

**MINUTES OF APRIL 13, 2020 SPECIAL MEETING
HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 29**

A special meeting was duly called of Harris County Emergency Services District No. 29, which was held at **Champions Emergency Services Fire Station at 12730 Champion Forest Drive, Houston, Texas 77066** on Monday, April 13, 2020.

CALL TO ORDER.

The meeting was called to order at 5:08 p.m. by **Scott Morgan**, President.

ROLL CALL AND ESTABLISH QUORUM.

Mr. **Escott** announced that a quorum was present. Those Commissioners present were:

Scott Morgan	Present
Richard Escott	Present
David Parker	Present
Kenneth Latimer	Present
Bill Hogue	Absent

Also present at the meeting were Fire Chief Dan Shelor, Brad Dill of BD Realty, Inc., and Ira Coveler of Coveler & Peeler, P.C.

Without objection, the Board moved to Agenda Item 3:

TO REVIEW, DISCUSS AND TAKE ACTION REGARDING THE FORMATION OF ANY DISTRICT COMMITTEES.

Mr. Morgan stated that he would like to form two District committees. The first committee would consist of himself, Mr. Parker and Angela Zacharias to work out the details of transitioning the fire chief position from a part-time employee to full-time employee. Mr. Morgan made a Motion, seconded by Mr. Latimer, to form a committee consisting of Mr. Morgan, Mr. Parker and Ms. Zacharias to review the transitioning the fire chief position from a part-time employee to full-time employee. The Motion passed 4 to 0.

Mr. Morgan continued to the second committee in which he wished to form. The second committee would review the cost impact of transitioning twelve (12) part-time employees to full-time employees. Mr. Parker and Mr. Escott offered to be placed on the second committee. Mr. Latimer made a Motion, seconded by Mr. Escott to form a committee consisting of Mr. Parker and Mr. Escott to review the financial feasibility of transitioning twelve part-time employees to full-time employees. The Motion passed 4 to 0.

The Board then returned to Agenda Item 2:

TO REVIEW, DISCUSS AND TAKE ACTION REGARDING THE DISTRICT'S COST SHARING AGREEMENT WITH MUD 191.

Brad Dill provided an update to the Board regarding the cost sharing agreement with MUD 191. Mr. Dill, Counsel and Mr. Morgan held a teleconference with the MUD 191 President and attorney to discuss the outstanding items necessary in the second amendment of the agreement. The second amendment reflects the facility costs to be \$471,000. The ESD agrees to prepare a land plan of the surplus land with the building and the parking and indicate how these will be served by utilities. The tract of land must be at least one (1) acre in size and have at least 200 feet of frontage on Cutten Road. Ricardo Martinez has confirmed that we are well within the required land as the tract is 1.3 acre and frontage of 224'. The District would prepare a variance request for receiving sales tax from the 1.3-acre tract which would be submitted to MUD 191 by June 15, 2020 and have until August 15, 2020 to approve. The term of the Agreement would extend to March 16, 2026, unless terminated sooner.

The District must make attempts to sell the property and, if not, then the Agreement may be terminated. This is so MUD 191 could utilize the sales tax and pay the District one-half of what MUD 191 receives which comes to one-fourth of the total sales tax. If the ESD has not sold the property or taken formal Board action to move forward with selling of the property or construction no later than October 31, 2022, MUD 191 may terminate the Agreement.

Mr. Dill continued with reference to the Reimbursement Section explaining the District's collection of two-thirds of sales tax from the thirteen tracts and local facility. The tract total of thirty-plus acres would reimburse the District on a per-acre basis, as under the Agreement, the District would have the right to collect per-acre fees and sales tax fees up to one-half of the original \$471,000.

Mr. Dill shared his belief that this version of the Agreement proved more favorable than that previously presented to the District. Mr. Escott shared his unease regarding the requirement to prepare a land plan and meet future deadlines stating he did not feel the risk was worth it. Mr. Parker voiced his agreement with Mr. Escott. Mr. Coveler stated to the Board that the plan presented was the only way possible for the District to get any kind of reimbursement at no cost to the District.

A discussion was held regarding resale of the property. Mr. Escott questioned the ability to develop on the land without knowing future property plans and voiced his concern over MUD 191's motivation. Mr. Dill relayed his feeling that the District had nothing to lose by signing the Agreement as it is of no additional cost to the District other than the \$471,000 already disbursed for the property.

Mr. **Escott** made a Motion, seconded by Mr. **Latimer** to approve the Cost-Sharing Agreement with MUD 191 with the understanding there be no commitment by the District to do anything with the property. Mr. Dill stated that the Agreement was not entirely finished and requested he and counsel be given authorization to make changes to the Agreement, if necessary, prior to execution. Mr. Morgan requested Mr. Escott modify his motion to approve the Agreement subject to final review by District legal counsel. Mr. **Escott** made a Motion, seconded by Mr. **Latimer** to approve the Cost-Sharing Agreement with MUD 191 subject to final review by counsel. The Motion passed 4 to 0.

Mr. Dill assured the Board that he would be responsible not only for execution of the agreement with MUD 191 but also all costs associated with Weisser Engineering, including payment of the fee for same in the amount of \$1,500.00.

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 MATERS WHICH REQUIRE CONFIDENTIALITY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR.

The Board did not exercise the option to meet in Closed Session to consult with legal counsel regarding contemplated litigation.

ADJOURNMENT.

There being no further business brought before the Board, Mr. **Latimer** made a Motion, seconded by Mr. **Parker** to adjourn the meeting at 5:40 P.M. The Motion passed 4 to 0.

The foregoing minutes were passed and approved by the Board of Commissioners on August 6, 2020.

**HARRIS COUNTY
EMERGENCY SERVICES DISTRICT NO. 29**

By: _____
David Parker
District Secretary