

**MINUTES OF THE MAY 28, 2019 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 May 28, 2019, at the administrative offices of the District which are located at 9630 Telge Drive, Houston, Texas 77095.

The meeting was called to order at 6:30 p.m., by **TOMMY BALEZ**, President. Other Commissioners present included **BOB JANUSAITIS**, **DAVID LANGENBERG**, **SCOTT DeBOER** and **JESSICA RIVAS**. There were others present at the meeting, including **AMY RAMON**, Fire Chief of the Cy-Fair Volunteer Fire Department, (the "Department"), **BRENT SCALISE**, **MIKE CLEMENTS** and **JUSTIN REED** as well as other chief officers and members of the Department. Also present at the meeting were, **KARINA MARTINEZ** the District Administrative Assistant, **RICARDO MARTINEZ** of Martinez Architects, LP, **TERRY HOLLAND** of Myrtle Cruz, Inc., the District's bookkeeper, **BRAD DILL** of BD Realty, **IRA A. COVELER** and **DAVID MANLEY** of Coveler & Peeler, P.C., the District's legal counsel and **TIM APPLEWHITE** of McCall Gibson Swedlund Barfoot PLLC, the District's auditor. Finally, the entire Board of Directors for the Cy-Fair Volunteer Fire Department was in attendance for the meeting, including **BRET ABSHIRE**, **ROBERT CARVELL**, **CHRISTIE DAWSON**, **DR. MOUNANG DESAI**, **GLEN GATES**, **THOMAS JACKOVICH** and **TERRY WHEELER** were all in attendance for this meeting. Other persons and members of the public were present for the meeting.

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 opened the floor for public comment though none was offered.

The Board tabled agenda item 3, reviewed of prior meeting minutes.

The Board then addressed the District's 2018 Audit. Tim Applewhite presented a draft of the audit and answered any questions from the Board. Mr. Applewhite stated that the auditors were issuing an unmodified opinion of the financial condition of the District, which he stated is the highest level of opinion that can be issued for an Emergency Services District. Ms. **RIVAS** requested additional time to review the District's audit and requested that the matter be placed for approval at the District's June meeting. No action taken.

The Board then received a Financial Report from **TERRY HOLLAND**, of Myrtle Cruz, Inc., the District's bookkeeper. Mr. **HOLLAND** noted the operating account balance following the prior meeting was \$7,364,623.45, and the receipt of property tax revenue in the amount of \$146,997.01. The balance sheet presented at this meeting showed assets of \$142,587,214.38 (\$95,413,724.38 cash), liabilities of -0-, and equity of \$142,587,214.38. Mr. **HOLLAND** stated that the District's investments were well diversified. Thereupon, after review, a Motion was made by Mr. **LANGENBERG** seconded by Mr. **JANUSAITIS** to approve the Financial Report. After discussion, the Motion was approved by a vote of 5 to 0. Please see the attached financial report for additional information about the financial status of the District.

The Board then addressed administrative bills and commissioner fees as well as and expense reimbursements as set forth in the Financial Report prepared by Myrtle Cruz. Following the review, Mr. **LANGENBERG** made a motion to pay the District administrative bills, commissioner fees and Commissioner expense reimbursements as presented. Mr. **JANUSAITIS** seconded the motion. After discussion, the Motion was approved by a vote of 5 to 0.

The Board addressed the payment of Department Operations as submitted by the Department. After review, Motion was made by Mr. **LANGENBERG** seconded by Mr. **JANUSAITIS** to approve the payment of Department Operations, in the amount of \$2,900,284. 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. After review, Motion was made by Mr. **DeBOER** seconded by Mr. **JANUSAITIS** to approve the payment of Department Capital and the expense reimbursement, in the amount of \$20,915.37. After discussion, the Motion was approved by a vote of 5 to 0.

Next, the Board received a report from Mr. Ricardo Martinez, of Martinez Architects. Mr. Martinez addressed the Bridgeland project offering the option of the District being responsible for the sprinkler connections, having inspections made and then turning the project over to the Bridgelands for a fee of \$500.

Mr. Martinez next reported that final selections of the building products including paint, carpet and other finishes are near completion. Motorola is working on integrating with the ongoing site work being performed, numerous systems are near completion of rough-in including HVAC ducting, plumbing and electrical. Tilt wall panels are have been poured and roof framing trusses have been delivered to the site. Mr. Martinez added that Tellepsen was on schedule for the project

and that while weather has been a factor in staying current, Tellepsen had been managing the schedule well.

Mr. Martinez continued with an update about Station 5: all consultants are in the process of developing the construction documents. The underground detention system will be included in the design as part of the storm detention system. Mr. Martinez stated that he would be meeting tomorrow with the construction committee regarding matters pertaining to Station 5. After review, Motion was made by Mr. **DeBOER**, seconded by Mr. **RIVAS**, to approve the inspection fee of \$500 for the sprinkler system and the handover to Bridgelands. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then took action on pay applications submitted by JE Dunn. After review, a Motion was made by Mr. **LANGENBERG** to approve Pay Application #4 for the Administration Complex in the amount of \$676,236.67. The Motion was seconded by Mr. **JANUSAITIS** to approve the pay application as presented by Mr. Martinez. After discussion, the Motion was approved by a vote of 5 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. After review, a Motion was made by Mr. **JANUSAITIS**, seconded by Ms. **RIVAS** to approve payment of \$91,365.21 to Motorola for Cybersecurity Consultancy. After discussion, the Motion was approved by a vote of 5 to 0.

The Board did not receive a report from the District Administrative Staff.

The Board then addressed approvals of Department requested purchases (Agenda Item 13):

EMERGENCY REQUESTS

- A. **THE COMFLOW COMPANY, LLC (\$3,692.40)**
Replace mini split and condenser for IT room located in vehicle maintenance shop. Fredrich 9K BTU.
- B. **SIDDONS MARTIN EMERGENCY GROUP, LLC (\$8,863.28)**
Repairs to Reserve Tower, Shop 332 – fan, radiator, fan clutch, tensioner assembly.
- C. **HOUSTON FREIGHTLINER, INC. (\$3,438.12)**
Replace leaking rocker cover gasket, leaking thermostat housing, oil pan gasket, on Shop 252/E-2. All parts and labor included.
- D. **SIDDONS MARTIN EMERGENCY GROUP, LLC (\$2,487.13)**
Repairs to Shop 251/E-8. 2-cylinder HYD, Velocity Fuse. 2 washers.

After review, Motion was made by Mr. **JANUSAITIS**, seconded by Mr. **LANGENBERG** to approve the emergency requests presented. After discussion, items (A) through (D) were approved by a vote of 5 to 0.

CAPEX REQUESTS

E. AMAZON (\$5,806.98)

Canon EOS-1D Mark II DSLR body only. CFST 256 GB 4K memory card. 3-year protection plan.

After review, Motion was made by Mr. **LANGENBERG**, seconded by Mr. **JANUSAITIS** to approve the emergency requests presented. After discussion, item (E) was approved by a vote of 5 to 0.

OPERATING REQUESTS

F. SHAFFER TOWER SERVICE (\$3,400.00) - REMOVED

Remove equipment from AT&T Tower at old Station 9. Mobilize crew to site per Quote Q5172. Remove (3) DB420 antennas, (3) sidearm mounts, monopole collar mount, and associated hardlines, brackets, etc. from antenna to building. This includes all banding and coax support on exterior of monopole. Dispose of all material.

G. CONCRETE SERVICES, INC. (\$2,762.00)

Repair broken concrete on parking lot/apron at old Station 9.

H. CERTIFICATION TRAINING (\$7,012.00)

(Card Access System) Dallas, TX certification training for Card Access System. 2 persons. June 25 – 27. Course fees, hotel accommodations, and per diem.

I. COMMUNITY IMPACT (\$29,712.00)

Recruitment advertising. Half-page ad for 10 months. Full-page ad for 2 months. Digital banner on Community Impact's website. Discount given.

J. RESCUE TRAINING (\$2,550.00)

International 12 Flood Boat Operations II.

K. MEALS FOR EMS WEEK (\$3,200.00)

EMS Week May 21-24. Meals for field personnel and supplies as needed.

L. PPE CARE (\$3,395.50)

Protective gear repairs. Inspection and repairs for gear picked up 4/10 and 4/17. 3 Honeywell coats. 4 Honeywell pants. 1 Sperian pant. 2 Sperian coats. 2 inspections resulting in fai., 3 bunker coat name plates.

M. IMAGE TREND (\$4,641.44)

Elite EMS Firstwatch support.

Item (F) was withdraw by Chief Ramon. After review of items (G) through (M), a Motion for approval was made by Mr. **DeBOER**, seconded by Ms. **RIVAS**. After discussion, Motion was approved by a vote of 5 to 0.

DISPOSAL OF SURPLUS PROPERTY

- N. Tables in warehouse (2).
- O. Pallets of old shelving (2).
- P. Bunker pants, Bunker coats, Wildland pants, Wildland coats, Helmets and Boots.

After review of items (N) through (P), a Motion for approval was made by Mr. **JANUSAITIS**, seconded by Mr. **LANGENBERG**. After discussion, Motion was approved by a vote of 5 to 0.

The Board then reviewed the possible purchase of Emergency Cyber Incident Response from Secureworks. Alex Barthalow made a presentation of the cyberattack. Mr. **LANGENBERG** asked if this was a sophisticated virus. It was acknowledged that this was a good and reasonable question, but at this time the answer was not knowable. After review, a Motion was made by Mr. **DeBOER**, seconded by Mr. **JANUSAITIS**, to authorize the purchase of Emergency Cyber Incident Response in the amount of \$22,000. After discussion, the Motion was approved by a vote of 5 to 0.

The Board next addressed agenda item 15, to engage the services of Tritech. Mr. **JANUSAITIS** inquired if the District would be considering having the District systems “hardened” like the Motorola system as the Motorola portion of the District’s network seems to be working. Tritech is currently examining the issue and looking at other people’s networks for similar vulnerabilities and improvements. The District’s servers are going to be upgraded to Windows Server 2012. After review, Mr. **LANGENBERG** made a Motion to engage the services of Tritech to rehost services for CAD servers and to provide other services as necessary and interfaces for a fee of \$25,350.18. Mr. **JANUSAITIS** seconded the Motion. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then reviewed the rebuild of one (1) exchange server, which had been damaged as a result of the cyber-attack. This server was scheduled for replacement, and the attack has accelerated the replacement. The Department shared that the server was being acquired from the CDW-g program. After review, a Motion was made by Mr. **DeBOER**, seconded by Mr. **JANUSAITIS**, to approve the rebuild of one exchange server through CDW-g, not to exceed \$10,000. After discussion, the Motion was approved by a vote of 5 to 0.

The Board next addressed the purchase of the Cybersecurity Consultancy through Motorola to check the RF system. After discussion, Motion was made by Mr. **JANUSAITIS**, seconded by

Ms. **RIVAS**, to approve the engagement of Cybersecurity Consultancy in an amount not to exceed \$10,000.00. After discussion, the Motion was approved by a vote of 5 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. **LANGENBERG**, seconded by Mr. **JANUSAITIS**, to approve a vulnerability analysis be conducted by Access It Group for a fee of \$14,250.00. After discussion, the Motion was approved by a vote of 5 to 0. A whole system review or investigation will be addressed at the next District meeting. Chief Ramon informed the Board that the attack on the District's network had no impact in making responses to the community.

The Board tabled discussion of engaging a media company to provide information to the public and about District and Department matters.

The Board next reviewed 30-day advance requests. No requests were submitted by the Department.

The Board then addressed the sale or disposal of surplus and/or salvage property as detailed in agenda (13) (N) through (P). Mr. **JANUSAITIS** made a Motion to approve the items for sale or disposal. Mr. **LANGENBERG** seconded the Motion. After discussion, the Motion was approved by a vote of 5 to 0.

The Board next addressed the June 20, 2019 meeting agenda. An item regarding the engagement of Sales Tax Assurance will be placed on the agenda and the meeting date of Thursday, June 20, 2019 was confirmed.

The Board received a report from Brad Dill of BD Realty. Mr. Dill stated that the property acquisition for Station 5 had been finalized. Mr. Dill stated that the soil study for Station 1 should be performed by Ninyo & Moore. After review, a Motion was made by Mr. **DeBOER**, seconded by Ms. **RIVAS** to engage the services of Ninyo & Moore to perform the soil study for Station 1 for a fee of \$4,700.00. After discussion, the Motion was approved by a vote of 5 to 0.

Mr. Dill continued to review matters related to Station 14. After review, a Motion was made by Mr. **DeBOER**, seconded by Ms. **RIVAS**, to engage the services of Weisser Engineering. After discussion, the Motion was approved by a vote of 5 to 0.

Please refer to Mr. Dill's reports for additional information on the status of each project.

The Board next moved to agenda item 24, to discuss long range planning matter. Commissioner Balez provided a history of meetings that had occurred regarding the long-range planning committee and outlined the major guiding principles

1. Deliver exceptional medical and fire suppression services that meet or exceed NFPA Standards
2. Provide transparency to our constituents and always be good stewards of their tax dollars
3. Ensure we recruit the highest caliber of professionals in the industry and provide them with first class training
4. Supply our team with facilities and equipment that are second to none
5. Guarantee to all members of the CFVFD and public that they will have an opportunity to voice their concerns or needs to the Board

Commissioner **BALEZ** next presented an analysis of the Department's historical performance, projected growth for the District's territory, the need for additional apparatus and stations to serve the community now and into the future and a summary of the conclusions of the long-range planning committee. Following that presentation, Commissioner **BALEZ** informed the Board that the following conclusions were supported by the evidence gathered and presented at the meeting:

1. Facilities plan is behind, but on track to meet population growth needs within the next five years
2. Equipment CAPEX plans appear to meet the ESD needs, but will need updating as call volume and population increases
3. In order to meet NFPA standards all existing and future stations must be manned year-round 24 hours a day.
4. Volunteers are the backbone of our organization and improved efforts to retain and recruit them must be made
5. The need for full time staff for fire suppression is needed to supplement our volunteers and duty crews.
6. The CFVFD cannot offer competitive benefits, primarily a pension plan, in comparison with other departments and ESD's in our area.
7. The CFVFD, since it is a private entity, will not have favorable FLSA shift scheduling exemptions which will increase the cost of adding staff
8. As a private entity the CFVFD does not have protections that are provided to governmental entities like liability caps and immunity
9. The CFVFD is not subject to the same open records laws as a governmental entity and therefore cannot always provide the highest level of transparency.

Commissioner **BALEZ** reviewed the recommendations he and Commissioner **RIVAS** were making to the Board, provided an overview of the transition resolution District counsel had prepared, explained the improved benefits for the current employees and volunteers of the District and provided a general roadmap for moving the transition forward.

Attached to these minutes is an exhibit showing the slides Commissioner Balez had prepared and presented at the meeting.

Following the presentation, Mr. Terry Wheeler, President of the Department, was invited to share his thoughts about the proposed transition. Specifically, Mr. Wheeler offered the following observations:

- There has been real change in the District during the last six years;
- The ESD Board has exhibited a higher degree of professionalism;
- As part of the long-range planning committee meeting the ESD commissioners and the Board as a whole has been respectful of the Department;
- There is a tremendous amount of heritage within the Cy-Fair Volunteer Fire Department;
- The original founding members of the Department are not here with us, but all of this is only possible due to their efforts;
- This is not about something the VFD didn't do, it is about recruiting full-time firefighters to make changes; and
- Mr. Wheeler stated that he is convinced the ESD Board is making this transition to try to make this better.
- Finally, Mr. Wheeler acknowledged that while this was a unilateral decision by the ESD Board, the VFD Board [all of whom were present at the meeting] wants the ESD to succeed.

Following Mr. Wheeler's meaningful and genuine remarks, Mr. **LANGENBERG** shared that he had "volunteered [for the Department] for 12 years. I don't see this as a change. This is still everybody's fire department. I appreciate the heritage of the Department and Terry's comment."

Mr. DeBOER added that the volunteers and fire department are part of the ESD.

Mr. Balez waited for additional comment or input from either the Department Board or the ESD Board. There was no further comment. Following that, Mr. **DeBOER** made a Motion to approve the *Resolution to Become the Direct Provider of Emergency Services in the District*

Territory. Mr. **LANGENBERG** seconded the Motion. The Motion was approved by a vote of 5 to 0.

The Board took a brief recess at 7:58 p.m.

The Board then entered Closed Session at 8:03 p.m., to discuss real estate matters pursuant to Government Code §551.072 with Mr. Dill and for legal consultation pursuant to Government Code §551.071 with Mr. Coveler. The Board returned to Open Session at 8:21 p.m.

The Board took no action on real estate matters discussed in Closed Session.

The Board then reopened agenda item 24 regarding long-range planning matters. The Board discussed when meetings will be held with the Department regarding transition matters. The meetings will take place on Thursday, May 30th at 7:30 p.m. Mr. **LANGENBERG**, to address District 1 at Station 10; Ms. **RIVAS** to address District 2 at the Administration Building and Mr. **JANUSAITIS** to address District 3 at Station 8.

There being no further business brought before the Board nor any further public comment, Motion was made by Mr. **DeBOER**, and seconded by Mr. **LANGENBERG**, to adjourn the meeting. The meeting adjourned at 8:28 p.m.

DAVID LANGENBERG
District Secretary