

**MINUTES OF THE JOINT MEETING OF THE  
TIRZ 17 REDEVELOPMENT AUTHORITY/MEMORIAL CITY REDEVELOPMENT AUTHORITY and  
TAX REINVESTMENT ZONE NUMBER SEVENTEEN  
CITY OF HOUSTON, TEXAS  
BOARD OF DIRECTORS**

**April 26, 2016**

**ESTABLISH QUORUM AND CALL MEETING TO ORDER.**

The Board of Directors of the TIRZ 17 Redevelopment Authority/Memorial City Redevelopment Authority and Tax Reinvestment Zone Number Seventeen, City of Houston, Texas, held a regular joint meeting on Tuesday, April 26, 2016, at 8:00 a.m., at the Four Points by Sheraton, 10655 Katy Freeway, Wycliffe Room, Houston, Texas 77024, inside the boundaries of the TIRZ, open to the public, and the roll was called of the duly appointed members of the Board, to-wit:

Position 1 – Marshall B. Heins  
Position 2 – John Rickel  
Position 3 – David P. Durham  
Position 4 – Ann T. Givens, *Chair*

Position 5 – Zachary R. Hodges  
Position 6 – Brad Freels, *Vice-Chair*  
Position 7 – Glenn E. Airola, *Secretary*

and all of the above were present, thus constituting a quorum. Also present were Scott Bean and Linda Clayton, both of Hawes Hill Calderon, LLC; Jessica Holoubek, Allen Boone Humphries Robinson, LLP; and Michelle Lofton, ETI Bookkeeping Services. Others attending the meeting were Gwen Tillotson and Jennifer Curley, COH - Economic Development Dept.; Council Member Brenda Stardig; Sally Acorn, District G; Jack Valinski, COH – Citizens Assistance; Ben Gillis and Pat Walters, Memorial Management District; Muhammad Ali and Derek St. John, LAN; Carl Hennagir; Jim Shroff; Dean Bixler; Tom McQuilling; John Whedel; Kay Haslam; Gwyn Buzzini; Jim Muckle; Cynthia Neely; Ginny Abiassi; Deb Eberhart; John Jackson; Donna Freedman; Lynn McBride; Shirley Koralauski; Cyd Dillahunty; Lois Myers; Kelly Landwermeyer; Peter Tomlinson; Ed Browne; Marjorie L; David Tresch; Jeff Levy; Bev Martin; Christine Calkins; Virginia Gregory; Bruce Nichols and Roberta Prazak. Chair Givens called the meeting to order at 8:01 a.m.

**RECEIVE PUBLIC COMMENTS.**

Virginia Gregory discussed 7 essentials of agreement that was determined by the City to be non-binding. She discussed the flooding event of April 18<sup>th</sup> and stated the Bunker Hill Bridge still dams up. She stated over 850 residents were in peril from the flooding and encouraged the Board to move forward aggressively with the FY2017 budget. Kay Haslam stated the preliminary engineering report is now available on the TIRZ 17 website. She encouraged everyone to read the report. She discussed several aspects of the engineering report. Carl Hennagir stated he has flooded three times in the last 7 years. He stated his subdivision has turned into a detention pond. He stated there is a need for a global study of the flooding issues. He stated he is a professional engineer and plans to become more involved. He encouraged the board to install storm water ponds on south side of Memorial. Bruce Nichols state he was in support of the 2016 CIP. He reported runoff water is increasing and Frostwood Subdivision

continues to flood. He pointed out there is an error in the budget on page 9; and stated W140 is irrelevant and should be W153. Cynthia Neely stated she lives across from the W153 ditch and it is flooding the neighborhood. She stated the flooding is manmade. Donna Freeman stated a 2003 contract is being ignored. She stated there were detention ponds that should have been worked on back in 2003 and she has seen nothing done. Ed Browne discussed keeping representation for the residents on the Board. He asked Director Durham to please not listen to MetroNational. He stated all over the City they are finding out the flooding is manmade. He stated our flooding is clearly manmade. He stated FEMA is watching and rates are going to go up. He emphasized no adverse impacts. Lois Meyers stated you did it again-flooded people out three times in the last seven years. She discussed the City denying request to keep a voice on the Board. She discussed redoing Bunker Hill Rd. north of I-10; redoing Bunker Hill bridge; redoing flawed detention pond east of Costco; requiring MetroNational to build its own detention pond; and requiring developers to build detention ponds as specified in a 2003 contract. Roberta Prazak discussed flooding and people losing belongings and physical health. She discussed the ad hoc committee and the document not being legally binding. She encouraged the board to look at improving W. Baugh.

**ACCEPT OATH OF OFFICE, SWORN STATEMENT AND BOND FROM NEWLY APPOINTED BOARD MEMBERS, MARSHALL B. HEINS AND DAVID P. DURHAM.**

Director Heins and Director Durham were sworn into office. The board accepted their oaths of office, sworn statement and bond and welcomed them to the Board.

**APPROVE MINUTES OF MARCH 29, 2016, REGULAR MEETING.**

Upon a motion duly made by Director Rickel, and being seconded by Director Airola, the Board voted unanimously to approve the Minutes of the March 29, 2016, Board meeting, as presented.

**RECEIVE FINANCIAL AND BOOKKEEPER'S REPORT, INCLUDING PAYMENT OF INVOICES, REVIEW OF INVESTMENTS AND PROJECT CASH FLOW REPORTS.**

Ms. Lofton presented the bookkeeper's report and went over invoices, included in the Board agenda materials. Upon a motion duly made by Director Hodges, and being seconded by Director Rickel, the Board voted unanimously to accept the Bookkeeper's Report and approved payment of invoices, as presented.

**APPROVE FY2016 AND FY2017 BUDGETS.**

Chair Givens handed out a letter received from Chief Development Officer Andy Icken, a copy is attached as Exhibit A. She stated the letter identifies a timeline of events with respect to the 2016 budget. She stated prior to submitting the budget, in 2015, the City had requested a feasibility report/flooding analysis for detention west of Gessner Rd. She stated in January 2015 the City communicated all budgets must reflect Public Works' recommendations before being presented to the City. She stated this meeting occurred in February. She reported the budget was submitted with three scenarios in June and then in September a fourth scenario was submitted. She reported Public Works engaged Walter P. Moore to review the fourth scenario and in December Public Works submitted recommendations to amend scenario

four to consider an alternative detention site. She reported after working with Public Works for several months to determine the most cost effective and practical sites to pursue for detention, the City requested an appraisal be submitted on the property in order to eliminate the potential site. She reported at this time both FY2016 and FY2017 budgets would be submitted to the City for consideration. Director Rickel provided comments regarding the letter. Mr. Bean went over the proposed budgets. He stated the proposed 2017 budget actually reflects scenario four with the addition of the Witte project. He further stated the 2017 budget includes a proposed 20-year extension of the TIRZ life. Chair Givens stated to clarify some misinformation propagating about the 2016 budget having not been approved, statute gives the TIRZ authority to continue with its expenditures and the TIRZ has had spending capacity. She reported the 2016 budget merely provides further spending capacity.

Upon a motion duly made by Director Rickel, and being seconded by Chair Givens, the Board voted to approve the FY2016 budget based on assumptions of scenario four with the addition of the Witte project. Directors Heins and Durham abstained. The motion passed. Upon a motion duly made by Director Rickel, and being seconded by Chair Givens, the Board voted to approve FY2017 budget as presented. Directors Heins and Durham abstained. The motion passed.

#### **RECEIVE REPORT FROM LAN ON APRIL 18<sup>TH</sup> RAIN EVENT.**

Mr. St. John provided a presentation on the April 18/19 rain event. Highlights of the presentation included event comparison, flooding survey, magnitude of event, pictures of area, simulated inundation, event comparison for April 2016, May 2015 and April 2009 and flooding extents. There was general discussion regarding the possibility of placing a rain gauge within the TIRZ boundaries. The presentation is available on the TIRZ website <http://www.houstontirz17.org>

#### **RECEIVE REPORT FROM GUNDA CORPORATION ON PHASE II ENGINEERING DESIGN FOR LIPEX PROPERTIES DETENTION IMPROVEMENTS.**

This item was tabled.

#### **AUTHORIZE PREPARATION OF REIMBURSEMENT REPORT ON PHASE II ENGINEERING DESIGN FOR LIPEX PROPERTIES DETENTION IMPROVEMENTS.**

Mr. Bean reported Gunda Corporation is reviewing the design of the project and they are not quite complete with its review. He reported he had received a proposal from McCall Gibson Swedlund Barfoot PLLC to prepare the agreed upon procedures analysis for a fee between \$4,000 and \$5,000. He reported he was recommending the Board authorize engaging McCall to prepare the report. Upon a motion duly made by Director Freels, and being seconded by Director Hodges, the Board voted to authorize engaging McCall Gibson Swedlund Barfoot PLLC to prepare an agreed upon procedures reimbursement report. Directors Heins and Durham abstained. The motion passed.

#### **ENGINEERING TASK ORDER PROPOSALS FOR:**

- a. **W140 Channel Improvements;**

- b. North Gessner Drainage and Mobility Improvements; and
- c. Briar Branch Drainage Improvements.

Chair Givens made a motion to solicit task orders from Klotz Associates. Director Hodges seconded. After further discussion a poll was taken of the Board. Directors Hodges, Airola, Freels and Givens voted aye. Director Rickel voted nay. Directors Heins and Durham abstained. The motion passed.

**PROJECT PLAN AMENDMENT FOR CHANGES TO TIRZ BOUNDARIES.**

Mr. Bean reported that two future proposals were in the works. He stated one is an extension of the TIRZ and the other is the de-annexation of the residential properties on Springrock. He reported an item would be brought before the Board for approval at a later date.

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

An Executive Session was called at 9:27 a.m.

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

The Board reconvened in open session at 10:20 a.m. Upon a motion duly made by Director Rickel, and being seconded by Director Airola, the Board voted unanimously to authorize execution of a non-binding Letter of Intent.

**ADJOURNMENT.**

There being no further business to come before the Board, Chair Givens adjourned the meeting at 10:20 a.m.

  
Secretary ~~CHAIR~~

List of Exhibits:

- A. Letter dated April 25, 2016, from COH Chief Development Officer, Andy Icken



# CITY OF HOUSTON

Sylvester Turner

Mayor

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April 25, 2016

Ann Givens, Board Chair of TIRZ No. 17  
Executive Directors, Board of Directors  
Houston, TX  
Sent via email: [givens.ann@hotmail.com](mailto:givens.ann@hotmail.com)

Dear Ann,

I would like to clarify recent information provided to Mayor Turner, City Council, Houston Chronicle and other media outlets regarding the Fiscal Year 2016 budget for TIRZ 17. During city council public sessions on Tuesday April 5 and April 12, various residents and stakeholders of the Memorial City community presented comments to Mayor Turner and City Council representing that the "City" intentionally withheld submitting the FY16 budget in collaboration with developers and commercial interests and without regard to the residents who have experienced flooding in recent years. In addition, the April 19<sup>th</sup> Houston Chronicle op-ed submitted by Ed Browne and Cynthia Neely made a claim that a capital improvement budget was submitted to the City, languished for a year and was never presented to City Council and that the city "pocket vetoed" the budget.

The City has worked diligently and most importantly cooperatively with all TIRZs to bring forth the FY16 budgets in a timely and organized manner to allow them to continue to implement their respective capital improvement projects and continue operating into the new fiscal year. Beginning August 12, 2015 by Ordinance 2015-769, the City began approving the FY16 TIRZ budgets and has approved **ALL**, with the exception of TIRZ 17. Below is the timeline of TIRZ 17 FY16 budget related activities:


12/10/14	Initial draft report completed by the TIRZ on the feasibility report for detention west of Gessner road (Westview Apartments); the City requested report in October/November timeframe and expressed concern about the use of eminent domain and the displacement of residents
1/7/15	Office of Economic Development (OED) emailed all TIRZs the CIP Guidelines and the requirement of PWE approval of the FY16 budgets
1/8/15	TIRZ Board of Directors (BOD) called a special meeting to discuss the feasibility report of detention west of Gessner
2/16/16	OED received the final report on the feasibility of detention west of Gessner; copy of revised report forwarded to PWE.
6/5/15	OED met with PWE and TIRZ 17 to discuss 3 alternate CIP scenarios that the TIRZ submitted as part of its FY16 budget; <b>NOTE: no other TIRZ provided multiple CIP scenarios</b>
9/14/15	TIRZ BOD submitted CIP Scenario 4 to replace the three previously submitted which restarted the review process
Sept-Nov	PWE reviewed and evaluated the projects/assumptions/benefits and engaged Walter P. Moore to review its recommendation.
12/1/15	Director of PWE submitted recommendations for the TIRZ CIP which included consideration for detention at the Memorial City Mall property to achieve higher detention capacity.
12/16/15	OED emailed PWE recommendations to the TIRZ: <b>TIRZ rejected key recommendations</b>
1/7/16	TIRZ 17 Board members Ann Givens, Brad Freels and John Rickel met with the City to discuss their position that the Memorial City Mall site is cost prohibitive; OED recommended an FY16 budget to include detention without identifying a specific site to allow for needed due diligence, <b>which the TIRZ rejected</b> . My office facilitated a meeting with the TIRZ engineers and PWE to discuss PWE's recommendation and analyses and

	determine the most appropriate site.
1/12/16	PWE, TIRZ engineers, TIRZ executive director staff and OED met to discuss detention options; There was discussion that Memorial City Mall site might be cost prohibitive and OED/PWE requested an appraisal to determine if site was viable or should be ruled out. Again, OED recommended an FY16 budget to include detention without identifying a specific site to allow for needed due diligence.
4/21/16	OED received appraisal report of 7 parcels that comprise the Memorial City Mall and submitted to PWE for review

To date, we have not received an FY16 budget that has been approved by **BOTH** the TIRZ board and PWE; however the TIRZ did resubmit its FY16 budget to PWE last week. We are prepared to bring FY16 and FY17 budgets to council once we receive the required approvals but it is imperative that there is full cooperation and accurate accounts of the actions that my office has taken to bring this budget to council. Continued accusations that we are intentionally sabotaging the TIRZ's ability to implement its CIP priorities are not only grossly inaccurate, but they serve no benefit to the TIRZ, the Community or the City. TIRZ 17 must adhere to the same standards and requirements as the other city TIRZs whose budgets have all been approved by PWE and brought to City Council for approval.

As we move forward I ask that we do so in a manner that is respectful, of highest integrity and honesty, and with mutual cooperation.

Regards,



Andrew F. Icken

C: Council Member Greg Travis  
Council Member Brenda Stardig