

710 EAST SAN AUGUSTINE STREET

DEER PARK, TEXAS 77536

Minutes of

THE 1717th 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 OCTOBER 02, 2018, AT 5:30 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

JERRY MOUTON, JR.
SHERRY GARRISON
THANE HARRISON
TOMMY GINN
RON MARTIN
RAE SINOR

MAYOR
COUNCILWOMAN
COUNCILMAN
COUNCILMAN
COUNCILMAN
COUNCILWOMAN

OTHER CITY OFFICIALS PRESENT:

JAY STOKES
GARY JACKSON
SHANNON BENNETT
JIM FOX

CITY MANAGER
ASSISTANT CITY MANAGER
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 Councilwoman Sinor.
3. PLEDGE OF ALLEGIANCE – Councilman Ron Martin led the Pledge of Allegiance to the United States Flag and the Texas Flag.
4. PROCLAMATION RECOGNIZING AND DECLARING FIRE PREVENTION WEEK 2018 – Mayor Mouton presented a proclamation to Fire Marshal Buddy Rice declaring October 7-13, 2018 as Fire Prevention Week. Fire Marshal Buddy Rice introduced this year’s theme as “Look. Listen. Learn. Be aware. Fire can happen anywhere.”
5. PUBLIC HEARING #2 ON 2018 AD VALOREM TAX RATE – The public hearing was opened by the City Secretary reading the Notice of Public Hearing. (Exhibit A)

Mayor Mouton called for those desiring to speak in favor of the 2018 Ad Valorem Tax Rate. No one spoke.

Mayor Mouton called for those desiring to speak against the 2018 Ad Valorem Tax Rate. No one spoke.

6. AWARDING REQUEST FOR PROPOSAL FOR ARBITRAGE REBATE SERVICES – Motion was made by Councilwoman Garrison and seconded by Councilman Martin to award the bid to Arbitrage Compliance Specialists for the arbitrage rebate services. Motion carried 6 to 0.
7. CONSENT CALENDAR – Motion was made by Councilman Harrison and seconded by Councilman Ginn to approve the consent calendar as follows:
 - a. Approval of minutes of regular meeting on September 25, 2018.
 - b. Authorization to purchase a building to contain the PAX Ammonia feed skid at Pasadena Boulevard.
 - c. Acceptance of completion and retainage release for the Deer Park Nature Preserve Phase I Project.

Motion carried 6 to 0.

8. DISCUSSION OF AUTHORIZING A THREE (3) YEAR EXTENSION OF COMMERCIAL WASTE REMOVAL SERVICES WITH WASTE MANAGEMENT OF TEXAS, INC – City Manager advised Council of the recent meeting with Waste Management officials to discuss this renewal. Waste Management has proposed an extension of the current contract, which expires December 1, 2018, for this additional three (3) year period, with a few noteworthy changes. The commercial rates would rise by twelve percent (12%) in the first year and five percent (5%) in both of the following years. This replaces current cost increase language tied to fluctuations in the consumer price index. Waste Management officials state their cost of business well exceeds the annual CPI increase, which has averaged 1.95% during the first four (4) years of the contract.

Shanna Lopez, of Waste Management Inc., gave an overview of the proposal for the commercial solid waste collection contract with Waste Management Inc. Ms. Lopez detailed the proposed increase and the options of the potential contract. (Exhibit B1- B3)

Mayor Mouton asked, “How much cost is this going to be?”

Ms. Lopez responded, “Our idea would be to send out a letter to every commercial business before actually starting. A picture of what their dumpster is supposed to look like and a picture of what the dumpster cannot look like and the charges if not followed. There would be an effective date on the notification. This notification would be their first warning.”

Mayor Mouton commented, “How much is the cost overage going to be?”

Ms. Lopez responded, “It is \$115, we’ll be adding the 20% franchise fee on top of that.”

Councilman Ginn commented, “I think the main thing is, as long as they are not surprised and are aware they are going to be charged.”

Councilwoman Garrison commented, "I think the City can send something out too. I think the pictures you sent to us this afternoon, speak a thousand words."

Councilwoman Sinor asked, "How much of that is other people coming and throwing trash illegally?"

Councilman Harrison commented, "It depends on where the dumpster is located. If it is in a dark place or an alley and people can take their trash at night time and throw it in there, they are going to do it. They have been hesitant putting this cost in to bill the companies. Keep in mind, the City gets a list every month of people that have abused it. When you see the same ones time and time again, there is a problem. They either need to increase their frequency or increase the size of their container."

Mayor Mouton commented, "Without a doubt, there will be people making calls to Ben Alexander, Jay Stokes or one of us Councilmembers that will make an issue out of it."

Councilman Martin asked, "How is this dealt with in other cities?"

Ms. Lopez responded, "In February, the City of Victoria adopted this. One of the things the City of Victoria was looking into was Liter Abatement Programs. The City of Victoria noticed litter and overflowing dumpsters in the city. They began a study and used that as the initiative to clean up their streets and get people on board to take responsibility of their property. The City of Victoria communicated to customers on their Facebook page and sent letters explaining what was being done to help with litter control. The City of Pasadena has this also. The difference with Pasadena, is that we bill the customer, where as in Deer Park, we will be billing the City."

Councilwoman Sinor, "Would this be something that we might have to address head on as a City with known abusers?"

Mr. Stokes responded, "Certainly, we will work together on that."

Councilman Ginn commented, "As long as they are informed."

Mr. Stokes asked, "Lastly, Staff would need to know if are we going the route to renew or going out for bid?"

Councilman Harrison commented, "I do nothing for Waste Management anymore. With that being said, working for them for the period of 36 years, I am privy to some things you all aren't, such as pricing. When this contract was awarded to Waste Management, Raymond Franks took over, I was privy to the numbers that were being submitted, but I had no input as to those numbers. When you look at Waste Managements' recommendation of 12% in the first year and the 5% for the following years, compared to the other contracts, like Pasadena, Pearland, Seabrook and La Marque, we are without that 12% , much lower than those other contracts. I analyzed everything and took all the franchise fees out of all the pricing, so we are comparing apples to apples. Waste Management is the lowest by far."

With this 12%, it still does not bring them as high as the pricing of the other cities. This is a fixed deal. I think Council ought to consider extending this contract.”

The consensus of the City Council is to place this item on the next agenda to extend the contract with Waste Management Inc.

9. CONSIDERATION OF AND ACTION ON AUTHORIZATION TO PURCHASE TWO (2) FORD F-350 TRUCKS, ONE (1) FORD F-250 TRUCK, AND ONE (1) FORD F-150 TRUCK FOR THE FIRE DEPARTMENT AND FIRE MARSHAL’S OFFICE THROUGH THE HGAC BUY COOPERATIVE PURCHASING PROGRAM – Motion was made by Councilman Martin and seconded by Councilman Harrison to authorize the purchase of two (2) Ford F-350 trucks one (1) Ford F-250 truck, and one (1) Ford F-150 truck for the Fire Department and Fire Marshal’s Office through the HGAC Buy Cooperative Purchasing Program.

Councilwoman Sinor asked, “Do you know the year of the truck that is being traded in by the Fire Department?”

Emergency Medical Services Director, Robert Hemminger responded, “They are a 2002, 2003 and a 2009.”

Motion carried 6 to 0.

10. CONSIDERATION OF AND ACTION ON AN ORDINANCE CANCELLING THE NOVEMBER 20, 2018 REGULAR CITY COUNCIL MEETING – After a proposed ordinance was read by caption, motion was made by Councilman Ginn and seconded by Councilman Harrison to adopt on first and final reading of Ordinance No.4016, captioned as follows:

AN ORDINANCE RESCHEDULING THE REGULAR COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS; DESIGNATING ANOTHER TIME FOR SAID MEETING TO BE HELD; AND DECLARING AN EMERGENCY.

Motion carried 6 to 0.

11. DISCUSSION OF ISSUES RELATING TO THE PARTICIPATION IN THE HARRIS COUNTY HURRICANE HARVEY METHOD OF DISTRIBUTION (MOD) FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY (CDBG-DR) ROUND 1 FUNDING – Assistant City Manager, Gary Jackson advised Council of the Method of Distribution (MOD), which is the process by which a County must develop the formula to allocate funding to other affected cities within the County; usually outside of the City of Houston. The City of Deer Park has been allocated to receive \$2,920,500 in Community Development Block Grant - Disaster Recovery (CDBG-DR) funds for infrastructure damaged or failed to function by Hurricane Harvey through the Harris County Method of Distribution (MOD). This funding is from the U.S. Department of Housing and

Urban Development (HUD) and administered through the Texas General Land Office (GLO). It is separate from funding provided by the Federal Emergency Management

Agency (FEMA) administered through the Texas Division of Emergency Management (TDEM). HUD and the GLO sees drainage improvements and flood control efforts to reduce flood risk, particularly in low-income areas, as a priority type project. Under HUD rules, 70% of CDBG-DR funding must benefit low-to moderate income (LMI) persons/communities.

Mr. Jackson commented, “What this project is going to end up doing is improve drainage that goes into a detention pond. We will have to locate an area to build a detention pond and take the storm sewer down to that detention pond. Therefore, you will have to purchase available property that does not have pipelines. The more likely area is going to be the southern vicinity. One of the areas that is a potential project is in Bayou Bend Park. The project would have to serve people that live in the low to moderate income area.”

12. ADJOURN – Mayor Mouton adjourned the meeting at 6:11 p.m.

ATTEST:

APPROVED:

Shannon Bennett, TRMC
City Secretary

Jerry Mouton Jr.
Mayor