

MINUTES  
HARRIS COUNTY IMPROVEMENT DISTRICT NO. 4

December 7, 2018

The Board of Directors (the "Board") of Harris County Improvement District No. 4 d/b/a The Energy Corridor District (the "District") met in regular session, open to the public, on the 7th day of December, 2018, at 600 North Dairy Ashford, Houston, Texas, inside the boundaries of the District, and the roll was called of the members of the Board:

David W. Hightower	President
Robert Halick	Vice President
Brandon Kerr	Assistant Secretary
D. Bruce Fincher	Secretary
Peter Elgohary	Director
Peter D. Johnston	Director
Tom Halaska	Director
Peter Lee	Director
David L. Lane	Director

and all of the above were present except Directors Hightower and Lee, thus constituting a quorum.

Also present at the meeting were Ali Lamkahouan, Controller for the District; Fabiana Demarie, Urban Planner for the District; Robert Rayburn, Landscape Architect for the District; Rachael Weaver, Community Relations Coordinator for the District; Michelle Lofton of ETI Bookkeeping Services; Pat Hall of Equi-Tax, Inc.; Scott Saenger and Kristen Hennings of Jones & Carter, Inc.; Sergeant Phillip Bennett of Harris County Constable Precinct 5; Connie Curtis and Glen Marshall of Kimley-Horn & Associates, Inc. ("KH"); and Jessica Carr and Nikole Cales of Allen Boone Humphries Robinson LLP.

ESTABLISH A QUORUM AND CALL THE MEETING TO ORDER

Having established that a quorum of the Board was present, Director Halick called the meeting to order.

MINUTES

The Board considered the minutes of the November 9, 2018, regular meeting and the November 16, 2018, special meeting. Following discussion and review, Director Fincher moved to approve the minutes as submitted. The motion was seconded by Director Elgohary and passed unanimously.

ASSESSMENT AND COLLECTION MATTERS AND STATUS OF HARRIS COUNTY APPRAISAL DISTRICT LAWSUITS

Ms. Hall reviewed the assessment collector's report for November with the Board. She then reviewed a chart regarding the status of District assessment payers' lawsuits against the Harris County Appraisal District. Following discussion and review, Director Kerr moved to accept the assessment collector's report. The motion was seconded by Director Fincher and passed by unanimous vote.

FINANCIAL AND BOOKKEEPING MATTERS

Ms. Lofton reviewed the November financial report with the Board, including the bills presented for payment from the District's accounts.

Ms. Lofton stated last month she discussed the possibility of moving District funds from Wells Fargo Bank to Compass Bank to avoid additional fees imposed by Wells Fargo for certain transactions. Ms. Lofton stated since the last meeting, Wells Fargo has agreed to waive the additional fees and recommended the District maintain its accounts at Wells Fargo. The Board concurred to maintain its accounts at Wells Fargo Bank and directed ABHR and the bookkeeper to withdraw submittal of and rescind approval of the Depository Pledge Agreement with Compass Bank approved last month.

Following review and discussion, Director Lane moved to approve the bookkeeper's report and payment of the bills presented in the report. Director Fincher seconded the motion, which was approved by unanimous vote.

PARK ROW COMPLETION PROJECT

Ms. Hennings updated the Board on the Langham Creek bank restoration project. She said they are working with the U.S. Corps of Engineers to obtain final plan approval prior to advertising the project for bids.

Mr. Saenger reported the District expects to receive funding from JD McCaslin for the Park Row Project. Ms. Carr presented and reviewed a receipt reflecting the \$150,000 contribution from JD McCaslin ("Receipt"). After review and discussion, Director Elgohary moved to approve the Receipt and direct that it be released upon receipt of funds and filed appropriately and retained in the District's records. Director Lane Fincher seconded the motion, which passed unanimously.

ECD VARIANCE BUDGET

Mr. Lamkahouan reviewed the proposed 2019 budget with the Board. After review and discussion, Director Fincher moved to approve the 2019 budget. Director Elgohary seconded the motion, which passed unanimously.

## ENGAGE AUDITORS FOR FISCAL YEAR ENDING DECEMBER 31, 2018

The Board discussed engaging McGrath & Co., PLLC to perform year-end accounting work for the District. The Board next considered authorizing McCall Gibson Swedlund Barfoot PLLC to proceed with preparation of the District's audit for the fiscal year ending December 31, 2018, pursuant to its existing engagement letter with the District for preparation of annual audits and reimbursement reports. After review and discussion, Director Kerr moved to (1) approve the proposal from McGrath & Co., PLLC for year-end accounting work; and (2) authorize McCall Gibson Swedlund Barfoot PLLC to proceed with conduct of the District's audit for the fiscal year ending December 31, 2018. Director Fincher seconded the motion, which passed unanimously.

## PLANNING

### UPDATE REGARDING REQUEST FOR QUALIFICATIONS FOR LANGHAM PARK MASTER PLAN

Mr. Rayburn updated the Board regarding the request for qualifications for the development of a signature/destination park within the District on Langham Creek. He stated he received four responses, reviewed qualifications of the four respondents and recommended the Board select Terrain Studio, Inc. Mr. Rayburn inquired if the Board would like to interview potential consultants or select a consultant based on staff recommendation. Discussion ensued. Director Lane inquired if any one consultant has the potential to attract additional outside funding for the project. Mr. Rayburn stated this quality wasn't specifically addressed when soliciting qualifications from consultants. The Board requested the qualifications be emailed to them and concurred to defer a decision regarding the matter.

## CONSTRUCTION PROJECTS UPDATE

Ms. Demarie discussed the Board's request for Kimley-Horn to prepare an amendment to its contract to reflect a more defined explanation of the additional work required for the coordination and execution of plans with the City of Houston to complete the right-hand turn lane plan revisions. Ms. Curtis presented and reviewed an amendment reflecting the requested information for additional work required for the project resulting in additional expenditures in the amount of \$55,000. After review and discussion, Director Johnston moved to approve the amendment from Kimley-Horn and direct that it be filed appropriately and retained in the District's official records. Director Kerr seconded the motion, which passed unanimously.

### MEMORIAL DRIVE AND ELDRIDGE PARKWAY INTERSECTION UPDATE

Ms. Demarie updated the Board regarding the Memorial Drive/Eldridge Parkway intersection improvements to the City's construction contract for Memorial Drive improvements. She updated the Board regarding the new project schedule from

the City and discussed coordination required between the City and District traffic control consultants. Ms. Demarie reported the project was advertised, the pre-bid meeting was held, bids were received November 20, 2018 and a Notice of Low Bidder was issued to MC2 Main Lane Industries, Ltd. Ms. Curtis recommended the Board award the contract to the low bidder MC2 Main Lane Industries, Ltd. in the amount of \$1,544,814. The Board concurred that, in its judgment, MC2 Main Lane Industries, Ltd. was a responsible bidder who would be most advantageous to the District and would result in the best and most economical completion of the project. After review and discussion, Director Johnston moved to award the contract for Memorial Drive/Eldridge Parkway intersection improvements to the low bidder, MC2 Main Lane Industries, Ltd. in the amount of \$1,544,814. Director Kerr seconded the motion, Director Elgohary opposed the motion, which passed by majority vote. Discussion ensued regarding possible adjustments to the aesthetic selections in the project and the Board requested Kimley-Horn present additional options at the next meeting.

Ms. Demarie updated the Board regarding the current construction plans, schedules and traffic control plans.

#### ECD PUBLIC SAFETY

Sergeant Bennett updated the Board regarding security matters in the District and reviewed the report on November patrols and activity.

#### CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A DISTRICT EMPLOYEE

At 9:54 a.m., Director Halick announced that the Board would convene in executive session. All other attendees left the meeting except for the Board members, Ms. Carr and Ms. Cales.

#### RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION

At 10:13 a.m., Director Halick announced that the Board would reconvene in open session. No action was taken upon reconvening in open session.

#### NEXT MEETING

The Board noted the next regular meeting will be held on January 11, 2019 and a special meeting will be held December 14, 2018 at 8:30 a.m.

#### ADJOURN

There being no further business to come before the Board, the meeting was adjourned.

(SEAL)

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Secretary, Board of Directors