

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 make 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