

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 MARCH 20, 2018, BEGINNING AT 6:00 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

JERRY MOUTON
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 workshop to order at 6:00 p.m.
2. EXECUTIVE SESSION- CONSULTATION WITH CITY ATTORNEY – POTENTIAL LITIGATION – Mayor Mouton recessed the meeting at 6:00 p.m. for an Executive Session.
3. RECONVENED – Mayor Mouton reconvened the workshop meeting at 6:27 p.m.
4. PRESENTATION OF THE FY 2016-2017 ANNUAL AUDIT – Donna Todd, Finance Director, advised the Council that this report completes the five-year plan of the contract with the auditors. Ms. Donna Todd introduced Mike Brotherton of Belt Harris Pechacek, LLP, who gave an overview of the audit report and opinion letter, which reflects the highest level of assurance the audit can provide. Mr. Brotherton highlighted the statement of net position and liabilities; business activities; statement of revenues, expenditures and changes in fund balances and government funds.
5. DISCUSSION OF ISSUES RELATING TO CITYWIDE CHRISTMAS DECORATION – Parks and Recreation Director, Charlie Sandberg introduced Parks Operation Supervisor, Tiffany McGallian, who gave a presentation with an overview of the proposed Citywide Christmas Decoration Program plan and the purchase of Christmas

decorations. A permanent installation of lights for the City Hall Building and street banners with lights will be installed. City Hall will also be receiving a rooftop Santa with lights. The Police Station will be receiving an outdoor star decoration for the building, along with a deer to match. Snowflakes and multiple deer will adorn various locations within the City. (Exhibit A1-A-4)

Councilwoman Sinor commented, "I want to thank these guys for being diligent, no one knows what Tiffany and her Staff go through. The last meeting we attended, I got to meet two of your Staff members, which was so nice to meet them. They are just as passionate about the lights and doing the job right. With this new company, unlike previous companies, they really do have answers to our questions on problems that we have been having. We love the lights on City Hall that will be permanent fixtures and would be just across the front of the building. This project is not for the entire building, we would like to, at some point, add lights all the way around the building to the backside that is facing the park. On the banners, we used to do so many things down the medians and we quit doing that. I think this will really address the problem of what we will be able to do down Center Street. On the Christmas tree that is at the Theater/Court Building, it will be moved to City Hall. The new tree will be placed at the Theater/Court Building. That is where so many of our families and kids come to."

Councilman Martin asked, "Is the new tree going to be the same size?"

Ms. McGallian responded, "It will be the same size."

Councilwoman Garrison asked, "What kind of material are the banners made of?"

Ms. McGallian responded, "These are actually metal frames with lights. They are not the typical banners we have put up."

Councilwoman Garrison asked, "What do you attach them to?"

Ms. McGallian responded, "You attach them to cables. They are not attached to telephone poles, but strictly to the metal banner poles that we have. We will clip them to the cables."

Councilwoman Garrison asked, "Have you decided on the location?"

Ms. McGallian responded, "We only have the three sets of banner poles. The poles where we have our usual banners, is where these will go."

Councilwoman Garrison asked, "What kind of guarantee do we have?"

Ms. McGallian responded, "Yes, there is a warranty."

Councilwoman Sinor commented, "This company has been around for many years and is very reputable."

Councilwoman Garrison commented, "I don't argue that. It is just very important that we have good quality. I think it is good that we are spreading this out over a four year period."

Mayor Mouton asked, "We don't know what the warranty is?"

Mr. Sandberg responded, "Not at this moment, but we do have that information."

Councilwoman Garrison asked, "Where are those lights going to be placed since the architectural structure is not the same as the pictures?"

Ms. McGallian responded, "They should be right at the top. They can fit these lights anywhere because they are flexible and can fit around anything. They are like the ones on Highway 59, on those archways."

Councilwoman Garrison asked, "Have you all talked to George Watanabe about this to see how this will work?"

Councilwoman Sinor commented, "The lighting company has looked at the building. They can attach the lights to anything."

Mr. Sandberg commented, "We also wanted to inform Council, that for this project, labor will start in September. Additional equipment will require more Staff time because we are replacing items and bringing in new items too. It will require us to start earlier."

Councilwoman Garrison asked, "Before September 26th?"

Mr. Sandberg responded, "Possibly. The labor work could impact us with more time to the project. We don't think it will be by much, but there will be additional work due to the Christmas tree and other items."

Councilwoman Garrison commented, "I think the street banners are an excellent idea."

Councilwoman Sinor commented, "We wanted to get those banners up right away for this year. As well as the new tree, so we can have a nice statement here for the new City Hall, even though it is our old tree."

Councilwoman Garrison asked, "Will we be able to see the street banners this coming Christmas?"

Mr. Sandberg responded, "Yes. Our goal is to get the items right now that we know we can get on time but we need to get moving on this. Some of the items do take some time, but we are looking at many stock items for this first fiscal year."

Councilwoman Sinor commented, "The Santa that will sit on the reindeer, is a show piece. Our thought was, once this City Hall is torn down and there is a beautiful green space, we could place the Santa right in the middle. We are getting service from this company that we have never gotten before. I think it is like night and day, and I am excited."

6. DISCUSSION OF ISSUES RELATING TO PURCHASE OF PLAYGROUND EQUIPMENT FOR BROOKHOLLOW, BROWNWIND, PARKGREEN AND PARKSIDE PLACE PARKS FROM KOMPAN INC. THROUGH A COOPERATIVE AGREEMENT WITH U.S. COMMUNITIES CONTRACT #2017001135 – Parks Operation Supervisor, Tiffany McGallian highlighted the budget amounts for the Open Space Master Plan that identifies the upgrades and deficiencies in the park system that needs to be addressed over a five year period. The proposed parks identified in this fiscal year 2017-18 are Brookhollow, Brownwind, Park Green and Parkside Place. The proposal for a new Explorer Dome and Supernova.

Shannon Barcelo, Kompan Inc., commented, “It is kind of hard to tell just by looking at the pictures of it, but the spinner of the Supernova is actually install at an angle. It is gravity that will take you around on it. It can be challenging, you have to have balance. It can be great exercise. You stand on it and smaller children can sit on it. It is a futuristic version of the old school merri-go-round. Nowadays, the merri-go-rounds are entrapment nightmares. Even the smallest of children can lay on their bellies, and go around on it. The bigger kids can run around on it and it spins. You can either sit or spin. The Explorer Dome, is a massive net structure that you can climb.”

Councilwoman Garrison asked, “Is this going to be in addition to what is already there?”

Ms. McGallian responded, “It will be replacing what is already there. At Park Green, we will be replacing the swing set as well.”

Councilwoman Garrison asked, “Do you have a picture of what this is going to look like in the park?”

Ms. Barcelo responded, “According to this slide, this is how it is going to fit. Basically, we are taking out the existing structure and dropping this structure in. It fits nicely in the same spot.”

Councilwoman Garrison commented, “I understand that. I see that on my Ipad, but that doesn’t help me visualize it.”

Ms. Barcelo responded, “We can definitely get a 3-D rendering for you.”

Councilwoman Sinor asked, “Will there be new picnic benches or seating area?”

Ms. McGallian responded, “Yes, that is in the works.”

Ms. McGallian continued the discussion of the proposed structures for the parks, which include new Mega Deck Tower structure that will be installed to replace old play structures.

Ms. Barcelo commented, “What is really neat about this piece, besides the fact that it looks different than any other playground structures, is the slide is a banister slide. It is a different unique way for kids to slide. Children are attracted to that. With our company,

we try to come up with innovative things that will make children want to be at the playground to play.”

Councilman Harrison asked, “How old is that existing equipment at the Brownwind Park?”

Mr. Sandberg responded, “About twenty years old.”

Councilman Harrison asked, “Is that park by the La Porte Elementary School?”

Ms. McGallian responded, “Yes. By Heritage Elementary School.”

Councilman Ginn asked, “Will this equipment last just as long?”

Ms. Barcelo responded, “We have playground references for folks that have had our equipment for quite some time.”

Councilwoman Garrison asked, “What kind of warranty and how long are we talking about? Twenty years or thirty years?”

Ms. Barcelo responded, “Most of our components have a lifetime warranty. Tiffany and Charlie have a copy of the warranty that show exactly what it covers.”

Ms. McGallian continued the discussion of Parkside Place Park, which houses older structures that will be replaced with a triple tower and wackle bridge.

Ms. Barcelo commented, “This also has a banister slide and a bridge. There is a curly climber, which you can both climb up on it and slide down.”

Ms. McGallian discussed the Brookhollow Park, and the BLOQX-4 play stuctures that will be replacing the old structures in this park.

Ms. Barcelo commented, “These are our blocks and they come in different formations. This has four boulders and actually designed this with a rock climber. It is challenging to do, and the kids love it. We wanted to do something different at this particular playground. We created space, even if there aren’t many children left, in this neighborhood section, for this piece that also appears like art. It is just a really neat piece. Even if someone is just driving through, when you see it, it is different and cool. It is intriguing. When Charlie said they wanted to do something different, we designed all the playground structures with that in mind. You can get the panels in different colors if you want to.”

Councilwoman Garrison asked, “Do all of these parks have picnic tables? Is there going to be additional costs?”

Councilwoman Sinor asked, “Is the amount not included in these numbers?”

Ms. McGallian responded, "Not in these numbers."

Mayor Mouton asked, "You don't have all the items budgeted right now?"

Mr. Sandberg responded, "Not all the items on the list were to be replaced. We are replacing more picnic tables and trash cans. We were going to use the contingency funds, also she has a line item to purchase those items in the Parks budget. That is an annual routine."

Ms. McGallian commented, "All the inventory list is just informational for you all, but we will be replacing items and adding trash cans because you can never have too many."

Councilwoman Garrison commented, "That is very interesting, I think I would like to see that."

Councilman Martin asked, "Are there three boulders?"

Ms. Barcelo responded, "Yes, it gradually goes up into the air."

Councilman Martin asked, "What is touching?"

Ms. Barcelo responded, "It is with concrete footings that are connecting it. That is what makes it challenging."

Mayor Mouton asked, "Are there no traditional swings?"

Ms. McGallian responded, "Every park has a set of swings set."

Councilwoman Sinor commented, "I would like to see real renderings of this. I think it all looks good. I just love all this new structures."

Ms. Barcelo commented, "I sent the Staff on a field trip to go see the structures at Sylvan Beach. We have some spectacular pieces out there and we wanted the Staff to see it all in person, to be able to play with it and touch it. So they got to experience that."

Mr. Sandberg commented, "Ms. Shannon Barcelo has done a great job. Kompan is a different company that we chose to work with. Kompan has moved their operations to Austin, so they are close by for replacement parts and the representatives are close in the area too."

Councilwoman Garrison asked, "Is this on our agenda to approve tonight?"

Mr. Sandberg responded, "Yes."

Councilwoman Garrison commented, "I think it would be nice to see some renderings of it before we approve it."

Councilwoman Sinor commented, "They have seen most of the pieces in person. I am comfortable with your professional opinion, although it would be nice to see it."

Councilwoman Garrison asked, "Why can't we have a rendering of what it is going to look like with the swing sets and the new equipment?"

Mayor Mouton asked, "What is going to happen if you do not like the rendering?"

Councilwoman Garrison responded, "I won't vote for it."

Mayor Mouton asked, "Have we had any other scenario where we brought this in for a vote with or without a rendering?"

Councilwoman Garrison commented, "In the past, you have always come to us with a rendering for new equipment."

Mr. Sandberg commented, "I think this is the first time I have presented playgrounds to you all in a workshop."

Councilwoman Garrison commented, "I am not taking away from your opinion, I just think it would be nice to see what the park will actually look like."

Assistant City Manager, Gary Jackson asked, "What will be the approximate delivery time?"

Ms. Barcelo responded, "Typically with this equipment, it takes about 6-8 weeks."

Mr. Sandberg commented, "We want to make sure we get it in this fiscal. That is incredibly important to us too."

Councilwoman Garrison commented, "I think in the future it would be nice, before anything is purchased, that we could just see what it looks like. Especially, when it is such new equipment that we don't have anywhere else in the City."

Councilman Harrison asked, "We undertook this project two to three years ago to redo our parks. Do you know how many parks are left after this?"

Mr. Sandberg responded, "I believe about fifty percent of the parks are still remaining for playground equipment."

Councilman Harrison commented, "In my opinion, I have seen what has been done. I have been to most of the park dedications and I have full faith without seeing any plans, it will look great."

Mr. Sandberg responded, "Thank you."

Councilwoman Sinor commented, "I just think you all have done such a great job of making every one of them so unique."

Councilwoman Garrison commented, "Maybe in the future, when you come to the Council, you can at least have some pictures to look at the landscape so we can get an overall idea of what it is going to look like."

Mr. Sandberg responded, "Yes, will do."

7. DISCUSSION OF ISSUES RELATING TO THE UPDATE OF THE CITY'S CLASSIFICATION SCALES – Human Resources Director, Bill Philibert gave an overview of the changes to the pay classifications scales. There are three part time changes and one full time change. These positions are part time Reference Assistant, part time Reference Librarian, and a part time Parks and Recreation Marketing Specialist. The full time position is the City Engineer. A proposal of a budget amendment at a future meeting would be to cover the cost estimate of \$18,000 for the City Engineer. No additional cost are projected for the part time positions.

Councilman Harrison asked, "Does that cost include benefits?"

Mr. Philibert responded, "It does include the benefits. We are eliminating the Storm Water Resource Specialist role."

8. DISCUSSION OF ISSUES RELATING TO AN UPDATE REGARDING THE PRATT TRUSS BRIDGE STRUCTURE AT THE BATTLEGROUND GOLF COURSE – City Manager, Jay Stokes commented, "A month ago we had this issue come up and Council was given three options for the bridge. At that time, the consensus of the Council was to remove the super structure of the bridge. Shortly after that, there were open records requests being filled that day and even the next. More and more information came to light and was given to City Council. That included the application when the City applied to have the bridge brought here, Councilwoman Garrison found information related to the designation of the historical marker. Mayor Riddle, then found some information, for the most part was a duplication, but we want to acknowledge and thank him for that. In the meantime, what we still do not have is the preservation agreement. Texas Historical Commission is taking a second look to see if they have one anywhere. They do not have one to date and we do not have one to date. Just in seeing the application, there was some language about the City agreement to maintain the bridge. City Attorney, Jim Fox suggested we slow the process down before we move forward with having RPS prepare the plans to ultimately take the bridge down. "We have been in communication with RPS, and with the Historic Commission and they are looking to see what else could be out there. Last week while I was gone, I know Gary received a lot of dialog and more letters."

Assistant City Manager, Gary Jackson commented, "One of the documents located was the actual agreement for acquisition. While that is not a preservation agreement per say, which would have come upon the installation of the bridge, the acquisition of the bridge between the City and Coryell County, there was a clause within that agreement. Back in 1995, it stated the City would preserve and maintain the bridge to maintain the historic character."

Mr. Stokes commented, "That in itself, is not a preservation agreement. What RPS told us is, even if there would be an agreement found, the agreements of that era required you to maintain it for ten years. We are way past that time period."

Councilwoman Garrison asked, "Where did they get that information from?"

Mr. Stokes responded, "RPS got that from the Texas Historical Commission. Gary asked to see if they could find any agreement of that same era to let us see what they signed could have been similar to what we might have signed."

Councilwoman Garrison commented, "I would not be surprised, since TXDOT was really instrumental in having the bridge moved to Deer Park, if the agreement might have been with TXDOT. TXDOT has a manual on historic bridges in Texas as to what you can or cannot do. If I understand, the Pratt Truss Bridge has a Texas historical marker. It is not a building, there are different markers. A Texas historical marker does not require for the State to say what has to be done with every historical marker. If it is a building, like the Alamo, yes they are required to talk to them. I do know when they made the report two months ago, the Historical Commission stated they would like for us to move forward in preserving the bridge."

Mr. Stokes commented, "Yes. The Historical Commission relayed to RPS that if it was removed, they wanted some kind of plaque recognizing that it has been there at one time."

Councilwoman Garrison asked, "They haven't said anything like this to you in your emails or conversations with them?"

Mr. Jackson responded, "No. We asked them to weigh in on the options that the Council is considering. They have not responded to that request yet. They did respond to say they still have not found the additional agreement, but that they have more boxes to go through. The section of the acquisition agreement states that the City will preserve and maintain the bridge and the features that give it the historical significance adhering to the standards of the National Parks Service Incorporated. That was signed in 1995."

Councilwoman Garrison commented, "I think that in itself is something we have to accept and recognize, whether or not there is an actual document. When it was moved and placed here, the City of Deer Park agreed to that. When a Texas Historical Marker was placed there, that in itself becomes another reason that it is historical."

Mayor Mouton commented, "Define what you are referring to?"

Councilwoman Garrison responded, "That the City agreed to preserve and maintain the bridge and the features that give it the historical character."

Mayor Mouton asked, "Mr. Fox, what are you concerned about?"

City Attorney, Jim Fox responded, "One of my concerns is the right of refusal if we ever get rid of the bridge. Also, the City agreed to preserve and maintain the bridge and the features that give it the historical significance adhering to the standards of the National Parks Service. I did some online research, and was not able to find that particular reference. There is general information from that time period, that actually referenced buildings so it may be something different. However, we did agree to maintain it at some level of historical significance. I just think before we tear it down, we may need to investigate it. I am not saying we can't tear it down, but I want to check with the State Historical Commission because we may need their consent."

Councilwoman Sinor asked, "Have you already checked?"

Mr. Fox, responded, "We have reached out to them."

Mr. Stokes commented, "We had unearthed some things due to an open records request."

Mr. Jackson commented, "Before this ever came to Council, RPS on behalf of the City asked TXDOT for the agreement, they could not locate it. We asked TXDOT again by letter last week, and they are still looking through boxes and hopeful they can find something. The City documents that we have here do not include the agreement. They reference preservation and maintenance in both of the documents we do have, and the acquisition."

Councilwoman Sinor asked, "Do we have to worry about the \$200,000 worth of refurbishing that was done to the bridge in 2012?"

Mr. Stokes responded, "When we did the bridge project in 2012, we did not go through this level of scrutiny."

Mayor Mouton asked, "Was there some level of investigation with the Historical Commission back then?"

Mr. Stokes responded, "I do not recall trying to find a maintenance and preservation agreement back then."

Mr. Jackson commented, "I think the engineers indicated at the time, that they considered that to be necessary maintenance work that had to be done otherwise the decking would have fallen through. In order to have passable decking, the bottom part of the structure was upgraded. The decking was also added when the bridge was moved here from Coryell County."

Councilwoman Sinor asked, "It was replaced in 2012?"

Mr. Jackson responded, "Yes."

Councilwoman Sinor commented, "I remember this being said, that we have done a poor job of maintaining the bridge."

Mr. Fox responded, "It is 100 years old."

Mr. Stokes commented, "If I remember right, part of the issue, the fountains were spraying water up the bridge. It was the reason the bridge was rusting out, and it was corrected in 2012."

Councilwoman Sinor asked, "Do we still have a serious problem with issues of pieces that could fall at any moment?"

Mr. Stokes responded, "Something is going to have to be done. I am not sure exactly when it is likely to fall, or that we need to go out immediately and say the bridge is no longer usable. Obviously, long term, something will have to change. It is rusting through in parts, we either need to take it down or preserve it."

Councilman Martin asked, "How long do we need to wait before we make a decision?"

Mr. Stokes responded, "Hopefully only a month or two."

Mr. Jackson commented, "You are going to have to wait for the Texas Historical Commission's concurrence before we are able to demolish the bridge."

Mayor Mouton asked, "Who is going to make the declarative interpretation?"

Mr. Fox responded, "We found the document that says we are supposed to preserve the bridge and get consent if we are to do something with the bridge. I thought we would at least try and reach out. I am not sure anyone would ever come back and do anything about it if we don't. I just thought it would be worth the pause to try and investigate this before we took action because we may have some responsibility."

Councilwoman Garrison commented, "I think the important thing, sooner or later we are going to have to decide if we are going to preserve this historical bridge. What struck my attention was the fact that it has a Texas Historical Marker. They do not give those out easily, they give very few out. If you read the inscription on it, it is the last made by that company. It was brought here in good faith. I am certainly not saying to restore it, but maybe preserving it in some way where it is a facsimile to what the actual Pratt Truss Bridge looked like."

Mayor Mouton asked, "What is the next step and what are we waiting on?"


Mr. Stokes responded, "This was an update. We are waiting on a response from the Historical Commission. When we get the response, we will have RPS come back to go over this again to see what you all want to do. I think one potential issue, may be that if we find a preservation agreement, we may not be allowed to tear it down and build it back. You may have to preserve what is there."


Councilwoman Garrison commented, "Preserving it is different than restoring it. I think there are different definitions the State means by restoration and preservation."

Mr. Stokes commented, "As we get more information, we will bring this back."

Councilwoman Sinor commented, "I just think it is very dangerous for us to continue with this unresolved. I just hope we do not find out the hard way if something does fall."

9. ADJOURN – Mayor Mouton adjourned the workshop meeting at 7:30 p.m.


Shannon Bennett, TRMC
City Secretary


Jerry Mouton
Mayor