

MINUTES OF JUNE 19, 2023 MEETING

HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 46

A meeting was duly called of **Harris County Emergency Services District No. 46** which was held on Monday, June 19, 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 **TOM TRUVER**, President. Those Commissioners present were **BUDDY RICE, JOHN BOLLUM, JAMES CONE** and **RON CLARKE**. Chief of Department Mike Mulligan, Director of ITC & Operations Support Mike Wassell, Director of Human Resources and Finance Mary Anne Sokol, Assistant Chief of Operations Terry Wygal, Melissa Wiggins of Coveler & Peeler, P.C., Andrew Vincent of Martinez Architects, Mark Christensen of Christensen Builders Group, Dr. Ron Welch, and members of the public and Department were also in attendance.

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. Andrew Vincent presented an update on the projects and made note of the following matters regarding Station 29.

1. Station 29 – After recent water testing, some repairs were still in progress before retesting could be completed. Permanent power has still not been established to the building, due to confusion at the county level regarding permits which were filed under two (2) different addresses. Both Martinez Architects ("MA") and Christensen Building Group ("CBG") have made multiple attempts to contact county officials to rectify the problem, with no success as of yet.
2. Complications also exist regarding a missing Right of Way (ROW) easement related to a needed underground utility installation and clarification of locations with the county despite submission of as built drawings and specs. Mr. Christensen addressed the Board, stating further attempts would be made to force movement from the county in order to establish permanent power and clear up any misunderstandings related to multiple addresses in regard to permitting and ROW actions.
3. Recent concrete tests at Station 29 showed unacceptable strength levels which led MA to refuse acceptance of the concrete apron. Mr. Vincent reported that there is a possibility that the station apron would need to be removed and repoured to meet the required specifications. Chief Mulligan stated samples had been obtained from the concrete provider which were evaluated and found to be below specifications for this project. Six (6) samples were taken from the site, and were deemed unacceptable by the design team, as well as MA. Three (3) options were presented regarding the current apron: to maintain current concrete with an extended warranty which was not advisable, to accept monetary compensation for failure to meet specifications, or to remove and replace the concrete with new material. If permanent power could be established, concrete work could be completed simultaneously with less interruption to the project schedule.

4. Mr. Christensen advised the Board that he intended to take more core samples to validate the team's findings, arguing that the earlier provided data may not have been accurate based on illogical findings. CBG would prefer to take new cores and validate information according to ASI standards before accepting the need to tear out and re-pour the existing apron. A formal plan of action related to this process will be presented to the design team and owner in an upcoming construction meeting.

At this time, Mr. **CLARKE** requested to review the engineering report related to the concrete pour and subsequent PSI strength requirements of the concrete. He commented that this portion of the concrete would be heavily impacted by use and the weight of various District apparatus once the project was complete. Mr. **RICE** then requested an engineer be brought back to the project until its completion to determine proper testing processes were followed and ensure cooperation between all parties. Mr. Christensen had no objections, stating "Matrix is a great engineer. They did a good report and analysis for y'all before. We want to do it the right way." President **TRUVER** then requested efforts with the engineer and CBG to be coordinated with the Board and design team to avoid questions of validity, or chain of custody concerns related to the concrete cores and testing process.

The Board then received a report from Municipal Information Services regarding District property tax information, new developments within the District and projected growth within the District. Dr. Ron Welch presented a detailed report regarding District figures related to local economics, housing developments, tax rolls, population, and tax rates, stating that all projections were made using "current values" from 2022. After review, Mr. **CLARKE** made a Motion, seconded by Mr. **CONE**, to approve the report as presented. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 5 to 0. Please see a copy of the Municipal Information Services' report for a more detailed summation of the information presented.

The Board next received a sales tax report from ESD Tax Management Services. President **TRUVER** stated overall numbers were increased from the same period last year. Commissioner **BOLLOM** inquired about the format of sales tax reports and was told to contact Ms. Balderas for clarification. After review, Commissioner **RICE** made a Motion, seconded by Commissioner **BOLLOM** to approve the report. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 5 to 0.

The Board then received a financial report from Mary Anne Sokol. Ms. Sokol reported that the District's fund balance as of the date of the meeting is \$15,025,603.58. She also stated that she was in the process of transferring the District's funds from PNC Bank to JP Morgan Chase Bank. She noted payments were being automatically deposited into the PNC bank account by EMS, and thus the account could not be closed until such actions were rectified. No funds were moved from Texas Class or TexPool District accounts, and all account balances were in line with the year's budgeted expectations. One (1) item of note was mentioned related to the loan payment for new trucks. A wire payment of \$121,648.56 would be made to US Bancorp for that loan with the Board's approval. After review, Commissioner **CLARKE** made a Motion, seconded by Commissioner **CONE** to approve the report as presented.

The Board next reviewed District bills and commissioner submittals. Submittals were made by Commissioner **BOLLOM** reflecting meeting attendance from April through June 2023. After review, Commissioner **CONE** made a Motion, seconded by Commissioner **CLARKE**, to

approve payment of the District's bills, including the wire transfer to US Bancorp, and Commissioner submittals. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 5 to 0.

The Board then reviewed the Minutes of the May District meeting. At this time, Ms. Wiggins of Coveler & Peeler requested review of those minutes be tabled until the July Board meeting. The Board unanimously agreed to hold action on the May minutes until July, though Commissioner **CLARKE** expressed that he wants District counsel to provide the District's meeting minutes consistently prior to Board meetings. Ms. Wiggins stated that she would let Mr. Coveler know of the request.

The Board next received the Department reports. Commissioners **CLARKE** and **RICE** raised immediate concerns regarding the District's current mutual aid policy. Ninety-eight (98) mutual aid calls were made by the District to surrounding territories, including the City of Houston. Upon review, Commissioner **RICE** stated, "I don't think it's right for our taxpayers to be subsidizing these places. Houston is just beating us down. I understand auto response for fire, but they're going to abuse the EMS system and it's not right to our citizens." Chief Mulligan then explained the system set up, noting that modifications to the system might be necessary to avoid abuse of the system and mismanagement of District resources, but that such modifications would take time.

Chief Mulligan continued, stating part of the issue existed in the lack of communication between CAD programs. A link could be established which might help to clarify aspects of the issue at hand, but would come at great fiscal expense to the District. In the current system, units could be called from the District without respect to their location in the District, or whether they were the only operating unit in the territory. Commissioner **RICE** then made a Motion to disallow the last ambulance in service from leaving the territory on mutual aid calls. After further discussion, he withdrew the Motion. Chief Mulligan advised the Board that similar declarations were made under the previous EMS director whereupon the last District ambulance would not be allowed to leave the territory for outside calls. At this time, President **TRUVER** requested the conversation be continued in July when more statistical data would be available.

After review, Commissioner **CLARKE** made a Motion, seconded by Commissioner **RICE**, to accept the report as presented. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 5 to 0.

The Board then discussed a proposal for a cell tower lease at 1501 Rustic Timbers. Chief Mulligan advised the Board that the fleet service center was one (1) of three (3) potential sites being considered for construction of a new cell tower by Skyway. Sample rental agreements for similar projects provided an estimated \$800 to \$850 monthly rent which could rise up to \$1,000 for up to two (2) years. An approximate space of eighty feet by eighty feet (80'x80') next to the covered parking area on the District's property would be used for the tower, if chosen for the project. Chief Mulligan assured the Board that there was enough space to construct the tower, and no interruption to District activities would be created. District equipment and antennas would also be installed on the tower, free of charge, if the space was chosen by Skyway.

After discussion of potential terms and a request for more information, Chief Mulligan advised the Board that he would request a higher rent rate up to \$1,000 a month. After review,

Commissioner **RICE** made a Motion, seconded by Commissioner **CONE**, to proceed with negotiations and request more information for the potential project. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 5 to 0.

The Board next reviewed submittals of thirty (30) day advance request(s), though none were forthcoming, and the Board took no action.

The Board then discussed the sale or disposal of obsolete surplus and/or salvage property. Mr. Wassell stated that an exhaust tailpipe assembly, considered scrap material, and a cardiac monitor, considered surplus equipment, would be appropriately disposed of pending Board approval. After review, Commissioner **CONE** made a Motion, seconded by Commissioner **CLARKE** to approve the disposal of materials as presented. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 5 to 0.

The Board next reviewed any necessary repairs of equipment, apparatus and facilities in service to the District. Chief Mulligan stated that all recent repairs were covered under the budget as planned expenses, and no new items were available for discussion or review.


The Board did not exercise the option to meet in Closed Session to consult with legal counsel or to discuss sales tax matters, personnel matters, or to deliberate regarding real estate matters.

The Board next reviewed District real estate and personnel matters though none were forthcoming, and no action was taken by the Board.

The Board then discussed any items which need to be on the agenda for the subsequent District meetings including the regular District meeting set for July 17, 2023. No items were noted for addition to the next meeting agenda, and the date of July 17, 2023 was confirmed by the Board.

There being no further business brought before the Board, Mr. **CONE** made a Motion, seconded by Mr. **RICE**, to adjourn the meeting at 8:14 P.M. Thereafter, President **TRUVER** called for a vote and the Motion passed 5 to 0.

The foregoing minutes were passed and approved by the Board of Commissioners on July 17, 2023.


JOHN BOLLOM
District Secretary of the Board