

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 NOVEMBER 19, 2019, BEGINNING AT 6:15 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

JERRY MOUTON, JR.  
SHERRY GARRISON  
TJ HAIGHT  
TOMMY GINN  
BILL PATTERSON

MAYOR  
COUNCILWOMAN  
COUNCILMAN  
COUNCILMAN  
COUNCILMAN

OTHER CITY OFFICIALS PRESENT:

JAMES 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 workshop to order at 6:15 p.m.
2. COMMENTS FROM AUDIENCE – No comments received.
3. PRESENTATION OF THE DEER PARK DRAINAGE ANALYSIS OF VARIOUS LOCATIONS BY CARL AHRENDT OF COBB FENDLEY – Carl Ahrendt of Cobb Fendley gave an overview of the two rounds of studies for drainage analysis. Round 1 includes Heritage Edition, Deer Park Manor, Delo-Elaine and Deer Meadows. Round 2 analyzed Deer Park Gardens, College Park Parkview West and P Street and Center Street. Mr. Ahrendt presented a Watershed map that provided a look of the different channels of drainage and floodplain map that showed designated FEMA zones. The projects moving forward with construction design for the Heritage Addition is 60% complete and includes lining corrugated metal arch pipes south of Lambuth upsized storm sewer on Lincoln and Lambuth, new detention pond on Lambuth, and storm sewer improvements at Travis and N. Crockett. The cost is estimated at \$2.2 million dollars and anticipated construction begins in Spring of 2020. The construction design for Deer Park Manor/Delo-Elaine is 30% complete and includes new storm sewer and outfall on Kitty Street, new storm sewer channel and outfall on Luella Ave and new detention pond on Pasadena Blvd. The cost is estimated at \$1.3 million dollars and the anticipated

construction begins in Summer 2020. Deer Park Gardens is considered a “new study” area and is in the process of being finalized. P Street and Center Street are also in the beginning stages of a construction design. The recommendations for these areas include storm sewer upsize and replacement along with an inlet upsize for the 434 parcels affected in Deer Park Gardens and 79 parcels affected on P Street and Center Street. The estimated cost for solely pavement and drainage items is 12 million dollars for Deer Park Gardens and 11 million for P Street and Center Street. The proposed storm sewer system for College Park is a much simpler project with two proposed options. One option would divert the drainage to go south to Spencer Highway and the other would be to connect to the northern boundary of the cemetery into the Ship Channel. The recommendations for Parkview West have proven to be the most difficult. There has been many ways of trying to fix the issue. This area also has two option recommendations with two different routes for drainage. Harris County Flood District, Harris County Precinct 2 have offered to participate with the project funding and to get all the approvals for the construction as necessary. The cost estimate for this project ranges from \$9.6-\$14 million dollars, bringing the total for the complete rendition of the drainage to \$53.3 million dollars. (Exhibit A1-A10)

City Manager James Stokes commented, “The good news is in the current budget we have 3 million dollars. We are moving forward and are real close to having construction documents on a couple of the projects, including by Dabbs Elementary. Looking down the road, we do not have 50 million dollars. This is going to require some type of bond package to go before the voters to have them approve. We will be working on that in the next year or so. Regarding the counties, Mr. Ahrendt mentioned, we have been in discussion with Harris County Flood Control and with Harris County Precinct 2. Staff went and met with Precinct 2, Commissioner Garcia at a meeting yesterday with all the Mayors and City Managers in Precinct 2. I was able to attend that and they did repeat a lot of what we had already heard. Some of the good news, as Mr. Ahrendt stated, there is this money, pockets of money with different conditions tied to the pockets of money. Early on, there is 175 million that they want shovel ready projects and we do have shovel ready projects.

Mr. Ahrendt commented, “That is just with Precinct 2 money. Harris County Flood Control has their own pocket.”

Mr. Stokes commented, “That is good news. They talked about how Baytown is in on that with the projects they are doing. Ideally and realistically, some of these projects like the one by Dabbs Elementary, we can get in on that too and get half of it paid for with county money. Some of the other projects, not counting Boggy Bayou, we will just have to wait and see what we can afford, when we can afford it and when we can get something out there for the voters to have them authorize the money. Again, that is big dollars. With Boggy Bayou, that affects Pasadena, us and the County. The good news on that is, on the agenda tonight, is a vote for Council to fund a study and Harris County Flood Control has said they are willing to take this to the Commissioner’s Court of Harris

County and to pay half the cost of that study. That would leave us half of the cost and probably we could even split that with Pasadena. So we can study Boggy Bayou further. It is going to take someone physically, like a diver to go in there at the Ship Channel mouth and see things to get better information. I want to be very clear about Boggy Bayou. It is going to take a long time to get resolved. I do not want to be the bearer of bad news but I want to be realistic. That is not going to be resolved quickly because Boggy Bayou is not in our city limits. It affects us, but it is not in our city limits. We have to partner with Pasadena and we have to partner with the Harris County Flood Control. The Harris County Flood Control talked about paying for half of the study, but we don't know what that number is. If we say, that number is 30 million dollars, that would leave 15 million dollars that we do not have at this time and do not know what percentage would be for Pasadena. Another big thing we have to consider, what I heard at the meeting with the Flood Control was, there will always, always, always, be a cost benefit analysis. If they say the cost to fix the problem is only going to benefit a few amount of people relative to what they are spending, their dollars are not going to go into it. While there is big money there, like Harvey money and bond money with a chance to access some of that and be able to split the cost with Pasadena to study, is the good news. There is also a potential down side that their money may not be involved and that we'll be stuck with a 30 or 40 million dollar project that we will not be getting any financial participation from them on."

City Engineer Adam Ballasteros gave an overview of subdivision drainage issues involving Plunket Drive and Whatley Drive in addition to the Community Development Block Grant –Disaster Recovery (CDBG-DR) grant project status update pertaining to Pasadena Plaza and Bayou Bend Park. Proposed solutions for Plunket Drive and Whatley Drive are side ditches that will require considerable depth (4-to 5-feet in depth) in neighborhood to convey surface flows, improvements on Boggy Bayou on downstream and upstream drainage, and working with the Harris County Community Services Department on a proposed contract to rank and select consulting engineer for project design.

4. DISCUSSION OF ISSUES RELATING TO AN UPDATE TO THE SOCIAL MEDIA & COMMUNICATIONS PLAN PURSUANT TO RECENT CASE LAW – Public Relations/Marketing Specialist Kristin Callahan gave an overview of the Social Media Policy that is included within the City of Deer Park's Communication Plan. This update dealt with a ruling (July 2019 Knight First Amendment Institute v. Trump) that bans users from public social media accounts on the basis of viewpoint discrimination unconstitutional. City Administration and the City Attorney Jim Fox reviewed the case and decided to develop a three-strike process for City-operated social media outlets, which would regulate the practices of hiding/deleting comments and potentially banning users following repeated violations of the Social Media Policy. As outlined in the policy, "three strikes" equate to three instances where a user has violated the Social Media Policy and must have their content removed from a City outlet. Upon the third violation, the user will receive notification that they have been banned from the outlets where the violations were posted. The policy also allows for immediate user bans following single, egregious violations with the approval of administration and the City Attorney. In the event a user is banned from a social media outlet, their privileges to access the page are to be restored after one year. The updated Social Media Policy also includes an appeal process for users whose content is removed and for those users who are banned. With Council approval,

the policy will be made available on the City website and added to the Terms of Service pages on all social media outlets. Administrators, through the Communication Committee are being encouraged to monitor their channels frequently and maintain awareness of all comments and exchanges that are taking place. (Exhibit B1- B4)

Business Analyst I Nathan Bell gave an overview of the process in which page administrators will use the Laserfiche form to track and hold those violators accountable by submitting violator information, page information, social media outlet information along with screenshots of the warning post, the actual comment/message to the user from the City with an explanation of why the content was removed. This Laserfiche form process will trigger an email to upper management to notify them that the process has started and will begin the “three strike” count.

City Attorney Jim Fox gave a summary of court cases regarding social media use by governmental agencies. He advised Council of how not to use social media in a way that it makes it a public forum, which pertains to postings of Council positions, campaigning or informing of propositions being proposed within the community. The same rules that would apply to violators for the City website, will also apply to those on Council and their own pages and website. Private accounts are allowed as long as there are no detailed connections to city held positions or advertising of events being held in the city. Mr. Fox also advised Council of cell phone usage pertaining to text messages. Any communication, texts or emails, of city business on a cell phone is considered a governmental record and is subject to the Public Information Act. A policy is recommended to outline a procedure to capture those communications so that those records can be retained by the City Secretary’s Office. Council was encouraged to not use cellphones for city business. Mr. Fox also advised Council that making comments or having discussions on any social media webpage amongst Council members can be a violation of the Open Meetings Act.

5. DISCUSSION OF ISSUES RELATING TO A POLICY AND RULES OF DECORUM ON PUBLIC COMMENTS DURING CITY COUNCIL AND PUBLIC MEETINGS – Public Relations/Marketing Specialist Kristin Callahan gave an overview of the resolution being proposed that would establish a policy and rules of decorum on public comment during City Council and public meetings. House Bill 2840, which was approved in the last legislative session and took effect on September 1, 2019. This bill allows a governmental body to adopt reasonable rules concerning the public’s right to speak at an open meeting. The rules may include how long the person can address the governmental body on a given item. (Exhibit C1-C5)
6. ADJOURN – Mayor Mouton adjourned the workshop meeting at 7:28 p.m.

ATTEST:

APPROVED:

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Shannon Bennett, TRMC  
City Secretary

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Jerry Mouton, Jr.  
Mayor