

**MINUTES OF APRIL 15, 2024 MEETING**  
**HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 46**

A meeting was duly called by the Board of Commissioners of **Harris County Emergency Services District No. 46** on April 15, 2024, 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**, Board President and Chairman of the meeting. Other Commissioners present include **BUDDY RICE, RON CLARKE, JOHN BOLLOM** and **JAMES CONE**. Chief of the Department Mike Mulligan, Assistant Chief of Operations Terry Wygal, Director of ITC & Operations Support Mike Wassell, Director of Human Resources and Finance Mary Anne Sokol, Ira Coveler and Melissa Wiggins of Coveler & Peeler, P.C., District legal counsel, Ricardo Martinez of Martinez Architects, Cee Freeman of MACO Construction, and members of the Fire Department and public were also present.

The Board first opened the floor to public comment, at which time Ms. Jetta Richardson announced that the new garden at the back of the station had been completed and was available for viewing.

The Board next reviewed matters related to the Station 29 construction project. Mr. Martinez reintroduced Mr. Cee Freeman of MACO Construction to the Board, and stated efforts were ongoing to contact subcontractors for the Station 29 project. The final Guaranteed Maximum Price ("GMP") had been determined in the amount of \$1,852,727, which he recommended for approval in order to begin the project in earnest. He assured the Board that several of the subcontractors were prepared to begin work immediately with the Board's permission, and that construction could likely be completed in approximately four (4) months. When questioned, Mr. Freeman stated some rework regarding sheet rock and painting would be necessary, though other items like correcting tiling layout might also require attention as well. President **TRUVER** specifically questioned issues with the bay floors, and was told by Mr. Martinez that due to installation issues and the current condition of those floors, including gouges and divots in the floor, extensive grinding and polishing was needed, with a new cost of around \$135,000.

Mr. **CLARKE** then inquired about the status of litigation with Christensen Building Group ("CBG" or "Christensen"), and was told by Mr. Coveler that the District had engaged Andrews Myers P.C. as special construction litigation counsel for the project and further litigation work with CBG. Mr. **CLARKE** also inquired as to the core strength of the bay flooring after

resurfacing, and was told that the project engineer was not concerned as there would be only a "minute difference in compression strength" to the floor after the top quarter inch (1/4") was removed. Mr. Martinez then added other items of note including missing canopies which would require \$70,000 to complete, as well as the new air compressor which was never delivered by CBG and would now cost an additional \$35,000 to acquire.

At this time, Mr. **RICE** made a Motion, seconded by Mr. **CONE**, to approve the GMP. Before a vote was called for, Mr. **CLARKE** opined that no work should commence on the project until Christensen was advised and given the opportunity to inspect the project so as to avoid future complaints or claims of dishonesty and fault against the District. "If we touch the property, our claims are tainted." Mr. Coveler recognized the concern, but assured the Board that CBG had had ample opportunity to control and document any potential evidence for disputes, and nothing had been done to the site since their departure to modify possible findings. "They made their explanations on all of our complaints; they had last control. The changes we'll make going forward will be documented. We have the right to complete our station." President **TRUVER** then restated that a Motion and Second had been made, and called for a vote to approve the GMP and commence with new work on the Station 29 project. The Motion passed by a vote of 4 to 1, with Mr. **CLARKE** opposed.

Mr. Coveler lastly reminded the Board that retainage on the project was currently being held, pending discussion with CBG over disputed amounts claimed by the subcontractors. President **TRUVER** then asked Mr. Freeman when work would begin, and was told with Board approval and cooperation from the subcontractors, work could start immediately. No further action was taken by the Board.

Next, the Board discussed matters related to the construction of the District's maintenance facility. Mr. Martinez informed the Board that discussions were ongoing with Humble ISD regarding the detention pond. Due to issues on the ISD's part, the project's permitting process was being repeated, and a different contractor was being hired by the ISD to complete their project interests. Mr. Martinez lastly advised that, though the ISD would account for the District property, it was necessary for the District's surveyor to be an approved vendor through the ISD. That approval had not yet been received. No action was taken at this time.

The Board then discussed the District's sales tax report from ESD Tax Management Services. Mr. **BOLLOM** presented the report, stating allocation for the month of April totaled \$396,179.97, for a year-to-date total of \$1,796,451.11. Overall allocations totaled approximately

\$100,000 less than 2023 in the same period, despite April allocations being \$12,000 higher than the same month in 2023. The top six (6) taxpayers contributed allocations totaling \$127,712.45 in the month of March, representing an increase of \$10,985.91 over the previous year. After review, Mr. **CONE** made a Motion, seconded by Mr. **RICE**, to approve the report as presented. Thereafter, President **TRUVER** called for a vote, and the Motion passed by a vote of 5 to 0.

The Board next received the District's financial report. Ms. Sokol informed the Board that bank balances as of March 31, 2024 totaled \$17,490,932.17, with general budget figures matching expectations. After review, Mr. **BOLLOM** 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.

The Board then discussed expenses included on District bills, including Commissioner submittals. Mr. Coveler added a request for approval of the retainer fee for the District's Special Counsel for construction matters in the amount of \$20,000. After review, Mr. **RICE** made a Motion, seconded by Mr. **BOLLOM**, to approve payment of all bills and expenses as presented, including \$20,000 to Andrews Myers for special counsel to the District. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 5 to 0.

The Board next reviewed the March meeting minutes. After review, Mr. **CONE** made a Motion, seconded by Mr. **CLARKE**, to approve the minutes as presented. Thereafter, President **TRUVER** called for a vote, and the Motion passed by a vote of 5 to 0.

The Board then discussed potential tax exemptions for 2024. Mr. Coveler addressed the Board, advising that tax exemptions could be set by the District every year regarding Homestead, Disability, and Over 65 years of Age categories. In 2023, exemptions were granted in the amounts of \$50,000 for both Disability and Over 65 years of Age, while no exemption was granted for Homestead. After review, Mr. **RICE** made a Motion, seconded by Mr. **CLARKE**, to maintain the current exemptions as adopted in 2023. Mr. Coveler then reiterated for the record, that exemptions would be granted in the following amounts;

Homestead:	0%
Disability:	\$50,000
Over 65:	\$50,000

Thereafter, President **TRUVER** called for a vote, and the Motion passed by a vote of 5 to 0.

The Board next received monthly reports from the Department. Chief Mulligan advised that only twenty-seven (27) calls were made to Houston in March, and that the amended District

boundaries related specifically to the MOU with Houston had been provided to the Houston Operations Chief to avoid future abuse of District resources. He next informed the Board that TxDot representatives stated another three to six (3 to 6) weeks were expected on the 1960 construction project due to concerns over worker safety. He has further been advised that due to issues with the traffic light vendor on this project, the City of Houston would be covering the cost of the District's traffic preemption needs in the area to avoid causing additional traffic issues in the already congested area. After review, Mr. **BOLLOM** made a Motion, seconded by Mr. **CLARKE**, to approve 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 an updated contract with Koronis for EMS billing services. Chief Mulligan advised the Board that an agreement with Koronis already existed, and the contract being reviewed would simply replace and update the previous agreement and would be effective as of January 1, 2024. No additional action was taken by the Board.

The Board next discussed joining the NPPGov National Buying Cooperative. Mr. Wassell advised the Board that NPPGov National Buying Cooperative was a cooperative purchasing group, similar to HGAC or BuyBoard, and would allow the District additional options for purchasing large or expensive items. There would be no cost to join, and no action was required of the Board.

The Board then reviewed thirty (30) day advance requests from the Department. Mr. Wassell stated four (4) items were being considered, including a new logistics cargo van through a Buy Board contract, two (2) flat-bottom boats through NPPGov, customized Pumper and Aerial apparatus through the Sourcewell Purchasing Cooperative, and Shop 470 which would be delivered from Frazer in May. He further advised that each item listed was included in the District's capital spending plan, and no action was necessary from the Board.

The Board then reviewed any items for sale or disposal, though none were forthcoming, and no action was taken.

The Board next discussed any necessary repairs of District equipment, apparatus and facilities, though no repairs were requested outside of budgeted items.

At this time, Mr. Martinez informed the Board that Humble ISD had returned an agreement related to the Maintenance facility, listed and previously discussed under Agenda Item No. 4. After review, Mr. **RICE** made a Motion, seconded by Mr. **CONE**, to approve the agreement, pending review by legal counsel. Thereafter, President **TRUVER** called for a vote, and the Motion passed by a vote of 5 to 0.

The Board entered into Closed Session at 7:35 p.m. to consult with legal counsel.

The Board returned to Open Session at 7:41 p.m.

The Board did not meet in Closed Session to discuss personnel or real estate matters.

The Board took no action regarding real estate or personnel matters.

The Board next reviewed items to be included on the upcoming agenda set for May 20, 2024. After review, it was unanimously agreed that the May meeting would be rescheduled for Tuesday, May 14, 2024 at 7:00 p.m., as many participants would be unavailable for the regular May 20<sup>th</sup> meeting date.

No announcements or comments were forthcoming from the Board or Department personnel.

There being no further business brought before the Board, Mr. **RICE** made a Motion, seconded by Mr. **BOLLOM** to adjourn the meeting at 7:43 p.m. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 5 to 0.

The foregoing minutes were passed and approved by the Board of Commissioners on May 14, 2024.

By: 

**RON CLARKE**

District Secretary of the Board