

MINUTES  
HARRIS COUNTY IMPROVEMENT DISTRICT NO. 4

January 11, 2019

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 11th day of January, 2019, at 757 N. Eldridge Pkwy, Suite 270, 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
Jon Baccus	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, Fincher and Elgohary, thus constituting a quorum.

Also present at the meeting were Fabiana Demarie, Urban Planner for the District; Robert Rayburn, Landscape Architect for the District; Michelle Lofton of ETI Bookkeeping Services; Kristen Hennings of Jones & Carter, Inc.; Sergeant Phillip Bennett of Harris County Constable Precinct 5; Sue Darcy and Alan Mueller of Marsh Darcy Partners, Inc.; Margarita Dunlap of METRO; 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 December 7, 2018, regular meeting, and the December 14, 2018, special meeting. Following discussion and review, Director Johnston moved to approve the minutes as submitted. The motion was seconded by Director Lee and passed unanimously.

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

Ms. Lofton reviewed the assessment collector's report for December 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 Lee moved to accept the assessment collector's report. The motion was seconded by Director Halaska and passed by unanimous vote.

FINANCIAL AND BOOKKEEPING MATTERS

Ms. Lofton reviewed the December financial report with the Board, including the bills presented for payment from the District's accounts. Following review and discussion, Director Lee moved to approve the bookkeeper's report and payment of the bills presented in the report. Director Lane seconded the motion, which was approved by unanimous vote.

ADMINISTRATIVE

The Board reviewed the District's budget.

ACCEPT RESIGNATION OF DIRECTOR KERR AND APPOINT NEW DIRECTOR

Ms. Carr stated Mr. Kerr submitted his resignation from the Board. The Board commended Director Kerr's contributions to the District and wished him well in his future endeavors.

The Board next considered appointing Jon Baccus to the Board, who has been recommended by ConocoPhillips to replace Director Kerr in Board position number three (3) for the unexpired term ending June 1, 2021.

After review and discussion, Director Johnston moved to accept Director Kerr's resignation and appoint Jon Baccus to position number three (3) on the Board. Director Halaska seconded the motion, which passed unanimously.

APPROVE SWORN STATEMENT, OATH OF OFFICE, AND OFFICIAL BOND OF NEW DIRECTOR

The Board considered approving the Sworn Statement, Oath of Office, and Official Bond of Director Baccus in connection with his appointment to the Board at the prior meeting. After review and discussion, Director Johnston moved to approve the Sworn Statement, Oath of Office, and Official Bond executed by Director Baccus and direct that the documents be filed in the official records of the District, and that the Oath of Office be filed with the Secretary of State, as required by law. Director Halaska seconded the motion, which passed unanimously.

REORGANIZATION OF BOARD AND EXECUTION OF DISTRICT REGISTRATION FORM

The Board considered reorganizing. Ms. Carr stated that the District is required to file an updated District Registration Form with the Texas Commission on Environmental Quality reflecting the new District Director and any changes in offices. Following review and discussion and upon a motion made by Director Johnston and seconded by Director Halaska, the Board voted unanimously to reorganize the Board and authorize execution and filing of the District Registration Form reflecting Director Baccus in position number three (3) and the following offices:

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

OPEN MEETINGS ACT AND PUBLIC INFORMATION ACT TRAINING REQUIREMENTS

Ms. Carr presented a memorandum to Director Baccus regarding the Open Meetings Act and Public Information Act training requirements. She stated that each elected or appointed public official is required to complete a course of training regarding responsibilities of the governmental body and its members under the Texas Open Meetings Act, Chapter 551, within 90 days of taking the oath of office. Ms. Carr then discussed the methods by which Director Baccus can receive the required training and requested that he forward his certificate of completion to ABHR for the District's records.

CONFLICT OF INTEREST DISCLOSURE REQUIRED UNDER CHAPTER 176 OF THE TEXAS LOCAL GOVERNMENT CODE

Ms. Carr reviewed a memorandum from ABHR regarding conflict of interest disclosure required under Chapter 176 of the Texas Local Government Code and disclosure forms adopted by the Texas Ethics Commission. She stated that pursuant to Chapter 176 of the Texas Local Government Code, the District is required to maintain a List of Local Government Officers. Ms. Carr reviewed the updated List of Local Government Officers. After review and discussion, Director Johnston moved to approve and authorize execution of the List of Local Government Officers and direct

that the List be filed appropriately and retained in the District's official records. Director Halaska seconded the motion, which passed unanimously.

#### 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.

#### 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 noted last month he discussed the four responses received as a result of the request 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, and Mr. Rayburn discussed the possibility of conducting a design competition to assist the Board with making a final selection. After review and discussion, Director Halaska moved to authorize Mr. Rayburn to coordinate a design competition between Terrain Studio, Inc. and Sasaki, allotting \$10,000 to each design firm to prepare the design proposal. Director Lee seconded the motion, which passed unanimously.

#### CONSTRUCTION PROJECTS UPDATE

Ms. Demarie updated the Board regarding construction projects in the District.

##### 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 presented and recommended approval of Change Order No. 1 for a deduction of \$525,630, submitted by MC2 Main Lane Industries, Ltd. for the Memorial Drive/Eldridge Parkway intersection improvements. She then reviewed a proposal from Ninyo & Moore for testing and inspection services for the Memorial Drive/Eldridge Parkway intersection improvements. The Board concurred the Change Order is of benefit to the District.

##### MEMORIAL/DAIRY ASHFORD SIDEWALKS

Ms. Demarie reviewed a proposed work authorization submitted by Ninyo & Moore for a cost not to exceed \$3,000 to collect field data and testing during the

construction phase for the Memorial/Dairy Ashford Sidewalk project. After review and discussion, Director Halaska moved to approve (1) Change Order No. 1 for a deduction of \$525,630 for the Memorial Drive/Eldridge Parkway intersection improvements; and (2) the proposal from Ninyo & Moore for a cost not to exceed \$3,000, pursuant to the Master Services Agreement between Ninyo & Moore and the District. Director Lee seconded the motion, which passed unanimously.

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 December patrols and activity. He presented and reviewed a renewal contract for security services with the Harris County Constable Precinct 5 beginning March 1, 2019 through March 1, 2020 ("Contract"). After review and discussion, Director Lane moved to approve the Contract and direct that it to be filed appropriately and retained in the District's official records. Director Johnston seconded the motion, which passed unanimously.

#### 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 9:11 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. Darcy, Mr. Mueller, Ms. Carr and Ms. Cales.

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

At 9:32 a.m., Director Halick announced that the Board would reconvene in open session. After review and discussion, Director Lane moved to authorize Ms. Darcy and Mr. Mueller to request proposals from selected firms for executive recruitment for the subcommittee to review and select a firm for consideration at the Board's next regular meeting and to approve the Statement of Purpose, as amended. Director Halaska seconded the motion, which passed unanimously.

#### COMMUNITY OUTREACH & EVENTS UPDATE FOR 2019

The Board reviewed the proposed community events for 2019.

NEXT MEETING

The Board noted the next regular meeting will be held on February 8, 2019 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