

MINUTES  
HARRIS COUNTY IMPROVEMENT DISTRICT NO. 4

October 13, 2017

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 13th day of October, 2017, at the Wyndham Hotel, 14703 Park Row, 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
Steve West	Secretary
Brandon Kerr	Assistant Secretary
D. Bruce Fincher	Director
Peter Elgohary	Director
Peter D. Johnston	Director
Tom Halaska	Director
Peter Lee	Director

and all of the above were present except Directors Halick, Kerr, and Johnston, thus constituting a quorum.

Also present at the meeting were Clark Martinson, Executive Director for the District; Ali Lamkahouan, Controller for the District; Kelly Rector, TDM Program Manager 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; Peter Eccles, Active Transportation Coordinator for the District; Michelle Lofton of ETI Bookkeeping Services; Pat Hall of Equi-Tax, Inc.; Scott Saenger and Joseph Reza of Jones & Carter, Inc. ("J&C"); Deputy K.Z. Jenkins of Harris County Constable Precinct 5; Les Lee and Josh Bowie of eSiteful; Margarita Dunlap of METRO; Connie Curtis of Kimley-Horn & Associates, Inc.; Tim Herr and Adam Levinson of Professional Sports Partners; Mark Klein; and Jessica Holoubek and Kristen Hogan of Allen Boone Humphries Robinson LLP ("ABHR").

ESTABLISH A QUORUM AND CALL THE MEETING TO ORDER

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

MINUTES

The Board first considered the minutes of the September 8, 2017, regular meeting.

Following discussion and review, Director Fincher moved to approve the minutes as submitted. The motion was seconded by Director Elgohary and passed unanimously.

## ECD ADMINISTRATION

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

Ms. Hall reviewed the assessment collector's report for September, a copy of which is attached. She also reviewed a chart regarding the status of District assessment payers' lawsuits against the Harris County Appraisal District, a copy of which is attached. Following discussion and review, Director Halaska moved to accept the assessment collector's report. The motion was seconded by Director Elgohary and passed by unanimous vote.

### FINANCIAL AND BOOKKEEPING MATTERS

Ms. Lofton reviewed the September cash management, capital funds and investment report, a copy of which is attached, and reviewed the bills presented for payment from the District's accounts. Following review and discussion, Director Fincher moved to approve the bookkeeper's report and payment of the bills presented in the report. Director Lee seconded the motion, which was approved by unanimous vote.

### 2017 YTD VARIANCE BUDGET

Mr. Lamkahouan reviewed a monthly budget summary, a copy of which is attached. Ms. Demarie responded to questions regarding right-of-way acquisitions for the Memorial Dr./Eldridge Pkwy. Intersection project.

### 2018 BUDGET MEETINGS

Mr. Lamkahouan reported on 2018 budget meetings being held on Wednesday mornings at 10:00 a.m. in the 2 Briar Lake Plaza Conference Center. Mr. Martinson discussed the programs and projects under consideration for the 2018 budget and encouraged any interested Board members to attend the budget meetings. He asked that Board members notify him when they plan to attend so that an agenda may be posted if a quorum will be present.

### ECD POLICIES AND PROCEDURES GOVERNANCE COMMITTEE

Mr. Martinson discussed the Board's prior action to appoint Directors Halaska, Lee, Kerr and Elgohary to a District Policies and Procedures Committee. He said the Committee has not had its first meeting due to Hurricane Harvey. Discussion ensued regarding the timing for the first meeting and participation on the Committee.

## ECD PUBLIC SAFETY AND SECURITY PROGRAM

Deputy Jenkins reported on September patrols and activity.

## PARK ROW COMPLETION PROJECT

Mr. Lamkahouan reviewed the monthly expenses for the Park Row Completion Project totaling \$12,673. After review and discussion, Director Fincher moved to approve payment of the monthly expenses associated with the Park Row Completion Project. Director Elgohary seconded the motion, which passed unanimously.

Mr. Saenger reported on permit submittals to the U.S. Army Corps of Engineers ("USACE") for bank stabilization beneath Park Row Blvd. and proposed trail and park projects on USACE land.

## FLOODING RECOVERY AND THE DISTRICT'S ROLE

Mr. Martinson reported on temporary office locations being utilized by District staff until the District's office is accessible. He said staff members continue to conduct meetings with property owners, consultants, contractors, and governmental agencies regarding recovery progress and District programs and projects.

Mr. Martinson reported on efforts by the District's communications team to prepare messaging related to recovery efforts. He also reported on Sarah McDonner's resignation.

Mr. Martinson and Director Hightower reported on participation with various groups on post-Harvey and other regional matters, including the City of Houston's Flood Recovery Task Force.

## ENVIRONMENTAL URBAN DESIGN

### WEST HOUSTON ASSOCIATION FLOOD IMPROVEMENTS PROPOSAL

Mr. Martinson and Director Hightower reported on efforts being led by the West Houston Association regarding increases in the capacity of the Addicks and Barker Reservoirs and downstream conveyance. After discussion, Director Elgohary moved to authorize execution of a letter of support for the flood control efforts being led by the West Houston Association. Director Lee seconded the motion, which passed unanimously.

### JONES & CARTER FLOOD STUDY PROPOSAL

Mr. Martinson discussed the Board's request at the last meeting for J&C to gather hydrology and hydraulic data from Hurricane Harvey. Mr. Saenger distributed and

reviewed a proposal to collect data and prepare a report on operations of the Addicks and Barker Reservoirs during and after Hurricane Harvey, prepare roadway access maps, prepare a simplified analysis of the downstream Buffalo Bayou conveyance, and provide recommendations for structural improvements for a total cost not to exceed \$50,500, plus reimbursable expenses. Director Halaska requested that the proposal be revised to clarify that the cost shown for services to be provided on an hourly basis are maximum total costs. After review and discussion, Director Fincher moved to approve the proposal from J&C with the requested revision. Director Elgohary seconded the motion, which passed unanimously.

#### ZAYO CELL TOWERS PROPOSAL

Mr. Martinson discussed the District's design standards for small cell towers in the District, which were previously provided to representatives of the City of Houston (the "City") and Zayo. He discussed installations that do not comply with the District's standards. Mr. Martinson presented additional applications received from Zayo for pole installations. Ms. Holoubek discussed legislation that went into effect on September 1, 2017, and allows providers to install small cell towers in rights-of-way without obtaining approval of local governments or property owners. After discussion, the Board concurred no response or action is necessary from the District.

#### MEMORIAL DR. AND ELDRIDGE PKWY. INTERSECTION UPDATE

Ms. Demarie reported on a meeting with City staff regarding the schedule and costs for the Memorial Dr./Eldridge Pkwy. intersection improvements. She reported that the City agreed to include the pavement, bridge, and sidewalk improvements in a change order to the City's construction contract with Oscar Renda for its Memorial Dr. reconstruction project. Ms. Demarie discussed the possibility of the City assuming responsibility for the cost of such improvements and relocation of the electrical poles required by the improvements. She said the District will be responsible for the landscape improvements associated with the project, which will be bid as a separate project. Ms. Curtis reported on a request from the City for the District to provide a traffic control plan for the project. Discussion ensued regarding the timing of the project. Ms. Demarie said an Interlocal Agreement between the City and the District will be prepared to outline the responsibilities of each entity. She reviewed the most recent cost estimate and exhibits for the project.

Ms. Demarie next discussed the District's responsibility for acquiring rights-of-way and easements necessary for the landscape improvements. She reported that the owner of the northeast corner of the intersection, Weitzman Properties, executed its Landscape Easement Agreement with the District. After review and discussion, Director Fincher moved to approve and authorize execution of the Landscape Easement Agreement with Weitzman Properties. Director Halaska seconded the motion, which passed unanimously.

Director Fincher asked District staff to ensure that the District newsletters include monthly updates on the Memorial Dr./Eldridge Pkwy. Intersection improvements, road closures and detours, and post-Harvey efforts.

## ECD PROJECT MANAGEMENT

### IH 10 INTERSECTIONS ENHANCEMENT PROJECT UPDATE

Mr. Rayburn gave an update on construction of the Texas Department of Transportation's ("TxDOT") IH-10 intersections enhancement project. He stated TxDOT anticipates substantial completion by November 2017.

### ECD SIDEWALKS DESIGN, BID AND CONSTRUCTION UPDATE

Mr. Rayburn updated the Board on the status and schedule for the 2016-2017 sidewalk improvements on Memorial Dr. and Dairy Ashford Road. He said final plan approval by the City is expected soon and advertisement for bids should begin by the end of the month.

Mr. Rayburn next updated the Board on the status of design and preparation of construction documents for the Local Initiative Project grant project. He said construction should begin in the second quarter of 2018.

Mr. Rayburn then discussed the 2017-2018 sidewalk project. He said construction should begin in the second quarter of 2018.

## TRANSPORTATION

### METRO ROUTES UPDATE

Ms. Rector reported on ongoing discussions with the District's transit consultants and METRO regarding extension of the 67 Dairy Ashford route north of IH 10 to Addicks Park & Ride, as well as realigning the 75 Eldridge route to serve Energy Centers 3, 4, and 5. She said METRO has agreed to consider extending the 67 Dairy Ashford route, but may request financial assistance for the additional operations cost from the District. Ms. Rector said METRO also requested a commitment from the District to build sidewalks along Park Row to provide pedestrian access for the users. She said District staff plans to meet with METRO's Director of Service Planning and Evaluation to discuss the commitments being requested of the District by METRO.

### ECD CARSHARE UPDATE

Ms. Rector reported that all of the CarShare vehicles are operational, noting that none of the vehicles were damaged by Hurricane Harvey. She said several vehicles are in temporary locations until their original locations are accessible to the public. Ms.

Rector discussed efforts to promote the CarShare service as an alternative transportation option for individuals whose vehicles were damaged or destroyed by Hurricane Harvey. She reported on plans for Enterprise to replace the Prius vehicles with Toyota Corollas to prevent issues dead batteries. Ms. Rector also reported on efforts to renegotiate the agreement with Enterprise to reduce the monthly vehicle costs.

#### ECD BIKE RACK AGREEMENTS

Ms. Rector reported that Watson's House of Ales at 14656 Grisby Rd. will be the first business to participate in the District's bike rack program. He presented a license agreement executed by the parent company, HUSA, for installation of the racks at such location. Following review and discussion, Director Fincher moved to approve and authorize execution of the license agreement with HUSA. Director Elgohary seconded the motion, which passed by unanimous vote.

#### HOUSTON BIKE SHARE AGREEMENT

Ms. Rector reported on negotiations with Houston Bike Share ("HBS") regarding the terms of the Bike Share System Agreement ("Agreement"), noting that HBS did not approve the form of Agreement that was previously approved by the District. She reviewed the proposed revised Agreement, noting the term was changed from five years to two years with the automatic renewal for one-year periods following expiration of the initial two-year term. Ms. Rector also reviewed changes to the termination clause to provide additional flexibility for both parties, including an option for the District to retain ownership of the equipment. Discussion ensued regarding the revised terms and a request for HBS to include a guaranteed amount they will pay to buy back the equipment if the Agreement is terminated after the first two years. After review and discussion, Director Fincher moved to table consideration of the revised Agreement. Director Elgohary seconded the motion, which passed unanimously.

#### COMMUNITY EVENTS

##### ECD FARMERS MARKET OCTOBER 14, 2017

Ms. Weaver reported on a meeting with the Farmers Market manager and stated that the Market will reopen on October 14, 2017. She encouraged any interested Board members to attend.

##### ENERGY CORRIDOR LIVING COMMUNITY CELEBRATION OCTOBER 21, 2017

Ms. Weaver reported that *Energy Corridor Living* is hosting a free community celebration on October 21, 2017, from 2:00 p.m. to 5:00 p.m. to celebrate the rebuilding of the Energy Corridor community following Hurricane Harvey. She discussed a request from *Energy Corridor Living* for the District to consider promoting the event on

social media and sponsoring the cost of Constable service and a portable restroom for the event. After discussion, Director West moved to approve the request to sponsor the *Energy Corridor Living* event for a cost of approximately \$512. Director Elgohary seconded the motion, which passed unanimously.

ECD HARVEY RECOVERY 5K FUN RUN SUNDAY DECEMBER 3, 2017

Ms. Weaver reported on the 5k Jingle Bell Fun Run that is scheduled for December 3, 2017. She introduced Messrs. Herr and Levinson who discussed plans for the event and corporate sponsorship opportunities.

ECD ELDRIDGE PARKWAY CIGNA SUNDAY STREETS DECEMBER 3, 2017

Ms. Weaver discussed the City's Cigna Sunday Streets Program and Holiday Event scheduled for December 3, 2017. She reported on a community meeting being hosted by Program representatives on October 18, 2017, at 6:30 p.m. at Sylvia's Enchilada Kitchen, noting the District is promoting the meeting on social media.

NEXT MEETING

The Board discussed next month's meeting date and concurred to hold the next regular Board meeting on November 10, 2017, subject to confirming a quorum.

ADJOURN

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



Secretary, Board of Directors

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