coveler stated that he had not received any additional information with respect to the lawsuit. The Board also took note that there was an inconsistency between the packet provide to the commissioners and the information set forth on the E-View website. The Board held on action.

The Board also tabled agenda item 20 regarding a proposed Interlocal Agreement with Harris County to allow for the District to install E-View traffic preemption equipment at selected 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 that the mowing issues were now resolved at the Wortham property. Ms. Martinez had researched a new piece of software known of as "Flipping Book" to prepare newsletters and other similar type of publications. It was also discussed whether this software production tool could be used to store content. The Board appreciated the potential of this new software

offering to create newsletters and other presentations of District information. Mr. **DeBOER**, made a Motion, seconded by Ms. **EVERY** to approve the administrative report as presented as well as acquisition of the software license. After discussion, the Motion was approved by a vote of 4 to 0.

The Board next received a report from District architect, Ricardo Martinez, and an update on 2016 construction projects, including revisions to drawings for new fire stations. Thereupon after review, Motion was made by Mr. **LANGENBERG**, seconded by Ms. **EVERY**/Mr. **DeBOER** to approve the certifications for storm water quality protection plans at Station No's 2, 9 and 13. After discussion, the Motion was approved by a vote of 4 to 0.

No action was taken on agenda item 23, revisions on drawings for new fire stations. Mr. Martinez reported on several matters related to the Bridgeland site. He stated that when the initial submittals were made to the Bridgeland architectural control committee, there was a general approval made of the site plan. However, when the final detailed drawings were submitted for final approval, the architectural control committee ("ACC"), the ACC raised numerous objections to the station design site plan. Specifically, the ACC rejected the wrought iron fence as shown in the design, the location of the dumpster and quantity of trees required at the project site along the front property line of the site adjacent to the road. Mr. Martinez stated that he was planning on attending the next Bridgeland ACC meeting and invited Chief Ramon and Mr. Coveler to attend the meeting.

Ms. Hieu Hart spoke with the District regarding the Cherry Park site. She stated the status of the water service, sewer service and road abandonment issues were all open issues that needed to be resolved. Specifically, Ms. Hart stated that MUD 186 was unwilling to allow the District to receive out of district sewer service. Following a description of the problems raised, Mr. Coveler requested that the Board discuss these matters in executive session.

The Board then addressed contract with JE Dunn as CMAR for District station projects. Thereupon after review, Motion was made by Ms. **EVERY**, seconded by Mr. **DeBOER** to approve the contract revisions made and to execute the Construction Manager At Risk of Station 2, 7, 9 and 13. After discussion, the

Motion was approved by a vote of 4 to 0. Mr. Coveler stated to Mr. Blakemore that he was not certain whether the Cherry Park site development issues would be resolved prior to the end of the year.

The Board tabled agenda item 25, funding mechanism for the Station 2, 7, 9 and 13 construction projects.

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 item no. 30.

The Board then received a presentation from Kilgore Industries regarding HVAC systems at various fire stations within the District. No action taken as there is still additional information to be provided by Kilgore. Kilgore did discover a number of technical issues that were preventing the proper and efficient operation of the HVAC units.

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

EMERGENCY REQUESTS

- a. Stewart and Stevenson, Replace fuel injector cups and pump, E-7, \$3,009.92
- b. Houston Freightliner, Replace fuel injector and calibration, E-3, \$4,234.57
- c. Siddons Martin, Additional repairs not associated with accident, TW-9, \$8,966.95
- d. Siddons Martin, Replace command zone screen, TW-9, \$4,256.21
- e. Wil-Burt, Repair light tower damaged in garage door, E-6, \$3,731.00

A Motion was made by Mr. **LANGENBERG**, seconded by Mr. **DeBOER** to approve emergency requests a through e. Ms. **EVERY** requested additional information about items c, d, and e. After discussion, the Motion was approved by a vote of 4 to 0 to approve items a. through e.

CAPITAL EXPENDITURES

- a. Don Hart Radiator, Redline HD power smoke diagnostic machine, \$4,100.00
- b. CDW, Server, laptop and desktop replacements, \$59,028.00
- c. Evans Console, Ironhorse 4000HD chair, \$2,020.00

- d. Motorola/Nice, Nice recorder to replace at dispatch and new at backup dispatch, \$84,743.00
- e. Daily Equipment Company, Forklift for the warehouse, not to exceed \$41,445.00

After review, Motion was made by Mr. **LANGENBERG**, seconded by Ms. **AVERY** to approve the capital expenditures presented. After discussion, the Motion was approved by a vote of 4 to 0.

OPERATIONS REQUESTS

- a. BB&T Bank, Payroll taxes 2 weeks end 09/14/16, \$135,000.00
- b. BB&T Bank, Payroll taxes 2 weeks end 09/28/16, \$135,000.00
- c. Schubot Law Firm, Legal services for August, 2016, \$3,292.00
- d. Tribridge, MS Dynamics GP annual maintenance/support renewal, \$9,290.00
- e. Colonial Surety, Erisa 401k bond/fiduciary liability insurance renewal, \$2,863.00
- f. McNeil & Company, Group life and AD&D insurance renewal, \$73,901.00
- g. Detail Products, Cappy School Dog fire kits, helmets, badges (Fire Fest), \$5,863.00
- h. Trittech Software, Annual Trittech maintenance/support, \$120,271.00
- i. Axxcess Hose and Ladder, Annual apparatus pump testing (21), \$5,565.00
- j. Martibirds Rentals, Tables, chairs, inflatables (Fire Fest Family Night), \$2,571.00
- k. CDW, Veritas annual backup system renewal, 13,521.00
- l. CDW, Adobe Acrobat Standard & Creative Cloud (10), \$16,709.00
- m. CDW, Fortigate Firewall Forticare renewal, \$2,314.00
- n. Community Impact, News Fire Fest ad, \$2,300.00
- o. Structural Technology, Annual testing/inspection of Shop/Scissor lifts, \$2,995.00
- p. Sharps Testing, Annual hose and ground ladder testing, \$12,440.00
- q. Jessie's Country Cooking, Fire Fest Family Night dinner, \$2,750.00
- r. Excel Urgent Care, Vaccinations for 11 EMT students (MMR; Varicella), 2,585.00

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

BID APPROVALS

Annual Tools & Equipment bid EMS Supplies

The Board took no action on bid approvals.

Mr. Coveler inquired as to why it was desired for the Department to obtain consent from the Board to obtain bid approvals. After discussion with the Board

and Chief Ramon it was decided that it was no longer necessary for the Department to seek approval from the Board to obtain bid proposals. Mr. Coveler stated that this agenda item would be removed from all future agendas.

CAPEX

High profile water rescue vehicle

This section of the agenda had previously been considered when the agenda was taken out of order and was not reviewed again.

DISPOSALS - HEALTH AND SAFETY CODE §775.251

Motorola and Verizon phones and holsters

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.

The Board then addressed other requests for bids and proposals and purchases. After review, Motion was made by Mr. **DeBOER**, seconded by Mr. **LANGENBERG** to approve payment of Station 4's Storm Water Permit and clean out for \$2,585.00. After discussion, Motion was approved by a vote of 4 to 0. After further review, a Motion was made by Mr. **DeBOER**, seconded by Mr. **LANGENBERG** to approve a three-year contract to provide the clean out service and payment of all storm water permit fees related to Station 4. After discussion, Motion was approved by a vote of 4 to 0.

The Board then addressed ISO matters. Chief Ramon stated that the ISO presentation that had been made was very informative and she made a brief presentation about the ISO meeting and the ISO rating process. She stated that the District needed to tackle the task of performing more pre-planning surveys. No action taken.

The Board addressed the Department EMS patient satisfaction program.

The Board then received a report from District committees.

The Board entered closed session at 8:22 p.m. and returned to open session at 8:34 p.m.

There being no further business brought before the Board nor any further public comment, upon Motion made the meeting adjourned at 8:35 p.m.

Secretary of the Board