

710 EAST SAN AUGUSTINE STREET

DEER PARK, TEXAS 77536

Minutes of

THE 1670th REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS HELD IN CITY HALL, 710 EAST SAN AUGUSTINE STREET, DEER PARK, TEXAS ON SEPTEMBER 06, 2016, AT 7:30 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

JERRY MOUTON	MAYOR
SHERRY GARRISON	COUNCILWOMAN
THANE HARRISON	COUNCILMAN
TOMMY GINN	COUNCILMAN
BILL PATTERSON	COUNCILMAN
RON MARTIN	COUNCILMAN
RAE SINOR	COUNCILWOMAN

OTHER CITY OFFICIALS PRESENT:

JAY STOKES	CITY MANAGER
GARY JACKSON	ASSISTANT CITY MANAGER
SHANNON BENNETT	ACTING CITY SECRETARY
JIM FOX	CITY ATTORNEY

1. MEETING CALLED TO ORDER – Mayor Mouton called the meeting to order at 7:30 p.m.
2. INVOCATION – The invocation was given by Councilman Patterson.
3. PLEDGE OF ALLEGIANCE – Councilman Martin led the Pledge of Allegiance to the United States Flag and the Texas Flag.
4. SPECIAL PRESENTATION – Mayor Mouton recognized Dispatch Supervisor Kellie Bass, Telecommunicator Brandi Brumley, Telecommunicator Jarrett Grundman, Telecommunicator Corey Saenz, Lieutenant John Yettevich, Captain Wade Conner, Chief Greg Grigg and presented a resolution by the Greater Harris County 9-1-1 Network proclaiming September 11, 2016, as 9-1-1 Day.
5. SPECIAL PROCLAMATION - RECOGNITION OF THE 15TH ANNIVERSARY OF SEPTEMBER 11TH – Mayor Mouton present a proclamation to Pastor Dave Graham of San Jacinto Baptist and proclaim September 11, 2016 as Patriot Day and National Day of Service and Remembrance.

6. CONSENT CALENDAR – Motion was made by Councilman Ginn and seconded by Councilman Harrison to approve the consent calendar as follows:
- a. Approval of minutes of workshop meeting of August 16, 2016.
 - d. Approval of minutes of regular meeting of August 16, 2016.
 - c. Authorization to purchase personal protective equipment from Metro Fire Apparatus Specialist on Buy Board.

7. COMMENTS FROM AUDIENCE –

- a. Eva Weverink, 335 E. San Augustine Apt. #172, Deer Park, Texas, commented, “I’m very nervous, Magnificent Seven. I am a fairly active volunteer with the Police Department and one of those volunteer opportunities is, I just found out. I’ve been working with Pastor Dave for this 911 event is the Park Patrol. With the Park Patrol, I wanted to mention that I’m very impressed with what the Parks and Recreation Department is doing in improving the parks. It looks very nice. We have another asset in Deer Park, that to me is a little bit more important, and that’s our children. I’m also a substitute crossing guard. I have the opportunity to cross the children to and from school when I’m needed. I’m real concerned about the striping. I hope that doesn’t sound little, but some of the striping in the crossing is very worn. The drivers don’t pay attention to them because they are so worn. I just would like to see something done if it could be, to make that a little bit more visible for our children, to make sure that they’re crossing. The other thing is that some of our hedges, and trees and shrubs. I know that this seems like a small thing too, but when you have the right to turn right when it’s clear and you have to get out into the street to be able to know it’s clear to go, it’s a little bit dangerous. Some of the shrubs have grown over into the sidewalks. So those are just two of my observations that I can share tonight, I have more, and I’ll be back.”

Mayor Mouton commented, “If you get with Mr. Stokes afterwards and Mr. Pederson, I think that they can answer your questions about striping.”

- b. Mike White of Grandview Funeral Home and Memorial Park, commented, “Good evening I’m Mike White. I want to thank Mayor Mouton, the Council Members, City Manager Jay Stokes for giving us the opportunity to talk with you this evening. We’re with Service Corporation International which is Dignity Memorial. We are a company of funeral homes and cemeteries. We have two of our businesses that cater and serve the Deer Park community. I’d like to give you an update on those two businesses and talk about how we’re impacting, and some of the things we’re doing to better serve the community. Then I’m going to introduce two of my co-workers, who will talk to you about a couple of programs that we offer. One of them I hope you never, use but it’s a program that’s a benefit to the community that a lot of communities don’t know about.

So, let me start with our two locations that we have here. One is Grandview Funeral Home and Cemetery and the other is in Pasadena. With both businesses we have about combined 34 employees in the two businesses and we're looking to grow our staffing and create more jobs for the community. Right now, I oversee all of Houston, so I have 34 locations from The Woodlands all the way down to Webster, Texas and out to Katy. We spent nearly a million dollars in the two locations here, so we can better serve the community. We had cemetery development, renovations to both funeral homes and will continue. We have plans for 2017 to continue that, so we want to make sure that we are better serving the Deer Park and surrounding areas. Our company has grown. It started over 50 years ago in The Heights and with one funeral home. Today, there are over 2,000 locations and 24,000 employees across the country and North America. A couple of the programs that we put together, Ryan is going to go thru one. Ryan Stevens is our General Manager at Grandview Funeral Home and he's going to talk about the program. Again, I hope you never utilize it, but it's there and we want to make sure everybody knows about it."

- c. Ryan Stephens of Grandview Funeral Home and Memorial Park commented, "Council members, thank you for having us tonight. Again, my name is Ryan Stephens. I'm the General Manager at Grandview Funeral Home Memorial Park and Pasadena Funeral Chapel. I want to share one of our programs with you that I hope we never have to use. One of the programs, we offer as a Dignity Memorial Provider is a "Public Servants Program". As the providers, we provide an honorable tribute to any career and or volunteer public servant or first responder being a police officer, firefighter or emergency service personnel that fall in the line of duty. That includes funeral, burial and or cremation services. In addition to that, we provide counseling services for family members alike. As the Pastor Graham said, its hard days and hard times to be a first responder. This is just one of the ways we can show our appreciation and support for those guys. We appreciate what you guys do. Thank you for having us. I'm going to turn it over to Nahsiam Friant, she's our location manager. She's going to share a little bit about our Veteran's Program. Thank you."
- d. Nahsiam Friant of Grandview Funeral Home and Memorial Park commented, "Thank you for having us. My name is Nahsiam Friant. What I want to share is about our Homeless Veterans Program. It's another one that we don't want to think about, but if you do come across a homeless veteran that has passed away, thru our program we offer, of course free of charge, a dignified burial for those veterans. It's a way to honor them and make sure they receive the benefits and honors that they earned with the service to our country. We don't want to think about those situations, but if you do come across, we will work with the local governments or whoever is involved to get those veterans a

dignified service. So please give us a call if you do have those situations. We want to honor those who have served our country. Thank you for having us.”

8. CONSIDERATION OF AND ACTION ON APPROVING DESIGNATION OF MAYOR PRO-TEM – Motion was made by Councilman Harrison and seconded by Councilman Ginn to approve the designation of Mayor Pro-Tem. Motion carried 7 to 0.
9. CONSIDERATION OF AND ACTION ON CASTING THE CITY OF DEER PARK’S VOTES IN THE ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES OF THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL (TML-IRP), PLACES 6-9 – Motion was made by Councilwoman Garrison and seconded by Councilman Harrison to casts its votes for Kyle Jung (Place 6), C.J. Wax (Place 7), Larry Melton (Place 8), and Andres Garza (Place 9). Motion carried 7 to 0.
10. CONSIDERATION OF AND ACTION ON SUBMITTAL OF THE 2016 TAX ROLL AND THE CALCULATION OF THE EFFECTIVE TAX RATE AND THE ROLLBACK TAX RATE – Motion was made by Councilwoman Garrison and seconded by Councilman Harrison to accept the submittal of the 2016 tax roll and the calculation of the effective tax rate and the rollback tax rate. Motion carried 7 to 0.
11. CONSIDERATION OF AND ACTION TO INCREASE TOTAL TAX REVENUES FROM PROPERTIES ON THE TAX ROLL BY PROPOSING TO ADOPT A TAX RATE OF \$0.720000 PER \$100 VALUATION AT A FUTURE MEETING – Motion was made by Councilwoman Garrison and seconded by Councilman Harrison to adopt the tax rate of \$0.720000 per \$100 valuation. Motion carried 7 to 0 with a roll call vote:

Councilwoman Garrison “Aye”
Councilman Harrison “Aye”
Councilman Ginn “Aye”
Councilman Patterson “Aye”
Councilman Martin “Aye”
Councilwoman Sinor “Aye”
Mayor Mouton “Aye”
12. CONSIDERATION OF AND ACTION ON AN AGREEMENT AMENDING THE CONTRACT BETWEEN THE CITY OF DEER PARK AND EMERGICON LLC (CON 16-001) – Motion was made by Councilman Harrison and seconded by Councilwoman Sinor to amend the contract between the City of Deer Park and Emergicon LLC (CON 16-001). Motion carried 7 to 0.
13. CONSIDERATION OF AND ACTION ON A CONTRACT WITH AZALEA CREEK CATERING TO PROVIDE BUFFET STYLE CATERING SERVICES FOR THE PARKS AND RECREATION DEPARTMENT THEATER – Motion was made by Councilwoman Garrison and seconded by Councilwoman Sinor to enter into a contract with Azalea Creek

Catering to provide buffet style catering services to the Park and Recreation Department Theater. Motion carried 7 to 0.

14. CONSIDERATION OF AND ACTION ON AMENDING THE FINANCIAL MANAGEMENT POLICY – Motion was made by Councilman Harrison and seconded by Councilman Patterson to amend the Financial Management Policy. Motion carried 7 to 0.
15. CONSIDERATION OF AND ACTION ON A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS, AUTHORIZING THE PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; APPROVING THE PREPARATION OF THE PRELIMINARY OFFICIAL STATEMENT; AND APPROVING OTHER MATTERS INCIDENTAL THERETO- Motion was made by Councilman Martin and seconded by Councilwoman Sinor to approve Resolution No. 2016-09, captioned as follows:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; APPROVING THE PREPARATION OF THE PRELIMINARY OFFICIAL STATEMENT; AND APPROVING OTHER MATTERS INCIDENTAL THERETO.

Motion carried 7 to 0.

16. CONSIDERATION OF AND ACTION ON AN ORDINANCE APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT WITH CENCOR ACQUISITION COMPANY, INC. – After a proposed ordinance was read by caption, motion was made by Councilman Harrison and seconded by Councilwoman Sinor to adopt on first and final reading Ordinance No. 3836, captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS, APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT WITH CENCOR ACQUISITION COMPANY, INC; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

17. CONSIDERATION OF AND ACTION ON AN ORDINANCE CALLING A PUBLIC HEARING CONCERNING THE SUBSTANDARD BUILDING, STRUCTURE OR PREMISE LOCATED AT 1242 CENTER STREET - After a proposed ordinance was read by caption, motion was made by Councilman Harrison and seconded by Councilman Ginn to adopt on first and final reading Ordinance No. 3837, captioned as follows:

AN ORDINANCE CALLING A PUBLIC HEARING ON OCTOBER 3, 2016 AT 7:30 P.M. CONCERNING A CERTAIN DILAPIDATED OR SUBSTANDARD BUILDING AND/OR STRUCTURE LOCATED AT 1242 CENTER STREET, DEER PARK, TEXAS; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

18. CONSIDERATION OF AND ACTION ON AN ORDINANCE CALLING TWO PUBLIC HEARINGS ON THE PROPOSED 2016 TAX RATE - After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilman Harrison to adopt on first and final reading Ordinance No. 3838, captioned as follows:

AN ORDINANCE OF THE CITY OF DEER PARK SETTING DATES AND TIMES FOR PUBLIC HEARINGS OF THE PROPOSED PROPERTY TAX INCREASE FOR THE YEAR BEGINNING JANUARY 1, 2017; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

19. CONSIDERATION OF AND ACTION ON AMENDING SECTION 66-180 SCHEDULE I OF THE CODE OF ORDINANCES CONCERNING CHANGING THE TIME FOR PARKING ON SAN AUGUSTINE BETWEEN LUELLA AND DUNN COURT - Motion was made by Councilman Harrison and seconded by Councilman Ginn to adopt on first and final reading Ordinance No. 3839, captioned as follows:

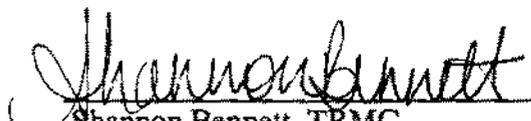
AN ORDINANCE AMENDING SECTION 66-180 SCHEDULE I OF THE CODE OF ORDINANCES OF THE CITY OF DEER PARK, TEXAS, PROVIDING ADDITIONAL TRAFFIC REGULATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

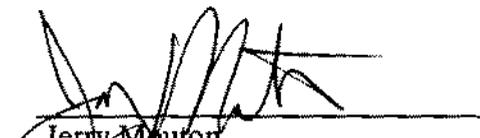
Motion carried 7 to 0.

20. ADJOURN - Mayor Mouton adjourned the meeting at 8:02 p.m.

ATTEST:

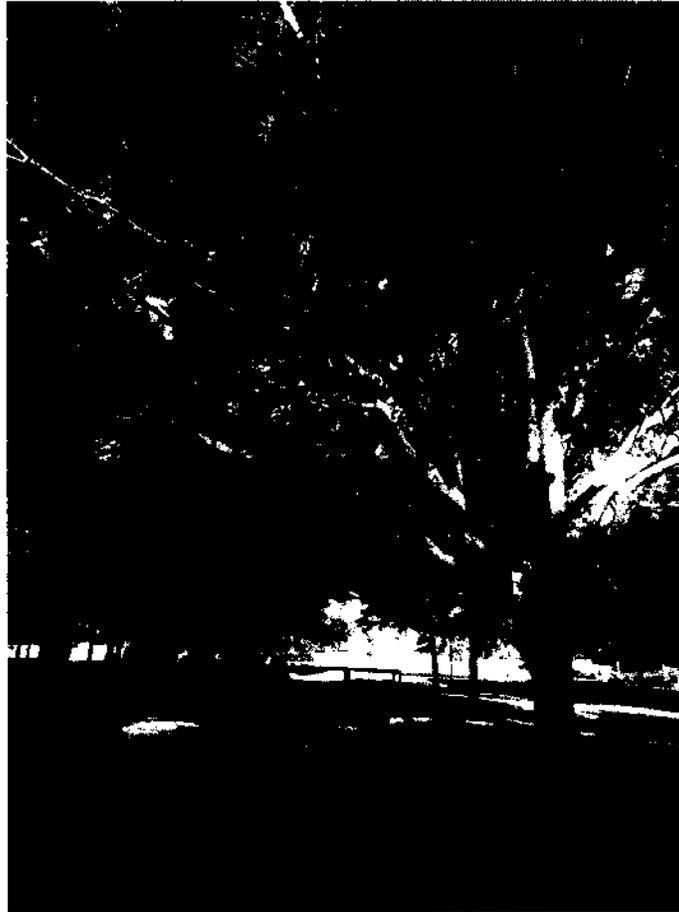
APPROVED:


Shannon Bennett, TRMC
Acting City Secretary


Jerry Mouton
Mayor

Tree Evaluation Report

Lacebark Elm Structural Integrity Dow Park, Deer Park, Texas



Prepared for City of Deer Park, Park Operations
August 31, 2016

C.N. Koehl 
Urban Forestry Inc.

OBJECTIVE/REASON FOR TREE EVALUATION

1. It is my understanding the Lacebark Elms (*Ulmus parvifolia*) in Dow Park have recent history of branch failure. C.N. Koehl Urban Forestry, Inc. was contracted by City of Deer Park, Park Operations to evaluate tree condition and cause for branch failure, and specifically to evaluate for presence of Anthracnose. I met Park Operations staff on site of Dow Park on August 8, 2016 and have the following findings and recommendations:

GENERAL TREE CONDITION FINDINGS

1. I found most of the Lacebark Elms to have several trunk and scaffold branch wounds. Most of the wounds were older with new reaction wood starting to grow across the wound. I also found fresh wounds, in which the wood of the tree was still green, with desiccated areas that were obviously teeth marks of squirrels. Squirrel damage on thin barked trees like Lacebark Elm, Water Oak, Shumard Oak, and Nuttall Oak has become fairly common in the Greater Houston area in the last 5-10 years. The squirrels will frequently rest in the area of a branch attachment and chew the bark of the limb where it attaches to the trunk or a larger branch. Frequently the entire circumference of the bark is stripped from the limb, causing the limb to die. It seems thinner barked trees are the squirrels' preference, which is evident in the amount of wounding on the Lacebarks in Dow Park relative to other species.



Figure 1: An older trunk wound with reaction wood at margins.



Figure 2: Fresh wound with squirrel teeth marks.

2. I found deadwood in most Lacebark Elm trees located in the park. Lacebark Elms tend to be slow in shedding deadwood. This phenomenon causes wall number 4 (reaction wound tissue) of the wound compartmentalization process to start growing up the dead or dying limb before it falls from the tree, rather than growing across and compartmentalizing the wound. This condition tends to allow decay columns to develop in the limb or trunk to which the dead limb is attached. With time these decay columns structurally compromise the integrity of the branch or trunk to which the dead limb is attached, causing branch failure at some point in the future. This phenomenon has caused Lacebark Elm to fall out of favor with many Urban Foresters across the Greater Houston area.

3. I found several Lacebark Elm trees that had poor overall canopy vigor and a significant amount of deadwood that did not appear to be related to squirrel damage. The trees appeared to be suffering from years of soil compaction and/or root rot infestation. Root rot fungi have been more prevalent than typical the last several years with the abundant rainfall the Greater Houston area has received.
4. It is my opinion that the Lacebark's propensity to be a poor compartmentalizer of decay to be the primary cause for the recent history of branch failure. In my opinion the deadwood that has developed related to soil compaction, root rot fungi, and squirrel damage are leading to decay columns that are structurally compromising branches, which is causing branch failure.
5. It is my understanding from Parks Operations staff that at least one Lacebark Elm's trunk split and failed recently. This is typical with Lacebark Elms that have co-dominant trunks with included bark in the trunk attachment. I found two trees near the parking lot with co-dominant trunks that should be removed due to the structurally compromised condition.



Figure 3: Co-dominant trunk with included bark.

GENERAL (PARK WIDE) BRANCH FAILURE MITIGATION RECOMMENDATIONS

1. Preventing squirrel damage in trees is a rather difficult endeavor. Some residents have found trapping and relocation to be an effective approach. I'm not sure if or how this could be implemented in Dow Park, but I do recommend looking into its feasibility.
2. Wounds on the trunks of trees will typically compartmentalize and not become a structural integrity issue. The wounds should be monitored and inspected at least once every 3 years to ensure proper compartmentalization and structural integrity. If the trunk wounds are repeatedly damaged and made larger by the chewing, decay may develop and entire tree may need to be removed for patron safety.
3. Given the Lacebark Elm's poor compartmentalization properties, deadwood should be pruned from the trees to allow proper reaction wood tissue development and compartmentalization. I recommend the trees in Dow Park be placed on a 3-5 year Crown Cleaning Pruning schedule that should include removal of deadwood 1" diameter and larger. The routine maintenance should prevent development of decay columns and associated branch failure.

INDIVIDUAL TREE EVALUATION & RECOMMENDATIONS

(Reference attached park map for tree numbers & locations. Tree diameters were not measured in field for cost savings purposes – diameters are approximate.)

Tree No. 1 – 12" Lacebark Elm – Co-dominant trunk with included bark in attachment. Tree is structurally compromised and should be removed for safety concerns.

Tree No. 2 – 9" Lacebark Elm - Co-dominant trunk with included bark in attachment. Tree is structurally compromised and should be removed for safety concerns.

Tree No. 3 – 22" Lacebark Elm – Significant deadwood throughout canopy of tree. Approximately 50% of the tree's canopy has died. Structural integrity concerns with size and amount of deadwood and the anticipated decay columns in scaffold branches. The tree should be removed for safety concerns.

Tree No. 4 – 16" Lacebark Elm – Squirrel damage wounds on trunk and minor deadwood in canopy. The tree should be pruned with a Crown Cleaning Pruning, removing deadwood 1" diameter and larger as soon as feasible. The tree should be included in a 3-5 year Crown Cleaning and trunk wound inspection schedule.

Tree No. 5 – 16” Lacebark Elm - Squirrel damage wounds on trunk and minor deadwood in canopy. The tree should be pruned with a Crown Cleaning Pruning, removing deadwood 1” diameter and larger as soon as feasible. The tree should be included in a 3-5 year Crown Cleaning and trunk wound inspection schedule.

Tree No. 6 – 18” Lacebark Elm - Squirrel damage wounds on trunk and minor deadwood in canopy. The tree should be pruned with a Crown Cleaning Pruning, removing deadwood 1” diameter and larger as soon as feasible. The tree should be included in a 3-5 year Crown Cleaning and trunk wound inspection schedule.

Tree No. 7 – 12” Lacebark Elm - Squirrel damage wounds on trunk and minor deadwood in canopy. The tree should be pruned with a Crown Cleaning Pruning, removing deadwood 1” diameter and larger as soon as feasible. The tree should be included in a 3-5 year Crown Cleaning and trunk wound inspection schedule.

Tree No. 8 – 14” Lacebark Elm - Squirrel damage wounds on trunk and minor deadwood in canopy. The tree should be pruned with a Crown Cleaning Pruning, removing deadwood 1” diameter and larger as soon as feasible. The tree should be included in a 3-5 year Crown Cleaning and trunk wound inspection schedule.

Tree No. 9 – 17” Lacebark Elm - Squirrel damage wounds on scaffold branches and minor deadwood in canopy. The tree should be pruned with a Crown Cleaning Pruning, removing deadwood 1” diameter and larger as soon as feasible. The tree should be included in a 3-5 year Crown Cleaning and trunk wound inspection schedule.

Tree No. 10 – 16” Lacebark Elm - Squirrel damage wounds on scaffold branches and minor deadwood in canopy. The tree should be pruned with a Crown Cleaning Pruning, removing deadwood 1” diameter and larger as soon as feasible. The tree should be included in a 3-5 year Crown Cleaning and trunk wound inspection schedule.

Tree No. 11 – 12” Lacebark Elm - Squirrel damage wounds on scaffold branches and minor deadwood in canopy. The tree should be pruned with a Crown Cleaning Pruning, removing deadwood 1” diameter and larger as soon as feasible. The tree should be included in a 3-5 year Crown Cleaning and trunk wound inspection schedule.

Tree No. 12 – 11” Pine – Trunk heavily infested with Fusiform rust (*Cronartium fusiforme*), which has created a canker that has enveloped most the circumference of the tree. The canker has severely compromised the trunk’s structural integrity. The tree should be removed as soon as possible.



Figure 4: Fusiform canker on trunk of Tree No. 12.

Tree No. 13 – 23” Lacebark Elm - Squirrel damage wounds on scaffold branches and minor deadwood in canopy. The tree should be pruned with a Crown Cleaning Pruning, removing deadwood 1” diameter and larger as soon as feasible. The tree should be included in a 3-5 year Crown Cleaning and trunk wound inspection schedule.

Tree No. 14 – 13” Lacebark Elm – The tree is suppressed by the larger Tree No. 13. With time the tree will start to decline and die as the larger tree continues to prevent the smaller tree from receiving adequate sunlight, water & nutrients to support essential life functions. Removal of Tree No. 14 will prevent future deadwood and safety issues and will also allow Tree No. 13 to develop a full canopy and be healthier over the long term.

Tree No. 15 – 11” Lacebark Elm - Squirrel damage wounds on trunk and minor deadwood in canopy. The tree should be pruned with a Crown Cleaning Pruning, removing deadwood 1” diameter and larger as soon as feasible. The tree should be included in a 3-5 year Crown Cleaning and trunk wound inspection schedule.

Tree No. 16 – 12” Lacebark Elm - Squirrel damage wounds on trunk and minor deadwood in canopy. The tree should be pruned with a Crown Cleaning Pruning,

removing deadwood 1" diameter and larger as soon as feasible. The tree should be included in a 3-5 year Crown Cleaning and trunk wound inspection schedule.

Tree No. 17 – 11" Lacebark Elm - Co-dominant trunk with included bark in attachment. Tree is structurally compromised and should be removed for safety concerns.

TREE TREATMENT CRITERIA

Tree recommended for immediate removal

1. Trunk of tree has been structurally compromised by decay, pathogen, or Co-dominant trunk with included bark.

Tree recommended for removal as soon as schedule permits

1. Tree suppressed by adjacent larger tree.
2. Tree with large deadwood that has started to compromise structural integrity of large scaffold limbs.

Tree recommended for Crown Cleaning prune and scheduled inspections

1. Tree with squirrel damage wounds on trunk or major branches.
2. Tree with deadwood 2" diameter or larger.