

MINUTES OF JANUARY 21, 2020, MEETING
HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 48

A regular meeting was duly called of Harris County Emergency Services District No. 48, which was held at the District Administration Building located at 21201 Morton Road, Katy, Texas 77449, on Tuesday, January 21, 2020.

CALL MEETING TO ORDER AND ESTABLISH A QUORUM.

The meeting was called to order at 7:00 p.m. by **Marshall Kramer**, President, who announced that a quorum was present. Those Commissioners present were:

Marshall Kramer	Present
Sam Henderson	Present
Bret Fossum	Present
Russell Solomon	Present
Michael Fleming	Present

Also present at the meeting were District Fire Chief, Jeffrey Hevey, Assistant Chief of Administration, Tommy Westall, Assistant Chief of EMS, Eric Bank, Assistant Chief of Operations, Brett Ellis, Division Chief of Logistics, Ray Sidwell, HR Office Manager, Walla Almasri, Assistant HR Office Manager, Jackie Tobar, and other ESD Members. Also, Rich Majeres with Ubernosky & Majeres, PLLC, Ricardo Martinez with Martinez Architects, LLC, and Ira Coveler with the law firm of Coveler & Peeler, the District's legal counsel, were also present.

WELCOME BY CHIEF JEFF HEVEY AND SWEARING-IN CEREMONY OF DISTRICT PERSONNEL.

Fire Chief, Jeff Hevey, welcomes all to tonight's Swearing-In and Promotion Ceremony.

The Pledge of Allegiance led by Fire Chief, Jeff Hevey.

The Opening Prayer led by Chaplain, Mardie Menke.

Swearing-In and Promotion Ceremony:

Administrative Battalion Chief of Emergency Medical Services:
George Hebert

Deputy Chief of Administration:
Ray Sidwell

Battalion Chief of Suppression/Rescue Training:
Glen Trahan

Battalion Chief of Community Medicine:
Joseph Casciotti

Assistant to Community Relations:
Lia Hales

Recess to HCESD No. 48 Meeting.

TO RECEIVE PUBLIC COMMENT.

Chief Hevey gave public recognition to Commissioner and Board President, Marshall Kramer, for receiving the Stanley Leadership Award. This Award is significant recognition of leadership from the Katy Economic Development Council Community.

REVIEW AND TAKE ACTION ON MATTERS RELATING TO CALLING AN ELECTION TO BE HELD ON MAY 2, 2020:

- a. Approve an Order calling for an election under Texas Health and Safety Code Section 775.0345.
- b. Order Approving and Appointing an Agent for the Election;
- c. Order Appointing an Early Voting Clerk and Deputy Early Voting Clerk;
- d. Order Establishing and Designating Election Precincts and Polling Places;
- e. Order Establishing and Designating Early Voting Polling Places;
- f. Order Adopting Form of Notice of District Election;
- g. Action to approve a contract with Hart InterCivic, Inc. for election services.
- h. To review and take action to hold an election jointly with one or more other political subdivisions.
- i. To consider and take action on such other Orders, Resolutions, and related matters as required or appropriate to call for the District election.

The Board first reviewed and acted on calling a public election to be held on May 2, 2020 to elect three (3) commissioners to the District Board under Health & Safety Code, §775.0345. The Board approved the following items: (1) to call for a District commissioner election for three (3) seats to be held on May 2, 2020; (2) **Coveler & Peeler, P.C.**, is designated as the agent for the election; (3) **Jackie Tobar** is appointed as the early voting clerk; (4) the election precincts and polling location are approved as set forth in the proposed election order; (5) the form for the notice of election is approved as presented; and (6) the contract for services with **Hart InterCivic, Inc.**, for the programming of the election equipment and other services related to conducting the election is approved. Mr. **Henderson** made a motion to approve the Order calling for the May 2, 2020 election. Mr. **Fossum** seconded the motion. After discussion, the Motion was approved by a vote of 5 to 0. Please see the District's Election Order for more specific information regarding this matter.

TO REVIEW, DISCUSS, AND TAKE ACTION RELATED TO THE MONTHLY SALES TAX REPORT.

The Monthly Sales Tax Report was emailed to the Commissioners by Mr. Fortner. The Board reviewed the Sales and Use Tax Administration Report. Thereupon, Mr. **Henderson** made a motion to approve the Monthly Sales Tax Report as received. Mr. **Fleming** seconded the motion. The motion passed 5 to 0.

Please see the report from **Ryan Fortner** with Sales Revenue, Inc. for complete listings and details of all figures presented.

TO RECEIVE THE FINANCIAL REPORT FOR THE DISTRICT AND TAKE ANY ACTION RELATED THERETO.

Mr. Majeres with Ubernosky & Majeres, PLLC, presented the District's Financial Report. As of December 31, 2019, the District's Cash Balance totals \$13,503,964.00. Less Cash in Construction account \$4,760,799.00. Less 2020 Property Tax Collections \$2,771,140.00. Cash Reserve as of December 31, 2019 was \$5,972,025.00. The District's Total Debt Service Outstanding is \$25,369,187.00. The District's combined Note Balances (Liabilities & Equity) total \$0.00. The District has collected \$4,573,353.89 in Sales Tax Revenue for 2019.

Mr. **Henderson** made a motion to accept the Financial Report from the District Bookkeeper as presented. Mr. **Fossum** seconded the motion. The motion passed 5 to 0.

Please see the report from **Rich Majeres** with Ubernosky & Majeres, PLLC, for complete listings and details of all figures presented.

TO REVIEW, DISCUSS, AND TAKE ACTION ON MATTERS RELATED TO THE CONSTRUCTION OF THE FIRE STATION NO. 1.

Mr. Martinez discussed the following items in his presentation:

Design Activities:

- Canopy has been relocated to accommodate the temporary facility location
- Reviewed Owner provided FF&E
- Reviewed Owner vendor systems (Purvis, Prime, etc.)
- Coordinated with Comcast for temporary facility
- Inspected rough-in locations for in-wall infrastructure
- Reviewed/coordinated color scheme for facility
- Coordination of bay door colors
- Top out Ceremony scheduled for January 31, 2020, from 12:00 to 1:00 p.m.

Anticipated Activities:

- HVAC duct onsite
- CFMF interior walls anticipated to start installation
- MEP infrastructure rough-in

Construction Activities:

- Building erection is 85% complete
- Roof deck installed
- CMU started installation
- CFMF along exterior walls is 75% complete
- Project meetings/inspections
 - Construction meetings held 1/06/20 and 1/16/20
 - Inspections 1/14/20 and 1/20/20
 - Interior color scheme meeting 1/06/20

Schedule:

- Reference attached schedule by Christensen Building Group

Financials:

- Contract Amount.....\$6,500,000.00
- Change Orders to the Project.....\$12,600.00
- Pay Applications – Pay App No. 5.....\$302,727.00
- Balance of Contract Amount.....\$4,440,198.32

TO REVIEW, DISCUSS, AND TAKE ACTION ON MATTERS RELATED TO THE REPAIR OF THE BATHROOMS AT FIRE STATION NO. 5.

Chief Sidwell provided an update to the repairs of the bathrooms at Fire Station No. 5. He reported that the crews are reporting the men’s showers are draining better than before. He stated that Katy Plumbing fixed the showerhead.

TO PAY THE DISTRICT’S INVOICES AND EXPENSES, INCLUDING THE APPROVAL OF ANY PAY APPLICATIONS.

Ms. Tobar presented the Board with the District bills. The Board reviewed and discussed the District bills. Mr. **Fossum** made a motion to approve the District bills related to expenses incurred by the District since the prior meeting, except for the Salas O’Brien bill in the amount of \$3,000.00. Mr. **Solomon** seconded the motion. The motion passed 5 to 0.

Mr. **Solomon** made a motion to pay the Pay Application No. 5 for \$302,727.00. Mr. **Fossum** seconded the motion. The motion passed 5 to 0.

TO REVIEW, DISCUSS, AND TAKE ACTION ON FUNDING THE DISTRICT’S PAYROLL OBLIGATIONS FOR JANUARY AND FEBRUARY.

Mr. **Henderson** made a motion to approve the District’s payroll obligations for January and February. Mr. **Fleming** seconded the motion. The motion passed 5 to 0.

TO REVIEW AND TAKE ACTION ON MINUTES OF PRIOR MEETINGS.

Mr. **Fleming** made a motion to approve prior minutes. Mr. **Henderson** seconded the motion. The motion passed 5 to 0.

TO REVIEW, DISCUSS, AND TAKE ACTION REGARDING A REFUND REQUEST FROM THE UNITED STATES VETERANS HEALTH ADMINISTRATION.

Chief Bank discussed the refund request from the United States Veterans Health Administration.

Mr. **Fossum** made a motion for the District to send back the funds owed to the United States Veterans Health Administration. Mr. **Solomon** seconded the motion. The motion passed 5 to 0.

TO REVIEW, DISCUSS, AND TAKE ACTION TO ACQUIRE POLL PADS AND THE RELATED SOFTWARE FOR USE IN THE DISTRICT'S UPCOMING ELECTIONS.

The Board next moved to the agenda item regarding the acquisition of poll pads and the related hardware and software for use in the District's upcoming elections. Mr. Coveler explained what the poll pads were and why they were needed for the election. Following, Mr. Coveler's presentation, the Board discussed the need to acquire election poll pads and related hardware and software for use in the District's upcoming elections. After review, a Motion was made by Mr. **Fossum**, seconded by Mr. **Solomon**, to approve the purchase of the poll pad and required additional hardware and software for use in the District's upcoming election. After discussion, the motion passed 5 to 0.

TO RECEIVE A REPORT FROM CHIEF JEFF HEVEY AND TAKE ANY NECESSARY ACTION RELATED TO HIS REPORT.

Chief Hevey discussed his report. "We are still in the process of closing out items from last year. We canceled our relationship in writing with DACO, LLC. We have discovered that the foam we are using is a carcinogen hazardous substance. We have to have a hazardous material company come out to clean our hoses. There is not much of a cost difference with going with the safer foam. We have reviewed thirty-six (36) Part-Time applications and are interviewing sixteen (16) applicants. Full-Time Firefighter applications are due Friday, January 31, 2020. The ESD Banquet will be held on Friday, February 7, 2020, at 6:00 p.m."

TO RECEIVE AN EMS DIVISION REPORT FROM ASSISTANT CHIEF ERIC BANK AND TAKE ANY NECESSARY ACTION RELATED TO THE REPORT.

Chief Bank discussed the EMS Report. EMS had a total of 764 calls for December 2019. Average response time was six (6) minutes, forty-eight (48) seconds. There were 425 non-transport/non-emergency calls. Life Flight was used once this month. EMS conducted the following Mutual Aid: five (5) calls to Westlake FD.

Chief Bank informed the Board that the vests have arrived and are now waiting for the vest plates to arrive. Chief Bank stated, "There will need to be a class course on how to take care of the vests. There is a big shift in call volume; thus, we are trying to manpower Medics 4 and 5, and it does not help when mutual aid is much more given on our end then received."

TO RECEIVE A FIRE DIVISION REPORT FROM ASSISTANT CHIEF BRETT ELLIS AND TAKE ANY NECESSARY ACTION RELATED TO THE REPORT.

Chief Ellis discussed the Fire Report. The total Department calls for ESD No. 1 in December were seven (7) calls. The Total Call Volume for 2019 was 9,397. The total Department calls for the District in December were 354 calls. Training is dealing with the following: HazMat IC in January, Officer Development classes, Driver Operator Skills and Processes, TCFP I, and II. Chief Ellis discussed some of the highlights in 2019. The Department will be conducting Part-Time, Full-Time, and Lieutenant Firefighter processes in February.

TO RECEIVE AN ADMINISTRATIVE REPORT FROM ASSISTANT CHIEF TOMMY WESTALL AND TAKE ANY NECESSARY ACTION RELATED TO THE REPORT.

Chief Sidwell discussed the following: “We continue to be sent invoices from Salas O’Brien for the additional investigative work done by their engineers for the HVAC issues at Station No. 3. The initial approval was for \$5,000.00, which was approved. The contract stated that they needed approval for any work that was going to exceed this amount. Salas O’Brien continues to send the District demands for payment of this excess.”

The old District website is in the process of working to make the District compliant with Texas law. As of today, we are 100% complaint, and Mrs. Nicole Pierce has reviewed and approved what we have on the old website. The new website is in development.

Chief Westall discussed TIFMAS (Jefferson County): “We have requested \$46,356.86 in payroll and associated expenses. No ETA of reimbursement at this time.”

TO REVIEW, DISCUSS, AND TAKE ACTION REGARDING ADOPTION AND AMENDMENT OF DISTRICT POLICIES, STANDARD OPERATING GUIDELINES, OR JOB DESCRIPTIONS.

Chief Hevey presented the following new/updated Policies, Standard Operating Guidelines, and Job Descriptions:

1. AD-04 Visitors in Department Facilities (**Updated**);
2. PER-08A Detail, Lieutenant, Part-Time Paid Job Description (**Updated**);
3. PER-19A Detail, Fire Captain, Paid Part-Time Job Description (**Updated**);
4. PER-28A Lieutenant, Assistant Training Officer Job Description (**New**);
5. PER-37 Detail, Assistant Quartermaster, Paid Job (**New**);
6. PLY-06 Drug and Alcohol Use (**Updated**); and
7. PLY-10 Infection Control (**New**).

TO REVIEW, DISCUSS, AND TAKE ACTION ON ANY NEEDED MAINTENANCE OR REPLACEMENTS OF THE DISTRICT’S EQUIPMENT, APPARATUS, AND FACILITIES.

On January 11, 2020, Ladder 3 backed into Station 3 bi-fold door on the west side of the Station. The door was initially taken out of service, and Chief Sidwell met with Brian Maynard (Miner Ltd.) who was able to get us a proposal for the repairs. A claim was filed with VFIS and our deductible of \$5,000.00 was met. Current proposal for repairs is \$9,740.00. There is a lead time of seven (7) to ten (10) days for the replacement glass. For now, the damaged glass has been removed, and plywood has been placed to secure the door. There are four (4) t-brackets that need to be replaced and ordered. Once the new brackets are in, repairs can be scheduled. The Purchase Orders have been written and signed as of today.

Morton Detention (FEMA) – Mrs. Hieu Hart has prepared a bid package for this project. Waiting on Mrs. Hart to acquire approval to move forward with the package.

REVIEW AND TAKE ACTION ON DISTRICT PERSONNEL MATTERS.

Chief Hevey informed the Board that there will be a Volunteer Firefighter that will be terminated due to the employee being untruthful on a Texas Mutual Workman’s Compensation claim.

TO REVIEW, DISCUSS, AND TAKE ACTION FOR THE SALE OR DISPOSAL OF SURPLUS AND/OR SALVAGE PROPERTY PURSUANT TO TEXAS HEALTH AND SAFETY CODE §775.0735.

Chief Sidwell discussed the following:

Decommissioned Bunker Gear: “We have a number of bunker gear items that have been decommissioned, and I would like to have it donated to the Texas Forestry Service, who will get it to Departments throughout Texas who are in need. Gear that is being decommissioned is either out of date or needs repairs that are too costly due to age.”

Engine 1: “The truck has been detailed, and photos have been taken. I have reached out to Brindlee Mountain, and I am waiting for them to contact me. Chief and I have told Brindlee we would like to see \$300,000.00 for the truck.”

Medic 6 – “We are waiting for decals to be removed. Once removed, we will have the mobile detailer onsite to detail the truck. We will then have photos taken. I will also discuss the ambulance with Brindlee Mountain. If allowed, we will post on Ambulance Trader as well. The listing price will be for \$40,000.00.”

Mr. **Fossum** made a motion to donate the decommissioned gear to Texas Forestry Service. Mr. **Fleming** seconded the motion. The motion passed 5 to 0.

TO REVIEW, DISCUSS, AND TAKE ACTION ON SOFTWARE CONTRACT WITH TOUCHPHRASE DEVELOPMENT, LLC D/B/A JULOTA.

Battalion Chief Joseph Casciotti discussed the Julota program and how it allows the Department to use the hospital charting system and other functionality with the system. Mr. Coveler explained that his office had reviewed the contract and that Julota had agreed to the requested revisions to the agreement. Mr. **Solomon** made a motion to approve the contract with TouchPhase Development, LLC D/B/A Julota. Mr. **Fleming** seconded the motion. The motion passed 5 to 0.

TO DISCUSS ANY NEW ITEMS WHICH NEED TO BE ON THE AGENDA FOR THE SUBSEQUENT DISTRICT MEETINGS AND APPROVE THE PROPOSED MEETING DATES FOR THE BILL PAY MEETING TO BE HELD ON WEDNESDAY, FEBRUARY 5, 2020, AT 6:30 P.M., AND THE REGULAR MONTHLY MEETING TO BE HELD ON TUESDAY, FEBRUARY 18, 2020, AT 7:00 P.M.

The Bill Pay meeting will be held on Wednesday, February 5, 2020, at 6:30 p.m., and the Regular Monthly meeting will be held on Tuesday, February 18, 2020, at 7:00 p.m.

TO MEET IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE §551.071 TO CONSULT WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS, OR ON MATTERS WHICH REQUIRE CONFIDENTIALITY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS AND TAX CODE §323.3022 TO DISCUSS SALES TAX MATTERS.

The District entered closed session at 9:17 p.m., to consult with legal counsel regarding matters which require confidentiality under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

TO MEET IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE §551.072 TO DELIBERATE REGARDING REAL ESTATE MATTERS.

The District did not discuss any real estate matters in closed session.

TO MEET IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE §551.074 TO DISCUSS PERSONNEL MATTERS.

The District did not discuss any personnel matters in closed session.

The Board exited closed session at 9:57 p.m.

REVIEW AND TAKE ACTION ON DISTRICT REAL ESTATE MATTERS AND PERSONNEL MATTERS DISCUSSED IN CLOSED SESSION.

No action was required by the Board.

ADJOURNMENT.

Mr. **Henderson** made a motion to adjourn the meeting. Mr. **Fossum** seconded the motion. The motion passed 5 to 0. The meeting adjourned at 9:59 p.m.

The foregoing minutes were passed and approved by the Board of Commissioners on February 18, 2020.

Russell Solomon
District Secretary