

**HRMINUTES OF NOVEMBER 19, 2019, 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, November 19, 2019.

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 Assistant Chief of Administration, Tommy Westall, Assistant Chief of EMS, Eric Bank, Division Chief of Logistics, Ray Sidwell, HR Office Manager, Walla Mourad, 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.

TO RECEIVE PUBLIC COMMENT.

No public comment.

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. **Fossum** 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 November 19, 2019, the District's combined Cash Balances (Current Assets) total \$12,288,915.49. The estimated remaining 2019 Sales Tax Collections are \$432,429.00. The estimated remaining 2019 EMS Billing Collections are \$161,337.00. The remaining 2019 Budgeted Expenses are \$1,485,514.00. The projected Cash Reserve for December 31, 2019, is \$6,006,128.00. The District's Total Debt Service Outstanding is \$25,369,187.00. The District's

combined Note Balances (Liabilities and Equity) total \$20,055,309.46. The District has collected \$3,789,832.91 in Sales Tax Revenue for 2019.

Mr. **Henderson** made a motion to accept the Financial Report from the District Bookkeeper as presented. Mr. **Fleming** 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 PROJECT, INCLUDING THE APPROVAL OF ANY PAY APPLICATIONS.

Mr. Martinez discussed the following items in his presentation:

Design Activities:

- Awaiting final easement from District’s attorney (Abrey Rubinsky).
 - Working with Mr. Coveler to provide additional documentation for the site disturbance.

Anticipated Activities:

- Natural gas to be routed to northwest corner of property.
- Fiber is being coordinated through Prime.
- Coordinate with Van De Wiele & Vogler and EDP for domestic water tap and meter installation date.
- Coordinate access control with Owner.
- Awaiting steel package to be delivered.

Construction Activities:

- Building pad has been poured.
- Lightning protection loop completed.
- Released CenterPoint to install gas line.
- Project Meetings/Inspections:
 - Construction meetings held 9/26/2019 and 10/10/2019.

Financials:

• Contract Amount	\$	6,500,000.00
• Change Orders to the Project	\$	12,600.00
• Pay Applications – Pay App No. 3	\$	366,910.90
• Balance of Contract Amount	\$	5,018,985.78

Mr. **Henderson** made a motion to accept the Pay Application No. 3 in the amount of \$366,910.90. Mr. **Fossum** seconded the motion. The motion passed 5 to 0.

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

Chief Sidwell discussed the bathrooms at Fire Station No. 5. A meeting was held earlier last week with Mr. Clay, with Collier, and Mr. Douglas, with Stonehard to discuss options for the repairs to the bathrooms at Station 5. Agreed to begin construction with the men's bathroom first and turn the women's bathroom temporarily into a unisex bathroom and vice versa.

Mr. **Henderson** made a motion to approved \$1,200.00 payment to Martinez Architects LLC to review, monitor and prepare plans for the construction and renovation of Station 5 men's bathroom. Mr. **Solomon** seconded the motion. The motion passed 5 to 0.

TO REVIEW, DISCUSS, AND TAKE ACTION ON LEASE AGREEMENT AND EASEMENT AGREEMENT WITH SKYWAY TOWERS, LLC FOR THE INSTALLATION OF A CELL ANTENNA TOWER AT THE PORTER ROAD PROPERTY.

Mr. **Henderson** made a motion to approve and proceed with the Lease Agreement and granting of easements to Skyway Towers, LLC. Mr. **Fleming** seconded the motion. The motion passed 5 to 0.

TO REVIEW, DISCUSS, AND TAKE ACTION ON ENTERING INTO AN INTERLOCAL AGREEMENT WITH HARRIS COUNTY FOR THE DONATION OF MOBILE RADIOS, SAFETY DEVICES, AND A TRAILER TO THE DISTRICT.

Mr. **Henderson** made a motion to approve and enter into an Interlocal Agreement with Harris County transferring title and accepting the donation of mobile radios and safety devices. Mr. **Solomon** seconded the motion. The motion passed 5 to 0.

TO PAY DISTRICT INVOICES AND EXPENSES.

Ms. Tobar presented the Board with the District bills. The Board reviewed and discussed the District bills. Mr. **Henderson** made a motion to approve the District bills related to expenses incurred by the District since the prior meeting. Mr. **Fossum** seconded the motion. The motion passed 5 to 0.

Mr. **Henderson** made a motion to fund the District's payroll obligations until the next regular District meeting in December. Mr. **Fossum** seconded the motion. The motion passed 5 to 0.

TO REVIEW AND TAKE ACTION ON MINUTES OF PRIOR MEETINGS.

Mr. **Fossum** made a motion to approve prior minutes. Mr. **Solomon** seconded the motion.

September 3, 2019 – Bill Pay Meeting Minutes
September 9, 2019 – Public Hearing Minutes
September 17, 2019 – Public Hearing Minutes
September 21, 2019 – Regular Meeting Minutes

September 26, 2019 – Budget and Tax Rate Adoption Meeting Minutes
October 2, 2019 – Bill Pay Meeting Minutes
October 15, 2019 – Regular Meeting Minutes

The motion passed 5 to 0.

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

Chief Westall presented the report for the Fire Chief in his absence. Engine 1 has arrived; the two (2) ambulances are also here. Comm Center dispatch went into effect on Monday, November 18, 2019. Chief Strait has educated all crews as to the change over the weekend.

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 683 calls for October 2019. Average response time was six (6) minutes and thirty-two (32) seconds. There were three hundred eighty-five (385) non-transport/non-emergency calls. Life Flight was used once this month. EMS conducted the following Mutual Aid: three (3) calls to Katy FD, and four (4) calls to Westlake FD. The Ambulance titles are still pending from Siddons.

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. Suppression had a total of 314 calls for October 2019. Training is managing the following: TCFP Officer I & II Classes, CE completion for HM Tech and Basic Wildland, OIC Bootcamp held in October, Blue Card renewals, Driver Operator clearance process for Assessment in December, and HazMat IC in January. The new Suppression Staffing Model is in full swing, expected to save approximately \$120,000.00 to \$140,000.00 October to December. We hired two (2) Full-Time Firefighters. They started Monday, November 11, 2019. Conducted Part-Time Lieutenant Training Division interviews held on Wednesday, November 13, 2019. Full-Time Driver Operator Assessment will be held Thursday, December 5, 2019.

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

Chief Westall discussed the Administrative report. In the process of changing from Texas Mutual to 7710 for Workman's Comp.

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

Mr. **Henderson** made a motion to approve the following SOGs and their job descriptions: Quartermaster, Assistant Quarter Master, Lieutenant Assistant Training. Mr. **Solomon** seconded the motion. The motion passed 5 to 0.

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

Maintenance needs: Ladder 3 is still in progress. UL inspection later this week. New Engine 1 is progressing. Old Engine 1: trying to sort out any issues and then will transfer equipment to New Engine 1. Chief Sidwell discussed the sub-pump which broke last week and led to sewage being backed up into the elevator pit. Katy Plumbing came in and rectified the issue.

TO REVIEW AND TAKE ACTION ON THE RATIFICATION OF A CONTINUING CONTRACT WITH A PRIVATE LAW FIRM PURSUANT TO §6.30 OF THE TAX CODE FOR THE COLLECTION OF DELINQUENT DISTRICT AD VALOREM PROPERTY TAXES AND, PROVIDING FOR THE PAYMENT OF UP TO 20% OF THE DELINQUENT TAXES, PENALTIES, AND INTEREST WHICH ARE COLLECTED BY THE ATTORNEY UNDER SAID CONTRACT.

Mr. **Henderson** made a motion to retain the law firm of Linebarger Goggan Blair & Sampson, LLP pursuant to §6.30 of the Property Tax Code for the collection of delinquent District *ad valorem* property taxes, and providing for the payment of up to 20% of the delinquent taxes, penalties, and interest which are collected by the attorney under said Contract. Mr. **Fossum** seconded the motion. The motion passed 5 to 0.

TO REVIEW AND TAKE ACTION ON THE IMPOSITION OF ADDITIONAL PENALTY ON DELINQUENT TAXES PURSUANT TO §33.07 OF THE TAX CODE AND ADOPTION OF A RESOLUTION REGARDING SAME FOR TAXES.

A Motion was made by Mr. **Henderson**, seconded by Mr. **Fossum** to approve the imposition of additional penalty on delinquent taxes accruing prior to June 1, 2020 (§33.07 of Property Tax Code). After discussion, the Motion was approved by a vote of 5 to 0.

TO REVIEW AND TAKE ACTION ON THE IMPOSITION OF ADDITIONAL PENALTY ON DELINQUENT TAXES TO DEFRAY COSTS OF COLLECTION BY THE DISTRICT'S DELINQUENT TAX ATTORNEY, PURSUANT TO §33.08 OF THE TAX CODE AND ADOPTION OF A RESOLUTION REGARDING SAME.

Motion was made by Mr. **Henderson**, seconded by Mr. **Fossum** to approve the imposition of additional penalty on delinquent taxes accruing after June 1, 2020 (§33.08 of Property Tax Code). After discussion, the Motion was approved by a vote of 5 to 0.

TO REVIEW AND TAKE ACTION ON THE IMPOSITION OF EARLY ADDITIONAL PENALTY FOR COLLECTION COSTS FOR TAXES IMPOSED ON PERSONAL PROPERTY ON DELINQUENT TAXES PURSUANT TO §33.11 OF THE TAX CODE AND ADOPTION OF A RESOLUTION REGARDING SAME.

Motion was made by Mr. **Henderson**, seconded by Mr. **Fossum** to approve the imposition of additional penalty for collection costs for taxes imposed on personal property on delinquent taxes (§33.11 of Property Tax Code). After discussion, the Motion was approved by a vote of 5 to 0.

REVIEW AND TAKE ACTION ON DISTRICT PERSONNEL MATTERS.

Item tabled.

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.

Item tabled.

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, DECEMBER 4, 2019 AT 6:30 P.M., AND THE REGULAR MONTHLY MEETING TO BE HELD ON TUESDAY, DECEMBER 17, 2019 AT 7:00 P.M.

The Strategic Planning meeting will be held on Monday, December 2, 2019, at 6:30 p.m., the Bill Pay meeting will be held on Wednesday, December 4, 2019, at 6:30 p.m., and the regular Monthly meeting will be held on Tuesday, December 17, 2019, 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 8:40 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.

The Board exited closed session at 9:28 p.m.

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

No need for closed session on real estate matters.

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

No need for closed session on personnel matters.

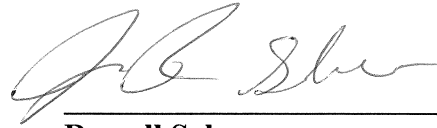
TO MEET IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE §551.072 TO DELIBERATE REGARDING REAL ESTATE MATTERS.

No need for closed session on real estate matters.

ADJOURNMENT.

Mr. **Henderson** made a motion to adjourn the meeting. Mr. **Solomon** seconded the motion. The motion passed 5 to 0. The meeting adjourned at 9:29 p.m.

The foregoing minutes were passed and approved by the Board of Commissioners on December 17, 2019.

A handwritten signature in cursive script, appearing to read "R. Solomon", written in black ink.

Russell Solomon
District Secretary