

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 MAY 1, 2018, BEGINNING AT 5:45 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	CITY SECRETARY
JIM FOX	CITY ATTORNEY

1. MEETING CALLED TO ORDER – Mayor Mouton called the workshop to order at 5:45 p.m.
2. DISCUSSION OF ISSUES RELATING TO INCENTIVES OFFERED UNDER THE TEXAS ENTERPRISE ZONE PROGRAM AND NOMINATING TWO SHELL PROJECTS AS ENTERPRISE PROJECTS – Assistant City Manager, Gary Jackson gave an overview of the incentives offered under the Texas Enterprise Zone Program and nominating Shell as an Enterprise Project for the City of Deer Park. There are two additional nominations in process. The Governor's office reviews the points from the local companies applying for the projects. The project, from the Shell Deer Park Refining L.P., is a retention project of 500 jobs and a \$250 million investment. The other, is for Shell Chemical, a \$150 million retention project with a retention of 500 jobs. It was recommended to call for a Public Hearing to amend the incentives that are currently in effect and to offer three additional incentives. Mr. Jackson introduced Eric Gysler with Economic Incentives, Inc. to answer any questions.

Mr. Gysler commented, "Mayor, Council, I am Eric Gysler and I work with Economic Incentives and I am assisting Shell along with the City in this effort. This is a State program that offers sales and use tax refunds to companies that create or retain jobs and make capital investments. It does not cost the City any money, it is a state incentive for a

6.25% of sales tax refund, based on the jobs they create or retain and the amount of investment that they make in the 5 year designation period. Nowadays, a company has to make application in a quarterly filing period. The State only gives away 12 of these designations each quarter. They are competitive, so when Shell submits its application in June, it will be competing against the other applications throughout the State. We are asking for today, is to add these additional incentives to your list in your Enterprise Zone Ordinance so that companies in Deer Park can have the most points that they can get from these particular sections of the application on behalf of the City. There is no obligation to give it to any project. It would be advantageous on the City's behalf if you would approve these, to make projects within Deer Park more competitive against the others in the State."

Mayor Mouton commented, "We always appreciate our industry partners in every aspect of our businesses in the Community."

3. EXECUTIVE SESSION- CONSULTATION WITH CITY ATTORNEY – POTENTIAL LITIGATION – Mayor Mouton recessed the meeting at 5:52 p.m. for an Executive Session.
4. RECONVENED – Mayor Mouton reconvened the workshop meeting at 6:13 p.m.
5. DISCUSSION OF ISSUES RELATING TO THE SATURDAY DROP-OFFS AT THE TRANSFER STATION – City Manager, Jay Stokes discussed the concerns pertaining to the dramatic increase in material drop-offs on Saturdays. The Saturday drop off service is intended to serve only Deer Park residents who are disposing of their own materials. It appears some residents acting as commercial haulers are disposing of building materials such as sheetrock, masonry, etc. every week. There are materials being dropped off by people that are not residents of Deer Park. As commercial-type drop offs have increased, so have wait times on Saturday mornings. Many residents have expressed concern about waiting hours to drop off their materials on Saturday mornings due to delays from commercial haulers.

Sanitation Supervisor, Ben Alexander, commented, "The transfer station depository site was originally designed over 30 years ago to allow the homeowner to bring heavy trash from their own property to the transfer station instead of waiting for heavy trash day. It was an added convenience to the citizens. Thirty years ago, we were averaging about 30 people in an 8 hour period. Lately, more and more people have started to participate and now we are averaging 160 people per Saturday. My guys have been telling me over time that we are getting more contractors coming into the building. The contractors are pretty bold with the way they handle their business. They come in with plaquards on the side of their trucks, we tell them they cannot dump. They then pull out of the building, take the plaquards off of their truck and come back in to say, they are Deer Park citizens, and we have to let them dump. Since this is our rule, and their identifications show they are indeed a Deer Park resident, we let them dump. I am not sure if it is because of these storms that we have had over the last ten years or so, but the contractors are now bypassing the residents that come. These people are bringing in commercial size trailers and you can clearly tell the type of waste that they are bringing is commercial."

Mr. Alexander provided photos to show the issues with Saturday drop-offs.

After a discussion, the consensus of the Council is to limit the residents to single axle trailers with restrictions to the size of trailer to take effect on June 1, 2018.

6. DISCUSSION OF THE PRATT TRUSS BRIDGE STRUCTURE AT THE BATTLEGROUND GOLF COURSE – City Manager, Jay Stokes spoke of the letter sent to the Historical Commission to ask for input or any documents from their archives regarding any maintenance obligations the City might have to the bridge due to the bridge having a Historical Marker. The response from the Historical Commission to the City, was that the City has control of what can be done with the bridge. Cost estimates for the three options are the same as what was previously presented to Council. Guidance was asked from the Council on how to proceed. RPS was in attendance to answer any questions.

Mayor Mouton commented, “Let’s try to define where we are. With any facility or any assets of the City, we do the best we can to maintain it. That does not mean there is an obligation that at all costs we have to maintain it. We need to clarify the conclusion, that there was an intent that we agreed to maintain the bridge. What Staff and RPS has done is try to clarify any alleged documentation that shows what we should or should not adhere too. It still does not remove the fact the City signed this agreement with the intent to maintain the bridge. The ultimate responsibility still falls with us whether we spend the money and maintain it or we don’t. As I said before, this has always been a hot topic. It is really not that complicated. We, either allocate the funds to fix the bridge, maintain the bridge or we don’t. The fact is there is not an obligation for the City to do anything, we have the control, as Council, to decide what we need to do. City Staff is waiting for direction.”

Jonathan Griffin, RPS, gave an overview of the options available for the bridge, with Option 1 - repairing the bridge’s historic truss structure, Option 2 - replacing the truss structure with a similar type structure for the historic appearance of the bridge, Option 3 - removing the structure all together. With Options 2 and 3, the historical markers would have to be returned.

After a lengthy discussion, Mayor Mouton asked for a vote from Council for their preferred Option choice.

Councilwoman Garrison voted for Option 1
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Councilman Ginn voted for Option 1
Councilman Patterson voted for Option 1
Councilman Martin voted for Option 2
Councilwoman Sinor voted for Option 3

The consensus of the Council is to authorize Staff to enter into a contract with RPS for Option 1.

7. DISCUSSION OF ISSUES RELATING TO AMENDMENT NO. 2, THE INTERLOCAL AGREEMENT WITH THE HARRIS COUNTY FLOOD CONTROL DISTRICT FOR THE RECONCILIATION OF FINAL COSTS OF THE PROPERTY ACQUIRED FOR THE PATRICK'S BAYOU STORMWATER DETENTION BASIN – Assistant City Manager, Gary Jackson, advised the Council the conclusion of the land acquisition of the condemnation of the property for the Patrick's Bayou Detention. The City partnered with the Harris County Flood Control District (HCFCD) a decade ago to create the Patrick's Bayou Detention Basin. The property was not able to be acquired through purchase, it had to go to imminent domain proceedings. In 2014, that led to a verdict that the fair market price at the time of condemnation should have been \$11,636,238. There was additional interest owed in the intervening years of another \$557,945.85, as well as court costs of \$53,678.64. In 2014, Harris County appealed the decision of Harris County Court of Law No. 2 to the 14th Court of Appeals. In 2016, the appellate court upheld the lower court's decision. During the appeals process, another \$306,816.52 of interest accrued. The time now is upon the City to pay half of these additional costs. HCFCD previously paid all of these costs, and the need to reimburse the City's portion which is \$1,777,339.51. This expense will be funded via our 2010 Certificates of Obligation which were borrowed specifically for this project.
8. DISCUSSION OF ISSUES RELATING TO THE PURCHASE AND INSTALLATION OF FIVE (5) ELECTRONIC MARQUEE MESSAGE SIGNS FROM NATIONAL SIGNS – Assistant City Manager, Gary Jackson, presented some photos to show the signs that have been put up and lit. National Signs provided three crews to install the five (5) signs and finished the project several weeks earlier than anticipated. The City will be providing the electrical connection and landscaping. The project cost came in at \$29,000 less than what was budgeted (13% savings). The savings were due to discounts received from National Signs from their suppliers (for the five signs) and those savings were passed on to the City. Staff and Council were very pleased with the professionalism, training, support and products that the National Signs team provided.

Rebecca Bruce of National Signs, commented, "We just did the City Hall interior signs as well. We are also doing the Police Training facility in about two weeks. They will be getting an interior badge sign similar to City Hall signage. I know that our IT Department has been coordinating with IT Director, James Lewis, to get the rest of the signs illuminated and we should have all of it done by next week. We look forward to building this relationship with you all."
9. DISCUSSION OF ISSUES RELATING TO THE CURRENT STATUS OF DPCDC PROJECTS – Parks and Recreation Director, Charlie Sandberg, gave an update on the Dow Park Pavilion, Maxwell Adult Center, Girls Softball Renovations and the new Soccer Complex projects. Council was advised that the Spencerview Project is now completed. Mr. Sandberg gave a detailed report for each project and their current status and answered Council's questions. Mr. Sandberg presented a video to show the renovations and diagram of the Maxwell Adult Center.

10. ADJOURN – Mayor Mouton adjourned the workshop meeting at 7:25 p.m.

ATTEST:

APPROVED:

Shannon Bennett, TRMC
City Secretary

Jerry Mouton
Mayor