

MINUTES  
HARRIS COUNTY IMPROVEMENT DISTRICT NO. 4

June 14, 2013

The Board of Directors (the "Board") of Harris County Improvement District No. 4 d/b/a The Energy Corridor Management District (the "District") met in regular session, open to the public, on the 14th day of June, 2013, at 14701 St. Mary's Lane, Suite 290, 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           |
| Steve Moskowitz    | Assistant Secretary |
| D. Bruce Fincher   | Director            |
| Vacant             | Director            |
| Peter D. Johnston  | Director            |
| Chuck Cervas       | Director            |
| Debbie Fujimoto    | Director            |

and all of the above were present except Director Moskowitz, thus constituting a quorum.

Also present at the meeting were Clark Martinson, General Manager for the District; Robert Rayburn, Development and Natural Resource Director for the District; Katherine Wallace, Finance and Economic Development Manager for the District; Rachael Weaver, Community Relations Coordinator for the District; John Nuñez, Transportation Manager for the District; Les Lee and Joshua Bowie of eSiteful; Mark Klein; Pat Hall of Equi-Tax, Inc.; Michelle Lofton of ETI Bookkeeping Services; Darren Willis of Jones & Carter, Inc.; Debra A. Mayfield of METRO Star; Randy Schulze of Walter P. Moore & Associates, Inc.; Jesse R. Garcia, Jr., P.E. and Samir Goel of the Texas Department of Transportation ("TxDOT"); Landis Wyatt of Colorado Valley Transit; Erika Heinz of NuRide; Zach Haverkamp of Houston Community Newspapers; and Jessica Holoubek and Susan Hostetler 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 May 10, 2013, regular meeting. Following discussion and review, Director West moved to approve the minutes as submitted. The motion was seconded by Director Fincher and passed by unanimous vote.

## ASSESSMENT AND COLLECTION MATTERS AND STATUS OF HCAD LAWSUITS

Ms. Hall reviewed the assessment collector's report for May, a copy of which is attached. Ms. Hall also reviewed a chart regarding the status of District assessment payers' lawsuits against the Harris County Appraisal District ("HCAD"). Ms. Hall reported on her work with HCAD regarding coding of properties included in the District's 380 Agreement with the City. Following discussion and review, Director Johnston moved to accept the assessment collector's report. The motion was seconded by Director West and passed by unanimous vote.

## OFFICIAL PAYMENTS SERVICES AGREEMENT FOR CREDIT CARD, ECHECK AND DEBIT CARD PROCESSING

Ms. Hall discussed the services of Official Payments regarding processing of credit card, echeck and debit card payments of the District's assessment bills. Following discussion and review, Director Halick moved to approve the Services Agreement with Official Payments. The motion was seconded by Director Fincher and carried unanimously.

## FINANCIAL AND BOOKKEEPING MATTERS, INCLUDING PAYMENT OF BILLS AND REVIEW OF INVESTMENTS

Ms. Lofton reviewed the May 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 Johnston moved to accept the report and payment of the bills presented in the report. Director Halick seconded the motion, which was approved by unanimous vote.

## VARIANCE BUDGET

Ms. Wallace reviewed the year-to-date budget summary, a copy of which is attached.

## ACCEPT DIRECTOR MILLIGAN'S RESIGNATION AND AUTHORIZE APPOINTMENT OF SEAN TACKETT TO OPEN POSITION

Mr. Martinson said Tim Milligan has left Shell Oil and has resigned from the Board. Director Hightower recommended the Board appoint Sean Tackett to the



vacancy. Following discussion, Director Halick moved to accept the resignation of Tim Milligan and authorize appointment of Sean Tackett to the open Board position. The motion was seconded by Director West and carried by unanimous vote.

LETTER TO THE CITY OF HOUSTON REQUESTING APPOINTMENT OF SEAN TACKETT TO OPEN POSITION

The Board reviewed a proposed letter to the City of Houston requesting that Sean Tackett be appointed to Position 1. Following review and discussion, Director Fincher made a motion to authorize execution of the letter to the City of Houston requesting appointment of Sean Tackett to Position 1. The motion was seconded by Director Halick and carried by unanimous vote.

HOUSTON POLICE DEPARTMENT AND NEIGHBORHOOD PROTECTION AND CODE ENFORCEMENT UPDATE

Ms. Wallace reported on the District's security patrols, neighborhood protection, and code enforcement. Ms. Wallace reported that following the Board's approval last month, she investigated purchase of the digital radios and upgraded computer and determined that the District is not authorized to purchase this equipment. She stated she is investigating other options for improved communications with officers in the field.

UPDATE ON DISTRICT MAINTENANCE CONTRACT AND TXDOT PARTNERSHIP

Mr. Rayburn updated the Board regarding the schedule for bid advertisement and contract award for the District ground and public right-of-way maintenance project.

UPDATE ON GRANTS

Mr. Nuñez updated the Board regarding media coverage of launch of the CMAQ car share program. He discussed expansion of the program to Ashford Place. He reviewed marketing and a budget update for the program.

Regarding the JARC 75 Eldridge Crosstown program, Mr. Nuñez reported on increased ridership and reviewed a financial report.

Mr. Nuñez reviewed information and a financial report for the New Freedom sidewalk program. Mr. Rayburn updated the Board on the schedule for advertisement for bids and contract award.



## ENERGY CORRIDOR UNIFIED TRANSPORTATION PLAN

Mr. Martinson updated the Board regarding the District's transportation projects. Mr. Garcia reviewed construction plans for the Grand Parkway, especially Segment E, from I-10 to Highway 290. He also discussed TxDOT's future improvements to Highway 6 and I-10.

Mr. Martinson discussed the District's I-10 intersection enhancements project and the City's improvements to Memorial Drive from North Eldridge Parkway to North Kirkwood Road.

Ms. Mayfield reviewed the METRO Star vanpool program, and Ms. Heinz reviewed the NuRide program to increase alternative mode trips. Mr. Wyatt reviewed the Colorado Valley Transit's carpool and vanpool program in Waller, Wharton, Austin and Colorado Counties. Mr. Martinson reported on METRO's planning study to improve bus service.

Mr. Martinson and Mr. Schulze discussed the Greater West Houston Subregional Plan.

## PARK ROW COMPLETION PROJECT

Mr. Willis presented a report regarding the Park Row Completion Project. A copy of the report is attached.

Regarding the construction of Park Row utility, paving and drainage improvements from SH-6 to Eldridge Phase 1, Mr. Willis presented and recommended payment of Pay Estimate No. 2 in the amount of \$571,294.12 to Menade, Inc.

Regarding construction of the Park Row regional lift station by Peltier Brothers Construction, Ltd., Mr. Willis presented and recommended payment of Pay Estimate No. 2 in the amount of \$119,700.

Mr. Willis updated the Board regarding the construction of Central Park West Boulevard utilities, paving and drainage improvements by C.E. Barker, Ltd. He reviewed and recommended payment of Pay Estimate No. 1 in the amount of \$205,025.89.

Mr. Willis also updated the Board regarding Phase 2 of the Park Row utility, paving and drainage improvements from SH-6 to Eldridge.

The Board reviewed draw requests totaling \$982,988.30 for the Houston Housing Finance Corporation ("HHFC") loan for the pay estimates presented for payment as



well as payments to Vinson & Elkins, LLP and Jones & Carter, Inc., as identified in the bookkeeper's capital projects report.

The Board reviewed a proposal from SMC Consulting, Inc. for a Phase 1 Environmental Report for right-of-way relating to the Park Row Phase 2 project.

Following discussion and review, upon a motion made by Director Johnston and seconded by Director Halick, the Board voted unanimously to: (1) approve Pay Estimate No. 2 in the amount of \$571,294.12 to Menade, Inc. for construction of Park Row utility, paving and drainage improvements from SH-6 to Eldridge Phase 1; (2) approve Pay Estimate No. 2 in the amount of \$119,700 to Peltier Brothers Construction, Ltd. for construction of the Park Row regional lift station; (3) approve Pay Estimate No. 1 in the amount of \$205,025.89 to C.E. Barker, Ltd. for construction of the Central Park West Boulevard utilities, paving and drainage improvements; (4) authorize execution of the draw requests from the HHFC loan totaling \$982,988.30; and (5) approve the proposal of SMC Consulting, Inc. in the amount of \$2,800.

CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEXAS GOVERNMENT CODE, TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY

At 9:59 a.m., Director Hightower announced the Board would meet in executive session to deliberate the purchase, exchange, lease or value of real property.

RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION REGARDING THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY

At 10:16 a.m., the Board convened in open session. Director Halick moved to authorize Mr. Martinson to make offers to purchase property for Phase II of the Park Row Completion Project subject to input from ABHR and Director Hightower. Director Fincher seconded the motion and it passed by unanimous vote.

NEXT MEETING

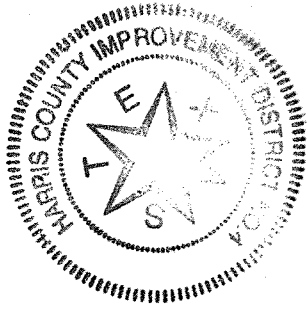
The Board concurred to hold the next Board meeting on July 12, 2013.



ADJOURN

There being no further business to come before them, Director Halick moved to adjourn the meeting. Director Johnston seconded the motion and it carried by unanimous vote.

(SEAL)



A handwritten signature in cursive script, reading "Steve West".

Secretary, Board of Directors



LIST OF ATTACHMENTS TO MINUTES

|  | Minutes     |
|--|-------------|
|  | <u>Page</u> |
| assessment collector's report .....                                | 2           |
| cash management, capital funds report, and investment report ..... | 2           |
| year-to-date budget summary .....                                  | 2           |
| report regarding Park Row completion project.....                  | 4           |

