

## **MINUTES OF THE MAY 15, 2023 MEETING OF HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 46**

A meeting was duly called of **HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 46**, which was held on May 15, 2023, at the Atascocita Fire Department Headquarters Building, located at 18425 Timber Forest Drive, Humble, Texas 77346.

The Meeting was called to order at 7:00 p.m., by **BUDDY RICE**, Board Vice President, and Chairman of the meeting. Other Commissioners present include **RON CLARKE**, **JOHN BOLLUM** and **JAMES CONE**. President **TOM TRUVER** was absent from this meeting. Chief of the Department Mike Mulligan, Assistant Chief of Operations Terry Wygal, EMS Director Sean Conley, Director of ITC & Operations Support Mike Wassell, Director of Human Resources and Finance Mary Anne Sokol, District Counsel, Mr. Ira Coveler of Coveler & Peeler, P.C., Melissa Wiggins of Coveler & Peeler, P.C., Ricardo Martinez of Martinez Architects, and members of the Fire Department and public were also present.

The Board opened the floor to receive public comment though none was forthcoming.

The Board next discussed matters related to the Station 29 construction project and District's maintenance facility including the approval of any certified pay applications received from Martinez Architects ("MA"). Mr. Martinez presented an update on the projects and made note of the following matters regarding Station 29, Station 39, the Fleet Maintenance building, and the Training Field.

1. Station 29 – Mr. Martinez presented Pay Application No. 20 in the amount of \$32,541.55 and noted the low amount resulted from a lack of permanent power at Station 29 due to continued delays with the county. As-built plans for the projects right-of-way were not produced and submitted properly by the contractor, and were subsequently created separately by MA for submission by the contractor. One (1) trade partner's bond had expired by the time the submission was made, leading to further delays and complications. Once power is established and HVAC systems are brought online, interior work may continue and the project could be substantially complete within six (6) to eight (8) weeks later. Substantial Completion is pending an inspection by the Fire Marshal and punch-list walk with the architect. Work is currently ongoing regarding paving sidewalks after completion of the driveway.
2. Commissioner **RICE** noted concerns regarding the driveway dimensions compared to apparatus needs, and was told those dimensions were controlled by county constraints and could not be altered. Mr. Martinez lastly advised that more testing was being conducted by Walker Consultants ("WC"), after they continued work in January regardless of warnings at that time to hold off on some items. WC then notified MA that some completed areas would need to be demolished and redone. MA advised that such action was incorrect and the fault for the defective work did not rest with the District. Efforts to resolve those issues are ongoing at this time.

3. Training Field – The proposed site plan was being revised for final review and presentation to the Board, along with pricing for project aspects by third-party vendors. This item is expected to be presented in June.
4. Fleet Maintenance Facility – Discussions are ongoing with Humble ISD regarding utility and waterline easements. The school district’s facilities department recommended granting the easement for utilities and approval of outfall into the Humble ISD’s detention pond. The school district will be conducting studies to determine any impacts from that outfall, including costs related to the initial build and long-term maintenance regarding capacity. Once those reports are complete and reviewed and approved by the Board, any costs related to the increased impact will in turn be assigned to the District. Chief Mulligan stated that representatives of Humble ISD had initially indicated a willingness to accept any outfall from the maintenance property, as that water would have otherwise remained on school property. He then requested Mr. Martinez to inquire if that was still the case, rather than paying for services which would otherwise already be the responsibility of the school district.
5. Some miscommunications with the school district continue regarding ownership of the water source, between the City of Humble and the City of Houston. Mr. Martinez stated the intention of the school district to replat all properties and easements, after which ESD 46 could directly engage the appropriate provider to gain access to necessary waterlines, including any necessary impact fees. Mr. Coveler requested MA inquire if it would be possible to receive the easements, including payment from the District, while the Humble ISD properties were being replated, rather than waiting until platting completion to do so.
6. Mr. Martinez then advised the Board that it was the recommendation of MA to remove from Christensen Building Group’s scope of work the storm outfall portion of the original project, to be incorporated into a future project, or even handled individually after the completion of the facility. This would also allow the Board to choose a new contractor for that portion of the project, including possibly engaging the school district’s contractor as they would already be on site and familiar with the property. Mr. Coveler advised that would require the Humble ISD to amend their present contract with that contractor, and would further necessitate an ILA or similar agreement between the contractor and District to proceed.
7. Station 39 – Mr. Martinez reported that plans and studies regarding the expansion, floor plans and site conditions were ongoing. The results of those studies would hopefully be available for Board review at the June meeting.

After review, Commissioner **CONE** made a Motion, seconded by Commissioner **CLARKE** to accept the report as presented, and to approve payment of Pay Application No. 20. Thereafter, Chairman **RICE** called for a vote and the Motion passed by a vote of 4 to 0.

At this time, Commissioner **BOLLOM** made another Motion, seconded by Commissioner **CONE**, to remove from Christensen Building Group’s scope of work matters related to the storm

outfall at the District's fleet maintenance facility project from the scope of the original project and for this work to be completed at a later date. Thereafter, Chairman **RICE** called for a vote and the Motion passed by a vote of 4 to 0.

The Board next received a sales tax report from ESD Tax Management Services. Chairman **RICE** stated sales tax allocations for May totaled \$503,864.79. After review, Commissioner **CLARKE** made a Motion, seconded by Commissioner **BOLLOM**, to accept the sales tax report as presented. Thereafter, Chairman **RICE** called for a vote and the Motion passed by a vote of 4 to 0.

The Board then received a financial report from Mary Anne Sokol who stated that District cash balances at the end of May totaled \$15,290,448.83. She stated there were increased funds in the Texas CLASS account, and that more funds would likely be moved to TexPool. One (1) account from PNC was in question and would be discussed with the District's auditor for clarification. She lastly stated that almost all property taxes had been received for the year.

The Board next reviewed District bills and Commissioner submittals for approval and payment. Ms. Sokol stated one (1) Commissioner submittal had been received for \$900, reflecting meeting attendance beginning in December 2022. After review, Commissioner **BOLLOM** made a Motion, seconded by Commissioner **CLARKE**, to approve the treasurer's report, and the payment of District bills and Commissioner submittals as presented. Thereafter, Chairman **RICE** called for a vote and the Motion passed by a vote of 4 to 0.

The Board then reviewed the Minutes of prior meetings. After review, Commissioner **CONE** made a Motion, seconded by Commissioner **BOLLOM**, to approve the minutes from the April 2023 meeting. Thereafter, Chairman **RICE** called for a vote and the Motion passed by a vote of 4 to 0.

The Board next received Department reports. At this time, Chief Mulligan presented Commissioner **RICE** with his five (5) year and ten (10) year awards for service with the Department. After thanking Commissioner **RICE** for his service, Chief Mulligan stated that thirty-five (35) mutual aid calls had been made during the month of April, the largest number of which represented aid given to Houston Fire Department. He estimated another twenty-five (25) calls had been made so far in the month of May.

Mr. Wassell then advised the Board of an oil spill from the property adjacent to the District's Fleet Maintenance building which led to sheet draining onto District property. The Railroad Commission had been contacted, and had subsequently taken action to resolve the immediate spill and take measures to mitigate the issue from the operator's lease. Mr. Coveler informed the Board at this time that he would be engaging specialized outside counsel to advise the Board on any necessary actions related to this issue to avoid liability and other issues. Commissioner **CLARKE** stated that this had been a concern to him for some time, and noted that the Humble Oil Field, which was shut down several years ago, was now returning to operation and could present future issues for the Maintenance facility as well. After review, Commissioner **CLARKE** made a Motion, seconded by Commissioner **CONE**, to accept the Department reports as presented. Thereafter, Chairman **RICE** called for a vote and the Motion passed by a vote of 4 to 0.

The Board then reviewed submittals of thirty (30) day advance request(s) for necessary purchases related to the provision of emergency services in accordance with the current District Budget, though none were presented, and no action was taken.

The Board then discussed the sale or disposal of obsolete surplus and/or salvage District property. Mr. Wassell informed the Board that six (6) Cummins fuel injectors from Engine 29, and one (1) used Saturn automobile used for extrication training, along with six (6) pink gear bags, miscellaneous supplies for LifePak-15 monitors, and six (6) Titan III telemetry modems would be disposed of with the Board's approval. After review, Commissioner **CONE** made a Motion, seconded by Commissioner **BOLLOM**, to approve the sale of items as presented. Thereafter, Chairman **RICE** called for a vote and the Motion passed by a vote of 4 to 0.

The Board next discussed repairs of equipment, apparatus and facilities in service to the District, though none were presented, and no action was taken.

The Board then convened in Closed Session at 7:29 p.m. to consult with legal counsel.


The Board reconvened in Open Session at 8:21 p.m.

The Board took no action regarding any matters following closed session.

The Board next reviewed any new items which required inclusion on upcoming agendas for future meetings, though no new items were requested. They then confirmed the date for next month's meeting as June 19, 2023.

There being no further business brought before the Board, Commissioner **CONE** made a Motion, seconded by Commissioner **CLARKE**, to adjourn the meeting at 8:22 p.m. Thereafter, Chairman **RICE** called for a vote and the Motion passed 4 to 0.

The foregoing minutes were passed and approved by the Board of Commissioners on June 19, 2023.

  
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**JOHN BOLLOM**  
District Secretary of the Board