

## CITY OF DEER PARK

710 EAST SAN AUGUSTINE STREET

DEER PARK, TEXAS 77536

## Minutes of

THE 1704th 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 FEBRUARY 20, 2018, 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 A. SINOR    | COUNCILWOMAN |

## OTHER CITY OFFICIALS PRESENT:

|                 |                       |
|-----------------|-----------------------|
| JAMES STOKES    | CITY MANAGER          |
| GARY JACKSON    | ASSITANT CITY MANAGER |
| SHANNON BENNETT | 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 Councilwoman Sinor.
3. PLEDGE OF ALLEGIANCE – Councilman Martin led the Pledge of Allegiance to the United States Flag and the Texas Flag.
4. PRESENTATION AND RECOGNITION OF THE LIFE SAVING AWARDS – Police Chief, Greg Grigg, presented Officer Anthony Baggett and Sergeant Jarrett Hill with a “Life Saving Award” for their actions of saving two lives. The Deer Park Police Department recognized Officer Baggett, who responded to an emergency on August 13, 2017. Officer Baggett’s actions saved the life of Mr. Kenneth McVey. The Deer Park Police Department also recognized Sergeant Hill, who responded to an emergency on August 22, 2017. Sergeant Hill’s actions saved the life of Mr. Thomas DeShazo.

Mayor Mouton commented, “Today, if you watch the news, like most of us do, we always seem to get the slant of what goes on. It is nice to have our Officers here, to show case why we do what we do and that the men in blue are here to serve our Community, to protect life and property. It is so nice and makes what I do and what Council does, rewarding to see these kinds

of scenarios occur in our Community and to have the opportunity to recognize the Officers. Chief Grigg, to you and the Department, thank you for what you do.”

5. CONSENT CALENDAR – Motion was made by Councilman Harrison and seconded by Councilman Ginn to approve the consent calendar as follows:
  - a. Approval of minutes of workshop meeting on February 6, 2018.
  - b. Approval of minutes of regular meeting on February 6, 2018.
  - c. Approval of tax refund to W. D. Lawther in the amount of \$526.85 due to a value decrease granted by Harris County Appraisal District.
  - d. Approval of tax refund to Harmsen Derk Enterprises in the amount of \$675.14 due to a value decrease granted by Harris County Appraisal District.
  - e. Approval of tax refund to Code Red Safety & Rental in the amount of \$2,884.36 due to a value decrease granted by Harris County Appraisal District.
  - f. Approval of tax refund to Malone Industrial Machine LLC. in the amount of \$1,000.27 due to a value decrease granted by Harris County Appraisal District.
  - g. Approval of tax refund to Enrique Olivares Jr. and Janell Olivares in the amount of \$1,478.43 due to an overpayment.
  - h. Approval of tax refund to Katie Murphy in the amount of \$1,893.07 due to an overpayment.
  - i. Authorization to purchase a Chevrolet Silverado 1500 truck for the Athletics/Aquatics Department through the Texas Smart Buy Purchasing Program.
  - j. Authorization to purchase two Chevrolet Silverado 2500 trucks for the Park Maintenance Department through the Texas Smart Buy Purchasing Program.
  - k. Authorization to issue a request for proposal for professional auditing services.
  - l. Acceptance of Quarterly Investment Report (October- December 2017).

Motion carried 7 to 0.

6. COMMENTS FROM AUDIENCE –

- a. Bernadine Roop, 2421 Henderson Lane, commented, “I live on the corner of 2421 Henderson Lane. I don’t know if any of you have been down that street, but we flood all the time. Our corner floods from four streets. I have been here before, appealing to the City Council about 8 to 10 years ago. For 20 years we have been trying to get the corner fixed. We are getting tired of being flooded. This last flood cost me over \$70,000.

Two doors down, a man died. Two people are not even in their houses yet, and it was bad. Right outside my front door, it was over waist high and we are tired of this. My husband was very ill and passed away last year right before the flood. I lived in fear all the time, if I needed an ambulance they couldn't get through, a fire truck couldn't get through. It was waist deep out there. I have appealed to you before many times, to please fix our street. You can see the map that I gave you, four streets flood down there. Last time, when Wayne was Mayor, I came here. I came here so many times, he was calling me Ms. Henderson. I think the only reason he fixed it was because he got tired of seeing me up here all the time. All he did was run a pipe under the street and we just shook our heads. Why? I mean, \$450,000 thousand dollars was spent on a pipe to go under the street. All that did was bring the water down our street faster. One month after that was finished, we flooded again. We flooded twice in one month. This has been going on a long time. Our houses are almost 40 years old, that's how long this has been going on. Don't you think it is time you did something? It's been six months now since the flood, have you done anything? Have any of you come out there to see the flooding? I think Councilman Ginn did. When it floods, don't you go around the City and check where it is flooding? You should. The purpose of a city government is the welfare and safety of it's citizens. I think you are failing. I listen and hear about dogs at the dog park, a bridge at the Golf Course. Don't you think our houses are more important? We pay taxes for you all, we are not getting our service. There were 20 houses that flooded that I know of, there might have been more. Please do something or we are going to be back here in full force, at every City Council meeting until you do. Do we have to go to Plan B and hire a lawyer and file a lawsuit? I mean 30 something years, that is enough. I think we have been patient enough. Mr. Mayor, the last time I heard a speech from you, you said your high priorities as Mayor was fixing the ball parks. I think our houses are more important. When you said that, we just shook our heads, we couldn't believe it. We have some people that couldn't come tonight, but they wrote out papers. I will give them to the City Manager, maybe that will help. Have you done anything in the last 6 months? It's been 6 months since we flooded so bad. Are there any plans to do anything? Are you doing the same thing you have done for the last 10 to 15 years, nothing?"

Mayor Mouton commented, "We are doing things."

Ms. Roop asked, "What are you doing?"

Mayor Mouton responded, "We are doing things."

Ms. Roop commented, "I sure do hope so. We are expecting a heavy rain again. If we get over two and a half inches of rain, we flood. All of our houses have tile floors. We can't have carpet in our houses anymore. We can't sell our houses, no one wants to buy a house that floods every time it rains. So I appeal to you, please do something or we will be back here full force, all of us or like I said, Plan B."

Mayor Mouton commented, "Thank you for coming."

- b. Robert Cole, 2405 Tyler, commented, "First, I want to apologize for my appearance. I got dressed at the last minute and drug my family out here. The date slipped my mind. I live at 2405 Tyler Lane, which is in the same area. We are still trying to get sheet rock back on the walls. I didn't have flood insurance. I have lived in Deer Park my entire life. I grew up on Groves street. I'm a 3<sup>rd</sup> generation Cole in Deer Park, so we have lived here for a long time. I was not made aware that our neighborhood flooded when I did my disclosure on my house when I bought it. Now, that is not the City's fault, but my neighbor told me a couple of years ago, after I moved in, that they had flooded before. My neighbors, there are several of us here, are very upset about this. I can't even get out of my house now. I'm stuck here. I am stuck where I am at because nobody is going to buy a house that has flooded multiple times. I don't know what you all can do. I know there was an elevation shot and I believe the elevation is 18 inches lower, so we are sitting in a bowl. San Augustine is quite a bit higher and I watched water roll in four and a half inches in my house, roll in the front door and roll out the back. I had just got through doing laminate flooring in my house, now that's all garbage. I've got to go back over it with tile. Like Ms. Roop said, we can't put any kind of flooring other than tile down. We are stuck. I don't know what you can do or if you all can do anything. I mean it is not fair and I guess life is not fair, but it's not fair that we are stuck in our situation. We are not the only people. I know all the neighbors around me and I know of at least 15 people personally. I run RLC Plumbing. I own that company. I live in Deer Park, I do a lot of business with these people and everybody is very upset about this because we are stuck. We are stuck between a rock, we can't even get out if we wanted to. We would have to take a loss on our house, because it can be appraised at "x" amount, but if it floods, nobody is going to buy it. I wouldn't buy it, you wouldn't buy it, we are just stuck. I feel her frustration, she has been dealing with it longer. I try to be patient, I understand the wheels turn slow. You all have a lot of funding and approval to go across a bunch of different areas in the entire City, but I would like you all to consider to try to do something with our neighborhood. We are stuck period. Thank you for your time."
- c. Elvera Martinez, 2401 Tyler Lane, commented, "I live on 2401 Tyler Lane and I have a 95-year-old mother. Thank God, we have a two story house, so we live up there. I have floors now. The walls are not finished. I've been on my own all the time I've lived here. I used to work for the school district and I had insurance up to 2012, when I resigned. I didn't have insurance after 2012. FEMA did help me, but can only help you with so much. We didn't have anyone but my granddaughter and daughter to do the work. I called FEMA again because I found out that my kitchen cabinets on the bottom have mold. I was told to spray. Well, I'm tired of spraying. I have pulmonary hypertension and there are so many difficulties. You have to remember when we end this meeting, you are going home to your home where it's safe, we don't. I look at my walls and they are not finished yet. All the money I had was from FEMA, and that's what I used. You go home to your homes, we go to a shelter really. FEMA offered, because of my mother's age, to pay for us to go to a motel or hotel. They were completely full because the people from Houston came in and took over Deer Park. So we only got one night. We decided, mold or no mold, we will just live upstairs. Just remember, go by there. What they are describing to you. We've not seen

one face. You are right, we do have a good Police Department, because they were there. We need your help. It starts with compassion from the heart. We can stand here and pray, but you have to have a little compassion for us. I too, like Mr. Cole, when I bought this house, asked if this house had ever flooded, because I had flooded on 310 E. Oak with Allison. I was told no. Like Mr. Cole, the neighbors came up to me, because they didn't know that I had moved in. All of a sudden, they see this Hispanic lady there. I was also told I was the first Hispanic on that block. Having said that, it wasn't because we were dumb, I did ask if this house had ever flooded. She said no, not that she knew of. She turned and asked Donna, I don't know her last name, the realtor, and she said "oh no honey,, this is fine." I too, like Mr. Cole, lost my wooden floors, when I moved in. Have compassion on us, at least come by and see what we are talking about, because FEMA is done. I can't afford another flood either. Thank you for your time."

7. CONSIDERATION OF AND ACTION ON THE REAPPOINTMENT OF TROY COTHRAN AS THE CITY OF DEER PARK'S REPRESENTATIVE ON THE BOARD OF DIRECTORS FOR THE SOUTH EAST TEXAS HOUSING FINANCE CORPORATION – Motion was made by Councilman Patterson and seconded by Councilwoman Sinor to reappoint Troy Cothran as the City of Deer Park's representative on the Board of Directors for the South East Texas Housing Finance Corporation Motion carried 7 to 0.
8. CONSIDERATION OF AND ACTION ON AN AGREEMENT WITH DEER PARK INDEPENDENT SCHOOL DISTRICT TO PROVIDE A POLLING LOCATION FOR A GENERAL ELECTION OF BOARD OF TRUSTEES ON MAY 5, 2018 – Motion was made by Councilman Patterson and seconded by Councilman Martin to enter into an agreement with the Deer Park Independent School District to provide a polling location for a General Election of Board of Trustees on May 5, 2018 . Motion carried 7 to 0.
9. CONSIDERATION OF AND ACTION ON AN AGREEMENT WITH ARDURRA GROUP LLC FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE RESIDUALS HANDLING AT THE CITY OF DEER PARK WATER TREATMENT PLANT – Motion was made by Councilwoman Garrison and seconded by Councilman Patterson to enter into an agreement with Ardurra Group LLC. for professional engineering services related to the residuals handling at the City of Deer Park Water Treatment Plant. Motion carried 7 to 0.
10. CONSIDERATION OF AND ACTION ON A REFERRAL TO THE PLANNING AND ZONING COMMISSION FOR A SPECIFIC USE PERMIT FROM THE REQUEST OF DEER PARK CHURCH OF CHRIST TO CONSTRUCT A MEMORY CARE & ASSISTED LIVING FACILITY ON THE SOUTHWEST CORNER OF 'X' STREET AND EAST BOULEVARD – Motion was made by Councilman Patterson and seconded by Councilwoman Garrison to refer the request of the Deer Park Church of Christ to the Planning and Zoning Committee for a Specific Use Permit request to construct a memory care & assisted living facility on the southwest corner of 'X' Street and East Boulevard. Motion carried 7 to 0.
11. CONSIDERATION OF AND ACTION ON A REFERRAL TO THE PLANNING AND ZONING COMMISSION FOR A SPECIFIC USE PERMIT FROM THE REQUEST OF

VICTORY PARK INDUSTRIAL, LLC TO OPERATE AN INDUSTRIAL GROUP 35 BULK WAREHOUSE AT 2851 EAST PASADENA BOULEVARD – Motion was made by Councilman Harrison and seconded by Councilman Patterson to refer the request from Victory Park Industrial LLC. to the Planning and Zoning Committee to operate an industrial group 35 bulk warehouse at 2851 East Pasadena Boulevard. Motion carried 7 to 0.

12. CONSIDERATION OF AND ACTION ON AN ORDINANCE GRANTING A PIPELINE FRANCHISE TO FLST LLC FOR A SIXTEEN INCH (16”) ETHANE PIPELINE (FINAL READING) – After a proposed ordinance was read by caption, motion was made by Councilman Harrison and seconded by Councilman Ginn to adopt on third and final reading of Ordinance No. 3951, captioned as follows:

AN ORDINANCE GRANTING FLST LLC D/B/A LAVACA LST PIPELINE LLC, IT’S SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, INSTALL, EXTEND, REMOVE, REPLACE, ABANDON, OPERATE AND MAINTAIN IT’S PROPOSED 16-INCH PIPELINE, WHICH WILL BE INSTALLED IN THE CENTERPOINT ENERGY CORRIDOR AND CROSSES, SPENCER HIGHWAY, PASADENA BOULEVARD, SAN AUGUSTINE, EAST BOULEVARD, SOUTH BATTLEGROUND ROAD AND OLD UNDERWOOD ROAD, IN THE CITY OF DEER PARK, HARRIS COUNTY, TEXAS FOR THE PURPOSE OF TRANSPORTING ETHANE; PROVIDING FOR A FEE : PROVIDING AN INDEMNITY CLAUSE; PROVIDING THAT THIS FRANCHISE SHALL NOT BE EXCLUSIVE; RESEERVING ALL POWERS OF REGULATION; PROVIDING FOR ACCEPTANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY BY FINE OF UP TO \$2000.00 FOR EACH DAY’S VIOLATION.

Motion carried 7 to 0.

13. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FY 2017-2018 WATER AND SEWER FUND BUDGET – After a proposed ordinance was read by captioned, motion was made by Councilwoman Garrison and seconded by Councilwoman Sinor to adopt on first and final reading Ordinance 3960, captioned as follows:

AN ORDINANCE AMENDING THE 2017-2018 BUDGET FOR THE CITY OF DEER PARK, TEXAS AND APPROPRIATION THE SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED; AND DECLARING AN EMERGENCY.

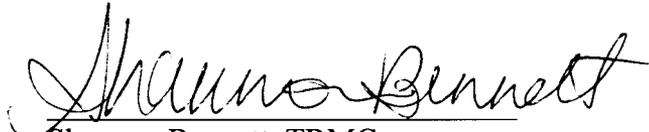
Motion carried 7 to 0.

14. CONSIDERATION OF AND ACTION ON AUTHORIZATION TO PURCHASE A BUILDING TO CONTAIN THE PAX UNIT AT COY DRIVE – Motion was made by Councilman Patterson and seconded by Councilman Martin to authorize the purchase of a building to contain the PAX unit at Coy Drive. Motion carried 7 to 0.

15. ADJOURN – Mayor Mouton adjourned the meeting at 8:00 p.m.

ATTEST:

APPROVED:



Shannon Bennett, TRMC  
City Secretary



Jerry Mouton  
Mayor