

Sherry Garrison, Council Position 1
Thane Harrison, Council Position 2
Tommy Ginn, Council Position 3

James Stokes, City Manager
Gary Jackson, Assistant City Manager



Jerry Mouton Jr., Mayor

Bill Patterson, Council Position 4
Ron Martin, Council Position 5
Rae A. Sinor, Council Position 6

Sandra Watkins TRMC, CMC City Secretary
Jim Fox, City Attorney

Ordinance # 3822

Resolution #2016-09

CALL TO ORDER

The 1668th meeting of the Deer Park City Council.

INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. Proclamation for National 811 Day.

[PRO 16-014](#)

Attachments: [National 811 Day.pub](#)

CONSENT CALENDAR

2. Approval of minutes of workshop meeting on July 5, 2016.

[MIN 16-109](#)

Recommended Action: Approval

Attachments: [CC_MW_070516](#)

3. Approval of minutes of regular meeting on July 5, 2016.

[MIN 16-110](#)

Recommended Action: Approval

Attachments: [CC_MR_070516](#)

4. Approval of minutes of workshop meeting on July 19, 2016.

[MIN 16-111](#)

Recommended Action: Approval

Attachments: [CC_MW_071916](#)

The Mission of the City of Deer Park is to deliver exemplary municipal services that provide the community a high quality of life consistent with our history, culture and unique character.

5. Approval of minutes of regular meeting on July 19, 2016. [MIN 16-112](#)

Recommended Action: Approval

Attachments: [CC MR 071916](#)

6. Approval of the surplus property list and authorization to auction this surplus property via the Internet through Rene Bates Auctioneers. [AUC 16-001](#)

Recommended Action: Approval of and authorization to auction surplus property via the Internet through Rene Bates Auctioneers.

Department: Finance

Attachments: [2016 Surplus Auction Items](#)

7. Acceptance of proposed programming for Deer Park Community Development Corporation (DPCDC) funded Maxwell Center Renovation and Expansion and Parking Lot Expansion Project. [ACT 16-035](#)

Recommended Action: Accept proposed programming for Deer Park Community Development Corporation (DPCDC) Maxwell Center Renovation and Expansion and Parking Lot Expansion project.

Department: Parks & Recreation Commission and Deer Park Community Development Corporation

Attachments: [2016-07-20 Maxwell Center programming](#)

8. Acceptance of the Dow Park Pavilion concept conducted by Halff Associates. [ACT 16-038](#)

Recommended Action: Recommend acceptance of the Dow Park Pavilion concept conducted by Halff Associates to City Council.

Department: Parks & Recreation Director Swigert

Attachments: [Dow Park Pavilion Concept](#)

9. Acceptance of the Deer Park Community Development Corporation's quarterly report for the period of April 1, 2016 - June 30, 2016. [RPT 16-054](#)

Recommended Action: Accept the Deer Park Community Development Corporation's quarterly report for the period of April 1, 2016 - June 30, 2016.

Department: City Manager's Office

Attachments: [DPCDC 3Q Report_6.30.16 \(Cumulative for FY\)](#)

10. Authorization to donate expired body armor to the non-profit group, Armor of God Project. [AUT 16-087](#)

Recommended Action: Authorization to donate expired body armor to the non-profit group, Armor of God project.

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11. Acceptance of certification of the anticipated Tax Collection Rate.[ACT 16-044](#)

Recommended Action: No action required.

Department: Finance

Attachments: [Anticipated Collection Rate Tax Year 2016](#)

COMMENTS FROM AUDIENCE

The Mayor shall call upon those who have registered to address Council in the order registered. There is a five minute time limit . A registration form is available in the Council Chambers and citizens must register by 7:25 p.m.

NEW BUSINESS**12. Consideration of and action on Task Order No. 6 agreement with Halff Associates, Inc. for architectural services for the Deer Park Community Development Corporation (DPCDC) funded renovations of the girls' softball facilities at the Youth Sports Complex.**[AGR 16-036](#)

Recommended Action: Authorize Task Order No. 6 with Halff Associates, Inc. for architectural services for the Deer Park Community Development Corporation (DPCDC) renovations of the girls' softball facilities at the Youth Sports Complex.

Department: Parks & Recreation Commission and Deer Park Community Development Corporation

Attachments: [Deer Park Task Order 006-Softball-Final](#)

13. Consideration of and action on Task Order No. 4-B agreement with Halff Associates, Inc. for architectural services for the Deer Park Community Development Corporation (DPCDC) funded Maxwell Adult Center Renovation and Expansion and Parking Lot Expansion project.[AGR 16-039](#)

Recommended Action: Authorize Task Order No. 4-B with Halff Associates, Inc. for architectural services for the Deer Park Community Development Corporation (DPCDC) Maxwell Adult Center Renovation and Expansion and Parking Lot Expansion project.

Department: Parks & Recreation Director Swigert

Attachments: [Deer Park Task Order 004-B-Maxwell Design and Construction](#)

ADJOURN

The Mission of the City of Deer Park is to deliver exemplary municipal services that provide the community a high quality of life consistent with our history, culture and unique character.

*Shannon Bennett, TRMC
Acting City Secretary*

*Posted on Bulletin Board
July 29, 2016*

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 72 hours prior to any meeting. Please contact the City Secretary's office at 281.478.7248 for further information.

The Mission of the City of Deer Park is to deliver exemplary municipal services that provide the community a high quality of life consistent with our history, culture and unique character.



Legislation Details (With Text)

File #: PRO 16-014 **Version:** 1 **Name:**
Type: Proclamation **Status:** Agenda Ready
File created: 7/12/2016 **In control:** City Council
On agenda: 8/2/2016 **Final action:**
Title: Proclamation for National 811 Day.
Sponsors:
Indexes:
Code sections:
Attachments: [National 811 Day.pub](#)

Date	Ver.	Action By	Action	Result
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Proclamation for National 811 Day.

Summary: Barry Beasley, former Mayor of La Porte, Texas called and requested a Proclamation for National 811 Day on August 11, 2016. A representative for 811 will be in attendance at the August 2, Council Meeting to receive the Proclamation.

Fiscal/Budgetary Impact:



Legislation Details (With Text)

File #: MIN 16-109 **Version:** 1 **Name:**
Type: Minutes **Status:** Agenda Ready
File created: 7/25/2016 **In control:** City Council
On agenda: 8/2/2016 **Final action:**
Title: Approval of minutes of workshop meeting on July 5, 2016.
Sponsors:
Indexes:
Code sections:
Attachments: [CC_MW_070516](#)

Date	Ver.	Action By	Action	Result
8/2/2016	1	City Council		

Approval of minutes of workshop meeting on July 5, 2016.

Summary:

Fiscal/Budgetary Impact:

None

Approval

710 EAST SAN AUGUSTINE STREET

DEER PARK, TEXAS 77536

Minutes

of

A WORKSHOP MEETING OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS HELD AT CITY HALL, 710 EAST SAN AUGUSTINE STREET, DEER PARK, TEXAS ON JULY 5, 2016, BEGINNING AT 7:00 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 workshop to order at 6:30 p.m.
2. DISCUSSION OF ISSUES RELATING TO NAMING THE CITY OWNED PARK PROPERTY CURRENTLY REFERRED TO AS THE “DEER PARK WETLAND” – Parks and Recreation Director, Scott Swigert advised Council for the need to officially name City park property, currently referred to as the “Deer Park Wetland” located at the Southeast corner of Thirteenth Street and East Boulevard. RVi Planning and Landscape Architecture, the architect firm designing the “Deer Park Wetland”, as well as National Sign Plazas (NSP), the contractor for the Citywide Wayfinding Sign Program, both need to have the official name of the “Deer Park Wetland” so they can finalize their designs and signs. During the design of the “Deer Park Wetland,” it was discovered that the property actually hosts three different natural environments; a wetland, a grassland and a woodland. The “Deer Park Wetland” actually comprising more than just the wetland, it has become apparent that the official name of the property needs to be different than the “Deer Park Wetland.” The Parks and Recreation Commission began discussions for the naming of the property during their May monthly board meeting and made a recommendation to name the park the “Deer Park Nature Preserve.”

3. DISCUSSION OF ISSUES RELATING TO APPOINTMENT OF DEER PARK'S 125TH ANNIVERSARY CELEBRATION COMMITTEE – Mayor Mouton advised Council he spoke to Councilwoman Garrison about the 125th Celebration Committee and asked for direction from Council to establish some perimeters of the committee before members are appointed to the committee.

Councilwoman Garrison commented, "I have a list of ideas which includes combining the 125th Anniversary with the 4th of July, two banners on Center Street, a Fun Run, Historical Presentations through the community Civic Clubs about Simeon West, a Golf Tournament, a Social at the Battleground and a Parade. I am not inclined to be in favor of a parade because they are very difficult to do and very difficult to organize, but certainly something we should think about. Possibly inviting some of Simeon West's descendants, getting different aspects of the community involved, including the Maxwell Center. I noticed last night at the 4th of July celebration, they had a quilt; maybe they could make a quilt representing the history of the 125th, some of the things that have happened in that time. The Art League has had art contests in the past. We could have a Deer Park Volunteer day, maybe get the Boy Scouts and Girl Scouts involved in cleaning up certain areas of town. The school can get involved by having some kind of essay contest. Norma Hysler with the LEPC has already contacted me about next year's 2017 calendar, which all the pictures will be historical pictures. I went to a website and started writing down things we can do because all of that depends on how much we spend, and what it involves."

Councilwoman Sinor asked, "Where does that budget come from? Is it out of the Hotel/Motel Fund or do we budget that?"

Councilwoman Garrison answered, "Only \$10,000 has been put aside."

Councilwoman Sinor commented, "Maybe we can contact some of the students or senior citizens."

Councilman Patterson commented, "Maybe some kind of drama presentation that the theater could put on."

Councilwoman Garrison commented, "At one of our meetings, Susan Mele brought up that in years past on the 4th of July, they put on a short history on the actual day we do the celebration. That might be a possibility. The theater does four productions throughout the year, plus the other things they do, so that might be a little difficult."

Councilman Martin asked, "With everything you are discussing, specifically for the July 4th time frame. Are we going to make an announcement at the beginning of the year, hang banners and then have the July 4th as a celebration if budget allows?"

Councilwoman Garrison, "I think we should tag along with Parks and Recreation, who does so much during the year with different activities such as the 4th of July and Reindeer in the Park. One of the suggestions was to have 125th Christmas ornaments that could be sold during the holidays. Last year, we had Christmas at the Cabin. I think it's going to

depend on how we can reach out to some of the organizations and ask them what they are willing to do.”

Councilwoman Sinor commented, “I think we need committee members to pull from all of those organizations and even more. We can get our teens and families involved.”

Councilwoman Garrison commented, “You don’t want the committee so large that it’s not workable. I don’t know what is too many. Twenty five might be too many.”

Councilman Patterson asked, “What organizations would you like to represent on the committee?”

Councilwoman Garrison answered, “I would like to have someone from the Rotary, Chamber of Commerce, the School district, the Art League, citizens and Parks and Recreation.”

Councilwoman Sinor commented, “I think it’s a great opportunity to get new people involved. It’s a pretty important time in our City.”

Councilwoman Garrison commented, “I don’t know how to plan a golf tournament. If we raise money, what are going to do with this money? Gary, is that something that we can legally do?”

Assistant City Manager Gary Jackson answered, “If you are going to use the Hotel Occupancy Tax funds (HOT) which is what is proposed, the proceeds go back into the HOT Funds. If you have donors that are putting in money, that can go towards a scholarship or a tournament. Anything funded out of the HOT Fund would have to go back into that fund.”

Councilwoman Garrison commented, “It’s not the idea to make money, it’s the idea to give something to our City and the citizens feel like they are getting something back. Also, to have some ownership in this, that’s why it’s important that we have different organizations get involved that want to do something special within their group. The Maxwell Center may want to do something different, but we do want them on board with us. Those who know someone at the Maxwell Center, can talk to them when they have a meeting and the same with the Rotary.”

Councilman Patterson commented, “I think we are struggling with what kind of celebration we want to do. I am not out to spend money needlessly. Maybe get someone who knows how to plan events. It sounds like we need to decide exactly what we want to do.”

Councilwoman Garrison commented, “We can hire an event planner, but it’s going to cost money to do that.”

Councilwoman Sinor commented, “That’s the role of the committee. That’s why it is important that we pick the right people.”

Mayor commented, "The committee is going to follow the directive we set. Right now it's a big pattern and needs to be narrowed down. Do we want one or two events during the year or doing a bunch of small events around July 4th?"

Councilwoman Garrison commented, "Do we want organizations such as the Rotary to do something special on their own? We could do just two things, the 4th of July or at the tree lighting. If we appoint this committee, we have to have some kind of budget."

Mayor Mouton commented, "That's the point of this discussion. It would be better to give them some ideas of what we want to do and let them have some creativity to go make that happen."

Councilwoman Garrison commented, "Giving them a dollar amount might be a good idea."

Mayor Mouton commented, "I like the ornament idea, but if we are going to do this, why not give one to every household."

Councilwoman Garrison commented, "I know one of the bids for the ornaments was very expensive."

Councilman Patterson commented, "We could have something at Patrick's Cabin on December 2nd, and try to get some of the descendants in. We may have to pay for some to come in, to have some recognition of them and recognition of the significance of the event. I would like to do it on the day rather than the 4th of July."

Councilwoman Garrison commented, "Most big celebrations are celebrated throughout the year."

Mayor Mouton asked, "So it could be more of a theme with spin offs. How are we going to integrate this with the July 4th celebration? What are we specifically going to do?"

Councilwoman Garrison commented, "Have a birthday party, of course the fireworks, that can be integrated in it."

Mayor Mouton commented, "It will be more of a branding and an actual twist of July 4th. What are we going to add to that event other than a branding that we are celebrating our 125th anniversary?"

Councilwoman Garrison commented, "I would hope that is something the committee would come up with, an idea of how we can enhance the July 4th and bring in the 125th celebration. What can we add to that?"

Councilwoman Sinor commented, "Kristin Edwards is good at that stuff and has a lot of contacts."

Councilwoman Garrison commented, "We have started the process of creating a logo. At the last Council meeting, I was given permission to start working on it. There is enough talent on the Logo Committee to create one."

Mayor Mouton commented, "Sounds like it's more of a branding for the whole anniversary and we're adding twists for each event, but not necessarily doing anything out of the ordinary. Am I missing that?"

Councilwoman Garrison commented, "No. I don't think we are doing it like that. We can do something at the Golf Course."

Councilman Sinor commented, "The Chamber of Commerce can do something special at one of their meetings to celebrate."

Mayor Mouton asked, "What kind of twist are we adding to this event? The committee will make suggestions on how do we add to the celebration of what we are doing, with conjunctions with the branding being one aspect. Then do something memorable at these events that would add to and promote."

Councilwoman Garrison commented, "I think that we need to decide on an amount, some kind of guideline."

Mayor Mouton commented, "We will work on that."

Councilwoman Garrison commented, "The only thing I'm worried about is the balance of the HOT Fund."

Mr. Jackson commented, "You have a remaining fund balance that is still available."

Councilwoman Sinor asked, "Can we talk about that in the next budget meeting?"

Councilwoman Garrison commented, "I think it's important if we come to a decision on that and all of us come up with some ideas and some people that we think would be good. Some that can come up with good ideas and are workers, not someone who is there just to serve on the committee."

Councilwoman Sinor asked, "When do we want to come back with names?"

Mayor Mouton commented, "I would say over the next few days start getting some names together and submit them to the City Manager by the next meeting. I'm certain we will have more names than we need. How many people do we want on this committee to make an effective committee? I would say our biggest challenge is condensing it down. Then sub-committees can be created for specific tasks of events."

Councilwoman Garrison commented, "This is a big thing. You all know I'm a little bit of a history buff. I really want people to realize what kind of person Simeon West was. He was a very interesting man. I think it is important that people in this town know who this man was. When he rode here, he was 65 years old when he founded the city. That's a long ride from Illinois. There was a lot more to him than meets the eye. That has been part of my pleasure in discovering who he really was."

Mayor Mouton commented, "I think that gives us enough of a directive and we will get that ready for the next meeting."

4. ADJOURN – Mayor Mouton adjourned the workshop meeting at 7:24 p.m.

Shannon Bennett, TRMC
Acting City Secretary

Jerry Mouton
Mayor



City of Deer Park

710 E SAN AUGUSTINE
DEER PARK, TX 77536

Legislation Details (With Text)

File #: MIN 16-110 **Version:** 1 **Name:**
Type: Minutes **Status:** Agenda Ready
File created: 7/25/2016 **In control:** City Council
On agenda: 8/2/2016 **Final action:**
Title: Approval of minutes of regular meeting on July 5, 2016.
Sponsors:
Indexes:
Code sections:
Attachments: [CC_MR_070516](#)

Date	Ver.	Action By	Action	Result
8/2/2016	1	City Council		

Approval of minutes of regular meeting on July 5, 2016.

Summary:

Fiscal/Budgetary Impact:

None

Approval

CITY OF DEER PARK
710 EAST SAN AUGUSTINE STREET
DEER PARK, TEXAS 77536

Minutes of

THE 1666th 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 JULY 5, 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

AND PLANNING AND ZONING COMMISSION MEMBERS PRESENT:

STAN GARRETT	CHAIRMAN
HAL ANDERSON	COMMISSIONER
DON TIPPIT	COMMISSIONER

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. JOINT PUBLIC HEARING ON THE REQUEST OF NANCY KELLEY AND ROMCO MANUFACTURING TO REZONE 102 ELM F FROM SINGLE FAMILY TWO (SF-2) TO GENERAL COMMERCIAL (GC) -

Mayor Mouton opened the hearing on behalf of the City Council.

Chairman Garrett opened the hearing on behalf of the Planning and Zoning Commission.

Acting City Secretary Shannon Bennett read the Notice of Joint Public Hearing. (Exhibit A)

Mayor Mouton called for those persons desiring to speak in favor of the request.

- a. Ric Oberberger, 100 West First Street, Deer Park, Texas, commented, “We’re here for the rezone request for 102 Elm Street. I think this map’s been passed around a little bit, but the idea here is that this particular property be rezoned for us to expand a warehouse building onto this property just west of our now existing building in Deer Park. ROMCO Manufacturing has been around since 1975. We moved to Deer Park in 2002 and that’s when we rebuilt the facility on West 1st. Fortunately we’ve grown quite a bit since then and need the space. The move that we are asking for is basically based on the fact that the property is surrounded on three corners or two sides with non-residential property as it stands. We don’t think that we will be particularly changing the landscape or the look of the area to go in there with a six to eight thousand square foot building with brick façade. It will look more like the neighborhood, not like an industrial facility. We don’t do outside fabrication. We don’t create a lot of noise in our manufacturing process. We have a few security lights on the outside of the building, but we don’t operate twenty-four seven, so we really don’t see it as a hindrance to the neighborhood. They are pretty much used to the type of traffic that we have now and we wouldn’t be changing a whole lot of that. The dotted line on the map here basically runs north and south along Elm Street. We see some commercial properties that are already west of the Elm Street line on the zoning map. So, I feel like we’re not really breaking new ground to take another little bit of commercial property west of the Elm Street line. I have a picture of the architect’s rendition of the outside of the building. We can vary this some, but the idea is to look more like a neighborhood, not to change the look of the area. Some brick, some of the ethos materials and a lot of windows, the wall would be facing north or looking at the front of the building from West First Street. This would be looking at the end of the building from Elm Street. We believe since this particular neighborhood is surrounded by non-residential, commercial, office professional, the highway and heavy industrial, we wouldn’t be in an area that’s not used to seeing this sort of activity. Our traffic wouldn’t change. We would still park on the south side of our building on the corner of Elm Street and 2nd Street. We wouldn’t increase traffic on West 1st Street whatsoever. We’ve talked to some of the neighbors to get a feel. We are good neighbors and have been for fifteen years. We think that this is something we can do without changing your lives. We haven’t gotten any negative response, it’s really hard to tell what their feelings are on things, but they all said that we are a good neighbor. Some of the property in the area, I’m not sure how many of the homes on 1st Street are owner occupied, but a couple of the properties on 2nd Street are vacant now. This particular neighbor likes what we are proposing and knows the type of building we are talking about doing. I think we work well with them as a neighbor, kind of dress up the area and make it look a whole lot nicer than it is for them as their back yard. This took us fifteen years to outgrow the existing facility. We believe that with the layout, that we can maximize by moving the warehouse across the street and putting some of our machine equipment into the portion of the building that’s now our warehouse. In the foreseeable future, this is an expansion that will work for us. Of course, we don’t want to move and it’s something that would be simpler than moving. I know it’s still going to be a big deal to construct, but that’s the general idea.”

Councilman Ginn asked, "Will you have more jobs because of this expansion?"

Mr. Obenberger answered, "Yes sir. We anticipate on being able to do this, we could have fifty percent more in staff. It would allow us to grow and produce more while still in our regular hours. We don't want to go round the clock with multiple shifts. Just an estimate at fifty percent, we have twenty-two employees now. When we came to Deer Park we had about half of that. It's a good opportunity for us to stay right where we are and be able to not only increase capacity, but have a better looking corner here in Deer Park that we'll be proud of for a long time."

Councilman Martin asked, "Will it only be used as a warehouse? Will all the machines stay in the current place where you're manufacturing?"

Mr. Obenberger answered, "Right. This wouldn't be for production. It's for finished parts storage and raw materials storage. For us, raw materials are not chemicals, gases or paints or any kind. We're raw bar-stock materials. That's the type of raw materials that we make our parts from."

Councilwoman Sinor commented, "I just want to say that I appreciate you all. You've done a lot of extra. You've made it very easy for us to ask and see. You've given us a lot of information. I had a site visit with you guys and I appreciate you showing Councilman Martin and I your facility and you are good neighbors. You've just gone above and beyond what we would call the norm to give us all the information that we need to make an informed decision. The house that's on the property has been vacant. It's an eyesore for the entire neighborhood, and I know your family and I know how you all operate. I know that you would just make it very nice, certainly from what's sitting there now. It's just a house that's vacant and certainly an eyesore and that would just deteriorate more and more which nobody likes to see."

Mr. Obenberger commented, "I think we can really improve the look of the area."

Councilman Martin commented, "Will the renderings work with the City in terms of size and what needs to be done and all that?"

Mr. Obenberger answered, "Yes, the planning and zoning guys saw this same map and this is not an architect drawing this is our cad drawing, our version of where the streets lie and so forth. It's definitely going to have to have an architectural drawing that we would then submit."

Councilwoman Sinor commented, "You made that clear today. You didn't want to spend a whole lot of money with architects drawings if you didn't know if you would get this approved. So, that makes total sense."

Councilwoman Garrison asked, "How do you get the product to your customers?"

Mr. Obenberger answered, "Typically we have one delivery truck that we use in which is our property and use UPS. We don't have a lot of freight service. Most of the parts that we ship are the size of parts that you can hold in your hand."

Councilwoman Garrison asked, “Is there going to be an increase in the amount of truck traffic?”

Mr. Obenberger answered, “No. I don’t foresee needing more than one delivery truck like we have now and of course the UPS van pulls in off of 2nd Street. I wouldn’t need any increased traffic.”

Councilwoman Sinor commented, “Well I don’t know who all got to go over there, but it’s obvious where all your machines are, they’re on top of each other and it’s more about being able to maximize the space.”

Mr. Obenberger answered, “We have a pretty bad flow layout right now, but it’s out of necessity. We make it work. That’s why we’re here. We believe this will help tremendously.”

Councilman Ginn asked, “Are the new jobs created going to be minimum wage type jobs?”

Mr. Obenberger answered, “No sir, most of the people that we hire are skilled machinist, not low wage jobs at all. Most of our employees that we hire end up staying five to ten years. We don’t have a high turnover. It’s more of a skilled type of application.”

- b. Tim Culp of Deer Park Chamber of Commerce, commented, “Good evening Mr. Mayor, Council members. My name is Tim Culp. I’m President/CEO of Deer Park Chamber of Commerce, and I’m coming to speak in favor of the request of zoning ordinance on behalf of Deer Park Chamber of Commerce. Just a little bit of quick history, some of you already know this. I spent a little over twelve years with Planning and Zoning in the previous city that I was with and nine of those I served as Chairman. I appreciate what you all are going through and what Planning & Zoning are going through to make sure they are asking the right questions and doing the right homework to make sure that we’ve got a good project for our zoning request. Again, as we all know, there are usually three factors that we look at, at least three that are important. Number 1, highest and best use, Number 2, the impact on adjacent property owners and Number 3, the impact of traffic flow, which you all have talked about a lot here this evening. As has been pointed out, there’s not going to be a lot of impact on the adjacent property owners. If anything, it is going to improve the location. It’s going to improve the area around this particular piece of property with the construction of the new warehouse facility. As far as impact on traffic flow, which Councilwoman Garrison just pointed out and you heard Mr. Obenburger point out, there’s not going to be a real change. We have visited with them for the last several months about this piece of property and what they want to do with it from a Chamber’s standpoint and from a City’s standpoint. I think that the important thing from an economic development standpoint, when you look at it from a City, currently this piece of property is on the tax rolls for a little over \$88,000. Of that, \$38,400 is the house and the garage that sits there, \$50,000 of that is the land, the property. The land’s value is going to stay there. The improvements are the building that’s going to be constructed. If you look at the building that they are pointing out, considering to be rebuilding, or to build, somewhere between six and eight thousand of

course, that's going to be depending upon the architectural drawings and so forth to make sure it meets code.

You're going to be looking at, \$600,000 just in the cost of building the building. Then you consider, and I think it was pointed out a minute ago, asking about equipment. When you add the new C & C machines that they are going to be adding, they are going to be adding somewhere between \$800,000 or \$900,000 worth of new equipment that will be in the existing facility. Not the new facility, because the new facility is going to be just warehouse property. Then you consider additional inventory that was pointed out as well which is about another \$50,000. So you're looking at, to be honest with you, a little over 1.4 million in new investment on that piece of property. You consider the existing land so it makes the whole project a little over 1.5 million which computes roughly to \$11,000 a year in tax for the City of Deer Park, specifically in comparison to \$631.00 a year. So it gives you an idea at what you're looking at from that standpoint. I'm not going to get into a lot of the other points, I think Mr. Obenberger pointed it out, the thing about it is, they have been here since 2002. When you're looking at it from an economic development standpoint, it's always nice when you're able to do it from within your city and grow your existing businesses and that's what's taking place here. They have a proven track record. They do what they say they're going to do. They make the improvements. They do want to stay here and I think it's important that we try to do everything that we possibly can to make sure that they do stay here. With that said, I'll take any questions that you might have."

- c. Nancy Kelley, 1602 Norwood, commented, "My name is Nancy Kelley and I own the property at 102 Elm, and when I signed the paper over there a while ago I didn't know it was to speak. I thought it was just to say that I'm here. But if there are any questions you'd like to ask me I'd be glad to answer them. I know that Ric is a very reliable person and I've worked with him these last few months trying to get things decided on what to do and he's very easy to work with and very dependable. I think anything he'll do for the City will be great."

Mayor Mouton called for those persons desiring to speak against the request. No one spoke.

The hearing was closed by Mayor Mouton on behalf of the City Council and Chairman Garrett on behalf of the Planning and Zoning Commission.

- 5. AWARDING BID FOR THE RENOVATION OF THE HOT WATER SYSTEM FOR THE THEATER/COURTS BUILDING – Motion was made by Councilman Patterson and seconded by Councilman Martin to award the bid for the renovation of the hot water system for the Theater/Courts Building to Coopwood's Air Conditioning, Inc., low bidder, in the amount of \$86, 517. Motion carried 7 to 0.
- 6. AWARDING BID FOR THE 13TH STREET LIFT STATION REHABILITATION - Motion was made by Councilwoman Garrison and seconded by Councilman Ginn to award the bid for the 13th Street Lift Station Rehabilitation to N & S Construction, low bidder, in the amount of \$109,500.00. Motion carried 7 to 0.

7. COMMENTS FROM AUDIENCE –

- a. Branden Garza, 2213 Estate, commented, “ I just bought that house. I have 3 vehicles and my work truck. It’s a single car driveway. I’ve received several notifications. I was parked beside my driveway, parallel, that way it looked good and not in the yard or anything. I got tickets for that so I came up here and I said, “Okay. Where do you want me to park?” They said, “In the street. You need to park right there on your grass strip, don’t get on the sidewalk.” I parked there three or four times, I parked there today right before I came up here. As soon as I got home, I parked there. Five minutes later the Police show up because the neighbor pulled up right behind me and parked on the opposite side of the street and it shuts down the road. I know they are getting ready to start a whole new water system in there. If I can’t park in my yard parallel, I’m just trying to figure out where people can park. As of now, you go up and down that road and my daughter has to go around vehicles in the street because everybody parks on the sidewalk. If everybody doesn’t park on the sidewalk, then you can’t get down the road. If there’s an emergency or police or ambulance that needs to get to one of the houses, the road’s going to be blocked. If you go up and down Estate, it’s going to be all up and down Estate and the surrounding area. It’s a lot of parking issues.”

Mayor Mouton advised Mr. Garza to talk to the City Manager Jay Stokes after the meeting to find a solution.

- b. Elayna Curry, 2217 Estate, commented, “I’m having similar issues with that. I leave at four in the morning and I’ve had my driveway blocked, the sidewalk’s been blocked and there’s a ton of children that are on that road and are having to get in the road. With the vehicles parked on both sides of the road like they’re supposed to be, it’s hard to get my big work truck in and out all the time. I have to cut through my yard and cut through other people’s yards to get to my driveway. I’ve left at four in the morning and had my truck blocked in which is a bit ridiculous to have the neighbor blocking when I leave. Nobody else is up on that road at that time, so it’s making it very difficult.”
- c. Larry Cernosek, 614 Regency, Deer Park commented, “I’m here on behalf of Janet Neeley, and I’m not an attorney, but her attorney is here, Mr. Contreras. We went to school together and he’s here on a volunteer basis and has been with us through this whole process. I got involved in her address over at 4305 College Park when the City put some stickers on some cars in her driveway which should have been done because they needed to be removed. My good friend Bob Bratcher calls me and says hey Larry you need to go over there and take care of this lady’s cars. So that’s what I did. We went over there and kind of talked with Ms. Neeley and asked what was going on and she said she had a mobile mechanic come out, the idiot took the keys, took the carburetor off the cars and she can’t find him. I took the cars to my shop and they are just beyond repair. I got her a car because it’s not only hell to be poor, but it’s hell to be without a car. Also, she can’t live in her house. When I went to get the cars, I knew there were some other problems here too, it’s obvious. I called the city to find out what was going on and I got an earful. We had a meeting, and there were pictures shown. You wouldn’t believe what are in some of these pictures, but Councilman Ginn was there and a bunch of the City Staff. We came to an agreement that they were going to meet in a couple of

weeks and come back out and do a re-inspection. I told them that there would be a lot of things improved and the city people couldn't believe it. When Greg Melching the Code Enforcement Officer came out, he couldn't believe how much stuff had been done. It's just kind of hard to repair things that have been going on for numerous years. I've been mowing the grass for her, trying to do anything and everything that we can to get this lady back in her house. I passed out an invoice, and it's kind of interesting I just looked at this today. It just says to: name and company name, I'm going to tell you, it's an official document. It was delivered to her house, but it doesn't have her name on it. I know this bill's been reduced once and I understand her attorney told me a few minutes ago that it's been reduced again. I don't know what that figure was, but this lady works for the Pasadena Independent School District at The Summit. It's not like we're helping somebody that doesn't have a job and is not trying to do the right thing. This lady is definitely trying to do the right thing and I want to tell you she was overwhelmed by all the City people, not that they did anything wrong, but it's kind of hard when you come upon a person. I'm just here asking you all if there's any way that we can help this lady? We're trying to do everything we can to help her out and I know that you all can do the right thing so I appreciate it."

Mayor Mouton asked, "Can you be more specific when you say help this lady?"

Mr. Cernosek replied, "Well, like I said, we're helping her get everything. We got people to come and do the work on the house inside. All the sheetrock has to be replaced and some electrical work. I'm asking for the reduction of the bill. I understand it's already been reduced again. I don't know what the amount is, but anyway, if we can do anything else."

Mayor Mouton commented, "We'll get with Staff and have to make this an agenda item. This would be something Council will have to review and look at."

- d. Bob Bratcher, 2322 Limerick, commented, "Thank you Mr. Mayor and Council. I just came to talk about the same issue and I was made aware of her problems by the other silver haired legislator. I was actually looking because there was a nice post that you made Mayor Mouton earlier today on Facebook and I couldn't find it. It was about taking care of people and being nice. This lady really has struggled. Steve Coy called me and asked me to take this on. So I talked to Larry because Larry has more adapted. I'm a little older. I do know that she's worked very hard and she really needs help. She needs help from the community. She needs help from the people in her church and other churches. She needs help from the City. When you get down and out and you don't have any money and you're working, this is a lady that will wind up on the street, if we don't help her. So what does that help? I want to commend Larry Cernosek for all that he's done. He's gotten rid of the cars. I was over there helping him on that, and he furnished her a car with insurance. If you all would really take this to heart, it would be a wonderful thing. Thank you Mayor and Council."

8. CONSIDERATION OF AND ACTION ON PURCHASING VALVES FOR THE HIGH SERVICE PUMPS AT THE WATER TREATMENT PLANT – Motion was made by Councilwoman Garrison and seconded by Councilman Martin to approve the purchase of valves for the high service pumps at the Water Treatment Plant. Motion carried 7 to 0.

9. CONSIDERATION OF AND ACTION ON A RESOLUTION APPOINTING MEMBERS TO AN AD HOC COMMITTEE TO PLAN DEER PARK'S 125TH ANNIVERSARY CELEBRATION – Motion was made by Councilman Patterson and seconded by Councilwoman Garrison to postpone the item until the next meeting. Motion carried 7 to 0.
10. CONSIDERATION OF AND ACTION ON THE RESULTS OF THE JOINT PUBLIC HEARING AND A PROPOSED ORDINANCE ON THE REQUEST OF NANCY KELLEY AND ROMCO MANUFACTURING TO REZONE 102 ELM FROM SINGLE FAMILY -2 (SF-2) TO GENERAL COMMERCIAL (GC) - 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. 3811, captioned as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 819 OF THE CITY OF DEER PARK, TEXAS, ADOPTED AUGUST 24, 1971, AS AMENDED BY TAKING THE NORTH 5 FEET OF LOT 1, ALL OF LOTS 2, 3, & 5 OF FRAZIER BLOCK ALSO KNOWN AS 102 ELM STREET OF THE CITY OF DEER PARK, HARRIS COUNTY, TEXAS OUT OF THE SINGLE FAMILY-TWO (SF-2) ZONING DISTRICT AND PLACING IT IN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING PENALTIES BY A FINE UP TO \$2,000.00 FOR EACH DAY'S VIOLATION OF THE PROVISIONS OF SUCH ORDINANCE, AS AMENDED; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

11. CONSIDERATION OF AND ACTION ON AN ORDINANCE CORRECTING THE ENDING EFFECTIVE DATE APPROVING CERTAIN INDUSTRIAL DISTRICT AGREEMENTS; PROVIDING FOR EXECUTION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY - After a proposed ordinance was read by caption, motion was made by Councilman Martin and seconded by Councilwoman Sinor to adopt on first and final reading Ordinance No. 3812, captioned as follows:

AN ORDINANCE CORRECTING THE ENDING EFFECTIVE DATE APPROVING CERTAIN INDUSTRIAL DISTRICT AGREEMENTS; PROVIDING FOR EXECUTION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

12. 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 Martin to adopt on first and final reading Ordinance No. 3813, captioned as follows:

AN ORDINANCE CALLING A PUBLIC HEARING ON JULY 19, 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.

13. ADJOURN – Mayor Mouton adjourned the meeting at 8:30 p.m.

ATTEST:

APPROVED:

Stan Garrett, Chairman
Planning and Zoning Commission

Shannon Bennett, TRMC
Acting City Secretary

Jerry Mouton
Mayor



City of Deer Park

710 E SAN AUGUSTINE
DEER PARK, TX 77536

Legislation Details (With Text)

File #: MIN 16-111 **Version:** 1 **Name:**
Type: Minutes **Status:** Agenda Ready
File created: 7/25/2016 **In control:** City Council
On agenda: 8/2/2016 **Final action:**
Title: Approval of minutes of workshop meeting on July 19, 2016.
Sponsors:
Indexes:
Code sections:
Attachments: [CC_MW_071916](#)

Date	Ver.	Action By	Action	Result
8/2/2016	1	City Council		

Approval of minutes of workshop meeting on July 19, 2016.

Summary:

Fiscal/Budgetary Impact:

None

Approval

710 EAST SAN AUGUSTINE STREET

DEER PARK, TEXAS 77536

Minutes

of

A WORKSHOP MEETING OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS HELD AT CITY HALL, 710 EAST SAN AUGUSTINE STREET, DEER PARK, TEXAS ON JULY 19, 2016, BEGINNING AT 6:00 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

JERRY MOUTON	MAYOR
SHERRY GARRISON	COUNCILWOMAN
THANE HARRISON	COUNCILMAN
TOMMY GINN	COUNCILMAN
RON MARTIN	COUNCILMAN
BILL PATTERSON	COUNCILMAN
RAE A. 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 workshop to order at 6:00 p.m.
2. RECESS - EXECUTIVE SESSION – PERSONNEL (551-074) – NAMING AN APPOINTEE TO AN ARBITRATION COMMITTEE – Mayor Mouton recessed the meeting at 6:00 p.m. for an Executive Session.
3. RECONVENE – Mayor Mouton reconvened the workshop meeting at 6:06 p.m.
4. RECEIVE/DISCUSS THE ANNUAL REPORT FROM THE ECONOMIC ALLIANCE HOUSTON PORT REGION – Chad Burke of the Economic Alliance gave an overview of the annual report of the Economic Alliance and highlighted the history; organization funding, 2016 budget revenue, regional partnership, regional significance, Houston Ship Channel, Economic Alliance initiatives; Economic Development Transportation Task Force and Workforce Development.

Councilwoman Garrison asked that Mr. Burke submit a copy of the annual budget to which Mr. Burke agreed will provide a copy.

5. DISCUSSION OF ISSUES RELATING TO APPROVAL OF THE FINAL DEVELOPMENT PLAN FOR THE TRAMMELL CROW PUD LOCATED AT 800 W. PASADENA BOULEVARD TO CONSTRUCT A 280 UNIT APARTMENT COMPLEX – Taylor Moffitt of Trammel Crow advised Council of the submitted plan and received approval on a conceptual site plan for a 280 unit development. “I am proud to say, we are here for a final site plan approval. The size and scope of the project has not changed. To give more specifics, the unit count has not changed, it is still 280 units. The parking count is up three spaces from the conceptual site plan. The density has not been changed. The building height is unchanged and building placement is unchanged. I would like to point out on the Landscape Plan you’ll see some great live oak trees on West Pasadena Boulevard. We have incorporated those in the final site plan. We are not taking those down. Those great trees are staying. We are a big believer in trees, despite what the naysayers say. The plan is similar to what we submitted last year. We added some additional private yards that were added to the plan last year. We still have the dog park as well.”

Councilwoman Garrison asked when is the target start date to which Mr. Moffitt advised February of 2017 is the start date.

6. DISCUSSION OF ISSUES RELATING TO A LIEN REMOVAL REQUEST OF MS. JANET NEELLEY - Mitchell Contreras commented, “I am her legal attorney. Thank you for allowing me to come and speak to you. I speak as a friend and also as her Attorney. There are a few things I want to say in support of this motion or this action. It’s important that we reduce the debt amount and the ability to pay on a monthly basis. The reason for this is her income versus expenses. She is living in a deficit and no matter how we scream for repayment it’s going to be difficult. The reason I’m asking is maybe the reduction in addition to a monthly payment will work. It’s easier to go out and ask friends to pay it when you put out \$200 a month until you finish payment. That would be more of a practical opportunity, and another thing to remember too is that our veterans leave wives behind when they die. I worked with Mike Neelley at Houston Lighting and Power. He was an engineer and I was a chemist at the time. He was a veteran and veterans leave families and wives and we need to continue care for our veterans. I think nationally a majority of the people believe that we need to take care of our veterans and their families and for this reason I’m asking that we take this action on her behalf. Thank you very much.”

Mayor Mouton asked, “Why specifically are you asking for this to be reduced?”

Mr. Contreras answered, “Well its \$2100, and we’re seeing a deficit right now in her income.”

Mayor Mouton commented, “It’s \$1677.52”

Mr. Contreras commented, “That’s the new one that has been reduced, but it started out at \$2200. What I’m saying is, you keep it at \$1677.52, but divide it up, so that she can pay or seek help to make the payments and finish the debt. That would be more of a practical approach to it.”

Mayor Mouton asked, "Do you understand how we ended up with this scenario with this lien placed against the house?"

Mr. Contreras answered, "Yes I do. There was obviously some litigation as a result of trying to recover the cost of cutting grass and other types of city services. As a result, an abstract of judgment was filed, so it's recorded in the county court."

Mayor Mouton asked, "In the context of how it got to this point and where we are today, has anything been done in solving the issue?"

Mr. Contreras answered, "Yes it has. Thanks to Mr. Stokes and his Staff, we have been able to get some guidance and certain things have been accomplished. For example, the repair of sheet rock and the repair of the roof are done. A lot of the things that the City had cited have been accomplished. She has been able to marshal a lot of volunteer work and contributions to get to that goal."

Councilwoman Garrison asked, "Is the house livable?"

Mr. Contreras: "No."

Councilwoman Garrison asked, "Is there electricity?"

Mr. Contreras answered, "No, not yet because that has to be approved. As a matter of fact, working for Centerpoint Energy, there is much coordination that you have to accomplish."

Councilwoman Garrison asked, "I understand that, but how long has this been going on?"

Mayor Mouton commented, "Since 2012."

Mr. Contreras commented, "Well, recently she has been able to put the property in her name. Her mother was living there, and it wasn't necessarily her residence. I think that was probably the cause of the miscommunication. The letters were going to the post office, but there was nobody to receive the indication of a lawsuit."

Councilwoman Garrison asked, "How long has it been since anyone lived in this house?"

Mr. Contreras answered, "I'm not sure."

Councilwoman Garrison commented, "Obviously a long time."

Mayor Mouton asked, "Does Ms. Neelley have the means to get the house up to standard?"

Mr. Contreras answered, "Like I stated, she has received donations, labor and people have volunteered to help in restoration of the house in order to comply. I'm not sure whether an inspection has been done recently, but the last inspection that I was at, they were quite amazed at the accomplishment she has made so far."

Mr. Stokes commented, "If you have any questions about the most recent inspections, the last time the city was there to look at the conditions, Greg Melching and Larry Brotherton are both here and they participated in that inspection."

Councilwoman Garrison commented, "Yes, I would like to know what kind of condition they found the house in."

Councilman Patterson commented, "My concern is what is going to happen in the future. Say that the liens go away. Are we going to be in the same situation three years down the road? What if she can't afford to keep the house up? What assurances do we have that she is going to do that?"

Mr. Contreras answered, "Other than trying to get the help of her parishioners and some of the people like that dealing with cutting the grass."

Councilman Patterson asked, "Can she sell the property?"

Mr. Contreras answered, "Yes she can, but why sell it if you can live in it."

Mayor Mouton asked, "Does she have the means to fix it up and live in it?"

Mr. Contreras answered, "She has been able to marshal that so far."

Councilwoman Garrison asked, "But it's still not livable. Is that what you are telling us?"

Mr. Contreras answered, "The only reason it's not livable, is like I stated about Reliant and Centerpoint, trying to get them to work in conjunction a lot of times with the way they operate. Internal operations makes it difficult to immediately connect. That's one of the things we are facing. As soon as we get the engineer and master electrician to sign off on it, Centerpoint is ready to go. Then we have to get Reliant Energy to come in and set it up the account."

Councilwoman Garrison commented, "Maybe we can hear from our City Staff to tell us what kind of condition the house is in."

Mr. Stokes commented, "Mr. Melching can best address the current condition and Mr. Brotherton can address what we need to have to get the electricity turned on."

Councilman Harrison commented, "Before we do that, I have one question. The electricity might come on, but currently she has no water. Not because she owes the city money, but we went to turn it on and she has a bad leaking pipe and it has not been fixed yet."

Mr. Contreras commented, "It has been fixed. This is another indication that she is getting support from neighbors and people at the church at St. Hyacinth."

Councilman Harrison commented, "You also made the statement up front that her income versus expenses are off and she is going to have a hard time keeping it up."

Mr. Contreras commented, "It may be just a temporary matter. The number of people that are unemployed because of their jobs, she has a job that is not a high paying job, but she is working and she is paying her bills and she has been able to get the support of her community."

Greg Melching, Code Enforcer commented, "As far as the last inspection on her home which was on the 24th of June, I found the home to be most excellent compared to the last inspection before that. They have made great repairs. I was happy to see all the sheetrock repaired and most of the trash removed. The standard of living increased greatly. I can stand in the home and have a conversation and not feel sick or nauseated. Everything was very pleasant."

Mayor Mouton asked, "What is the overall condition and what is it going to take to get it livable?"

Larry Brotherton Chief Building Official, commented, "A Master Electrician has to come in and pull a permit and then our electrical inspector will inspect it. If he releases it, then Centerpoint will come out and energize the home. They pulled the meter and they won't put it back in without a release from the City. The City won't authorize the release until it's inspected. It's a liability deal."

Mayor Mouton asked, "If we get the power and the water inspected and everything is turned back on, is the house livable?"

Mr. Melching answered, "Yes. Cosmetically, they still a few things to do, painting and some carpet, but overall it has incredibly changed."

Mayor Mouton commented, "So just for the record, this lien is not stopping any of this being done."

Mr. Stokes commented, "Early on, they were told the City would not turn the water back on until the lien was taken care of. We decided that was not the best approach. We told Ms. Neelley through Mr. Contreras there is a small amount of a past water bill. If you get current on that, the water can be turned back on. The only issue she would have with the lien would be when she sells the property. She is more than welcome, as is anybody would be, to make payments. There are two parts to that, unless Council says otherwise. The interest will still accrue and no matter what, the liens won't be removed until they are paid in full. Then when the lien is paid in full, the lien is then removed, but she's more than welcome to make payments."

Councilman Patterson commented, "You said the house is livable now, but the pictures that we saw, one of the bathrooms had black algae. Has that all been cleaned up?"

Mr. Melching commented, "Yes sir. It's amazing and so much better."

Councilman Patterson commented, "Again, my concern is whether or not she has the money to stay in the house once it is livable."

Mr. Melching commented, "Hopefully, the resources that have helped her the last couple of months will be there for her."

Mayor Mouton commented, "And all of that is documented, for the record again, all of this has been driven by complaints of constituents because the house was in poor condition."

Councilwoman Sinor commented, "Also, after the last meeting, I talked to Mr. Bratcher and offered my help. Mr. Bratcher called me today. I thought it was interesting the story that you shared with me that someone went over to help and was kind of ran off. Is that true?"

Mr. Bratcher commented, "She didn't run us off. She has a worker that has some problems."

Councilwoman Sinor commented, "But you came to help with somebody else to help."

Mr. Bratcher commented, "Just to see what material she needed and she was not giving me a list of material and as I told you on the phone, she has to bring me the list. I'm leaving town in the morning."

Janet Neelley commented, "Most of the damage you saw in the pictures was from the flood I had in April of this year. I had a tiny leak, maybe ten months prior and got someone from my church, their son, to fix it. I gave him my income tax return, which was a \$1000, and he did not do it, so and the leak worsened. In April, I had two inches of water in the house. So much was flood damaged. The furniture, the material and clothing has all been thrown out. In dealing with it, I know that God has really blessed me in what needs to be done with that back part. I spent \$11,000 in the last year and a half to get the roof done, so everything is done except that last portion. The only thing that needs to be done is the last section finished and have gutters put on it. That would prevent anything else from happening. I'm in the process of getting my teachers certification redone because my husband died and I had to redo the process. I so appreciate your offer, I really do. I mentioned it to my worker. He was in my GED class. I teach a volunteer GED class at night. I thought about this and prayed about it and mentioned it to him and didn't get a chance to call Mr. Bratcher. We looked at the materials we have and we have enough to do the work and I have a Christian organization of college students to help. I thought that your offer could serve someone else with far greater need than I have. I'm fine and we've got enough. Thank you."

Mr. Bratcher commented, "It has nothing to do with her. The people she helps in the GED program, they have their own problems. For whatever the reason, the young man has a problem with people of my organization. I brought the Master of the Lodge over and he knows about construction, so we were going to try to get the list that you asked for. Janet is doing a great job and they've got a lot done. I've never seen someone with as much drive and determination as she has. There was a little bit of a conflict there. We are

not there to cause a conflict, you've known me forever. You know I'm not one to cause it."

Councilwoman Sinor commented, "No, I know you were there to help."

Mr. Bratcher commented, "My point was that if she needs material, she needs to get with me directly."

Councilwoman Garrison commented, "The question here is whether or not you want us to remove the lien. Is that correct?"

Mr. Contreras commented, "No, I mean that would be ideal, but the practical situation here is you've already provided us with some relief down to \$1677. I'm requesting time to pay it in payments."

Councilwoman Garrison commented, "Well I think Mr. Stokes answered your question. He told you that it can be paid out."

Mr. Contreras commented, "Yes and so that's great."

Mayor Mouton commented, "I think all of our concerns are what has driven us to this point. We've had numerous complaints. The condition of the house has been substandard for many years. We want that to be improved for the good of our community. We are in a zoned community. We are here to assist you to the extent of what we can. We can't use the taxpayer dollars. These liens have been filed because we've had to go and do services to address the complaints and we want to keep that for what it is. I still don't understand how any scenario, in regards to what we do or what we don't do with this lien, how it is going to solve the problem. The problem is, this house needs to be fixed. Hopefully, you have the means to get back in the house. If not, from the perspective of what is right for the community, the condition of this house needs to improve."

Ms. Neelley commented, "If anyone has driven by, you will notice there is half of a tree in front of the house and that was done by my neighbor who decided to cut part of the tree down Saturday. His knowing that I have about 40 bags out there of curtains and wet things and that we are still going through the last room to be done. That is why the electricity has not been turned on yet. I'm going through the last part and we are hauling off furniture that is wet. When he put that tree out there, that meant that I couldn't put the garbage out on Tuesday because there is no room. I can't put the heavy duty stuff out because his stuff is out on Wednesday and I asked him why he would do this. I know he has been trying to buy the house for a lower price. It has just slowed down things a bit, but I've already called Weaver Electric and scheduled with them once and with this happening, I will have to reschedule with them again."

Mayor Mouton asked, "Did you say you were in discussion with the neighbor to sell the house?"

Ms. Neelley answered, "No, not whatsoever. He wanted it for \$2000."

Mayor Mouton commented, "Well I wouldn't sell it for \$2000."

Councilwoman Sinor asked, “Did you make steps in getting the Master Electrician? That was what I was asking Mr. Bratcher last week, what she needs to get to the next step.”

Ms. Neelley answered, “We are taking down the sheetrock for it to be checked and to have the water paid and have the Electrical Inspector from the City to come in to inspect.”

Councilman Harrison asked, “Are you working with Larry Brotherton about the master electrician with Weaver Electric?”

Ms. Neelley answered, “Mr. Weaver’s Company was finishing with whatever needs to be done because they were going to let me have a monthly payment plan to pay off.”

Councilman Harrison commented, “They are going to have to submit a report to the City and the City will get with the electric company before they turn that back on. It has to be done by a Master Electrician and Weaver has that.”

Mr. Contreras commented, “It wasn’t until this May, when we finally sat down with Mr. Stokes to find out exactly what it took to do it in a systematic manner. Before, I think my client was overwhelmed with the situation and she was bombarded with all kinds of input with regard to losing her house and having to destroy it. Mr. Stokes came through with the Staff and said this is what we need to do and once we found that out, she was able to follow that. Thank you very much.”

7. DISCUSSION OF ISSUES RELATING TO THE QUARTERLY FINANCIAL REPORT FOR THE FISCAL YEAR 2015-2016 SECOND QUARTER ENDED MARCH 31, 2016 – Finance Director Donna Todd, gave an overview of the budget funds for the quarter highlighting the expenditures and revenues of each fund.
8. DISCUSSION OF ISSUES RELATING TO APPOINTMENT OF DEER PARK’S 125TH ANNIVERSARY CELEBRATION COMMITTEE – Mayor Mouton advised the Council in honor of this historic occasion, it is recommended the City establish a Committee of civic leaders to help plan ways to celebrate this event. The appointees include: Arnold Adair, Chair, Sherry Garrison, Ron Martin, Doug Burgess, Tim Culp, Sherry Vaughn, Sandy McCafferty, Paulette Lawther, Billie Mann, Tammie Mouton, Liz Tolleson, Aaron Tolleson, Michelle Rainer and Jason Morris.
9. REPORT ON THE CHINESE ELM TREES IN DOW PARK – Scott Swigert advised the Council of the Chinese Elms in Dow Park in which have become infected with fungal leaf and stem pathogens ultimately causing a decline and instability in the trees. The fungal disease known as Anthracnose generally starts as small irregular brown or yellow spots on the leaves. It then begins killing the tips of young twigs and new growth. City Staff began a slow removal process about 2 years ago on an as needed basis and the remaining trees have been under watch since that time. However, the branches are becoming brittle and weak due to large cankers that have spread throughout the trunks and canopies. Once cankers have formed, the damage can’t be reversed unless on a branch that can be pruned off back to healthy tissue. It has been determined that the heavy rain we received in the Spring has worsened the spread of the pathogens and caused

extra stress on the branches due to additional water weight. The trees are being removed for safety concerns and limiting the spread of disease.

After discussion, it is the consensus of the Council that a second opinion is needed before any more trees are cut down in Dow Park. The Parks and Recreation will submit a report at the next council meeting their findings.

10. ADJOURN – Mayor Mouton adjourned the workshop meeting at 7:05 p.m.

Shannon Bennett, TRMC
Acting City Secretary

Jerry Mouton
Mayor



Legislation Details (With Text)

File #: MIN 16-112 **Version:** 1 **Name:**
Type: Minutes **Status:** Agenda Ready
File created: 7/25/2016 **In control:** City Council
On agenda: 8/2/2016 **Final action:**
Title: Approval of minutes of regular meeting on July 19, 2016.
Sponsors:
Indexes:
Code sections:
Attachments: [CC_MR_071916](#)

Date	Ver.	Action By	Action	Result
8/2/2016	1	City Council		

Approval of minutes of regular meeting on July 19, 2016.

Summary:

Fiscal/Budgetary Impact:

None

Approval

CITY OF DEER PARK

CC 75-

710 EAST SAN AUGUSTINE STREET

DEER PARK, TEXAS 77536

Minutes of

THE 1667th 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 JULY 19, 2016, AT 7:30 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

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

MAYOR
COUNCILWOMAN
COUNCILMAN
COUNCILMAN
COUNCILMAN
COUNCILMAN
COUNCILWOMAN

OTHER CITY OFFICIALS PRESENT:

JAY STOKES
GARY JACKSON
SHANNON BENNETT
JIM FOX

CITY MANAGER
ASSISTANT CITY MANAGER
ACTING CITY SECRETARY
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. RECOGNITION OF DEER PARK TOROS 8U BASEBALL TEAM – Mayor Mouton recognized the Deer Park Toros 8U Baseball Team for their win at the World Series Championship in Destin, Florida.

Mayor Mouton commented, “It’s always nice to recognize accomplishments. You watch the news and it’s very seldom that you find these kinds of scenarios being recognized on television for their great accomplishments. Not just in Deer Park but all of our communities. I know this would not happen without the support of the community which are families and all of you working together. I was on the Handlers and Hellyers Facebook pages so I got to see a lot of the journeys you all have made around the country. It always made me smile knowing you all were representing our community. Thank you from the Mayor and the City Council for representing Deer Park.”

5. PUBLIC HEARING ON THE REQUEST OF the Deer Park Fire Marshal's office and the Chief Building Official that the building located at 1242 Center Street known as Vega's Mexican Restaurant be declared substandard by the Deer Park City Council -

Mayor Mouton asked Jim Fox, City Attorney to present the facts as to reasons for conducting the hearing.

Mr. Fox called upon Larry Brotherton, Chief Building Official for testimony pertaining to the condition of the property located at 1242 Center Street and asked him to state his name.

Mr. Brotherton answered, "Larry Brotherton, Chief Building Official."

Mr. Fox asked, "Did you inspect the property and structure located at 1242 Center Street, Deer Park, Harris County, Texas?"

Mr. Brotherton answered, "Yes. The fire happened on Saturday, May 8, 2016 and the Fire Marshal and I inspected the property on May 10, 2016."

Mr. Fox asked, "Can you go over what you found in the inspection?"

Mr. Brotherton answered, "We have pictures if that will help."

Mr. Fox asked, "Generally, what did you find?"

Mr. Brotherton answered, "It's a total loss."

Mr. Fox asked, "Was the roof gone?"

Mr. Brotherton answered, "Part of the roof was gone in all areas. Especially in one area, it was really bad. That's where they believed the fire started and the building collapsed.

Mr. Fox asked, "Is it open to the public at this time?"

Mr. Brotherton answered, "There's some tape around it. It wouldn't prevent someone to try and get in there."

Mr. Fox asked, "How dangerous are the premises at this particular time?"

Mr. Brotherton answered, "It's very dangerous. When the Fire Marshal and I walked through, we wore hard hats because you don't know what's stable or what's not."

Mr. Fox asked, "Would it be your testimony that the building structure be considered substandard and a nuisance?"

Mr. Brotherton answered, "Yes, Sir."

Mr. Fox asked, "Do you think it would constitute a serious health hazard to an individual on the property?"

Mr. Brotherton answered, "Yes."

Mayor Mouton asked Council if they had any more questions for Mr. Brotherton.

Councilwoman Garrison commented, "It is dangerous for it to be there. If someone did walk through it, they could be injured badly."

Mr. Brotherton commented, "It's an eyesore but it is also dangerous."

Councilman Patterson asked, "Can we keep the kids away from it?"

Mr. Brotherton answered, "Not really."

Mr. Fox asked, "Are you recommending that the building be demolished with its current conditions?"

Mr. Brotherton answered, "Yes."

6. HEARING OPENED FOR THOSE PERSONS DESIRING TO SPEAK IN FAVOR OF THE REQUEST – Mayor Mouton opened the hearing for those desiring to speak in favor of the request.

Patricia Garcia owner of Vegas Mexican Restaurant, commented, "I wanted to approach you all to let you know on July 25, 2016, I am pulling an asbestos inspection. It will take approximately a week. Then on the first of August, we will start demolishing on the property. They have to get the inspection first before we can pull a demolish permit. So those are my plans right now."

City Manager Jay Stokes asked, "Do you know how long the demolishing will take?"

Ms. Garcia answered, "Once they start, it's a three to four day process. If there is a delay, I will make sure I contact Mr. Brotherton."

Mayor Mouton asked, "By the end of August, it should be demolished?"

Ms. Garcia answered, "Yes."

Councilwoman Sinor asked, "Have these plans changed? I heard they were trying to come up with the money."

Ms. Garcia answered, "We were trying to get the money together. They were going to have a benefit on the 14th. So we figured after the 14th, it would be more than a two week process. We were able to come up with the money, so we are going to speed it up."

7. HEARING OPENED FOR THOSE PERSONS DESIRING TO SPEAK AGAINST THE REQUEST - Mayor Mouton called for those persons desiring to speak against the request. No one spoke.
8. CONSENT CALENDAR – Motion was made by Councilman Ginn and seconded by Councilman Martin to approve the consent calendar as follows:
 - a. Approval of minutes of workshop meeting on June 28, 2016.
 - b. Approval of minutes of regular meeting on June 28, 2016.
 - c. Approval of tax refund to Popp Hutcheson PLLC in the amount of \$1,294.07 due to a value decrease granted by Harris County Appraisal District.
 - d. Approval of tax refund to Popp Hutcheson PLLC in the amount of \$4,552.25 due to a value decrease granted by Harris County Appraisal District.
 - e. Approval of tax refund to First American Title Company LLC in the amount of \$758.91 due to homestead and disabled exemptions added and a freeze granted by Harris County Appraisal District.
 - f. Approval of tax refund to Linda Hord in the amount of \$550.36 due to homestead and over-65 exemptions and a freeze change granted by Harris County Appraisal District.
 - g. Approval of tax refund to Dimple Patel in the amount of \$5,593.37 due to a value decrease granted by Harris County Appraisal District.
 - h. Authorization to purchase a range cart from E-Z-GO for the Battleground Golf Course.
 - i. Acceptance of the Quarterly Financial Report for the Fiscal Year 2015-2016 Second Quarter Ended March 31, 2016.

Motion carried 7 to 0.

9. COMMENTS FROM AUDIENCE –

- a. Larry Cernosek, 614 Regency, Deer Park commented, “I am here to speak on Item #1. I am not going to repeat the comments from the last meeting. I want you all to know there have been great improvements since the City was there. I have been really involved in that. It took a lot of pressure off Ms. Neelley. People said she was crazy. I don’t know why you would say that. She works with school kids. She is not crazy. She was a little down, when we initially came into the situation. I just want to say the money that is owed to the City, the money she doesn’t have to pay, can be used on the house. It’s that simple. I understand the City might have some expenses, but a lot of it is paperwork. I want you all to take that into consideration

because we are still working very diligently. As you know, I got her a car. We got rid of the other three junk cars. It solved a big problem with that. I have been mowing her grass. It's not an issue. If someone else has that problem in Deer Park, they can call me. I will go and mow their grass. I love to mow grass. Thank you all very much."

10. CONSIDERATION OF AND ACTION ON A LIEN REMOVAL REQUEST OF MS. JANET NEELLEY - Motion was made by Councilwoman Garrison and seconded by Councilman Patterson not to approve the lien removal request of Ms. Janet Neelley.

Councilwoman Sinor asked, "What were the past reductions?"

City Manager Jay Stokes answered, "The initial bill had some extra charges related to the mowing itself. They were taken off."

Councilwoman Sinor commented, "The only thing I remember doing from a previous invoice, is to take the interest off. I would be in favor of that. I don't think we can remove all the liens that had costs incurred and we're setting a precedent for others. It's going to incur interest until it's paid."

Motion carried 7 to 0.

11. CONSIDERATION OF AND ACTION ON APPOINTING THE CITY'S REPRESENTATIVE TO AN ARBITRATION COMMITTEE - Motion was made by Councilwoman Garrison and seconded by Councilman Patterson to appoint Ryan Taylor as the City's representative to the Arbitration Committee. Motion carried 7 to 0.

12. CONSIDERATION OF AND ACTION ON A RESOLUTION TO NAME THE CITY OWNED PARK PROPERTY CURRENTLY REFERRED TO AS THE "DEER PARK WETLAND" TO THE "DEER PARK NATURE PRESERVE" - Motion was made by Councilman Martin and seconded by Councilman Ginn to approve Resolution No. 2016-07, captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS NAMING THE CITY PARK LOCATED AT THE SOUTHEAST CORNER OF THIRTEENTH STREET AND EAST BOULEVARD THE "DEER PARK NATURE PRESERVE."

Motion carried 7 to 0.

13. CONSIDERATION OF AND ACTION ON AN ORDINANCE APPROVING A 15-FOOT WATER LINE EASEMENT - After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilman Patterson to adopt on first and final reading Ordinance No. 3814, captioned as follows:

AN ORDINANCE APPROVING AND ACCEPTING THE DEDICATION FROM “NEC SPENCER HIGHWAY AND EAST BOULEVARD PHASE 1, LTD” TO THE CITY OF DEER PARK OF A FIFTEEN FOOT (15’) WATER LINE EASEMENT, AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

14. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FY 2015-2016 FCPMSD BUDGET IN THE AMOUNT OF \$8,611 FOR A ONE-TIME LUMP-SUM PAYMENT FOR ELIGIBLE FULL-TIME EMPLOYEES OF THE FCPMSD - After a proposed ordinance was read by caption, motion was made by Councilwoman Sinor and seconded by Councilman Martin to adopt on first and final reading Ordinance No. 3815, captioned as follows:

AN ORDINANCE AMENDING THE FISCAL YEAR 2015-2016 BUDGET FOR THE DEER PARK FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT APPROPRIATING THE SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

15. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FY 2015-2016 CCPD BUDGET IN THE AMOUNT OF \$5,762 FOR A ONE-TIME LUMP-SUM PAYMENT FOR ELIGIBLE FULL-TIME EMPLOYEES OF THE CCPD - 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. 3816, captioned as follows:

AN ORDINANCE AMENDING THE FISCAL YEAR 2015-2016 BUDGET FOR THE DEER PARK CRIME CONTROL AND PREVENTION DISTRICT, AND APPROPRIATING THE SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

16. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE 2015-2016 BUDGET IN THE TOTAL AMOUNT OF \$409,553 FOR A ONE-TIME LUMP-SUM PAYMENT FOR ELIGIBLE FULL-TIME CITY EMPLOYEES - After a proposed ordinance was read by caption, motion was made by Councilman Ginn and seconded by Councilman Martin to adopt on first and final reading Ordinance No. 3817, captioned as follows:

AN ORDINANCE AMENDING THE 2015-2016 BUDGET FOR THE CITY OF DEER PARK, TEXAS, AND APPROPRIATING THE SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

17. CONSIDERATION OF AND ACTION ON AN ORDINANCE CALLING A PUBLIC HEARING ON THE PROPOSED FY 2016-2017 CRIME CONTROL AND PREVENTION DISTRICT BUDGET - 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. 3818, captioned as follows:

AN ORDINANCE OF THE CITY OF DEER PARK SETTING A DATE AND TIME FOR A PUBLIC HEARING ON THE CITY APPROVING THE 2016-2017 BUDGET FOR THE CRIME CONTROL AND PREVENTION DISTRICT; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

18. CONSIDERATION OF AND ACTION ON AN ORDINANCE CALLING A PUBLIC HEARING ON THE PROPOSED FY 2016-2017 FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT BUDGET- After a proposed ordinance was read by caption, motion was made by Councilwoman Patterson and seconded by Councilman Martin to adopt on first and final reading Ordinance No. 3819, captioned as follows:

AN ORDINANCE OF THE CITY OF DEER PARK SETTING A DATE AND TIME FOR A PUBLIC HEARING ON THE CITY APPROVING THE 2016-2017 BUDGET FOR A FIRE CONTROL PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

19. CONSIDERATION OF AND ACTION ON THE ADOPTION OF AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR THE TRAMMELL CROW PUD LOCATED AT 800 W. PASADENA BLVD. TO CONSTRUCT A 280 UNIT APARTMENT COMPLEX- After a proposed ordinance was read by caption, motion was made by Councilwoman Sinor and seconded by Councilman Ginn to adopt on first and final reading Ordinance No. 3820, captioned as follows:

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN OF THE PLANNED UNIT DEVELOPMENT FOR "THE ALEXAN DEER PARK" TO BE LOCATED ON A 10.3 ACRE TRACT OF LAND OUT OF LOTS 14 & 15, HOUSTON SUBURBAN ESTATES (800 WEST PASADENA BOULEVARD), PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

Motion carried 6 to 1 with Councilwoman Garrison in opposition.

20. CONSIDERATION OF AND ACTION ON AN ORDINANCE OF FINDINGS AS A RESULT OF THE PUBLIC HEARING ON THE BUILDINGS, STRUCTURES OR PREMISES LOCATED AT 1242 CENTER STREET, KNOWN AS VEGA'S MEXICAN RESTAURANT, FINDING AND DECLARING THAT SUCH BUILDINGS, STRUCTURES OR PREMISES ARE SUBSTANDARD AND A NUISANCE; MAKING CERTAIN ORDERS TO OWNERS OF SAID BUILDINGS - After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilwoman Sinor to adopt on first and final reading Ordinance No. 3821, captioned as follows:

AN ORDINANCE OF FINDINGS FROM THE HEARING CONCERNING THE BUILDINGS, STRUCTURES OR PREMISES LOCATED AT 1242 CENTER STREET, DEER PARK, TEXAS, FINDING AND DECLARING THAT SUCH BUILDINGS, STRUCTURES AND PREMISES ARE SUBSTANDARD AND A NUISANCE; MAKING CERTAIN ORDERS TO OWNERS OF SAID BUILDINGS, PROVIDING OTHER DETAILS AND DECLARING AN EMERGENCY.

City Manager Jay Stokes suggested the owners are given a specific date based on their comments. If they have not remedy the situation by the specific date, the City will take action.

Mayor Mouton advised the owner has thirty days to comply which is stated in the ordinance.

Motion carried 7 to 0.

21. ADJOURN – Mayor Mouton adjourned the meeting at 8:30 p.m.

ATTEST:

APPROVED:

Shannon Bennett, TRMC
Acting City Secretary

Jerry Mouton
Mayor



Legislation Details (With Text)

File #: AUC 16-001 **Version:** 1 **Name:**
Type: Auction **Status:** Agenda Ready
File created: 7/14/2016 **In control:** City Council
On agenda: 8/2/2016 **Final action:**
Title: Approval of the surplus property list and authorization to auction this surplus property via the Internet through Rene Bates Auctioneers.
Sponsors: Finance
Indexes:
Code sections:
Attachments: [2016 Surplus Auction Items](#)

Date	Ver.	Action By	Action	Result
8/2/2016	1	City Council		

Approval of the surplus property list and authorization to auction this surplus property via the Internet through Rene Bates Auctioneers.

Summary:

Attached is a list of vehicles and equipment that has been turned in as surplus property. City staff recommends that all surplus property be sold through the Rene Bates Internet Auction process. The City has used Rene Bates for the past 13 years and in so doing has achieved greater results vs. handling the auction on site. Using this platform affords the City the opportunity to attract more national bidders and a higher dollar bid per item. Rene Bates Auctioneers earns a 6.75% commission on all sales, but no other fees are charged to the City. Pending approval of the City Council, the 2016 auction is scheduled to run for two weeks from Monday August 29, 2016 through Friday September 9, 2016 at 9 am in order to complete the process prior to the end of the fiscal year.

Fiscal/Budgetary Impact:

Any proceeds from the sale of surplus property are recorded as revenue in the General Fund, Account No. 10-000-3614, Sale of Surplus Materials.

Approval of and authorization to auction surplus property via the Internet through Rene Bates Auctioneers.

2016 Surplus Auction List

<u>Lot Number</u>	<u>Description</u>	<u>VIN - Number</u>
1	2006 FORD F-550; MILEAGE - 67,919; HOURS - 4,971	1FDAF56P06ED33827
2	2006 FORD INTERCEPTOR; MILEAGE - 73,085	2FAFP71W96X125421
3	2007 FORD TAURUS; MILEAGE - 61,724	1FAFP53UX7A187033
4	2009 FORD CROWN VICTORIA; MILEAGE - 87,903	2FAHP71V09X114201
5	2007 FORD CROWN VICTORIA; MILEAGE - 110,748	2FAFP71W87X137402
6	2003 FORD F-150; MILEAGE - 89,070	2FTRX17L43CA08575
7	2007 FORD TAURUS; MILEAGE - 39,520	1FAFP53U77A187040
8	2004 FREIGHTLINER; MILEAGE - 55,828	1FVHCYLS65HA66263
9	2006 FORD EXPLORER; MILEAGE - 59,990	1FMEU62E56UB27989
10	2001 FORD EXPEDITION; MILEAGE - 52,000	1FMRU1501LB33910
11	2009 ELGIN GEOVAC, MILEAGE - 43,121	JNAP081L89AF75019
12	2006 FORD F-350; MILEAGE - 81,573	1FDWF36PX6EC94478
13	2002 FORD ECONOLINE VAN; MILEAGE - 120,500	1FTRE14W32HA69184
14	2006 FORD F-250, MILEAGE - 69,307	1FTSX20526ED47806
15	2005 FORD F-250; MILEAGE - 68,407	1FTNX20525ED07592
16	YORK AC UNIT - DOES NOT WORK	
17	2004 ALKLEAN PRESSURE WASHER	
18	ACCATOR BUSH HOG	
19	RHINO WINGMOWER (15FOOT BATWING MOWER)	
20	11 BUNDLES ALUMINUM BEAMS	
21	8 ASSORTED BIKES	
22	2 METAL XMAS ANGELS	
23	3 POLE BASES	
24	3 LIFE GUARD CHAIRS	
25	1 TENANT FLOOR SCRUBBER	
26	8 ASSORTED MIRRORS AND PICTURE FRAMES	
27	1 PALLET PRINTERS	
28	1 RICOH AFFICIO 480W PRINTER	
29	OCE 2510 COPIER	
30	TOSHIBA E STUDIO 720 COPIER	
31	1 PIANO	
32	96 FOLDING CHAIRS	
33	1 CB RADIO	
34	LOT OF APPROXIMATELY 100 ASSORTED CHAIRS	
35	1 PLOTTER PRINTER	
36	PALLET OF 27 COMPUTERS	
37	OCE 2330 COPIER	
38	1 PAINT SPRAYER (NON WORKING)	
39	12 ASSORTED LAP TOPS	
40	1 BX ASSORTED WORK BLUE JEANS	
41	2 CASH DRAWERS W/KEYS	
42	1 MP3 SPEAKER RADIO	
43	3 ASSORTED KNIVES	
44	2 CD CASES W/CDS	
45	2 DVD MONITORS	
46	1 DIGITAL CAMERA	
47	1 MOTORCYCLE HELMET	
48	1 BODY HARNESS	
49	1 MSH 5000 TEMPATURE GUN	

2016 Surplus Auction List

50	5 SERVERS	
51	1 TOOL BAG	
52	1 GE RADIO	
53	1 LIGHT PANORAMIC MOTION PROJECT	
54	1 LABEL MAKER	
55	6 DIGITAL FRAMES	
56	1 DEWALT BATTERY AND CHARGER	
57	1 SOFA	
58	1 BOX LOOP DETECTORS	
59	1 BOX ASSORTED OFFICE SUPPLIES	
60	3 RADIANT POINT OF SALE MONITORS	
61	3 ELO MONITORS	
62	4 CEILING CAMERAS	
63	1 BOX OF SURVELLEINCE CAMERAS	
64	1 CHAINSAW NON -WORKING	
65	3 RECEIPT PRINTERS	
66	3 CREDIT CARD MACHINES	
67	5 NETWORK HUBS	
68	PALLET OF VEHICLE DOCKING STATIONS	
69	1 ARTIFICIAL OFFICE PLANT	
70	LAND PRIDE BACK HOE ATTACHMENT	
71	JOHN DEERE 3245C (NON WORKING)	
72	JOHN DEERE 3245C (NON WORKING)	
73	JOHN DEERE 2500E (NON WORKING)	
74	JOHN DEERE 2500E (NON WORKING)	
75	JOHN DEERE 5300 TRACTOR	
76	JON DEERE GATOR (RUNNING); HOURS - 1,531.90	
77	JOHN DEERE BACK HOE ATTACHMENT	
78	JOHN DEERE 5200 TRACTOR (NON WORKING)	
79	BACKHOE ATTACHMENT	
80	HYDRAULIC JACK	
81	INGERSOLL RAND 185 AIR COMPRESSOR	
82	PULL BEHIND AERATOR	
83	3 BAGS ASSORTED CHRISTMAS DECORATIONS	
84	LOT OF ELECTRICAL BOXES	
85	KUBOTA L3430 TRACTOR(WORKING); HOURS - 6,994.20	L3430DHV-1
86	ALUMINUM ROLL UP DOOR	



Legislation Details (With Text)

File #:	ACT 16-035	Version:	1	Name:	
Type:	Acceptance	Status:		Agenda Ready	
File created:	6/23/2016	In control:		City Council	
On agenda:	8/2/2016	Final action:			
Title:	Acceptance of proposed programming for Deer Park Community Development Corporation (DPCDC) funded Maxwell Center Renovation and Expansion and Parking Lot Expansion Project.				
Sponsors:	Parks & Recreation Commission, Deer Park Community Development Corporation				
Indexes:					
Code sections:					
Attachments:	2016-07-20 Maxwell Center programming				

Date	Ver.	Action By	Action	Result
8/2/2016	1	City Council		

Acceptance of proposed programming for Deer Park Community Development Corporation (DPCDC) funded Maxwell Center Renovation and Expansion and Parking Lot Expansion Project.

Summary:

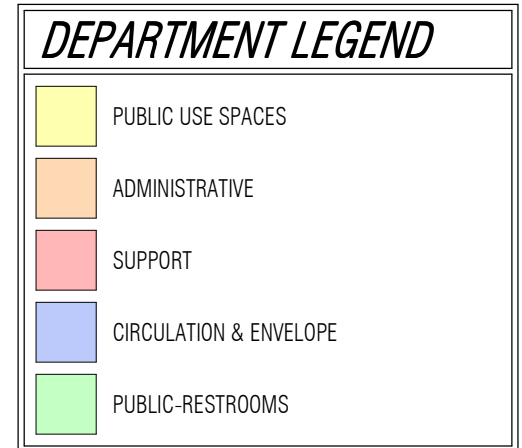
On February 16, 2016 the City Council Approved Task Order #4 with Halff Associates for the Maxwell Center Expansion and Parking Lot Expansion - Phase 1 Programming. Since that time the Parks and Recreation Department and the Maxwell Adult Center Renovation and Expansion Ad-Hoc Committee have been working with Halff Associates and Brinkley Sargent Wiginton Architects (BSW) for the programming phase of the project. On May 23rd and May 27th, Halff Associates and BSW met with the Ad-Hoc Committee to develop a potential facility need program for the Center. On June 9th BSW and Halff Associates conducted a public input meeting at the Maxwell Adult Center to obtain citizen input on the programming for the center. In addition to the public meeting forms were made available on the City Website as well as the Maxwell Adult Center and Community Center for an additional week after the public input meeting to collect as much input as possible. On June 29th Halff Associates and BSW met with the Ad-Hoc Committee to finalize the programming recommendation which was presented to the Deer Park Community Development Corporation on July 25th. The Corporation recommended acceptance of the programming, and recommended the authorization of Task Order No. 4-B for architectural services for design and construction oversight. If the City Council adopts the programming then the authorization of Task Order No. 4-B for architectural services for design and construction oversight will be required.

Fiscal/Budgetary Impact:

Funding will come from the dedicated one half of one percent sales and use tax for Type B projects, the Maxwell Adult Center Renovation and Expansion and Parking Lot Expansion has been appropriated \$2,000,000 of the dedicated funds.

Accept proposed programming for Deer Park Community Development Corporation (DPCDC) Maxwell Center Renovation and Expansion and Parking Lot Expansion project.

Deer Park Maxwell Center					
Program					
7/19/2016					
		Square footage			
SPACE	NOTES:	Existing	Considered	Accepted	Concept
Lobby Spaces					
Vestibule			0		
Lobby		181	200	200	223
Control Desk			120	120	155
Vending			0		
Subtotal Lobby Spaces		181	320	320	378
Program Spaces					
Multipurpose Rooms	Dividable into 2 rooms; accommodates ~80	1526	1,500	1500	1534
Multi-purpose Storage		0	200	200	185
Arts & Crafts		1236	800	800	729
Kiln		84	80		
Arts & Crafts Storage			100	100	223
Billiards / Shuffleboard			300		
Classroom			800	800	869
Storage			100	100	145
Dining Room	Maintain existing	816	816	816	816
Lounge			500		365
Kitchen	Maintain existing	353	353	353	353
Kitchen Storage			100	100	61
Quilting room		677	700		
Subtotal Program Spaces		4692	6,349	4769	5280
Open use spaces					
Cardio/fitness		320	700	700	667
Game room		82	350	350	256
Storage			100	100	
Subtotal Open Use Areas		402	1,150	1150	923
Locker / Restroom					
M/F Restrooms		334	600	600	370
Showers			0		
Lockers			0		
Subtotal Locker/Restroom		334	600	600	370
Administrative Spaces					
Supervisor Office	(1) PO2	145	120	120	120
Recreation Specialist Office	(1) PO1	121	90	90	90
Part time staff office	on open office	121	90	90	90
Reception	(same as control)		0		
Offices for non-center staff		203	0		
Work/copy			150	150	194
Subtotal Admin		590	450	450	494
Support Spaces					
Facilities Services Systems Office			90		
Central storage		257	300	300	147
Electrical / Data		91	100	100	73
Janitor	(in Central Storage)	55	60	60	
Laundry			50		
Subtotal Support Space		403	600	460	220
Subtotal Net Areas		6,602	9,469	7,749	7,665
Efficiency factor					
Circulation & envelope		16.7%	15%	15%	15%
Gross Building area		7,922	10,889	8,911	9,003



BRINKLEY SARGENT WIGINTON ARCHITECTS

City of Deer Park
Maxwell Center Expansion
 Project Budget
 07/19/16

	Concept Budget	Notes
Testing Services		
Environmental investigation	400	by Owner
Test & Balance	0	Incl. on construction
	400	
Construction Cost		
Abatement	30,000	Note A
Selective Demolition	104,025	Based on \$12.50/sf
Building Addition (assumed at 1080sf)	264,600	Based on \$245/sf
Building Renovation	792,200	Based on \$100/sf
Replace existing roofing	91,103	Based on \$11.50/sf
Rework Entrance	20,000	Note A
Site Work	13,000	Note A
Monument sign	14,750	Note B
Landscaping and irrigation	6,700	Note A
GC overhead & mark-ups		Incl. in above
Aid to utilities	0	Not expected
Contingency 9.5%	126,956	
Escalation 6.0%	80,183	
	1,543,517	
City Budgets		
Furniture, Fixtures, Equipment	25,000	Note A
A/V Audio install	12,000	Note A
New fitness equipment	50,000	Based on 10 pieces @ \$5K
I.T. / Communications	15,000	Note A
Fiber service	0	Not required
Security / CCTV / Access Control	15,000	Note A
Computers / Phones / Network Equip	0	Separate budget
Moving costs	0	Separate budget
Temporary Relocation / Storage	0	Separate budget
Franchise fees	0	Not expected
	117,000	
Professional Services		
A/E fees (study)	16,200	Note B
A/E fees (design & construction)	178,500	Note C
ADA / TAS	2,000	Note A
Site Survey	4,000	Note C
Civil & Landscape design	19,250	Note C
Geotechnical study	9,000	Note C
Materials Testing	13,000	Note C
LEED Design	0	Not required
Commissioning	0	Not required
Reimbursable Budget	15,000	
	256,950	
Total Cost	\$ 1,917,867	
Owner's Project Contingency		
Contingency 4.25%	\$ 81,509	
Project Funding		
Approved bond funds	2,000,000	
Budget Status	\$ 624	

General Notes:

Note A: Budget Allowance
 Note B: Based on contract or quote
 Note C: Pending proposal



Legislation Details (With Text)

File #: ACT 16-038 **Version:** 1 **Name:**
Type: Acceptance **Status:** Agenda Ready
File created: 6/23/2016 **In control:** City Council
On agenda: 8/2/2016 **Final action:**
Title: Acceptance of the Dow Park Pavilion concept conducted by Halff Associates.
Sponsors: Scott Swigert
Indexes:
Code sections:
Attachments: [Dow Park Pavilion Concept](#)

Date	Ver.	Action By	Action	Result
8/2/2016	1	City Council		

Acceptance of the Dow Park Pavilion concept conducted by Halff Associates.

Summary:

On February 16, 2016 the City Council Approved Task Order #2 with Halff Associates for the Dow Park Pavilion. Since that time the Parks and Recreation Department and the Dow Park pavilion Ad-Hoc Committee have been working with Halff Associates on the concept for the Pavilion. On May 23rd, Halff Associates presented two concepts to the Ad-Hoc Committee for their review and discussion and the Ad-Hoc Committee agreed to present both concepts to the public. On June 9th, 2016 Halff Associates conducted a public input meeting at Dow Park to obtain citizen input on the two concepts for the pavilion. In addition to the public meeting, both concepts and the forms were made available on the City Website as well as the Community Center for an additional week after the public input meeting to collect as much input as possible. On June 30th Halff Associates met with the Ad-Hoc Committee and agreed to present the concept to both the Deer Park Community Development Corporation, for their recommendation, and to the City Council, for their acceptance. On July 25, 2016 the Corporation recommended to City Council to accept the Dow Park Pavilion concept.

Fiscal/Budgetary Impact:

Funding will come from the dedicated one half of one percent sales and use tax for Type B projects, the Dow Park Pavilion has been appropriated \$1,500,000 of the dedicated funds.

Recommend acceptance of the Dow Park Pavilion concept conducted by Halff Associates to City Council.



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Parks & Recreation



Today's Presentation

DOW PARK EXISTING SITE FEATURES

REVIEW PUBLIC INPUT PRESENTATION

RESULTS FROM PUBLIC INPUT and
FINAL CONCEPT PLAN

PAVILION SHADE STUDY

PRELIMINARY OPINION OF PROBABLE COST





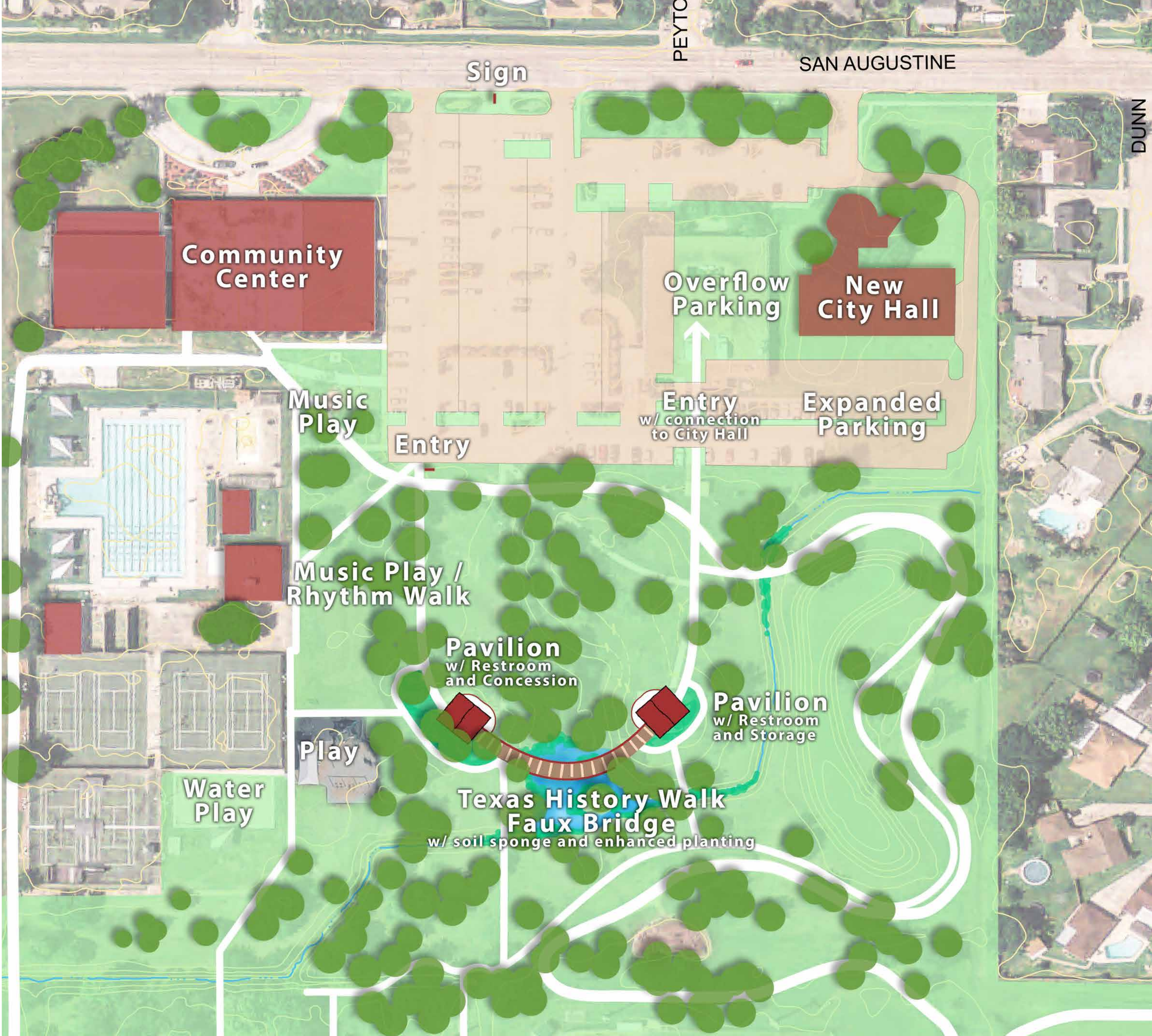
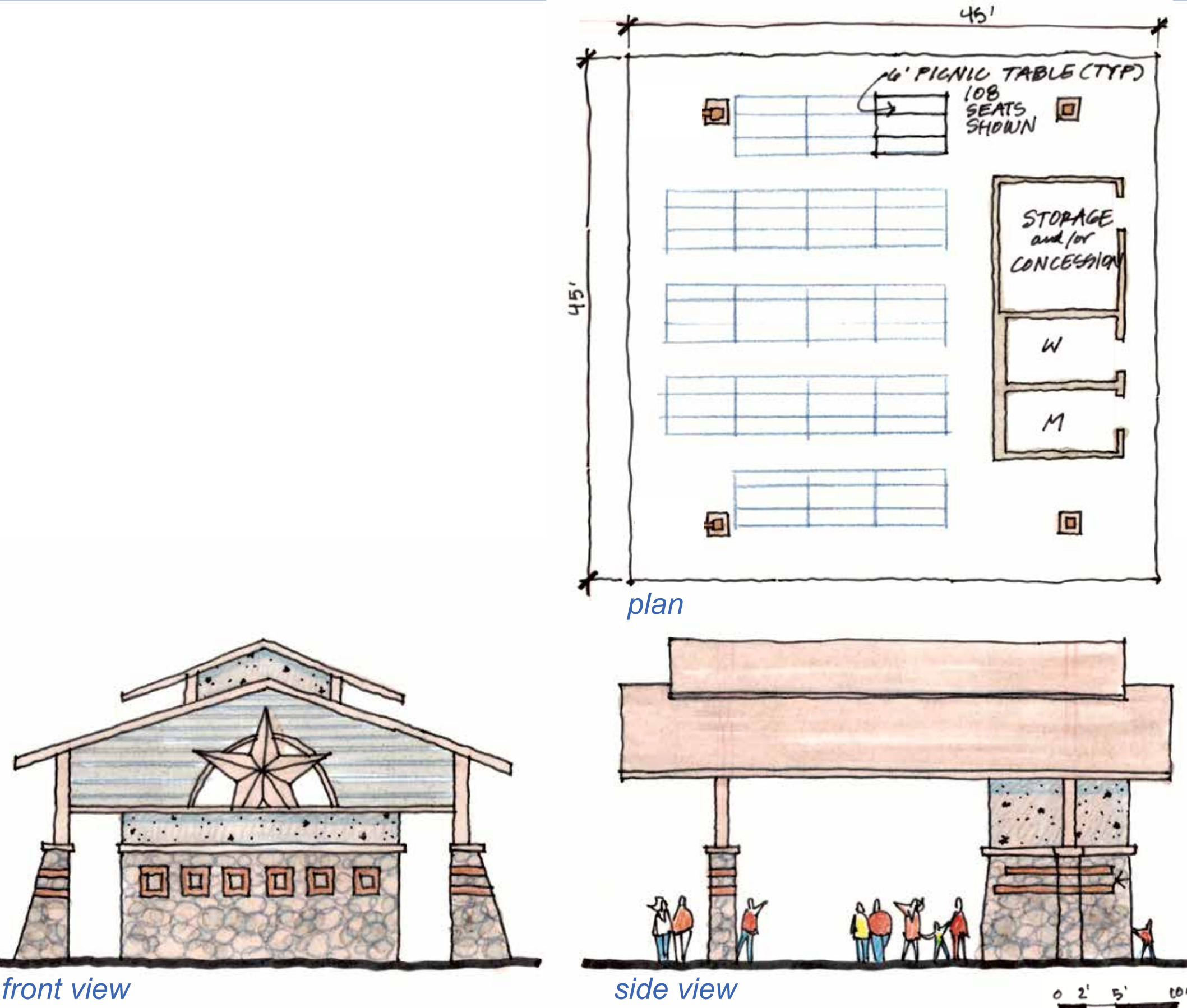
THESE PLANS ARE INSPIRED BY EXISTING DOW PARK FEATURES AND CITY WIDE WAYFINDING.

NEW SPLASH PAD CELEBRATES THE SAN JACINTO MONUMENT AND THE FUTURE PAVILION(S) AND SURROUNDING TRAIL AND AMENITIES WILL CONTINUE TO **CELEBRATE TEXAS HISTORY WITH AN EMPHASIS ON SAN JACINTO BATTLE.**

ARCHITECTURAL FORMS AND MATERIALS RELATE TO OR MATCH CITY WIDE WAYFINDING STANDARDS.



CONCEPT 1 MAY HOST ONE LARGE OR 2 SEPARATE EVENTS. EACH PAVILION SEATS ~110 PEOPLE. PAVILIONS AND FAUX BRIDGE CREATE THE BACKDROP WITH BRIDGE PROVIDING A WALK THROUGH TEXAS HISTORY.



CONCEPT 2 CREATES ONE LARGE EVENT AREA. THE LARGE PAVILION SEATS ~220 PEOPLE. VENDOR SPACE MAY INCLUDE ELECTRICAL AND/OR WATER HOOKUPS.



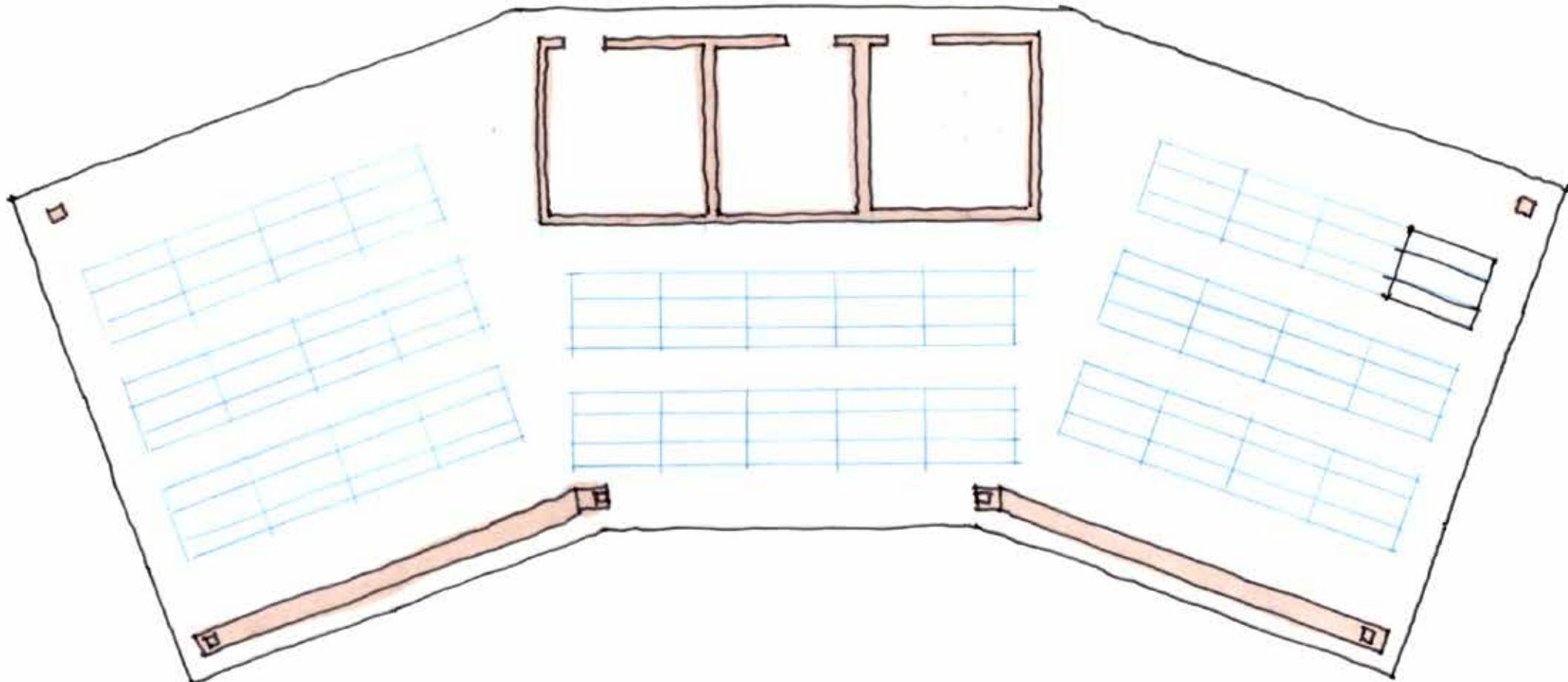
inspiration



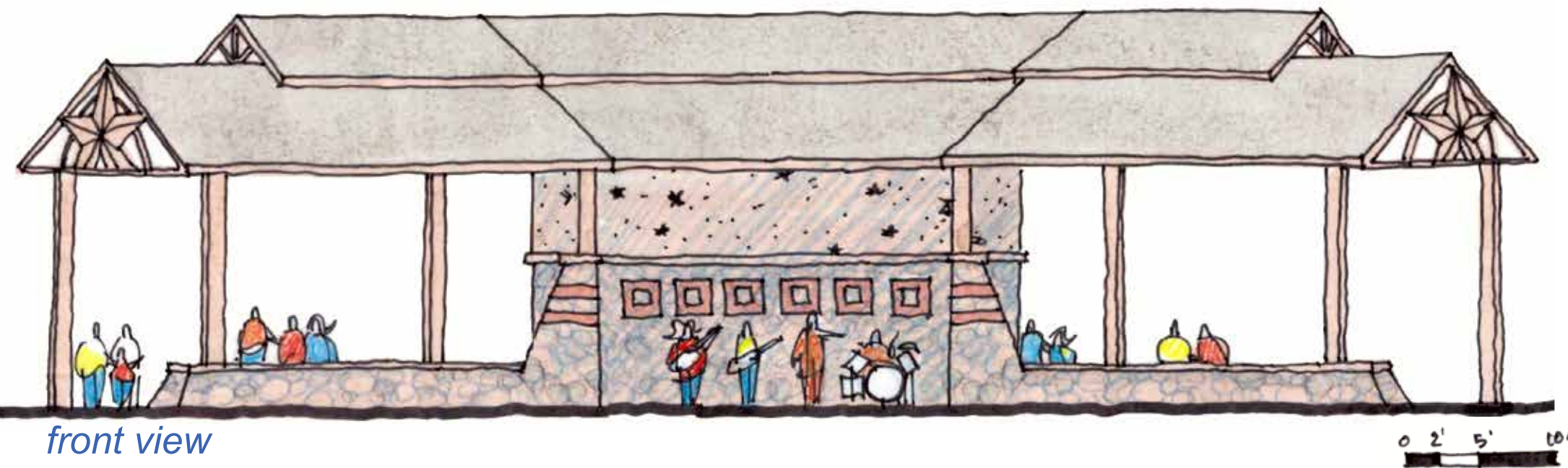
Texas History Walk interpretive railing



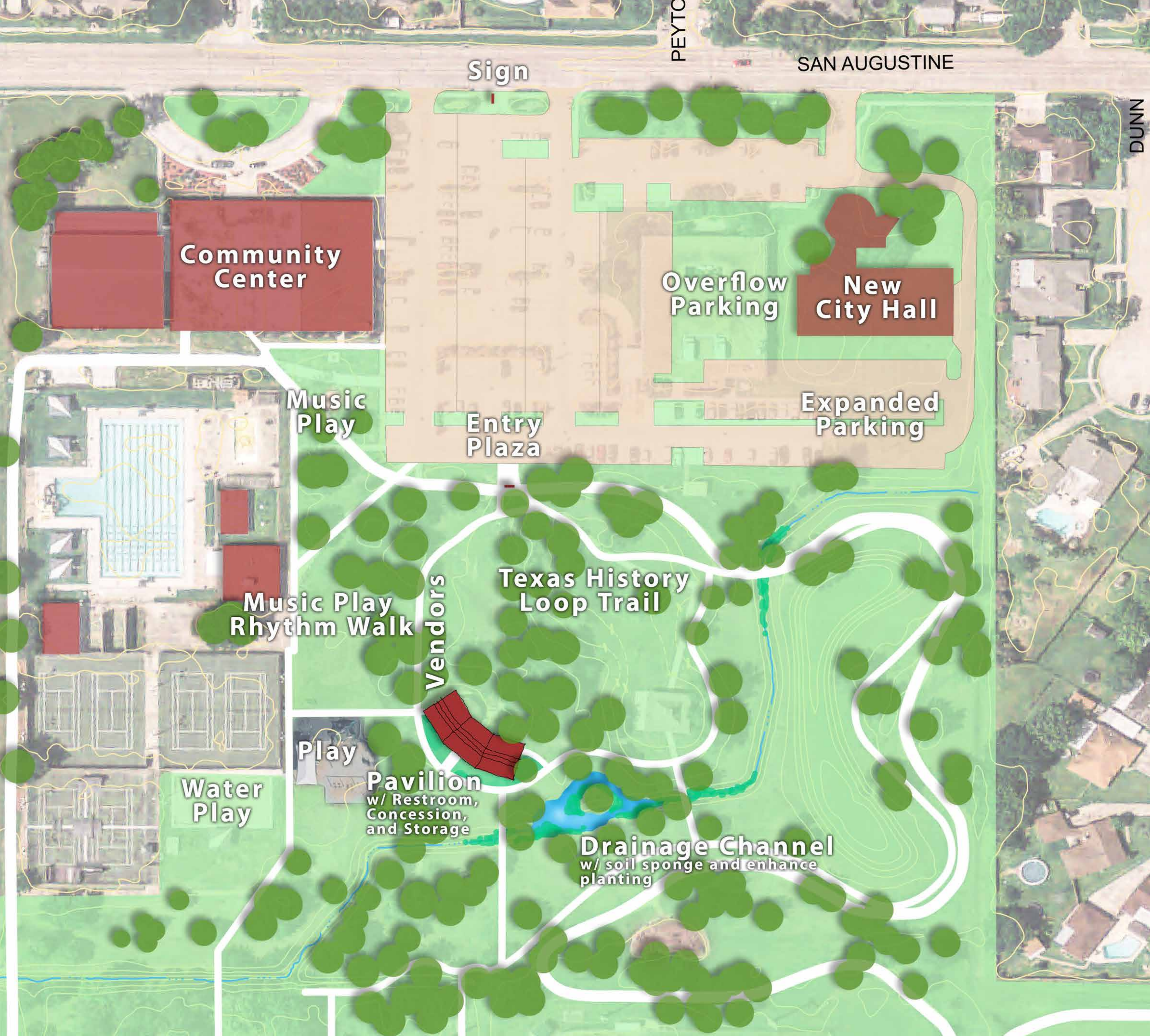
optional materials



plan



front view







RESULTS FROM JUNE 9, 2016 PUBLIC INPUT

Below are the responses to concepts for Dow Pavilion from the public. Comment cards were collected on June 9, 2016 after a short presentation about the 2 different concepts. City also collected additional comment cards and e-comment cards through June 17th.

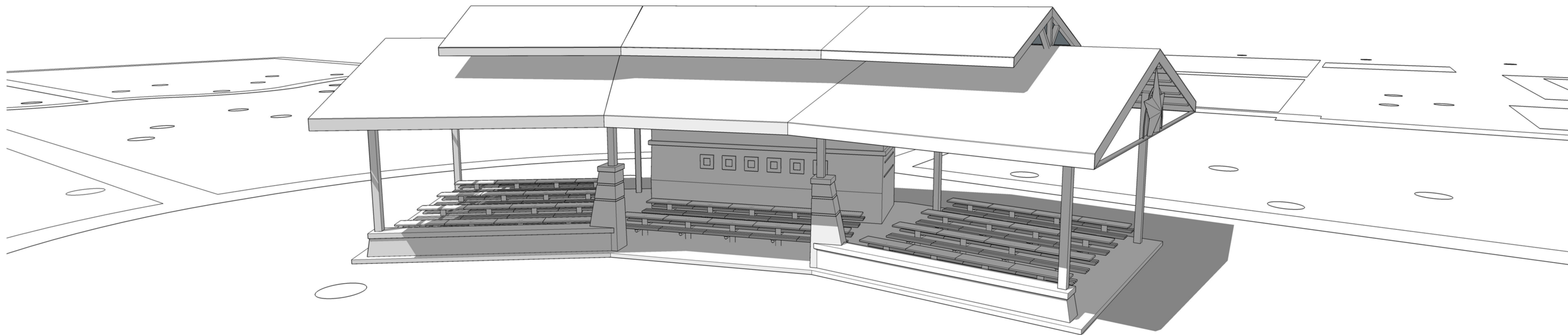
CONCEPT 1 Total votes = 25 or 29% of votes
(on June 9, 2016 = 19; from on-line = 4; from June 10-17th = 2)

- “Good to have 2 spaces for weekend birthday parties”
- “Want to keep old pavilion.”
- “This seems to be better for taking care of smaller groups at the same time. (written under concept 1 that they voted for) “This one seems to only be conducive to larger events and couldn’t be very intimate.” (written under concept 2)
- “More useful. Big group could use both”
- “Leaves options for more than covered event at a time – bridge looks nice. Would be nice if there were a few more benches around”.
- “More nature preserve”
- “Some people may not want to be close to kids. One by kids, one alone.”
- “I like the concept of 2 separate pavilions and the bridge with the history.”
- “Can be used by more people”
- “This will be more useful because it more flexible. It will support two events at the same time, can be combined to support one large event.”

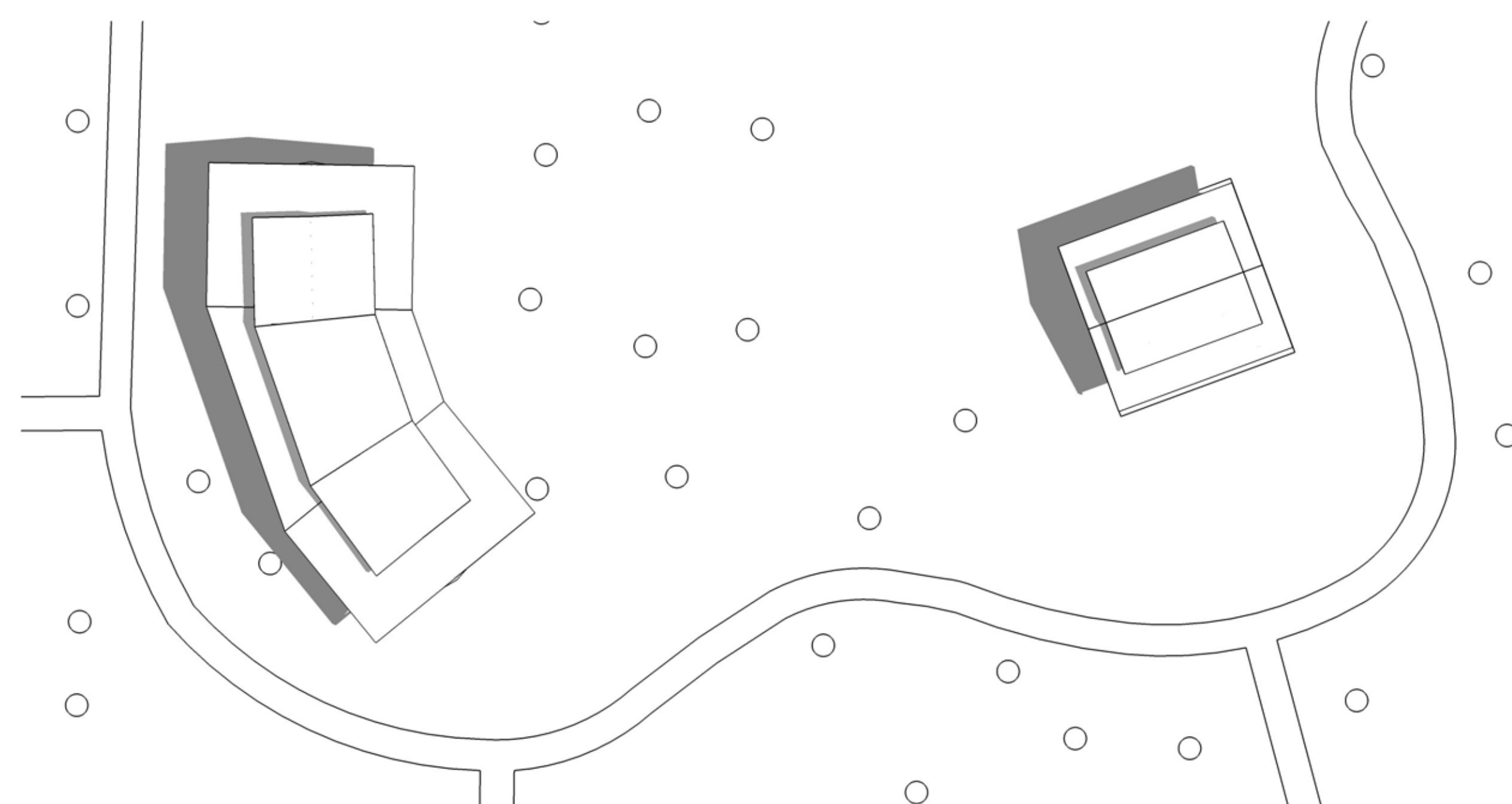
CONCEPT 2 Total votes = 62 or 71% of votes
(on June 9, 2016 = 38; from on-line = 3; from June 10-17th = 21)

- “Love the concert stage, moonwalk for kids, and rock climbing” (note: comment was in regard to activities available at the concert that evening)
- “Love this concept”
- “Drainage issues? May include needs to say vendor shall include electrical and water hookups hence, more vendors!”
- “Favor the larger one, but would like to have restrooms where they currently are. Plumbing and electric in place, build a small restroom.”
- “Build a separate restroom near the playground.”
- “Still needing restrooms around play area.”
- “Also have a restroom near playground”
- “I think the park needs a large pavilion that can host 150+ people. But, we should try and keep the existing pavilion or replace with similar multiple events. The bridge is nice and we could have a timeline of the battle on every plank. I rent facilities for Dow Chemical Events and we currently rent Burke Crenshaw Park at Pasadena because Dow Park Pavilion is too small. Important to keep the Texas, Revolution, and Birthplace here.”
- “Conduit can be run and attached to trees and have outlets for vendors east side vendors as well as middle – more mulch around trees! Roots should not be exposed.”
- “1 large new pavilion and keep existing one and upgrade to match.”
- “keep existing – refurbish to match new – keep trees! Little bridge between 2! History signs in rustic form!”
- “Plus a small restroom area close to playground”
- “Keep current pavilion as well for smaller rentals. Large pavilion for bigger events would be a plus. Maybe connect new large with current? Keep bridge idea.”
- “But keep current restrooms “too”. The playground kids need restroom and cannot use pool restrooms unless swimming. Current restroom already has elect and water...shouldn’t be extra cost to keep.”
- “with Texas history walk and faux bridge and foundation”
- “More adult bench swings. More bbq pits”
- “a large size pavilion would benefit more people”
- “Briscoe Cain 302 W. Oak St.”
- “Bigger more activities can be held”
- “Like this concept better”
- “Concept 3 – I would combo both, keep original, fix it up to match new large and still have cute bridge.”
- “Seems like this larger pavilion could have bigger parties especially for church groups or companies. It could still be dual purposed for birthdays without any problem I’m sure if they just use the ends.”
- “Have 2 pavilions would get confusing as to which one you would reserve. I like the idea having one big one!”
- “Good place to host theater, dances, performances etc. It will be more useful to the public as well as parks + rec.”
- “Easier for rentals.”
- “Portable stage?” (with arrow pointing to front of pavilion)

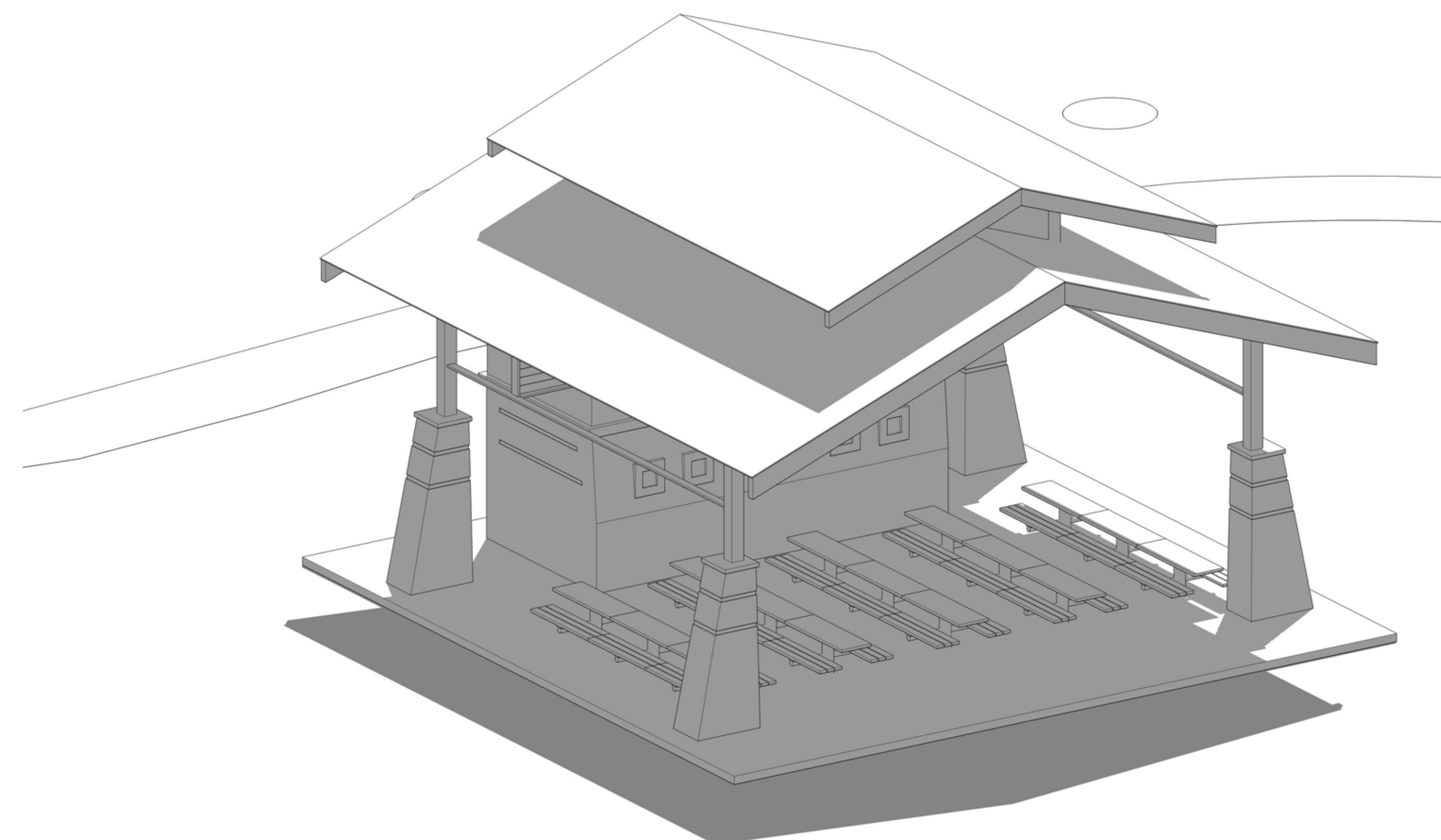




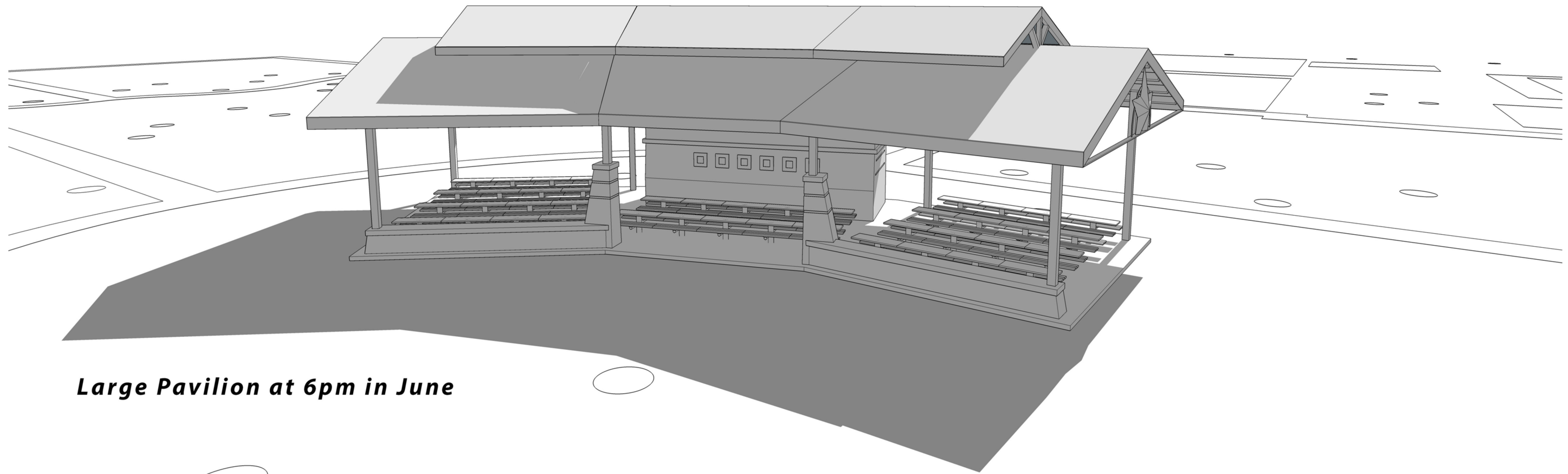
Large Pavilion at noon in June



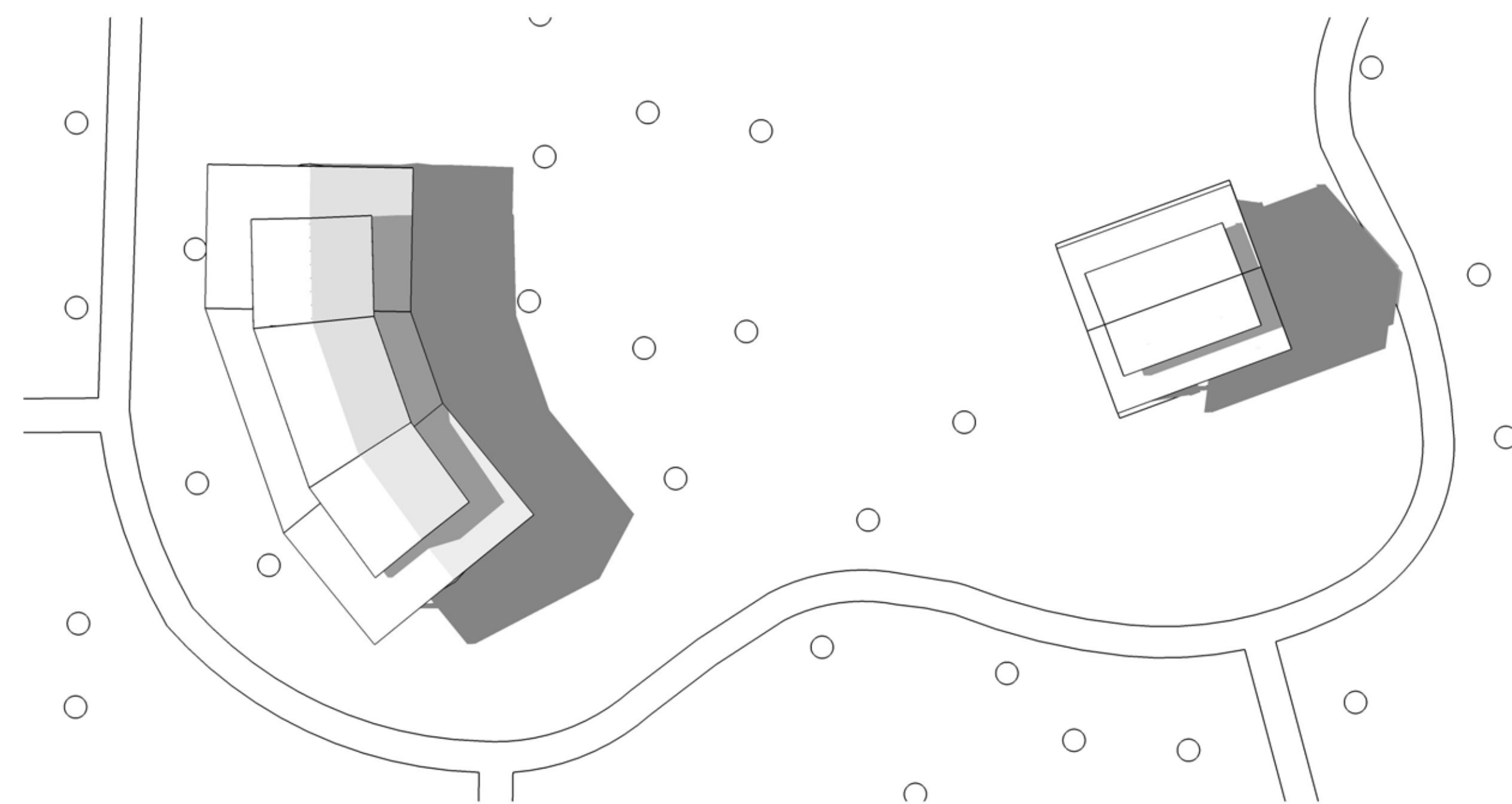
Plan view of pavilions at noon in June



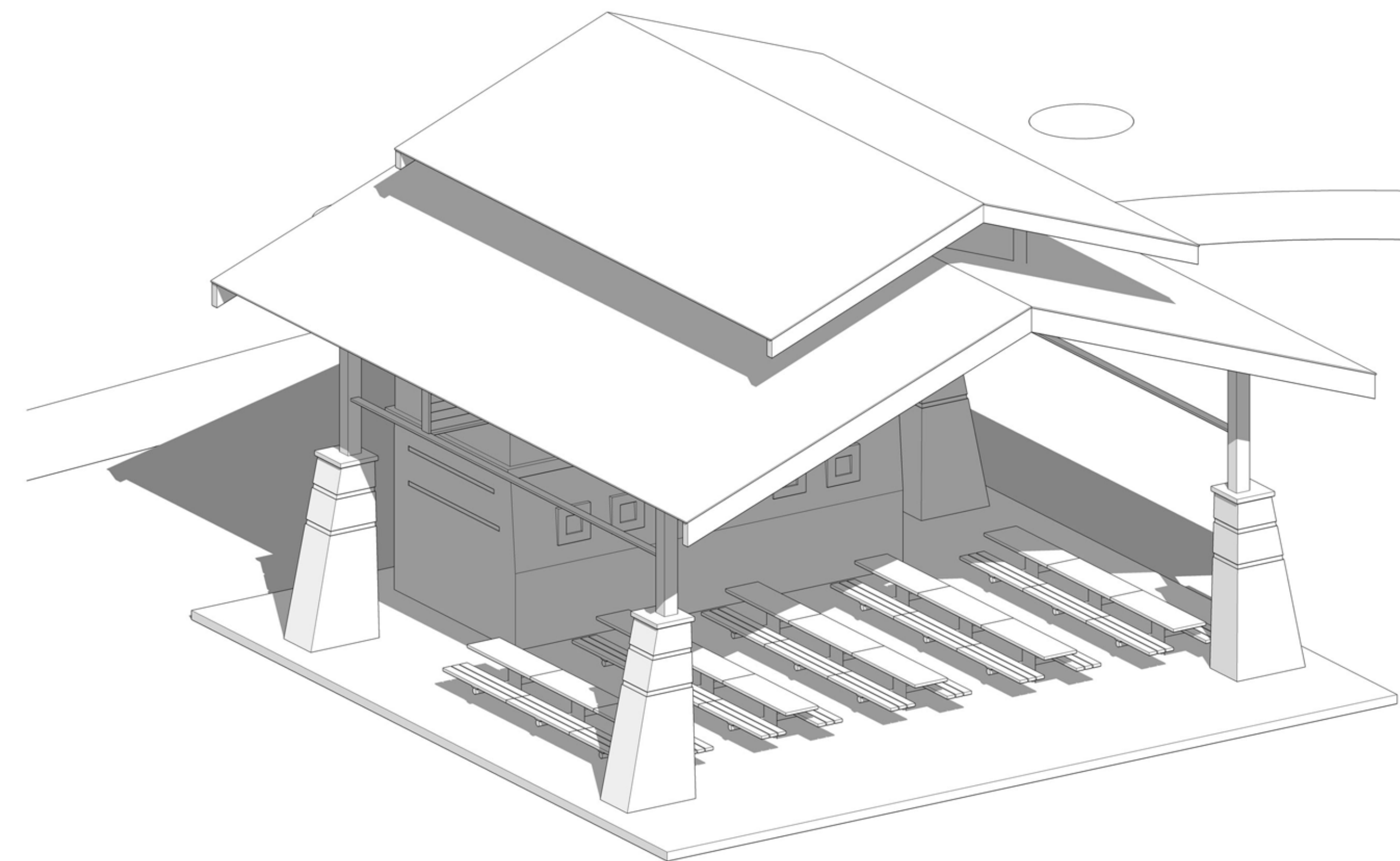
Small Pavilion at noon in June



Large Pavilion at 6pm in June



Plan view of pavilions at 6pm in June



Small Pavilion at 6pm in June



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Parks & Recreation



Deer Park Dow Pavilion				
Master Plan Preliminary Opinion of Probable Cost				
	Quantity	Units	Unit Cost	Total
Sitework/Utilities				
1 Mobilization	1	LS	\$ 18,000.00	\$ 18,000
2 Demolition	1	LS	\$ 15,000.00	\$ 15,000
3 Mass Grading - Import Fill	2510	CY	\$ 5.00	\$ 12,550
4 Utility Connections	1	LS	\$ 65,000.00	\$ 65,000
5 SWPPP	1	LS	\$ 24,000.00	\$ 24,000
Subtotal				\$ 134,550
Site Hardscape Elements				
6 Concrete Sidewalk	10200	SF	\$ 8.00	\$ 81,600
7 Culvert	1	Allow	\$ 25,000.00	\$ 25,000
6 Bridge Railing	300	LF	\$ 100.00	\$ 30,000
8 Small Pavilion	1	EA	\$ 85,000.00	\$ 85,000
9 Large Pavilion	1	EA	\$ 175,000.00	\$ 175,000
10 Stone veneer	1	Allow	\$ 95,000.00	\$ 95,000
11 Metal Screening	0	Allow	\$ 105,000.00	\$ -
12 Restroom, Concession, Storage Buildings (6 toilets women, 6 toilet/urinal men, 1 family toilet)	1	LS	\$ 420,000.00	\$ 420,000
13 Entry Monument	1	EA	\$14,750	\$ 14,750
Subtotal				\$ 926,350
Site Furnishings				
14 Trash Receptacles	3	EA	\$ 1,000.00	\$ 3,000
15 Drinking Fountains	2	EA	\$ 2,500.00	\$ 5,000
16 Picnic Tables	23	EA	\$ 1,650.00	\$ 37,950
Subtotal				\$ 45,950
Lighting				
17 Lighting	1	LS	\$ 75,000.00	\$ 75,000
Subtotal				\$ 75,000
Landscaping				
18 Turf grass Sod	20450	SF	\$ 0.35	\$ 7,158
19 Turf grass Hydromulch	25000	SF	\$ 0.12	\$ 3,000
20 Planting Bed (includes soil, plants, and mulch)	2900	SF	\$ 6.00	\$ 17,400
21 Irrigation	65000	SF	\$ 0.55	\$ 35,750
22 Miscellaneous Irrigation Allowance (Sleeves, Valves, Wire, Meter/Backflow Preventer)	1	Allow	\$ 9,256.00	\$ 6,331
Subtotal				\$ 69,638
Subtotal				\$ 1,251,488
Contingency			10%	\$ 125,149
Professional fees				\$ 119,550
Grand Total				\$ 1,496,187



Legislation Details (With Text)

File #: RPT 16-054 **Version:** 1 **Name:**
Type: Report **Status:** Agenda Ready
File created: 7/21/2016 **In control:** City Council
On agenda: 8/2/2016 **Final action:**
Title: Acceptance of the Deer Park Community Development Corporation's quarterly report for the period of April 1, 2016 - June 30, 2016.
Sponsors: City Manager's Office
Indexes:
Code sections:
Attachments: [DPCDC 3Q Report 6.30.16 \(Cumulative for FY\)](#)

Date	Ver.	Action By	Action	Result
8/2/2016	1	City Council		

Acceptance of the Deer Park Community Development Corporation's quarterly report for the period of April 1, 2016 - June 30, 2016.

Summary:

Section 6.1 of the Deer Park Community Development Corporation's bylaws state that the Board shall prepare a quarterly activity report, detailing the projects and work accomplished during the previous quarter. This report shall be reviewed by the Board by the end of the month following the end of each quarter and then submitted to City Council immediately thereafter.

The attached report, for the period of April 1, 2016 - June 30, 2016, was approved by the Board at its July 25, 2016 regular meeting. It is now submitted for Council's review and acceptance. . The report is cumulative for the fiscal year with the most recent quarter shown first.

Fiscal/Budgetary Impact:

N/A

Accept the Deer Park Community Development Corporation's quarterly report for the period of April 1, 2016 - June 30, 2016.

Deer Park Community Development Corporation

Quarterly Report: April 1, 2016 – June 30, 2016

Meetings Conducted

April 25, 2016 Regular Meeting. Board actions included the following:

- Approval of Minutes of Regular Meeting on January 25, 2016.
- Approval of minutes of special meeting on February 15, 2016.
- Approval of the quarterly report for the period of January 1, 2016 – March 31, 2016.
- Discussion of issues relating to the preliminary FY 2016-2017 DPCDC Budget.
- Acceptance of the soccer field development feasibility study conducted by Halff Associates.
- Approved task order no. 6 with Halff Associates, Inc. for architectural services for the (DPCDC) soccer field development project and recommended that City Council authorize.
- Accepted the Deer Park Baseball development and renovation at Spencerview concept conducted by Halff Associates.
- Approved an agreement with T.F. Harper & Associates LP through the Texas Cooperative Purchasing Network contract #5096 for Deer Park baseball development and renovation at Spencerview.

April 25, 2016 Joint Meeting with the Deer Park City Council. Board actions included the following

- Conducted a joint meeting with the Deer Park City Council to discuss issues relating to the Deer Park Youth Athletic Facility. Discussion only; no action taken.

Project Report

- April 1, 2016 - Kick-off Meetings with Architect and respective Ad-Hoc Committees for:
 1. Maxwell Adult Center renovation and expansion
 2. Community Center and Gym renovation and expansion.
- April 7, 2016 -Department and Architect(s) Conference call and digital review of Soccer Feasibility.
- April 15, 2016 - Baseball Field Ad-Hoc Committee and architect(s) reviewed preliminary concepts and recommend it be presented to DPCDC for review.
- April 19, 2016 -Soccer Fields Ad-Hoc Committee and architect(s) reviewed feasibility study and recommend it be presented to DPCDC for review.
- April 25, 2016 - DPCDC Recommended Soccer Feasibility Study and Task Order #6 for Architectural services for design and construction services for the a Soccer Complex on City property located at the intersection of East Street and Thirteenth Street.
- DPCDC recommended Baseball Concept and Job Order Contract with T.F. Harper for renovation and expansion of the Spencerview Athletic Complex.

- May 3, 2016 - City Council approved the Soccer Feasibility Study and Task Order #6 for Architectural services for design and construction services for the a Soccer Complex on City property located at the intersection of East Street and Thirteenth Street. City Council approved Baseball Concept and Job Order Contract with T.F. Harper for renovation and expansion of the Spencerview Athletic Complex.
- May 23, 2016 - Concept and program review with Architect and respective Ad-Hoc Committees for:
 1. Maxwell Adult Center renovation and expansion
 2. Dow Park Pavilion.
- May 27, 2016 - Program review with Architect and Maxwell Adult Center Renovation and Expansion Ad-Hoc Committee.
- June 9, 2016 - Held public in-put meetings for:
 1. Maxwell Adult Center renovation and expansion programming
 2. Dow Park Pavilion concepts.
- June 13, 2016 - T.F. Harper began demolition of the Spencerview Athletic Complex.
- June 22, 2016 - T.F. Harper held the initial construction meeting for the renovation of Spencerview Athletic Complex at the Complex.
- June 29, 2016 - Finalized program review for Maxwell Adult Center renovation and expansion with Architects for recommendations to DPCDC and Council.
- June 30, 2016 - Dow Park Pavilion Ad-Hoc Committee finalized the concept with Architects for recommendations to DPCDC and Council.

Financial

Revenues:

- Sales & Use Tax Revenues:

1Q (12/31/15) = \$258,422.15
 2Q (03/31/16) = \$764,708.21
 3Q (06/30/16) = \$821,320.64
- Investment Revenue:

1Q (12/31/15) = n/a
 2Q (03/31/16) = \$524.29
 3Q (06/30/16) = \$1,060.33
- Total YTD Revenues as of 06/30/16: \$1,846,035.62

Expenditures (Fund 85):

- Dues & Fees:

1Q (12/31/15) = \$400.00 user fee paid to the IRS for filing Form 8940, Request for Miscellaneous Determination, to request exemption from Form 990 filing requirements

- Postage:
 - 1Q (12/31/15) = \$8.87
 - 2Q (03/31/16) = \$1.64
- Other Bond Related Fees:
 - 2Q (03/31/16) = \$80,095.00 issuance costs related to the \$9,450,000 Certificates of Obligation, Series 2016
- Total YTD Expenditures as of 06/30/16: \$80,505.51

Debt Issuance & Bond Funded Project Spending:

- \$9,450,000 Certificates of Obligation, Series 2016 issued February 16, 2016 through a private placement to Wells Fargo Bank via a competitive bidding process
 - This is the first of two planned debt issues for the construction of parks & recreation improvement projects
 - Projects to be funded as follows:
 - Maxwell Center Expansion and Parking Lot = \$2,000,000
 - Girls Softball Renovations at Youth Sports Complex = \$300,000
 - Deer Park Baseball Development and Renovation = \$3,000,000
 - Soccer Field Development = \$4,000,000
 - Community Center and Gym Renovation and Expansion = \$150,000
- In an agreement between the City of Deer Park and the DPCDC, the City agreed to issue and sell the certificates and the DPCDC agreed to make payments to the City in amounts sufficient to pay the principal of and interest on the certificates
 - The first debt service payment of \$87,231.38 is due on September 15, 2016
- Bond Funded Project Spending (Fund 23)
 - 3Q (06/30/16) = \$113,588.54
 - Dow Park = \$29,351.24
 - Maxwell Center = \$4,196.36
 - Deer Park Baseball = \$63,065.29
 - Soccer Fields = \$14,636.96
 - Community Center & Gym = \$2,338.69

Deer Park Community Development Corporation
Quarterly Report: January 1, 2016 – March 31, 2016

Meetings Conducted

January 25, 2016 Regular Meeting. Board actions included the following:

- Established an investment policy for the DPCDC in accordance with the Texas Public Funds Investment Act, Government Code, Chapter 2256.
- Approved the quarterly report for the period of October 1, 2015 – December 31, 2015.

February 15, 2016 Special Meeting. Board actions included the following:

- Considered and recommended to City Council to authorize a Master Services Agreement and first set of task orders with Halff Associates, Inc. for architectural services for the Deer Park Community Development Corporation (DPCDC) projects.

Financial

Revenues:

- Sales & Use Tax Revenues:
1Q (12/31/15) = \$258,422.15
2Q (03/31/16) = \$764,708.21
- Investment Revenue:
1Q (12/31/15) = n/a
2Q (03/31/16) = \$524.29
- Total YTD Revenues as of 03/31/16: \$1,023,654.65

Expenditures:

- Dues & Fees:
1Q (12/31/15) = \$400.00 user fee paid to the IRS for filing Form 8940, Request for Miscellaneous Determination, to request exemption from Form 990 filing requirements
- Postage:
1Q (12/31/15) = \$8.87
2Q (03/31/16) = \$1.64

- Total YTD Expenditures as of 03/31/16: \$410.51

Debt Issuance

- \$9,450,000 Certificates of Obligation, Series 2016 issued February 16, 2016 through a private placement to Wells Fargo Bank via a competitive bidding process
 - This is the first of two planned debt issues for the construction of parks & recreation improvement projects
 - Projects to be funded as follows:
 - Maxwell Center Expansion and Parking Lot = \$2,000,000
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 - Soccer Field Development = \$4,000,000
 - Community Center and Gym Renovation and Expansion = \$150,000
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 - The first debt service payment of \$87,231.38 is due on September 15, 2016

Project Report

1st Quarter:

Projects are not yet underway.

2nd Quarter:

February 2016:

- Master Services Agreement and first set of task orders executed with Halff Associates, Inc. for architectural services for the Deer Park Community Development Corporation (DPCDC) projects.

March 2016:

- March 22, 2016. Kick-off Meetings with Architect and respective Ad-Hoc Committees for:
 1. Spencerview Baseball Renovations
 2. Soccer Feasibility
 3. Dow Park Pavilion

Deer Park Community Development Corporation

Quarterly Report: October 1, 2015 – December 31, 2015

Meetings Conducted

October 26, 2015 Regular Meeting. Board actions included the following:

- Conducted a public hearing on Deer Park Community Development Corporation projects.
- Approved minutes of joint workshop with the Deer Park City Council on July 30, 2015.
- Approved minutes of organizational meeting on August 17, 2015.
- Approved minutes of special meeting on September 21, 2015.
- Approved agreement with the City of Deer Park regarding the construction of improvements.
- Received a presentation and discussed issues relating to a schedule of events for the proposed sale of certificates of obligation for the construction of DPCDC improvements.
- Approved a recommendation that the Deer Park City Council approve a Notice of Intention to issue certificates of obligation for the construction of DPCDC improvements.
- Appointed Community Development Corporation Directors to ad-hock committees.

December 14, 2015 Special Meeting. Board actions included the following:

- Consideration of selection committee's selection of an architectural firm for architectural services for Deer Park Community Development Corporation (DPCDC) projects and made a recommendation to City Council to authorize contract negotiations with the selected firm (Halff Associates, Inc.).

Project Report

Projects are not yet underway.

Financial

Revenues:

December 2015 Sales & Use Tax Revenues: \$257,773.40

Expenditures: \$400.00 user fee paid to the IRS for filing Form 8940 – Request for Miscellaneous Determination – to request exemption from Form 990 filing requirements



Legislation Details (With Text)

File #: AUT 16-087 **Version:** 1 **Name:**
Type: Authorization **Status:** Agenda Ready
File created: 7/14/2016 **In control:** City Council
On agenda: 8/2/2016 **Final action:**
Title: Authorization to donate expired body armor to the non-profit group, Armor of God Project.
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
8/2/2016	1	City Council		

Authorization to donate expired body armor to the non-profit group, Armor of God Project.

Summary: The Police Department currently has 84 outdated ballistic vests. They are considered outdated because the manufacture will only certify and warranty each vest for a period of five years. In the past we were able to incinerate the expired vests at Cleanharbors. This practice stopped when Cleanharbors staff changed their policy and no longer accepted body armor. We have not been able to locate a suitable avenue for disposal until now.

The Police Department proposes to donate these vests to a non-profit 501 C (3) organization known as Armor of God Project. Their EIN number is 47-2994222. This is an organization based in Muscle Shoals, Alabama and is operated by Captain Clint Reck of the Muscle Shoals Police Department.

This organization receives donations of outdated body armor then processes the vests out upon request to Police Officers employed with agencies that do not provide their officers with body armor. Once the officers are approved to receive a vest they must sign a liability release, which states that they will use the vest for law enforcement purposes only. The vests are then shipped to the officers free of charge.

The officers receiving the vests from Armor of God project are aware that the vests are expired and are not covered by the manufacture warranty. They accept the risk associated with wearing an expired vest as the alternative would be not having a vest at all.

Fiscal/Budgetary Impact:

Estimated freight charges:

The cost associated with shipping these vests, which will come from the appropriate police department

accounts, is as follows:

Freight (approximately)	\$348.46
7-boxes @ \$7.00 per box	\$49.00
Total Shipping costs-	\$397.46

Authorization to donate expired body armor to the non-profit group, Armor of God project.



Legislation Details (With Text)

File #: ACT 16-044 **Version:** 1 **Name:**
Type: Acceptance **Status:** Agenda Ready
File created: 7/20/2016 **In control:** City Council
On agenda: 8/2/2016 **Final action:**
Title: Acceptance of certification of the anticipated Tax Collection Rate.
Sponsors: Finance
Indexes:
Code sections:
Attachments: [Anticipated Collection Rate Tax Year 2016](#)

Date	Ver.	Action By	Action	Result
8/2/2016	1	City Council		

Acceptance of certification of the anticipated Tax Collection Rate.

Summary: Section 26.04 (b) of the Property Tax Code requires that the Tax Collector certify an estimate of the property tax collection rate to the governing body. Tax Assessor-Collector Jeffery Johnson has submitted the attached memo in which he anticipates a collection rate of 100% in tax year 2016 (which is Fiscal Year 2016-2017).

Fiscal/Budgetary Impact:

The proposed Fiscal Year 2016-2017 Budget is supported through the collection of ad valorem taxes. Lowering the collection rate would necessitate changes to this proposed budget, which would adversely affect the debt rate and tax collections.

No action required.

MEMO

TO: James Stokes, City Manager
Gary Jackson, Assistant City Manager
Donna Todd, Director of Finance

FROM: Jeffery Johnson, Tax Assessor Collector

SUBJECT: Anticipated Collections Rate

DATE: July 25, 2016

The anticipated collection rate for property taxes collected this next year is 100%.

Please advise if you have any questions.

Jeffery Johnson



Legislation Details (With Text)

File #: AGR 16-036 **Version:** 1 **Name:**
Type: Agreement **Status:** Agenda Ready
File created: 6/24/2016 **In control:** City Council
On agenda: 8/2/2016 **Final action:**
Title: Consideration of and action on Task Order No. 6 agreement with Halff Associates, Inc. for architectural services for the Deer Park Community Development Corporation (DPCDC) funded renovations of the girls' softball facilities at the Youth Sports Complex.
Sponsors: Parks & Recreation Commission, Deer Park Community Development Corporation
Indexes:
Code sections:
Attachments: [Deer Park Task Order 006-Softball-Final](#)

Date	Ver.	Action By	Action	Result
8/2/2016	1	City Council		

Consideration of and action on Task Order No. 6 agreement with Halff Associates, Inc. for architectural services for the Deer Park Community Development Corporation (DPCDC) funded renovations of the girls' softball facilities at the Youth Sports Complex.

Summary:

On July 25th, the Deer Park Community Development Corporation recommended the authorization of Task Order No. 6 for architectural services for the Deer Park Community Development Corporation (DPCDC) renovations of the girls' softball facilities at the Youth Sports Complex.

Fiscal/Budgetary Impact:

Funding will come from the dedicated one half of one percent sales and use tax for Type B projects, the renovations of the girls' softball facilities at the Youth Sports Complex has been appropriated \$3,000,000 of the dedicated funds.

Authorize Task Order No. 6 with Halff Associates, Inc. for architectural services for the Deer Park Community Development Corporation (DPCDC) renovations of the girls' softball facilities at the Youth Sports Complex.

TASK ORDER

Task Order No. 16-006-A

Task Order

In accordance with AIA Prime Agreement between City of Deer Park, Texas ("Owner") and Halff Associates ("Architect") for Professional Services –dated February 16, 2016 ("Agreement"), Owner and Architect agree as follows:

1. Specific Project Data

A. Title: Girls Softball Renovations at Youth Sports Complex

B. Description: The Architect's design services consist of preliminary design of proposed improvements, design survey of affected site area necessary to perform design of proposed improvements, construction design services necessary for bidding and construction of proposed improvements which includes: (a) design of new softball fields, (b) shade structure(s), (c) playground improvements (d) restrooms, (e) parking, (f) internal walks, (g) ball field irrigation, (h) lighting, (i) on-site utility improvements, (j) erosion and sedimentation controls, (k) site grading and drainage. Architect will also submit the final design for an independent RAS review and submittals to the City of Deer Park for the required development approvals and issue construction plans for bid. Additionally, Architect will prepare estimates of probable construction costs and perform limited construction phase services.

C. City of Deer Park Project Number: 16-006-A

D. Prime Agreement, Contract Number: PR-16-410-001

2. Services of Architect

See Attachment A: Proposed Scope of Professional Services for Girls Softball Renovations at Youth Sports Complex dated August 02, 2016.

3. Owner's Responsibilities

Owner shall have those responsibilities set forth in the Agreement subject to the following: See Attachment A: Proposed Scope of Professional Services for Girls Softball Renovations at Youth Sports Complex dated August 02, 2016.

4. Times for Rendering Services

<u>Phase</u>	<u>Completion Date</u>
<u>See Attachment C</u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>

TASK ORDER

5. **Payments to Architect**

A. Owner shall pay Landscape Architect for services rendered as follows:

<i>Category of Services</i>	<i>Compensation Method</i>	<i>Lump Sum or Not to Exceed Amount of Compensation for Services</i>
Basic Services	Lump Sum per Task (See Attachment B – Fee Schedule & Reimbursable Expenses and	\$284,033.00

B. The terms of payment are set forth in the AIA Prime Agreement unless modified in this Task Order.

6. **Other Modifications to Agreement:**

[Supplement or modify Agreement and Exhibits, if appropriate.]

7. **Attachments:** *Attachment A – Scope of Services* *Attachment B – Fee Schedule & Reimbursable Expenses* *Attachment C – Schedule of Work*

8. **Documents Incorporated By Reference:** The Agreement effective August 2, 2016.

TASK ORDER

Terms and Conditions: Execution of this Task Order by Owner and Architect shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Architect is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is August 02, 2016.

OWNER:

ARCHITECT :

By: _____

By: _____

Name: Jerry Mouton, Jr.

Name: Tim Bargainer, PLA, ASLA, CLARB

Title: Mayor, City of Deer Park, Texas

Title: Vice President

Date: _____

Date: _____

ATTEST:

Sandra Watkins, City Secretary

STATE OF TEXAS

} CORPORATE

COUNTY OF HARRIS

} ACKNOWLEDGEMENT

On this ____ day of _____, 2016, Tim Bargainer personally appeared before me and proved to me through satisfactory evidence of identification to be the person who signed this document in my presence.

[SEAL]

Notary Public

My Commission Expires: _____

TASK ORDER

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

Name: Scott Swigert

Name: Tim Bargainer, PLA, ASLA, CLARB

Title: Director, Parks and Recreation

Title: Director of Landscape Architecture

Address: 610 E. San Augustine
Deer Park, TX 77536

Address: 4030 W. Braker Ln., Suite 450
Austin, Texas 78759-5356

E-Mail
Address: sswigert@deerparktx.org

E-Mail
Address: tbargainer@half.com

Phone: 281-478-2058

Phone: 512-777-4568

Fax: 281-478-7212

Fax: 512-252-8141

Attachment “A”

Scope of Professional Services for

Deer Park Girls Softball Renovations at Youth Sports Complex

City of Deer Park, Texas

SERVICES TO BE PERFORMED BY CITY

Design Studies, Criteria, Data

- Any plans for existing facilities recently completed within the park property and adjacent to the site, if available.
- Existing geotechnical reports and data for existing facilities recently completed within the park property and adjacent to the site, if available for reference only. Consultant to provide geotechnical testing and data for the design of this project.
- Utility information (plans, maps, etc.) both current and archived within the CITY of Deer Park, if available.
- All available current CITY of Deer Park GIS, aerials and available survey information to date.

Public Involvement

- Provide guidance on selecting appropriate stakeholders for public meetings(s).
- Sponsor and conduct public meetings.

Field Surveying and Photogrammetry

- Provide all available survey and photogrammetry information to date.

Drainage

- Provide available information and studies on existing drainage areas on and off-site.
- Provide hydraulic design criteria for project design.
- Provide standard details and specifications as necessary to assist design CONSULTANT.

Miscellaneous

- Provide direction necessary for aesthetic treatment of proposed structures, amenities and landscaping.
- Provide copies of all licensing agreements, utility agreements and other legal instruments related to the project.
- Prepare and coordinate any required Licensing and/or Utility Agreements.
- Pay all filing; permit review, application and inspection fees.
- Acquire right-of-entry on any property not owned by the CITY should it be determined necessary to complete the scope of work identified within this agreement.
- It is the CITY's responsibility to facilitate and coordinate with private property owners, if deemed necessary.
- Provide any other pertinent information to assist design CONSULTANT.

SCOPE OF WORK TO BE PERFORMED BY CONSULTANT

The purpose of the services proposed herein is to provide professional consulting services consisting of but not limited to landscape architecture, architecture, civil engineering, structural engineering, MEP engineering, and hydraulic/hydrologic engineering necessary for the development of the Deer Park Girls Softball Fields (the project). The project is entirely within the City of Deer Park with access from West X Street. The CONSULTANT intends to work in effective cooperation with the CITY and provide all necessary plans and specifications needed for permitting/approval from regulatory entities to achieve an efficient and acceptable implementation of the project.

Program

CONSULTANT shall provide design services for the following general program elements (refer Project Area Map):

- Renovation and additions to the existing four (4) fields and two (2) new fields.
- Concession | Restroom Facility
- Storage Space – OWNER and Private Leagues
- Controlled Entry System
- Additional Parking
- On-site Utility improvements in support of improvements
- On-site drainage and storm conveyance
- Sports Field Lighting
- Landscape and irrigation

NOTE: The list of general program elements is not all-inclusive. Additional program items may result from site reconnoitering and design development.

Construction Development Budget

A construction development budget for general program items is generally established at \$3 million dollars including a 10% contingency.

Given the above stated general project information CONSULTANT will provide the following scope of basic services per task listed once the CITY has issued and executed this Task Order.

BASIC SERVICES

The proposed basic services, which are outlined below, shall include: project management| coordination, preliminary design, construction documents | regulatory entitlement, bidding assistance and construction phase services, design survey, and geotechnical services.

PHASE 1: PROJECT MANAGEMENT | COORDINATION

This task will include the following activities:

- Coordinate a kick-off meeting with the design team and City to identify project goals, schedules and projected milestones.
- Provide overall project management services including budget control, schedule control, project coordination, resource allocation, subconsultant management and coordination, and preparation & processing of invoices.

- Ensure timely delivery of all deliverables including electronic files, and hard copies of all pertinent information, all in American Standard System of Measure format.
- Perform Quality Control | Quality Assurance reviews.
- Attend Preliminary site visit/meeting, pre-development meeting, parks board presentation, DPCDC and City Council.
- Review all modifications and comments requested by jurisdictional and regulatory agencies with the City. (1 meeting)
- Coordinate and oversee revisions to drawings and assist City in submitting final documents to the appropriate agency(s) for final processing, approvals and permits.

*Meetings with Regulatory Entities other than the City to review construction documents are not included.

* All filing, permit review and application fees to be paid by City.

*Deliverable quantities for permitting to be determined by City; plans, specification, reports, etc. to be billed as reimbursable expenses.

PHASE 2: DESIGN DEVELOPMENT (9 weeks)

This phase will include the following:

- Prepare overall project base map of existing conditions from available CITY provided data to be used for initiate project kick-off and site assessment.
- Facilitate kick-off meeting with the design team and CITY to identify project goals, schedules and projected milestones from schematic design through construction. Identify additional participants and stakeholders to be included in design process (1 meeting).
- Conduct team site assessment to identify site opportunities and constraints (meeting combined with kick-off).
- Prepare preliminary design development drawings and updated OPCC including appropriate escalation factors and contingencies. Design will utilize existing conditions design survey for defined project development limits.
- Review preliminary design development drawings with OWNER (1 meeting)
- Attend and assist in facilitating public input meeting with identified participants and stakeholders (1 meeting)
- Prepare final preliminary design drawings and updated OPCC including appropriate escalation factors and contingencies.
- Present final design development drawings and OPCC to DPCDC (1 meeting).
- Present design development drawings and OPCC to CITY Council for approval to proceed with Construction Documents and Regulatory Approval (1 meeting).
-

PHASE 3: CONSTRUCTION DOCUMENTS AND PERMITTING (28 weeks)

Upon CITY's approval of the Preliminary Design and OPCC, the CONSULTANT will develop working/construction drawings and technical specifications necessary to construct the work. Construction drawings may include, but not be limited to the following information: general construction and project specific notes, utilities, grading, drainage, dimension control/layout, erosion/sedimentation/tree protection, site construction details, architectural, structural and mechanical, electrical, plumbing, lighting plan, and landscape and irrigation plans. CONSULTANT

shall compliment drawings with Contract Documents and Technical Specifications including quantity take-offs, which describe materials, systems and equipment, workmanship, quality and performance criteria required for the construction of the work. CONSULTANT shall coordinate any utility needs and adjustment with the CITY and utility service provider(s). CONSULTANT shall assist CITY in submitting plans to regulatory entities for approval and permitting to be used for bidding and implementation of the project. This phase will include the following:

- Coordinate construction drawings with other team members.
- Prepare thirty percent (30%) construction drawings and OPCC including appropriate escalation factors and contingencies. Submit to CITY for review and comments. (6 weeks)
- Review 30% construction drawings and OPCC with CITY (1 meeting).
- Prepare sixty percent (60%) construction drawings and OPCC including appropriate escalation factors and contingencies. Submit to CITY for review and comments. (6 weeks)
- Review 60% construction drawings and OPCC with CITY (1 meeting).
- Prepare ninety percent (90%) construction drawings, specifications/project manual and OPCC including appropriate escalation factors and contingencies. Submit to CITY for review and comments. (3 weeks)
- Review 90% construction drawings, specifications/project manual and OPCC with CITY and (1 meeting).
- Prepare final construction drawings, specifications, reports, permit applications, SWPPP and other documents required for permitting and construction; update OPCC including appropriate escalation factors and contingencies. Submit to CITY for review and comments. (5 weeks).
- Assist the OWNER in filing the appropriate plans and documents with Texas Department of Licensing and Regulation (TDLR) for accessibility compliance with the 2012 Texas Accessibility Standards (with review by independent Texas Registered Accessibility Specialist RAS).
- Review and address all comments requested by regulatory agencies, the CITY and city development review. (4 weeks)
- Revise drawings and submit documents to the appropriate agency(s) for final processing, approvals and permits (1 meeting).

NOTE: 1) *All filing, permit review, application and inspection fees to be paid by the CITY.*
2) *Deliverable quantities for permitting required by the CITY and/or regulatory entities; plans, specification, reports, etc. to be billed as reimbursable expenses.*

PHASE 4: BIDDING ASSISTANCE

Upon CITY's approval and permitting of Construction Documents, CONSULTANT shall assist CITY during the bidding process. This phase will include the following services:

- Coordinate the schedule for bid advertising, pre-bid conference, and bid opening.
- Prepare and organize bid solicitation and proposal forms consistent with the CITY's requirements.
- Attend and assist the CITY with a pre-bid conference (1 meeting).
- Address contractor RFI's, prepare and issue addenda as required.

- Attend and assist the CITY with bid opening, review/evaluate bids including alternates (1 meeting).
- Provide written recommendation to CITY. Contingent upon project construction delivery method.
- Once approved by CITY Staff, attend CITY Council meeting for award of construction contract as required (1 meeting).

PHASE 5: CONSTRUCTION PHASE SERVICES

CONSULTANT shall assist CITY during the construction process. CONSULTANT shall endeavor to secure compliance by the contractor to the plans and specifications. CONSULTANT shall not be responsible for construction means, methods, techniques, sequences or procedures in connection with the work and CONSULTANT shall not be responsible for the contractor's errors or omissions or failure to carry out the work in accordance with the contract documents. CITY will provide and pay for construction inspection and materials testing services. This phase will include the following:

- Assist CITY with Issuing the Notice to Proceed and assisting with acquiring executed contracts, bonds and insurance from the contractor.
- Attend and assist the CITY in conducting and overseeing a pre-construction meeting (1 meeting).
- Construction observation – preparation and processing of Requests for Information, Change Proposals, Change Orders, Change Directives, review/approval of shop drawing, submittals, samples and mock-ups (as required).
- Conduct and oversee monthly progress meetings. Estimate construction time 6 months (6 meetings). Consultant will be responsible for recording and keeping minutes of all meetings with City staff and distributing within 48 hours of the meeting date.
- Review and approve contractor's monthly Application and Certification for Payment.
- Attend and assist CITY with substantial completion inspection(s) and walk-thru including TAS inspection; issue punch list and letter of substantial completion for incomplete items including time for completion (1 meeting).
- Attend and assist CITY with final inspection for acceptance of project and issue letter of concurrence (1 meeting).
- Assist CITY in acquiring final close-out documents, warranties, accurate as-built drawings and other documents from contractor required to close-out project.
- Review and approve contractor's final Application and Certification for Payment including retainage.

PHASE 6: PROJECT DESIGN SURVEY (4 weeks)

This phase will include the following:

- Conduct preliminary survey meeting with design team and CITY staff to confirm limits of survey work for the project area.
- Conduct horizontal and vertical control survey on State Plane Grid and North American Vertical Datum of 1988, NAVD88. Establish a minimum of four (4) bench marks.
- Boundary verification survey.
- Topographic survey with one-foot contours, locations of above-ground and visible improvements and utilities, overhead utility locations, and hardwood trees 3" and up, existing walks, structures, light standards, and misc. appurtenances with the project area.
- Underground utility locates identified through Texas 811.
- Contact Deer Park Utilities for locates related to wet and dry utilities within the park property.
- Contact Parks and Recreation Department for identification of irrigation and other utilities as needed.
- Drainage appurtenance including culvert pipe or opening sizes and flowlines.
- The graphical location of the property lines, right-of-way lines, and easements for the project area.
- The graphical location of water, wastewater, utilities including manholes, flowlines and invert elevations.
- Design survey of all available and identified information above to be provided in AutoCAD format.

PHASE 7: GEOTECHNICAL SERVICES (4 Weeks)

CONSULTANT will perform geotechnical investigation for determination of structural foundation and pavement design needs. A report documenting the findings and recommendations of the geotechnical investigation, including all boring logs and others test results will be submitted to the CITY upon completion of the investigation. The facilities being considered in this study are turf fields, parking lot, internal driveway, a concession / restroom building, and shaded gathering space(s). The proposed structures are anticipated to create relatively light structural loads to be carried by the foundation systems. Floor systems consisting of slabs-on-fill or piers are expected to be preferred, provided expansive, soil-related movements will not cause structural performance concerns.

The scope of work efforts proposed herein will include identification of location(s), investigative drill testing, sampling and assessment and analysis of the potential for subgrade structural needs as necessary to ensure proper design for facilities. Based on the general program elements defined, the following bores will be provide: two (2) borings within the turf field areas to approximate depth of 10 ft., three (3) parking lot borings within parking areas to approx. depth of 5 ft., and three (3) borings at proposed restroom | concession location to approx. depth of 20 ft. The geotechnical engineering report shall include but not be limited to general site conditions, bore location plan, foundation design considerations and recommendations, foundation construction considerations, and general pavement thickness design and construction recommendations for parking areas.

PHASE 8: CONSTRUCTION MATERIALS TESTING (6 months)

Refer Exhibit B for construction materials testing estimate. Note that CME has made various assumptions regarding the types of tests that will be required for the project and the frequency of tests based on available information. CME should be contracted once the construction plans have been finalized and a general contractor has been selected for the project in order to determine if any changes should be made with respect to the assumptions used to develop this proposal.

PHASE 9: PRELIMINARY DRAINAGE INVESTIGATION (4 weeks)

This phase will include the following:

- Attend and assist the CITY in conducting and overseeing a pre-construction meeting (1 meeting).
- Obtain and evaluate the existing site conditions.
- Prepare an Existing Condition hydrologic simulation to evaluate the potential impacts of the proposed park enhancements. This task includes delineating drainage basins, computing hydrologic parameters and developing a HEC-HMS simulation.
- Prepare a Phase 1 hydrologic simulation to evaluate the potential impacts of the proposed park enhancements. This task includes adding the proposed Phase 1 park features and evaluating the detention requirements.
- Prepare an Ultimate hydrologic simulation to evaluate the potential impacts of the proposed park enhancements. This task includes adding the proposed ultimate build out park features and evaluating the detention requirements.
- Compute (tabular format) proposed volume that may require mitigation.
- Conceptually identify potential locations to mitigate potential impacts.
- Prepare brief drainage memorandum describing methodologies, assumptions and results.

Excluded Items:

- *Floodplain Hydraulic Analysis (Current Effective FEMA information will be used to define the limits of the floodplain)*
- *Environmental Analysis*

Opinion of Probable Construction Costs (OPCC) Disclaimer

Opinion of probable construction costs provided by the CONSULTANT are based on the CONSULTANT's familiarity with the construction industry and are provided only to assist the CITY throughout the design process; such opinions shall not be construed to provide a guarantee or warranty of the actual construction costs at the time construction bids are solicited or construction contracts negotiated. Unless expressly agreed in writing and signed by the parties, no fixed limit of construction costs is established as a condition of this Agreement by the furnishing of the opinion of probable construction costs. Throughout the design process the CONSULTANT will assist the CITY in value engineering the project and making necessary adjustments in an effort to meet the project construction budget.

ADDITIONAL SERVICES

The following services are not included within the scope of basic services unless previously discussed above. Should CONSULTANT be required to provide services in obtaining or coordinating compilation of this information, such services shall be performed as Additional Services. Additional Services shall only be provided if previously authorized by the CITY.

Additional Services may include, but not be limited to, the following:

- Increase in construction documentation, regulatory entitlement, bidding assistance and construction phase services resulting from increase development budget of more than 10%.
- Revisions to drawings previously approved by the CITY and regulatory entities due to changes in: Project scope, budget, schedule, unforeseen subsurface construction conditions or when such revisions are inconsistent with written approvals or instructions previously given; enactment or revision codes, laws, or regulations subsequent to the preparation of such documents.
- Preparation of Phased bid package(s) with reduced scope of items defined herein, including construction drawings and specifications not included as part of phase 1 development.
- Preparation of presentation materials for marketing or purposes other than in-progress approvals.
- Public or other presentations beyond those described in scope of services.
- Provide consultation, drawings, reports and other work products related to permits, approvals and ordinances not described in scope of services.
- Providing professional services for the field selection of plant materials.
- Traffic Impact Analysis.
- Traffic Control Plans.
- Design for site elements other than pre-engineered structures.
- Gas, Telephone/Communication design.
- Design of utility extension(s) to the project site.
- Services required after final acceptance of construction work.
- Preparation of record documents from contractors as-built drawings.
- Detailed Flood Plain Analysis.
- Hydrologic Analysis.
- CLOMR and/or LOMR
- Permitting through Army Corp of Engineers (USACE).
- Geotechnical investigation for structures not accounted for in basic scope of services.
- Environmental services.
- Geological Assessment
- Archeological Assessment.
- Hazardous Site Assessments.
- Construction Staking.
- Property Title Research
- Legal Lot Determinations unless defined within scope of services.
- Preparation of multi-use agreement(s) and exhibits.
- Easement acquisition or vacation including preparation of easement documents.
- Preparation and processing of Waivers, Variances or Exceptions.
- Land Acquisition services.
- Any services related to ROW acquisition.
- Any design work that will require work in the ROW or impact traffic entering and exiting the public and private ROW.
- ROW mapping exhibits and meets and bounds documentation required for ROW acquisition. City Land Acquisition/ROW mapping requirements to be used.
- Assistance or representation in litigation concerning the property of proposed project.

- Conflict Resolution.
- Providing services other than those outlined in scope of services.

PROJECT AREA MAP



ATTACHMENT “B”

Fee Schedule & Reimbursable Expenses for

Deer Park Girls Softball Renovations Phase 1 – Design and Construction Phase

City of Deer Park, Texas

For the basic services stated previously, the lump sum fee shall be as follows. Billing will occur on a monthly cycle, based on a percentage of work performed per phase and completed during the previous time period including any deliverables associated with such phase, subject to Owner review and approval. Reimbursable Expense will be performed on a maximum not to exceed manner.

BASE SERVICE TASK	FEES
PHASE 1: Project Management Coordination	\$ 7,533
PHASE 2: Design Development	\$ 56,000
PHASE 3: Construction Documents and Permitting	\$ 116,000
PHASE 4: Bidding Assistance	\$ 8,000
PHASE 5: Construction Phase Services	\$ 27,000
PHASE 6: Project Design Survey	\$ 18,500
PHASE 7: Geotechnical Services	\$ 17,500
PHASE 8: Construction Materials Testing	\$ 23,500
<u>PHASE 9: Preliminary Drainage Investigation</u>	<u>\$ 10,000</u>
TOTAL FOR BASIC SERVICES	\$284,033
Reimbursable Expenses	\$ 3,000

ATTACHMENT “C”

Fee Schedule & Reimbursable Expenses for

Deer Park Girls Softball Renovations Phase 1 – Design and Construction Phase

City of Deer Park, Texas

ARCHITECT is prepared to begin services necessary for completion of the work identified within Attachment “A” Scope of Work upon execution of the Task Order and it is the intent of the ARCHITECT to work with the OWNER to meet the reasonable expectations for delivery of basic services. It is anticipated to take approximately nine (9) months upon Notice to Proceed to complete design through bidding phases. It is anticipated to take approximately six (6) to eight (8) months upon completion of bidding phase to complete construction contingent on contractor’s availability and schedule. ARCHITECT is not responsible for delays incurred by regulatory or reviewing entities.



Legislation Details (With Text)

File #: AGR 16-039 **Version:** 1 **Name:**

Type: Agreement **Status:** Agenda Ready

File created: 7/20/2016 **In control:** City Council

On agenda: 8/2/2016 **Final action:**

Title: Consideration of and action on Task Order No. 4-B agreement with Halff Associates, Inc. for architectural services for the Deer Park Community Development Corporation (DPCDC) funded Maxwell Adult Center Renovation and Expansion and Parking Lot Expansion project.

Sponsors: Scott Swigert

Indexes:

Code sections:

Attachments: [Deer Park Task Order 004-B-Maxwell Design and Construction](#)

Date	Ver.	Action By	Action	Result
8/2/2016	1	City Council		

Consideration of and action on Task Order No. 4-B agreement with Halff Associates, Inc. for architectural services for the Deer Park Community Development Corporation (DPCDC) funded Maxwell Adult Center Renovation and Expansion and Parking Lot Expansion project.

On February 16, 2016 the City Council Approved Task Order #4 with Halff Associates for the Maxwell Center Expansion and Parking Lot Expansion - Phase 1 Programming. Since that time the Parks and Recreation Department and the Maxwell Adult Center Renovation and Expansion Ad-Hoc Committee have been working with Halff Associates and Brinkley Sargent Wiginton Architects (BSW) for the programming phase of the project. On May 23rd and May 27th, Halff Associates and BSW met with the Ad-Hoc Committee to develop a potential facility need program for the Center. On June 9th BSW and Halff Associates conducted a public input meeting at the Maxwell Adult Center to obtain citizen input on the programming for the center. In addition to the public meeting forms were made available on the City Website as well as the Maxwell Adult Center and Community Center for an additional week after the public input meeting to collect as much input as possible. On June 29th Halff Associates and BSW met with the Ad-Hoc Committee to finalize the programming recommendation which was presented to and received the recommendation of the Deer Park Community Development Corporation on July 25th.

Fiscal/Budgetary Impact:

Funding will come from the dedicated one half of one percent sales and use tax for Type B projects, the Maxwell Adult Center Renovation and Expansion and Parking Lot Expansion has been appropriated \$2,000,000 of the dedicated funds.

Authorize Task Order No. 4-B with Halff Associates, Inc. for architectural services for the Deer Park Community Development Corporation (DPCDC) Maxwell Adult Center Renovation and Expansion and Parking Lot Expansion project.

TASK ORDER

Task Order No. 16-004-B

Task Order

In accordance with AIA Prime Agreement between City of Deer Park, Texas ("Owner") and Halff Associates ("Architect") for Professional Services –dated February 16, 2016 ("Agreement"), Owner and Architect agree as follows:

1. **Specific Project Data**

A. Title: Maxwell Center Expansion and Parking Lot Improvement – Phase 1 Design and Construction Phase

B. Description: The Architect's design services consist of preliminary design of proposed improvements, design survey of affected site area necessary to perform design of proposed improvements, construction design services necessary for bidding and construction of proposed improvements which includes: (a) design of renovation to existing building with minimal impact to existing floor plan and structure, (b) design of addition to building, (c) parking lot improvements (d) on-site utility improvements, (e) erosion and sedimentation controls, (f) site grading and drainage. Architect will also submit the final design for an independent RAS review and submittals to the City of Deer Park for the required development approvals and issue construction plans for bid. Additionally, Architect will prepare estimates of probable construction costs and perform limited construction phase services.

C. City of Deer Park Project Number: 16-004-B

D. Prime Agreement, Contract Number: PR-16-410-001

2. **Services of Architect**

See Attachment A: Proposed Scope of Professional Services for Maxwell Center Expansion and Parking Lot Improvement – Phase 1 Design and Construction dated August 02, 2016.

3. **Owner's Responsibilities**

Owner shall have those responsibilities set forth in the Agreement subject to the following: See Attachment A: Proposed Scope of Professional Services for Maxwell Center Expansion and Parking Lot Improvement – Phase 1 Design and Construction dated August 02, 2016.

4. **Times for Rendering Services**

<u>Phase</u>	<u>Completion Date</u>
<u>See Attachment C</u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>

TASK ORDER

5. **Payments to Architect**

A. Owner shall pay Landscape Architect for services rendered as follows:

<i>Category of Services</i>	<i>Compensation Method</i>	<i>Lump Sum or Not to Exceed Amount of Compensation for Services</i>
Basic Services	Lump Sum per Task (See Attachment B – Fee Schedule & Reimbursable Expenses)	\$225,500.00

B. The terms of payment are set forth in the AIA Prime Agreement unless modified in this Task Order.

6. **Other Modifications to Agreement:**

[Supplement or modify Agreement and Exhibits, if appropriate.]

7. **Attachments:** *Attachment A – Scope of Services* *Attachment B – Fee Schedule & Reimbursable Expenses* *Attachment C – Schedule of Work*

8. **Documents Incorporated By Reference:** The Agreement effective August 2, 2016.

TASK ORDER

Terms and Conditions: Execution of this Task Order by Owner and Architect shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Architect is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is August 02, 2016.

OWNER:

ARCHITECT :

By: _____

By: _____

Name: Jerry Mouton, Jr.

Name: Tim Bargainer, PLA, ASLA, CLARB

Title: Mayor, City of Deer Park, Texas

Title: Vice President

Date: _____

Date: _____

ATTEST:

Sandra Watkins, City Secretary

STATE OF TEXAS

} CORPORATE

COUNTY OF HARRIS

} ACKNOWLEDGEMENT

On this ____ day of _____, 2016, Tim Bargainer personally appeared before me and proved to me through satisfactory evidence of identification to be the person who signed this document in my presence.

[SEAL]

Notary Public

My Commission Expires: _____

TASK ORDER

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

Name: Scott Swigert

Name: Tim Bargainer, PLA, ASLA, CLARB

Title: Director, Parks and Recreation

Title: Director of Landscape Architecture

Address: 610 E. San Augustine
Deer Park, TX 77536

Address: 4030 W. Braker Ln., Suite 450
Austin, Texas 78759-5356

E-Mail
Address: sswigert@deerparktx.org

E-Mail
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Phone: 512-777-4568

Fax: 281-478-7212

Fax: 512-252-8141

Attachment “A”

Scope of Professional Services for

Maxwell Center Expansion and Parking Lot Improvement – Phase 1 Design and Construction

City of Deer Park, Texas

SERVICES TO BE PERFORMED BY CITY

Design Studies, Criteria, Data

- As-built plans for existing facilities and facilities adjacent to this project, if available.
- Existing geotechnical reports and data for existing facilities recently completed within the property and adjacent to the site, if available for reference only.
- Utility information (plans, maps, etc.) both current and archived within the CITY of Deer Park, if available.
- All available current CITY of Deer Park GIS, aerials and available survey information to date.

Public Involvement

- Provide guidance on selecting appropriate stakeholders for public meetings(s).
- Sponsor and conduct public meetings.

Field Surveying and Photogrammetry

- Provide all available survey and photogrammetry information to date.

Drainage

- Provide available information and studies on existing drainage areas on and off-site.
- Provide hydraulic design criteria for project design.
- Provide standard details and specifications as necessary to assist design CONSULTANT.

Miscellaneous

- Provide direction necessary for aesthetic treatment of proposed structures, amenities, parking and landscaping.
- Provide copies of all licensing agreements, utility agreements and other legal instruments related to the project.
- Prepare and coordinate any required Licensing and/or Utility Agreements.
- Pay all filing; permit review, application and inspection fees.
- Acquire right-of-entry on any property not owned by the CITY should it be determined necessary to complete the scope of work identified within this agreement.
- It is the CITY's responsibility to facilitate and coordinate with private property owners, if deemed necessary.
- Provide any other pertinent information to assist design CONSULTANT.

SCOPE OF WORK TO BE PERFORMED BY CONSULTANT

The purpose of the services proposed herein is to provide professional consulting services consisting of but not limited to architecture, civil engineering, structural engineering, MEP engineering, landscape architecture, and hydraulic/hydrologic engineering necessary for the development of the Deer Park Maxwell Center Expansion and Parking Lot Improvement – Phase 1 Design and Construction (the project). The project is entirely within the City of Deer Park with access from Center Street and 12th Street. The CONSULTANT intends to work in effective cooperation with the CITY and provide all necessary plans and specifications needed for permitting/approval from regulatory entities to achieve an efficient and acceptable implementation of the project.

Program

CONSULTANT shall provide design services for the following general program elements (refer Project Area Map):

- Renovation to existing building based on programming and concept plan informed by public input process and approved by City. Concept plan based on minimal impact to existing floor plan and structure.
- Addition to existing building based on programming and concept plan informed by public input process and approved by City.
- Controlled Entry System
- On-site Utility improvements in support of improvements
- Parking improvements
- On-site drainage and storm conveyance
- Landscape and irrigation

NOTE: The list of general program elements is not all-inclusive. Additional program items may result from site reconnoitering and design development.

Construction Development Budget

A construction development budget for general program items is generally established at \$2 million dollars including professional fees and a 10% contingency.

Given the above stated general project information CONSULTANT will provide the following scope of basic services per task listed once the CITY has issued and executed this Task Order.

BASIC SERVICES

The proposed basic services, which are outlined below, shall include: project management| coordination, preliminary design, construction documents | regulatory entitlement, bidding assistance and construction phase services, design survey, geotechnical services, and materials testing.

PHASE 1: PROJECT MANAGEMENT | COORDINATION

This task will include the following activities:

- Coordinate a kick-off meeting with the design team and City to identify project goals, schedules and projected milestones. (1 meeting)

- Provide overall project management services including budget control, schedule control, project coordination, resource allocation, subconsultant management and coordination, and preparation & processing of invoices.
- Ensure timely delivery of all deliverables including electronic files, and hard copies of all pertinent information, all in American Standard System of Measure format.
- Perform Quality Control | Quality Assurance reviews.
- Attend Preliminary site visit/meeting, pre-development meeting, parks board presentation, DPCDC and City Council.
- Review all modifications and comments requested by jurisdictional and regulatory agencies with the City. (1 meeting)
- Coordinate and oversee revisions to drawings and assist City in submitting final documents to the appropriate agency(s) for final processing, approvals and permits.

*Meetings with Regulatory Entities other than the City to review construction documents are not included.

* All filing, permit review and application fees to be paid by City.

*Deliverable quantities for permitting to be determined by City; plans, specification, reports, etc. to be billed as reimbursable expenses.

PHASE 2: DESIGN DEVELOPMENT (9 weeks)

This phase will include the following:

- Prepare overall project base plan of existing conditions from available CITY provided data and concept plan prepared during programming phase to be used for project kick-off.
- Facilitate kick-off meeting with the design team and CITY to identify project goals, schedules and projected milestones from schematic design through construction. Identify additional participants and stakeholders to be included in design process (1 meeting).
- Conduct team site assessment to identify site opportunities and constraints (meeting combined with kick-off).
- Prepare preliminary design development drawings and updated OPCC including appropriate escalation factors and contingencies.
- Review preliminary design development drawings with OWNER (1 meeting)
- Prepare final preliminary design drawings and updated OPCC including appropriate escalation factors and contingencies.
- Present final design development drawings and OPCC to DPCDC (1 meeting).
- Present design development drawings and OPCC to CITY Council for approval to proceed with Construction Documents and Regulatory Approval (1 meeting).

PHASE 3: CONSTRUCTION DOCUMENTS AND PERMITTING (28 weeks)

Upon CITY's approval of the Preliminary Design and OPCC, the CONSULTANT will develop working/construction drawings and technical specifications necessary to construct the work. Construction drawings may include, but not be limited to the following information: general construction and project specific notes, demolition plan, architectural plans and details, structural and mechanical, electrical, plumbing, lighting plan, site construction details, grading, drainage, erosion/sedimentation/tree protection, and landscape and irrigation plans. CONSULTANT shall

compliment drawings with Contract Documents and Technical Specifications including quantity take-offs, which describe materials, systems and equipment, workmanship, quality and performance criteria required for the construction of the work. CONSULTANT shall coordinate any utility needs and adjustment with the CITY and utility service provider(s). CONSULTANT shall assist CITY in submitting plans to regulatory entities for approval and permitting to be used for bidding and implementation of the project. This phase will include the following:

- Coordinate construction drawings with other team members.
- Prepare thirty percent (30%) renovation and/or construction drawings and OPCC including appropriate escalation factors and contingencies. Submit to CITY for review and comments. (6 weeks)
- Review 30% renovation and/or construction drawings and OPCC with CITY (1 meeting).
- Prepare sixty percent (60%) renovation and/or construction drawings and OPCC including appropriate escalation factors and contingencies. Submit to CITY for review and comments. (6 weeks)
- Review 60% renovation and/or construction drawings and OPCC with CITY (1 meeting).
- Prepare ninety percent (90%) renovation and/or construction drawings, specifications/project manual and OPCC including appropriate escalation factors and contingencies. Submit to CITY for review and comments. (3 weeks)
- Review 90% renovation and/or construction drawings, specifications/project manual and OPCC with CITY and (1 meeting).
- Prepare final renovation and/or construction drawings, specifications, reports, permit applications, SWPPP and other documents required for permitting and construction; update OPCC including appropriate escalation factors and contingencies. Submit to CITY for review and comments. (5 weeks).
- Assist the OWNER in filing the appropriate plans and documents with Texas Department of Licensing and Regulation (TDLR) for accessibility compliance with the 2012 Texas Accessibility Standards (with review by independent Texas Registered Accessibility Specialist RAS).
- Review and address all comments requested by regulatory agencies, the CITY and city development review. (4 weeks)
- Revise drawings and submit documents to the appropriate agency(s) for final processing, approvals and permits (1 meeting).

NOTE: 1) *All filing, permit review, application and inspection fees to be paid by the CITY.*
2) *Deliverable quantities for permitting required by the CITY and/or regulatory entities; plans, specification, reports, etc. to be billed as reimbursable expenses.*

PHASE 4: BIDDING ASSISTANCE

Upon CITY's approval and permitting of Construction Documents, CONSULTANT shall assist CITY during the bidding process. This phase will include the following services:

- Coordinate the schedule for bid advertising, pre-bid conference, and bid opening.
- Prepare and organize bid solicitation and proposal forms consistent with the CITY's requirements.

- Attend and assist the CITY with a pre-bid conference (1 meeting).
- Address contractor RFI's, prepare and issue addenda as required.
- Attend and assist the CITY with bid opening, review/evaluate bids including alternates (1 meeting).
- Provide written recommendation to CITY. Contingent upon project construction delivery method.
- Once approved by CITY Staff, attend CITY Council meeting for award of construction contract as required (1 meeting).

PHASE 5: CONSTRUCTION PHASE SERVICES

CONSULTANT shall assist CITY during the construction process. CONSULTANT shall endeavor to secure compliance by the contractor to the plans and specifications. CONSULTANT shall not be responsible for construction means, methods, techniques, sequences or procedures in connection with the work and CONSULTANT shall not be responsible for the contractor's errors or omissions or failure to carry out the work in accordance with the contract documents. CITY will provide and pay for construction inspection and materials testing services. This phase will include the following:

- Assist CITY with Issuing the Notice to Proceed and assisting with acquiring executed contracts, bonds and insurance from the contractor.
- Attend and assist the CITY in conducting and overseeing a pre-construction meeting (1 meeting).
- Construction observation – preparation and processing of Requests for Information, Change Proposals, Change Orders, Change Directives, review/approval of shop drawing, submittals, samples and mock-ups (as required).
- Conduct and oversee monthly progress meetings. Estimate construction time 8 months (8 meetings). Consultant will be responsible for recording and keeping minutes of all meetings with City staff and distributing within 48 hours of the meeting date.
- Review and approve contractor's monthly Application and Certification for Payment.
- Attend and assist CITY with substantial completion inspection(s) and walk-thru including TAS inspection; issue punch list and letter of substantial completion for incomplete items including time for completion (1 meeting).
- Attend and assist CITY with final inspection for acceptance of project and issue letter of concurrence (1 meeting).
- Assist CITY in acquiring final close-out documents, warranties, accurate as-built drawings and other documents from contractor required to close-out project.
- Review and approve contractor's final Application and Certification for Payment including retainage.

PHASE 6: PROJECT DESIGN SURVEY (4 weeks)

This phase will include the following:

- Conduct preliminary survey meeting with design team and CITY staff to confirm limits of survey work for the project area.
- Conduct horizontal and vertical control survey on State Plane Grid and North American Vertical Datum of 1988, NAVD88. Establish a minimum of four (4) bench marks.
- Boundary verification survey.
- Topographic survey with one-foot contours, locations of above-ground and visible improvements and utilities, overhead utility locations, and hardwood trees 3" and up, existing walks, structures, light standards, and misc. appurtenances with the project area.
- Underground utility locates identified through Texas 811.
- Contact Deer Park Utilities for locates related to wet and dry utilities within the property.
- Contact Parks and Recreation Department for identification of irrigation and other utilities as needed.
- Drainage appurtenance including culvert pipe or opening sizes and flowlines.
- The graphical location of the property lines, right-of-way lines, and easements for the project area.
- The graphical location of water, wastewater, utilities including manholes, flowlines and invert elevations.
- Design survey of all available and identified information above to be provided in AutoCAD format.

PHASE 7: GEOTECHNICAL SERVICES (4 Weeks)

CONSULTANT will perform geotechnical investigation for determination of structural foundation and pavement design needs. A report documenting the findings and recommendations of the geotechnical investigation, including all boring logs and other test results will be submitted to the CITY upon completion of the investigation. The facilities being considered in this study are a building expansion, shaded entry ramp, parking lot, and internal driveway. The proposed structures are anticipated to create relatively light structural loads to be carried by the foundation systems. Floor systems consisting of slabs-on-fill or piers are expected to be preferred, provided expansive, soil-related movements will not cause structural performance concerns.

The scope of work efforts proposed herein will include identification of location(s), investigative drill testing, sampling and assessment and analysis of the potential for subgrade structural needs as necessary to ensure proper design for facilities. Based on the general program elements defined, the following bores will be provide: two (2) borings within the building expansion area to approximate depth of 20 ft. and two (2) parking lot borings within parking areas to approx. depth of 5 ft. The geotechnical engineering report shall include but not be limited to general site conditions, bore location plan, foundation design considerations and recommendations, foundation construction considerations, and general pavement thickness design and construction recommendations for parking areas.

PHASE 8: CONSTRUCTION MATERIALS TESTING (6 months)

Refer Exhibit B for construction materials testing estimate. Note that CME has made various assumptions regarding the types of tests that will be required for the project and the frequency of tests based on available information. CME should be contracted once the construction plans have been finalized and a general contractor has been selected for the project in order to determine if any changes should be made with respect to the assumptions used to develop this proposal.

PHASE 9: PRELIMINARY DRAINAGE INVESTIGATION (4 weeks)

This phase will include the following:

- Attend and assist the CITY in conducting and overseeing a pre-construction meeting (1 meeting).
- Obtain and evaluate the existing site conditions.
- Prepare an Existing Condition hydrologic simulation to evaluate the potential impacts of the proposed enhancements. This task includes delineating drainage basins, computing hydrologic parameters and developing a HEC-HMS simulation.
- Prepare an Ultimate hydrologic simulation to evaluate the potential impacts of the proposed enhancements. This task includes adding the proposed ultimate build out features and evaluating the detention requirements.
- Compute (tabular format) proposed volume that may require mitigation.
- Conceptually identify potential locations to mitigate potential impacts.
- Prepare brief drainage memorandum describing methodologies, assumptions and results.

Excluded Items:

- *Floodplain Hydraulic Analysis (Current Effective FEMA information will be used to define the limits of the floodplain)*
- *Environmental Analysis*

Opinion of Probable Construction Costs (OPCC) Disclaimer

Opinion of probable construction costs provided by the CONSULTANT are based on the CONSULTANTS's familiarity with the construction industry and are provided only to assist the CITY throughout the design process; such opinions shall not be construed to provide a guarantee or warranty of the actual construction costs at the time construction bids are solicited or construction contracts negotiated. Unless expressly agreed in writing and signed by the parties, no fixed limit of construction costs is established as a condition of this Agreement by the furnishing of the opinion of probable construction costs. Throughout the design process the CONSULTANT will assist the CITY in value engineering the project and making necessary adjustments in an effort to meet the project construction budget.

ADDITIONAL SERVICES

The following services are not included within the scope of basic services unless previously discussed above. Should CONSULTANT be required to provide services in obtaining or coordinating compilation of this information, such services shall be performed as Additional Services. Additional Services shall only be provided if previously authorized by the CITY.

Additional Services may include, but not be limited to, the following:

- Increase in construction documentation, regulatory entitlement, bidding assistance and construction phase services resulting from increase development budget of more than 10%.

- Revisions to drawings previously approved by the CITY and regulatory entities due to changes in: Project scope, budget, schedule, unforeseen subsurface construction conditions or when such revisions are inconsistent with written approvals or instructions previously given; enactment or revision codes, laws, or regulations subsequent to the preparation of such documents.
- Preparation of Phased bid package(s) with reduced scope of items defined herein, including construction drawings and specifications not included as part of phase 1 development.
- Preparation of presentation materials for marketing or purposes other than in-progress approvals.
- Public or other presentations beyond those described in scope of services.
- Provide consultation, drawings, reports and other work products related to permits, approvals and ordinances not described in scope of services.
- Providing professional services for the field selection of plant materials.
- Traffic Impact Analysis.
- Traffic Control Plans.
- Design for site elements other than pre-engineered structures.
- Gas, Telephone/Communication design.
- Design of utility extension(s) to the project site.
- Services required after final acceptance of construction work.
- Preparation of record documents from contractors as-built drawings.
- Detailed Flood Plain Analysis.
- Hydrologic Analysis.
- CLOMR and/or LOMR
- Permitting through Army Corp of Engineers (USACE).
- Geotechnical investigation for structures not accounted for in basic scope of services.
- Environmental services.
- Geological Assessment
- Archeological Assessment.
- Hazardous Site Assessments.
- Construction Staking.
- Property Title Research
- Legal Lot Determinations unless defined within scope of services.
- Preparation of multi-use agreement(s) and exhibits.
- Easement acquisition or vacation including preparation of easement documents.
- Preparation and processing of Waivers, Variances or Exceptions.
- Land Acquisition services.
- Any services related to ROW acquisition.
- Any design work that will require work in the ROW or impact traffic entering and exiting the public and private ROW.
- ROW mapping exhibits and meets and bounds documentation required for ROW acquisition. City Land Acquisition/ROW mapping requirements to be used.
- Assistance or representation in litigation concerning the property of proposed project.
- Conflict Resolution.
- Providing services other than those outlined in scope of services.

PROJECT AREA MAP



ATTACHMENT “B”

Fee Schedule & Reimbursable Expenses for

Maxwell Center Expansion and Parking Lot Improvement – Phase 1 Design and Construction

City of Deer Park, Texas

For the basic services stated previously, the lump sum fee shall be as follows. Billing will occur on a monthly cycle, based on a percentage of work performed per phase and completed during the previous time period including any deliverables associated with such phase, subject to Owner review and approval. Reimbursable Expense will be performed on a maximum not to exceed manner.

BASE SERVICE TASK	FEES
PHASE 1: Project Management Coordination	\$ 6,000
PHASE 2: Design Development	\$ 62,000
PHASE 3: Construction Documents and Permitting	\$ 82,500
PHASE 4: Bidding Assistance	\$ 8,750
PHASE 5: Construction Phase Services	\$ 30,750
PHASE 6: Project Design Survey	\$ 4,000
PHASE 7: Geotechnical Services	\$ 9,000
PHASE 8: Construction Materials Testing	\$ 13,000
<u>PHASE 9: Preliminary Drainage Investigation</u>	<u>\$ 9,500</u>
TOTAL FOR BASIC SERVICES	\$225,500
Reimbursable Expenses	\$ 2,500

ATTACHMENT “C”

Fee Schedule & Reimbursable Expenses for

Maxwell Center Expansion and Parking Lot Improvement – Phase 1 Design and Construction

City of Deer Park, Texas

ARCHITECT is prepared to begin services necessary for completion of the work identified within Attachment “A” Scope of Work upon execution of the Task Order and it is the intent of the ARCHITECT to work with the OWNER to meet the reasonable expectations for delivery of basic services. It is anticipated to take approximately nine (9) months upon Notice to Proceed to complete design through bidding phases. It is anticipated to take approximately eight (8) to twelve (12) months upon completion of bidding phase to complete construction contingent on contractor’s availability and schedule. ARCHITECT is not responsible for delays incurred by regulatory or reviewing entities.