

Meeting Minutes
Harris County Emergency Services District No. 7

The Board of Commissioners of HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 7 held a meeting on **September 19, 2024, at 6:30 p.m.** at the following location in the District, **Spring Fire Department Administration Building, 656 East Louetta Road, Spring, Texas 77373.**

Melanie Gander	President	(Present)
Gayle Fuller	Vice-President	(Absent)
Keith Willingham	Secretary	(Absent)
David Mills	Treasurer	(Present)
Bob Schmanski	Assistant Treasurer	(Present)

Also in attendance:

Scott Seifert, Fire Chief, Spring Fire Department
Robert Logan, Assistant Fire Chief Spring Fire Department
John Peeler, Coveler & Peeler, District Legal Counsel
Ricardo Martinez, Martinez Architects, LP
Kenny Eldridge, AG | GM Director of Operations
Matt Graves, AG | GM Senior Project Manager
Marisela "MJ" Jimenez, Candidate State Representative TX HD150
Michelle Jahr, Spring FD Finance Director
Steve Schoonover, Spring FD Quality Assurance Analyst
Chris vonWiesenthal, Spring FD District Chief
Brent Silvey, Spring FD Captain
Donald May, Spring FD Facilities Manager
Shannon Taylor, Spring FD Administrative Specialist

1. Call meeting to order.

Commissioner Melanie Gander called the meeting to **ORDER** at 6:30 p.m.

2. Roll call and establish a quorum.

All HCESD 7 Commissioners were present, except for Commissioner Gayle Fuller and Commissioner Keith Willingham.

3. To receive public comment and conduct the public hearing/open forum to allow interested parties to address the Board of Commissioners and be heard regarding the proposed property tax rate setting.

No public comment was made.

4. Conclude Public Hearing on Tax Setting.

There being no testimony offered, Commissioner Gander concluded the Public Hearing.

5. To propose the District 2025 Budget.

The Board noted that the 2025 Budget was approved at the August 15, 2024 meeting as presented. No revisions were offered.

6. To review and takes action to adopt the District's 2024 ad valorem tax rate for maintenance and operations.

Commissioner Gander moved to adopt \$0.083398/\$100 as the ad valorem tax rate for maintenance and operations. Second by Commissioner Schmanski. Motion approved 3-0.

7. To review and takes action to adopt the District's 2024 ad valorem tax rate for debt service.

Commissioner Gander moved to adopt \$0.012377/\$100 as the ad valorem tax rate for debt service. Second by Commissioner Mills Motion approved 3-0.

8. To review and takes action to adopt the District's 2024 total ad valorem Tax Rate.

Commissioner Gander moved to adopt the District 2024 total ad valorem tax rate, using the statutorily required language:

"I move that the property tax rate be increased by the adoption of a tax rate of \$0.095775, which is effectively a 9.54 percent increase in the tax rate."

Second by Commissioner Mills Motion approved 3-0, with Commissioner Fuller and Commissioner Willingham absent.

9. To approve payment of Houston Chronicle invoice for publication of Notice of Public Hearing on Tax Increase.

Commissioner Gander moved to approve the Houston Chronicle invoice for \$11,469.37 for publication of Notice of Public Hearing on Tax Increase. Second by Commissioner Schmanski. Motion approved 3-0.

10. To meet in Closed Session under 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.

No closed session was held under Item 10 of the agenda.

- 11. To meet in Closed Session under Government Code §551.072 to deliberate on real estate matters.**

No closed session was held under Item 11 of the agenda.

- 12. To meet in Closed Session under Government Code §551.074 to discuss personnel matters.**

No closed session was held under Item 12 of the agenda.

- 13. To review, discuss and take action regarding engaging a third-party Owner Representative /Project Manager related to District construction projects.**

Commissioner Mills reported to the Board that due to his concerns with the progress of the Training Field project, he asked representatives of AG|CM to present information on how a third-party owner representative can be used to manage projects more efficiently. Before the AG|CM representatives addressed the Board, Mr. Peeler noted that no commitments have been made to AG|CM regarding preferential treatment in selecting any potential project manager. Matt Graves and Kenny Eldrige with AG|CM introduced themselves to the Board and explained AG|CM is a professional project management firm that is engaged to act as an Owners Representative in the Owner's best interest by other political subdivisions on construction projects. They noted that AG|CM will review contracts and budget(s), be onsite to offer program management and staff augmentation to ensure the project is on track for completion as planned.

The Board discussed the procedures to engage an owner's representative. Mr. Peeler reported that his firm does not believe that such services meet the standard of professional services which are exempt from bidding requirements under the relevant statutes. He advised that a Request for Qualifications ("RFQ") or Request for Proposals ("RFP") process would be needed. The Board further discussed whether a project manager's services are needed for the Training Center project in light of the high-level District staff currently overseeing the project. The Board members expressed mixed opinions and decided to table this agenda item until a future meeting, for all members of the Board to discuss.

No action taken by the Board.

7:42 p.m. RECESS

7:55 p.m. RESUME

- 14. To review and take any action regarding construction, improvements, repairs, renovations maintenance of/to real property, facilities and stations, including construction payments, change orders, permits, engaging architects(s) or engineers(s), and selecting contractor(s), including but not limited to administrative or maintenance facilities, training facilities and emergency services stations.**

The Board received information from Ricardo Martinez with Martinez Architects, LP and acted on the following matters:

Station 72 - An iron fence on the property that needs to be replaced. Spring FD Facilities Manager Donald May, is investigating if the MUD district owns the fence. Mr. May has contacted the MUD district to discuss the matter.

Completed Activities - Concrete building pad has been poured.

Current Activities - Start erecting steel once slab reaches 3500 PSI. Continue working on site to pour driveways and parking.

Anticipated Activities - Site Paving, Steel delivery and assemble.

Pay Application 10 for \$225,608.09 is ready for Board review and approval. The Board unanimously approved Pay Application 10.

Station 77 - Completed Activities - Demolition, pour rear concrete area.

Current Activities - Exposing rear downspout connection to underground storm sewer, pouring rear driveway into apparatus bay, interior slab demolition.

Anticipated Activities - Interior slab demolition, repair and pour. Exterior concrete.

Pay Application 1 for \$26,492,134. is ready for Board review and approval. The Board unanimously approved Pay Application 1.

Training Center - Civil permit and Architectural permits are approved.

Construction Activities include:

Logistics: Waterproofing mechanics/maintenance pit. Installation of footings and steel. Installation of storm and sanitary lines.

Site: Detention pond excavation on going. Chain link fence installation. Electrical. Grade beam installation.

Pay Application 8 for \$1,365,100.35 regarding the Logistics and Burn Buildings is ready for Board review and approval. The Board unanimously approved Pay Application 8.

Mr. Martinez presented a feasibility study to evaluate and propose options for public water system, fire protection water system and fire training water system consisting. He presented four options to the Board, noting that the previous estimates of daily water usage at the Training Field were greatly over estimated. He reported that the prior estimates had driven the MUD 249 engineers to develop the plans previously reviewed which called for a tremendous expansion of MUD 249's infrastructure at substantial cost to HCESD 7. The Board reviewed the options and decided Option D is the best choice, and second choice is Option C.

Commissioner Mills moved to approve authorizing Mr. Martinez to engage engineers for a formal water study. Second by Commissioner Gander. The Board noted that engineering is a professional service, so bidding is not required. Motion approved 3-0.

Spring FD Facilities Manager, Donald May updated the Board on:

James C. Leo property - Regarding a section of the fence that was taken down and a drainage pipe was placed on the property, Mr. May is handling the matter.

- 15. To review and act on agreement(s) with Harris County Municipal Utility District ("MUD 249") regarding annexation of Harris County Emergency Services District No. 7 ("ESD 7") property into MUD 249 and provision of utility services to ESD 7 facilities by MUD 249.**

No action taken by the Board, as this issue was discussed with item 14, above.

- 16. To review and act on financial matters including, financial report, investments, depository institutions, depository security agreements, audits, Investment Policy, District bills, access to investment accounts and designation of bookkeeping and accounting duties and services.**

Spring FD Finance Director, Michelle Jahr presented the Monthly Budget to Actual reports from the Operating account noting the Department expenditures for the year come to \$18,178,286.47 which is slightly below 66% of the budget. Ms. Jahr included financial reports for loans, capital projects expenses, and Texas CLASS.

Commissioner Gander moved to approve all financial reports and to pay District bills as presented. Second by Commissioner Schmanski. Motion approved 3-0.

Ms. Jahr would like to engage Breedlove & Co. P.C. for an agreed upon procedure akin to a limited audit of the cash accounts from January 1, 2024 through August 31, 2024. Breedlove & Co. P.C. submitted a proposal estimating fees would range from \$2,000.00 - \$3,000.00.

Commissioner Schmanski moved to approve Breedlove & Co. P.C.'s proposal as presented. Second by Commissioner Gander. Motion approved 3-0.

- 17. To review and act on amendments to District budgets.**

No action taken by the Board.

- 18. To review and act on administrative matters related to meeting procedures production of minutes, staffing by District and legal counsel, including approval of agreements and costs for software.**

Ms. Jahr discussed a proposal for a new accounting software for the District. Black Mountain Software would require a one-time deposit of \$17,950.00.

Commissioner Mills moved to approve the proposal from Black Mountain Software as presented. Second by Commissioner Gander. Motion approved 3-0.

The Board, staff and legal counsel discussed possible changes to how the District minutes are prepared and whether recoding software could be useful for this purpose. Mr. Peeler briefly reviewed issues with records retention. The Board members stated a preference that the meeting minutes be taken in person. This lead to a discussion of Mr. Peeler bringing a member of his staff to attend the meetings in order to assist with task tracking and said that person could take the minutes so that District staff would be freed of this task. The Board agreed to allow Mr. Peeler to bring the additional staff, noting the fees associated with same and moving meeting minutes duties to said staff.

The Board also discussed moving forward with electronic documents instead of printing meeting materials each month unless necessary. Attendees could view meeting documents with their iPad, computer or phone.

Commissioner Gander moved to authorize staff to move monthly meeting materials to an electronic delivery instead of printing meeting materials. Second by Commissioner Schmanski. Motion approved 3-0.

19. To review and act on hold harmless and indemnification agreement(s) regarding use of District vehicles by contractors.

An agreement with Clayton Services, Inc. was presented to the Board to allow their contract employees to operate motor vehicles, machinery and hand tools owned by HCESD 7 and used in daily business. Commissioner Gander moved to approve the Automobile Use, Hold Harmless and Indemnification Agreement as presented. Second by Commissioner Mills. Motion approved 3-0.

20. To review and take any action regarding real property, including sale, purchase, lease, platting, utilities, encumbrances, maintenance and legal actions related to real estate.

Commissioner Gander moved to approve plat resubmission regarding the Training Facility property. Second by Commissioner Mills. Motion approved 3-0.

21. To review and act on interlocal agreements, with other governmental entities regarding the use of district property and facilities and maintenance of same.

Chief Seifert reported an agreement is forthcoming. No action taken by the board.

22. To review and act on matters related to financing, payment and acquisition of capital items, including equipment and vehicles, and action on acquisition/construction financing of same, including retiring or incurring financing for the construction of District facilities or acquisition of vehicles and equipment.

No action taken by the Board.

23. To review and act on sales tax matters.

A sales tax report for September was presented for the Board to review monthly sales tax revenue, trends and projections. Sales tax revenue for September is \$1,630,046.94 down 11.8% from last year.

24. To review and act regarding insurance.

Commissioner Schmanski will have more information shortly regarding possible changes to the District's vehicle fleet insurance.

25. Fire Department report on activities, including current and long-range information exchange.
In Fire Chief Scott Seifert's absence, Deputy Chief Scott Schoonover presented information on the following:

- Precinct 3 did not use the District's property for tree disposal as requested at the August 6, 2024 Special Meeting.
- Harris County authorized the sale of fireworks for Diwali October 25 - November 1.
- The SAFER Grant status is forthcoming.
- August's Incident Report includes house fires in recent days.

26. To review and act regarding the disposition of surplus and salvage property.

Commissioner Schmanski moved to approve the Surplus and Salvaged Equipment list as presented authorizing disposing of items as allowed by the Health and Safety Code. Second by Commissioner Gander. Motion approved 3-0.

27. To review and act on matters related to communications, dispatching, or traffic preemption, including interlocal agreements, contracts or purchasing equipment.

No action taken by the Board.

28. Receive ESD committee reports, including Legislative and Governmental Relations matters.

Chief Seifert and Commissioner Mills attended a Legislative planning meeting at the Texas Capital in Austin, early September.

No action taken by the Board.

29. To review and act on personnel matters, including policies, scheduling, evaluations, benefits, compensation, hiring, retention and evaluation of District employees, including District Fire Chief, command staff, administrative staff, and suppression personnel.

No action taken by the Board.

30. To review and approve minutes of prior meetings.

Commissioner Schmanski moved to approve the August 15, 2024 Meeting Minutes as presented. Second by Commissioner Mills. Motion approved 3-0.


31. To review and act to schedule the next regular monthly meeting date and discuss the addition of items to place on the next meeting agenda.

The next regular meeting is scheduled for October 17, 2024.

There being no further business brought before the Board, or any further public comment. Motion to adjourn made by Commissioner Gander. The meeting was adjourned at 9:45 p.m.



District Secretary



Shannon Taylor, Preparer