

**MINUTES OF THE SEPTEMBER 13, 2018 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 13, 2018, at the administrative offices of the District which are located at 9630 Telge Drive, Houston, Texas 77095.

The meeting was called to order at 6:01 p.m., by **ROBERT JANUSAITIS**, Vice-President. Other Commissioners present include **DAVID LANGENBERG** and **SCOTT DEBOER** at the start of the meeting. Commissioner **BALEZ** entered the meeting at 6:55 p.m.. Also present was **AMY RAMON**, Fire Chief, of the Cy-Fair Volunteer Fire Department (the "Department"), **TIM GIBSON**, the District Manager, **DAVID MANLEY** of Cy-Fair Volunteer Fire Department, chief officers and members of the Department, **RICHARD FLETCHER** of Sales Tax Assurance, **RICARDO MARTINEZ** of Martinez Architects, LLC, **MARY DUBOIS** of Acclaim Energy, **IRA A. COVELER**, of Coveler & Peeler, P.C., the District's Counsel, and members 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.

The Board first opened the floor for public comment. Chief Ramon shared that the Life Scan wellness program had been very successful and that 333 people had submitted to the Life Scan examination which flagged important health issues that were previously unknown to the participants. Per the design of the program, Chief Ramon did not have specific items to share about the results, but the results ranges from high cholesterol to diabetes to more serious issues. It was not believed that any cancers were detected during this examination. Mike Clements added that in the future new examination services could be added to continue to improve upon the Life Scan program.

The Board next reviewed the minutes of the August 16, 2018 regular meeting. After review, Motion was made by Mr. **LANGENBERG**, seconded by Mr. **DEBOER** to approve the minutes as presented. After discussion, the Motion was approved by a vote of 3 to 0.

The Board tabled review of the Financial Report Myrtle Cruz, Inc., the District's bookkeeper.

The Board then addressed administrative bills and commissioner fees and expense reimbursements as set forth in the Financial Report. Mr. **DEBOER** made a motion to pay the District bills, approve invoices, commissioner fees and Commissioner expense reimbursements.

Mr. **LANGENBERG** seconded the motion. After discussion, the Motion was approved by a vote of 3 to 0.

The Board then addressed the 2019 appraisal valuations and adoption of the 2018 tax rate. District Counsel, Ira Coveler, reviewed the District valuations with the Board. Mr. Coveler also reviewed the tax rate scenarios he previously provided to the Board and explained the detailed information provided by the Harris County Appraisal District tax reports regarding taxable property within the District. There was general discussion regarding these values.

The Board next reviewed the proposed District 2019 budget. After review, a Motion was made by Mr. **LANGENBERG** seconded by Mr. **JANUSAITIS** to adopt the District 2019 budget as presented. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then addressed agenda item 8, proposal of the 2018 District tax rate. The Board held a lengthy discussion regarding the budget and tax rate considering different scenarios. Mr. **LANGENBERG** made a Motion to propose a rate of \$0.0600/\$100 though no second was presented. The Motion failed for lack of a second. Mr. **DEBOER** then made a Motion pertaining to the Effective Tax Rate and proposed a rate of \$0.052750 though once again, no second was made to the Motion. This Motion, also, failed. Mr. **JANUSAITIS** stated the item would be tabled for now until Commissioner **BALEZ** arrived.

The Board next received an update from Richard Fletcher with Sales Tax Assurance LLC regarding sales tax matters within the District. No action taken.

The Board addressed the payment of Department Operations as submitted by the Department. After review, Motion was made by Mr. **LANGENBERG** seconded by Mr. **DEBOER** to approve the payment of Department Operations, in the amount of \$2,390,456.00. After discussion, the Motion was approved by a vote of 3 to 0.

The Board then addressed the payment of Department Capital funding as submitted by the Department. After review, Motion was made by Mr. **DEBOER** seconded by Mr. **LANGENBERG** to approve the payment of Department Capital and the expense reimbursement, in the amount of \$132,949.88. After discussion, the Motion was approved by a vote of 3 to 0.

The Board received reports from the District architect regarding construction projects. Ricardo Martinez of Martinez Architects, LP reported on Station No's 2, 7, 9 and 13.

Mr. Martinez is going through the punch lists for Station 2 and Station 7 . The Pay Applications for Station 2 and Station 7 were in the amount of \$0.00 each.

Mr. Martinez also reported that Station 13 is going through its punch list items.

Mr. Martinez reported that inspections passed at Station 9 and the request for permanent power had been submitted. The power is expected to be in service in one week.

Mr. Martinez also reported that he was presenting for approval certified pay application number 19 for Station 9 in the amount of \$187,007.00 and Station 13 in the amount of \$13,837.00.

The Board then took action on pay applications submitted by JE Dunn. After review, a Motion was made by Mr. **DEOBER** to approve the pay applications as follows: Station 2 was submitted for \$-0-. Station 7 was submitted for \$-0-. Station 9 was submitted for \$187,007.00 and Station 13 was submitted for \$13,837.00. The Motion was seconded by Mr. **LANGENBERG** to approve the pay applications as presented by Mr. Martinez. After discussion, the Motion was approved by a vote of 3 to 0. Please see the pay application(s) submitted by Ricardo Martinez with Martinez Architects for more detailed information.

The Board then addressed any necessary repairs of equipment, apparatus and facilities in service to the District. The HVAC at Station 3 is producing too much moisture in the plenum therefore fans and dehumidifier have been added.

Mr. Martinez next presented on Harris County ESD 9 Administration Complex. The plans had been submitted to the Aberdeen Business Park Owners' Association, but as of the date of this meeting, no response had been received from the Owners' Association.

The Board received a report from the District Administrative Staff. Ms. Karina Martinez reported that she is working on having the power requests and installation for Station 9 expedited. Mr. Tim Gibson presented his report to the Board.

The Board then addressed the adoption, amendment and explanation of District policies and procedures. Tim Gibson prepared a Pay Policy for consideration by the Board. After review, a Motion was made by Mr. **LANGENBERG**, seconded by Mr. **DEBOER**, to approve the Pay Policy as presented. After discussion, the Motion was approved by a vote of 3 to 0.

The Board next received a presentation from Ms. Mary Dubois of Acclaim Energy Advisors. There were a number of questions asked about the demand requirements for power at the new Administrative Complex and it was decided that the calculated power load was too low

for the new complex. There were also questions about swing protection and other variables related to purchasing power through the programs she was presenting.

The Board then addressed approvals of Department requested purchases (Agenda Item 16):

EMERGENCY REQUESTS

- a. Siddons Martin Emergency Group, Maintenance Repairs:
1650536 Transmission Oil Cooler For Unit 328/R-5 \$2,486.63
- b. Houston Freightliner, Inc. Maintenance Repairs:
Replace Diesel Exhaust Fluid Dozer, Injector,
All Parts, and Labor \$2,045.91
- c. Texas Alternator Starter Service Maintenance Repairs:
C634 Alternator and A2-128 Regulator for Unit 328/R-5 \$2,143.98
- d. Siddons Martin Emergency Group, Maintenance Repairs:
1840523 Radiator for Unit 255/RE-3 \$3,481.72
- e. Cummins Southern Plains. Previously the Board approved
\$2,639.79 in August for service on unit RE-3/255 to replace
ECM. Additional work needed to ensure new ECM would
not be damaged. Bad wiring harness was found that led to
the original failure. New additional cost \$1,529.91. \$4,169.70

After review, Motion was made by Mr. **LANGENBERG**, seconded by Mr. **DEBOER** to approve the emergency requests presented. After discussion, items (a) through (e) were approved by a vote of 3 to 0.

CAPITAL REQUESTS

- f. American Firehouse Furniture: 2 fire tough recliners - space
saver 40x44x45 dark brown; 2 metro double recliners - space
saver 79x39x40; 6 solid wood dining ladder back chairs -
walnut finish/black/vinyl seats. Recliners for station 5's
second trailer and chairs for station 6. \$4,768.00
- g. CDW Government, Inc. Five (5) Panasonic Toughbook CF-
311H-03VM and Five (5) Panasonic Extended Service
Agreement (2yr) \$20,407.90

After review, Motion was made by Mr. **LANGENBERG**, seconded by Mr. **DEBOER** to approve the emergency requests presented. After discussion, items (f) through (g) were approved by a vote of 3 to 0.

- h. Trittech Software Systems 2018-2019 annual support
renewal \$164,706.07

i.	Community Impact half page advertisement in September 2018 edition for Fire Fest	\$2,785.00
j.	Card access training open options administrator class (2 students), hotel @ \$109 per night for 3 nights, per diem (GSA 2018).	\$5,866.50
k.	Priority dispatch system ESP license renewal, service & support. 8/1/2018 - 7/31/2019	\$14,400.00
l.	Sun Coast Resources maintenance supplies: oil - 135 bulk Chevron Delo 15w40 (includes fuel surcharges & TX. state env. Fee)	\$2,118.83
m.	Structural Technology Inc annual testings: aerial platform, aerial ladder, aerial water way pressure test, auto and truck lift, scissor lift and forklift	\$6,940.00
n.	EMS World Expo 2018 - Nashville, TN expo is between Oct. 29, 2018 to Nov. 2, 2018. 2 day workshop and 3 day conference. Conference fees, flight, hotel, and per diem. (2 persons) savings of \$230 if booked before September 21 (savings not included in total)	\$4,561.44
o.	Powers MediaWorks, LLC 2019 annual report - graphic design and production, meetings & site visits, photography, printing and binding.	\$15,300.00
p.	Teex Swiftwater training NFPA Swiftwater rescue level I & II custom class; hotel accommodations, wet suite rentals; per diem (10 persons)	\$16,570.00
q.	Katy rescue school technical rescue training (10)	\$2,250.00
r.	RDT solutions CAD Arcserve enterprise maintenance renewal - 3 yr. service for replication on 2 CAD servers	\$5,600.00
s.	Access hose and ladder annual pump testing - 25 units	\$6,625.00
t.	The Schubot Law Firm, P.C. Professional services - August 2018. 4 hrs. 55 mins spent on Public Information Requests at a cost of \$1,229.17. . Total invoice reimbursement:	\$4,125.49
u.	Bentley, Bratcher & Associates, P.C. preparation of the return of organization exempt from income tax (Form 990) for the year ended December 31, 2017	\$3,200.00

After review of items (h) through (u), Motion for approval was made by Mr. **DEBOER**, seconded by Mr. **LANGENBERG**. After discussion, Motion was approved by a vote of 3 to 0.

The Board then reviewed emergency requests, capital requests or operational requests received by the Department. After review, a Motion was made by Mr. **DEBOER**, seconded by

Mr. **LANGENBERG**, to approve the purchase of a Shark Testing Hose in the amount of \$12,625.00. After discussion, the Motion was approved by a vote of 3 to 0.

The Board then addressed the uniform clothing bid solicitation obtained by the Department. Chief Ramon presented the bid solicitation summary for the uniform clothing bid solicitation. After review, a Motion was made by Mr. **LANGENBERG**, seconded by Mr. **DEBOER**, to approve the various vendors selected by the Department. After discussion, the Motion was approved by a vote of 3 to 0.

The Board next discussed the tree trimming proposal for maintenance of trees on at the various stations within the District. After review, Motion was made by Mr. **LANGENBERG**, seconded by Mr. **DEBOER**, to authorize Arbor Care to maintain the trees as presented. After discussion, the Motion was approved by a vote of 3 to 0.

Mr. **BALEZ** entered the meeting at 6:55 p.m. Mr. **JANUSAITIS** yielded the chair to Mr. **Mr. BALEZ**.

The Board reopened agenda item No. 8 regarding proposing a tax rate. Mr. Coveler next explained that it was not necessary to decide the rate today and that the process for adopting the tax rate would be made in October. He recommended that the Board motion for the maximum rate, conduct public hearings to determine if the public had any objection to increasing the rate to whatever number the Board ultimately decided to adopt and revisit this issue at the October meeting following conducting the tax hearings. Mr. **DEBOER** then noted that he didn't want to spend \$60,000 with the Houston Chronicle for these notices. Mr. Coveler explained that it was required to place notices in a newspaper of general circulation and that the Chronicle was the only paper that qualified for the notice because of the size of the District. Moreover, he shared that it would be a concern if the District was to attempt to change the newspaper notice in a year the taxes were being possibly increased. He also stated that he did not expect the cost of the notices to be \$60,000, and hoped they would be about half of that number for all of the notices with the incremental cost of the additional notices being about \$15,000. Following this discussion, Mr. **LANGENBERG** made another Motion to propose a rate of \$0.0600/\$100

The Board then addressed the possibility of obtaining a fire boat for service in the Towne Lake area of the District. The Department made a video presentation regarding the boat. The Department would like to place one boat at Towne Lake and one on the trailer in which specifications for each had been obtained. After review, Motion was made by Mr.

LANGENBERG, seconded by Mr. **JANUSAITIS**, to approve the purchase of the two referenced boats not to exceed \$40,000. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then received reports from District committees. The planning committee is working on metrics and areas where there might be service holes in which future fire stations need to be planned. The technical committee has directed its attention to a powered document management system concentrating on document management for the ESD as well as video conferencing. No action taken.

There were no 30-day advance requests submitted by the Department.

The Board next received a report from Brad Dill of BD Realty. No action taken.

The Board then discussed proposals for vendors to provide services to the District related to the investigation of potential real estate purchases, such as environmental engineers, surveyors and civil engineers. No action taken.

The Board next addressed the sale or disposal of surplus and/or salvage property pursuant to Texas Health and Safety Code §775.251. After review, a Motion was made by Mr. **LANGENBERG**, seconded by Mr. **DEBOER**, to approve the sale or disposal of bunker gear to the Texas Forestry Service Helping Hands Program and Computer Equipment to the Public Surplus Auction. After discussion, Motion was approved by a vote of 3 to 0.

The Board next addressed the October 2018 meeting agenda. The District's next meeting will be held the third Thursday of the month, October 18, 2018.

The Board then entered Closed Session at 8:02 p.m., to discuss personnel matters with Mr. Gibson and legal matters with Mr. Coveler. The Board returned to Open Session at 9:01 p.m.

Following Closed Session the Board then addressed personnel matters. A motion was made by Mr. **DEBOER** and seconded by Mr. **JANUSAITIS** to approve Tim Gibson's request to be able to perform outside teaching services with the approval of the District President per the terms of Mr. Gibson's employment contract. After discussion Motion was approved by a vote of 4 to 0.

There being no further business brought before the Board nor any further public comment, the meeting adjourned at 9:03 p.m.



DAVID LANGENBERG
District Secretary