

CITY OF DEER PARK

CC 76-284

710 EAST SAN AUGUSTINE STREET

DEER PARK, TEXAS 77536

Minutes of

THE 1698TH 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 DECEMBER 05, 2017, 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
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. PRESENTATION OF THE HURRICANE HARVEY CHALLENGE COINS – City Manager, Jay Stokes gave an overview of what a Challenge Coin is and what it symbolizes. Mr. Stokes spoke on presenting every employee with a Challenge Coin as a token of appreciation for their help during Hurricane Harvey. Mr. Stokes highlighted the involvement of the City Councilmembers during Hurricane Harvey and presented each of the Councilmembers with a Challenge Coin for their hard work. Mr. Stokes also spoke of the plaques made for the different churches that were instrumental in helping out during Hurricane Harvey and mentioned other upcoming events in which the Chamber of Commerce would be receiving a plaque for their Hurricane Harvey efforts.

Mayor Mouton recognized everyone among the Community for their help and involvement during Hurricane Harvey and plans on visiting local churches to recognize them for their efforts. Challenge Coins were presented to employees in attendance by Councilmembers and the Mayor. Mayor Mouton commented, "In every communication I had with anyone in the region, I was very proud to say that we were doing good in Deer Park and were be able to divert resources to different areas in need."

5. CONSENT CALENDAR – Motion was made by Councilman Harrison and seconded by Councilman Martin to approve the consent calendar as follows:
- a. Approval of minutes of workshop meeting on November 07, 2017.
 - b. Approval of minutes of regular meeting on November 07, 2017.
 - c. Approval of minutes of special meeting on November 13, 2017.
 - d. Acceptance of a recommendation from the Historical Committee to accept the donation of the Shell Wall as a museum display at the Court and Theater Building.

Motion carried 6 to 0.

6. COMMENTS FROM AUDIENCE –

- a. Mike Tello, 18811 Regatta Cove Court, Cypress commented, "I know the City is going to consider termination of my contract today which really bothers me. I would like to tell you my side of the story so you are given the whole picture. I want to thank you for awarding me this project back in February. This project starting somewhere in the middle of March. We are over 60% done with this project, we had many hurdles to overcome. There were some flaws in the design that resulted in Change Order No. 1 and more flaws that will result in Change Order No. 2 that will come shortly. During the process, there was an issue with the infamous electrical work."

Mr. Tello distributed a copy of the itemized line items produced by the City of Deer Park. (Exhibit A)

Mr. Tello continued, "After I submitted my bid to the City, I realized that I left the electrical part blank. I did not submit a price for electrical. The City called me and said they were going to pick me, but asked about electrical part. I wrote them a letter saying I will do electrical per the line item from the pre-fab building to the pavilions including the lights. Later, the City wanted me to do the whole electrical, beyond what was listed. That is about a \$100,000 item that I cannot absorb. I am a small company and I was willing to absorb more than 50% of that cost for the City. I recently offered the City about 5% of that project. The anticipated amount is about \$800,000 and I offered the City \$40,000 to finish the electrical part, which is about 5% of the anticipated total final price of the project. The City would not sit down with me to talk about this; they went and hired an outside attorney. I am not sure why the City Attorney is not involved. I think terminating

the contract will create a legal nightmare for everybody. The City tried to open the bond which made me lose a bid because I could not get a bond, so I lost future business. I can prove to this Honorable Council what I have and you will have a better picture of what is going on. I will still honor my word and will do my part of line item 400.03 that I signed up for. I have started that work already and have even started the other part as well. I think a 5% increase, instead of going to the legal battle, is a good option. I would love for the City residents and the City of Deer Park to have this project done. I am willing to do whatever it takes. I think the City should sit down and talk about it rather than going down a legal avenue.”

7. CONSIDERATION OF AND ACTION TO TERMINATE THE CONTRACT WITH SOUTH POOLS, INC FOR THE DOW PARK PAVILION AND IMPROVEMENTS PROJECT – Motion was made by Councilwoman Sinor and seconded by Councilman Patterson to table this item to a future meeting. Motion carried 7 to 0.
8. CONSIDERATION OF AND ACTION ON ENTERING INTO A CONTRACT WITH MIDTOWN ENGINEERS, LLC FOR THE DESIGN OF A RIGHT TURN ONLY DIVERTER AT THE INTERSECTION OF CENTER STREET AND RAILROAD AVENUE – Motion was made by Councilwoman Garrison and seconded by Councilwoman Sinor to enter into a contract with Midtown Engineers, LLC for the designs of a right turn only diverter at the intersection of Center Street and Railroad Avenue. Motion carried 7 to 0.
9. CONSIDERATION OF AND ACTION ON A PURCHASE OF SERVICES FROM FUQUAY, INC. THROUGH THE BUYBOARD COOPERATIVE PURCHASING PROGRAM TO PERFORM MANHOLE REHABILITATION PHASE II – Motion was made by Councilman Martin and seconded by Councilman Patterson to authorize the services from Fuquay, Inc. through the BuyBoard Cooperative Purchasing Program to perform the Manhole Rehabilitation Phase II. Motion carried 7 to 0.
10. CONSIDERATION OF AND ACTION ON THE REQUEST OF PASADENA TAXI COMPANY TO OPERATE A TAXI CAB BUSINESS IN DEER PARK – Motion was made by Councilwoman Garrison and seconded by Councilman Patterson to approve the request of Pasadena Taxi Company to operate a taxi cab business in Deer Park. Motion carried 7 to 0.
11. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FISCAL YEAR 2017-2018 WATER & SEWER FUND BUDGET FOR WATERLINE REHABILITATION OF THE DOW PARK WATERLINE SYSTEM – After a proposed ordinance was read by caption, motion was made by Councilman Harrison and seconded by Councilman Ginn to approve Ordinance No. 3943, captioned as follows:

AN ORDINANCE AMENDING THE 2017-2018 BUDGET FOR THE CITY OF DEER PARK, TEXAS AND APPROPRIATING SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

12. CONSIDERATION OF AND ACTION ON THE PURCHASE OF SERVICES FROM SKE CONSTRUCTION, INC. THROUGH THE BUYBOARD COOPERATIVE PURCHASING PROGRAM TO PERFORM WATERLINE REHABILITATION OF DOW PARK WATERLINE SYSTEM – Motion was made by Councilwoman Garrison and seconded by Councilwoman Sinor to authorize the purchase of services from SKE Construction Inc., through the BuyBoard Cooperative Purchasing Program to perform waterline rehabilitation of Dow Park Waterline System. Motion carried 7 to 0.
13. CONSIDERATION OF AND ACTION ON A REFERRAL FROM THE PLANNING AND ZONING COMMISSION AND AN ORDINANCE CALLING A JOINT PUBLIC HEARING ON THE REQUEST FROM CITY OF DEER PARK TO AMEND THE CODE OF ORDINANCES TO ALLOW A HELIPORT AND HELISTOP IN A HIGHWAY DISTRICT ZONING DISTRICT – After a proposed ordinance was read by caption, motion was made by Councilman Martin and seconded by Councilman Patterson to approve Ordinance No. 3944, captioned as follows:

AN ORDINANCE CALLING A JOINT PUBLIC HEARING ON JANUARY 2, 2018 BY THE CITY COUNCIL AND PLANNING AND ZONING COMMISSION OF THE CITY OF DEER PARK, TEXAS ON A PROPOSED AMENDMENT TO ORDINANCE NO. 819, THE ZONING ORDINANCE, AMENDING COMMERCIAL DISTRICTS BY AMENDING SECTION 14.02 BY ALLOWING HELIPORTS OR HELISTOPS AS AN ACCESSORY USE FOR MEDICAL FACILITIES IN COMMERCIAL DISTRICTS; AND REQUIRING A SPECIFIC USE PERMIT; AND PROVIDING FOR OTHER MATTERS RELATED TO THE SUBJECT; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

14. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FISCAL YEAR 2017-2018 WATER & SEWER FUND BUDGET FOR EMERGENCY REPAIRS TO A TURBINE PUMP AT THE WATER TREATMENT PLANT – After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilman Ginn to approve Ordinance No. 3945, captioned as follows:

AN ORDINANCE AMENDING THE 2017-2018 BUDGET FOR THE CITY OF DEER PARK, TEXAS AND APPROPRIATING 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 FISCAL YEAR 2017-2018 WATER & SEWER FUND BUDGET FOR REPLACEMENT OF THE 10' FORCE MAIN AT HCFCD UNIT B112-00-00 CHANNEL CROSSING – After a proposed ordinance was read by caption, motion was made by Councilman Ginn and seconded by Councilwoman Sinor to approve Ordinance No. 3946, captioned as follows:

AN ORDINANCE AMENDING THE 2017-2018 BUDGET FOR THE CITY OF DEER PARK, TEXAS AND APPROPRIATING SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED; AND DECLARING AN EMERGENCY.

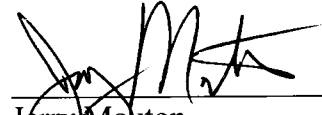
Motion carried 7 to 0.

16. ADJOURN – Mayor Mouton adjourned the meeting at 7:55 p.m.

ATTEST:


Shannon Bennett, TRMC
City Secretary

APPROVED:


Jerry Mouton
Mayor

1/9/2017

SCHEDULE NO. 200 - HARDSCAPE / SITE AMENITIES

200.00	8	LS	Footings for large pavilion RG32X112S2C-P4 (ref. SHT L2.03-2.08)	\$	\$
200.01	4	LS	Footings for small pavilion RG32X32-18S2C (ref. SHT L2.09-2.12)	\$	\$
200.02	9	EA	Tree well	\$	\$
200.03	35	LF	CMU seat wall w/ stone veneer at large pavilion	\$	\$
200.04	4	EA	Stone veneer column on large and small pavilion posts	\$	\$
200.05	240	LF	Metal fence	\$	\$
200.06	22	EA	Picnic Tables (ref. site amenity specifications SHT L1.00)	\$	\$
200.07	3	EA	Trash Receptacle (ref. site amenity specifications SHT L1.00)	\$	\$
200.08	1	EA	Drinking fountain (ref. site amenity specifications SHT L1.00)	\$	\$
200.09	1	LS	Play equipment - Grandioso chimes (ref. site amenity specifications SHT L1.00)	\$	\$
200.10	1	LS	Play equipment - Kettle drum (ref. site amenity specifications SHT L1.00)	\$	\$
200.11	1	LS	Play equipment - Animateo chimes (ref. site amenity specifications SHT L1.00)	\$	\$
200.12	1	LS	Installation of large and small pavilion	\$	\$

SUBTOTAL SCHEDULE NO. 200: \$

SCHEDULE NO. 300 - REVEG / LANDSCAPE / IRRIGATION

300.00	1,570	SY	Hydromulch (Common bermuda)	\$	\$
300.01	870	SY	Sod - Bermuda T1419	\$	\$
300.02	1,560	SF	Seed Mix (Drainfield Mix)	\$	\$
300.03	1,560	SF	Seed Mix (Wetland Fringe Wildflower Mix)	\$	\$
300.04	4	EA	Tree - Cedar Elm (3" caliper)	\$	\$
300.05	3	EA	Tree - Pecan (3" caliper)	\$	\$
300.06	7	EA	ORNAMENTAL TREE - Mexican Redbud (6' height, multi-trunk)	\$	\$
300.07	52	EA	SHRUB - Gregg's Mistflower (1 GAL)	\$	\$
300.08	8	EA	SHRUB - Winecup (1 GAL)	\$	\$
300.09	6	EA	SHRUB - Purple Coneflower (1 GAL)	\$	\$
300.10	28	EA	SHRUB - Barbados Cherry (5 GAL)	\$	\$
300.11	18	EA	SHRUB - 'Pink Flamingo' Muhly Grass (5 GAL)	\$	\$
300.12	59	EA	GROUNDCOVERS - Inland Sea Oats (1 GAL)	\$	\$
300.13	56	EA	GROUNDCOVERS - Frogfruit (1 GAL)	\$	\$
300.13	273	SY	Plant bed soil and mulch	\$	\$
300.14	273	SY	Drip Irrigation in plant beds	\$	\$
300.15	3,933	SY	Full Coverage Irrigation for turf area	\$	\$
300.16	1	LS	Misc. Irrigation Allowance (controller, valves, etc.)	\$	\$
300.17	1	LS	Irrigation Sleeve Allowance	\$	\$

SUBTOTAL SCHEDULE NO. 300: \$

SCHEDULE NO. 400 - MISCELLANEOUS

400.00	1	LS	Mobilization/General Requirements of Contract	\$	\$
400.01	1	LS	De-mobilization/General Requirements of Contract	\$	\$
400.02	1	LS	CorWorth CMS system (installed by Owner in pre-fab buildings)	\$21,750.00	\$21,750.00
400.02	1	LS	Compliance with SWPPP	\$	\$
400.03	1	LS	Electrical service from panels pre-installed in pre-fab buildings to lighting in pavilions includes lighting fixtures and conduit (sheets E0.01-E3.01)	\$	\$

SUBTOTAL SCHEDULE NO. 400: \$

TOTAL BASE BID SCHEDULES NO. 100 THROUGH 400: \$

Exhibit A
12/5/17