CITY OF DEER PARK CC 78-132

710 EAST SAN AUGUSTINE STREET

DEER PARK, TEXAS 77536

Minutes of

THE 1732ND 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 MAY 7, 2019, AT 7:30 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

JERRY MOUTON, JR.	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 meeting to order at 7:30 p.m.

2. RECESS/RECONVENE – Mayor Mouton recessed the meeting at 7:30 p.m. and reconvened the meeting at 7:37 p.m.

3. INVOCATION – The invocation was given by Councilman Patterson.

4. PLEDGE OF ALLEGIANCE – Councilman Martin led the Pledge of Allegiance to the United States Flag and led the Texas Flag Pledge.

5. PRESENTATION - RECOGNITION OF NATIONAL VOLUNTEER APPRECIATION WEEK, APRIL 7-13, 2019 – Police Department Volunteer, Adell Boren recognized the volunteers and their participation and spoke of the 3,396 total hours volunteered in 2018 by the Deer Park Citizen's Police Academy Alumni Association (DPCPAAA) and Volunteers in Police Service (VIPS). Those hours equaled to 1.6 full time positions donated for greater service to the citizens of Deer Park and their Police Department.

6. PROCLAMATION FOR MUNICIPAL CLERKS WEEK – Mayor Mouton presented a Proclamation to City Secretary, Shannon Bennett, declaring the week of May 5-11, 2019 as Municipal Clerks Week.

7. PROCLAMATION FOR TRAVEL & TOURISM WEEK, MAY 5-11, 2019 – Mayor Mouton presented a proclamation in recognition of Travel and Tourism Week to Kristen Callahan, Public Relations Marketing Specialist declaring May 5-11, 2019 as Travel and Tourism Week.

8. PROCLAMATION FOR PEACE OFFICER'S WEEK, MAY 12-19, 2019 – Mayor Mouton presented a proclamation to Chief of Police Greg Grigg declaring the week of May 12-19, 2019 as Peace Officer's Week.

9. PRESENTATION OF THE 2018 ACHIEVEMENT OF LIBRARY EXCELLENCE AWARD – Mayor Mouton presented Library Director Rebecca Pool the Texas Municipal Library Directors Association Achievement of Library Excellence Award. Receiving this award puts Deer Park Library in the top 10% of libraries in the State of Texas.

10. CANVASS OF VOTES FOR MAY 4, 2019 CITY GENERAL & SPECIAL ELECTION CONSIDERATION OF AND ACTION ON AN ORDINANCE DECLARING THE RESULTS OF THE CITY GENERAL & SPECIAL ELECTION HELD MAY 4, 2019 – Mayor Mouton canvassed the votes of the May 4, 2019 City General Election with City Secretary Shannon Bennett. After a proposed ordinance was read by caption, motion was made by Councilman Harrison and seconded by Councilman Patterson to adopt on first and final reading Ordinance No. 4071, captioned as follows:

> AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE ELECTION HELD MAY 4, 2019, IN THE CITY OF DEER PARK, TEXAS, FOR MAYOR, COUNCILMEMBER, POSITION NO. 1, COUNCILMEMBER, POSITION NO. 2, AND COUNCILMEMBER, POSITION NO. 3; AND CANVASSING THE RETURNS OF THE SPECIAL ELECTION REGARDING THE CITY CHARTER PROPOSITIONS; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

Councilman Thane Harrison stepped down from the dias.

11. PRESENTATION OF CERTIFICATES OF ELECTION – Mayor Mouton presented the Certificates of Election to Councilwoman Sherry Garrison Position 1, Councilman TJ Haight Position 2, and Councilman Tommy Ginn Position 3.

12. ADMINISTERING THE OATHS OF OFFICE – City Secretary Shannon Bennett administered the Oath of Office to Mayor Jerry Mouton and Mayor Mouton administered the Oath of office to Councilwoman Sherry Garrison Position 1, Councilman TJ Haight Position 2, and Councilman Tommy Ginn Position 3.

13. CONSENT CALENDAR – Motion was made by Councilwoman Garrison and seconded by Councilwoman Sinor to approve the consent calendar as follows:

    a. Approval of minutes of workshop meeting on April 16, 2019.

b. Approval of minutes of regular meeting on April 16, 2019.

c. Approval of tax refund to Juana Aquino and Adan Patino in the amount of $732.18 due to a homestead exemption, a disability exemption and a freeze granted by Harris County Appraisal District.

d. Approval of tax refund to Corelogic Inc. Escrow Reporting in the amount of $758.09 due to an overpayment.

e. Approval of tax refund to Refund Advisory Corp. in the amount of $558.94 due to an over-65 exemption and a freeze change granted by Harris County Appraisal District.

f. Approval of tax refund to Popp Hutcheson PLLC in the amount of $5,693.01 due to a value decrease granted by Harris County Appraisal District.

g. Approval of tax refund to Jeff Lawther in the amount of $3,769.45 due to a value decrease granted by Harris County Appraisal District.

h. Approval of tax refund to W. D. Lawther in the amount of $668.68 due to a value decrease granted by Harris County Appraisal District.

i. Approval of tax refund to Juana Aquino and Adan Patino in the amount of $732.18 due to a homestead exemption, a disability exemption and a freeze granted by Harris County Appraisal District.

j. Approval of tax refund to Wells Fargo Commercial in the amount of $2,832.00 due to a value decrease granted by Harris County Appraisal District.

k. Approval of tax refund to Corelogic Tax Service in the amount of $669.36 due to an overpayment.

l. Authorization to advertise and accept bids for a one-year supply of garbage bags.

m. Acceptance of the Deer Park Community Development Corporation's quarterly report for the period of January 1, 2019 - March 31, 2019.

n. Acceptance of Quarterly Investment Report for the quarter ended March 31, 2019.

o. Acceptance and release of retainage for the Maxwell Adult Center Expansion DPCDC Project.

p. Authorization to purchase from Fuquay, Inc., through the Buy Board Cooperative Purchasing Program to perform a Sanitary Manhole Rehabilitation.

Motion carried 7 to 0.

14. COMMENTS FROM AUDIENCE –

a. Cleveland Griffin, 13723 Wheat Bridge Dr., Houston, Texas, commented, "I am here to speak to you tonight for a moment. I have been an employee at Rohm and Hass/Dow now for 30 years. I watched the steel go into the ground. I have been a Control Operator for 25 years on this one project. I am considered an expert on safety and production at this job. I experienced a very bad accident many years ago in my career when I splashed sulfuric acid in my face and upper torso. At that point, the incident compelled me to practice and teach safety. I conduct safety training in our unit and I have trained, in my estimation, over 10,000 people. On April 22nd of this year, Dow locked myself, my coworkers and their families out of the plant. While the environment and safety are always on the forefront, our concerns have elevated with the recent incidents at ITC and Exxon. While the ITC plant was on fire and the gases were being emitted into the air, we the operators, were at work. Only approximately 300 yards from the fire, but we were at work. We were there breathing in the gases, wearing masks, doing what it took to make sure our plant would not become a part of the scene. The people who are there now, were deemed non-essential. They were told to go home and not even come in. Dow's current training and certification can take up to 6 months to a year. The replacements who are deemed by Dow themselves as non-essential employees and who were trained in only a matter of days are attempting to perform our jobs at this point. We are very concerned about that. The impact of this lock out effects the 235 workers and our families with the loss of income, insurance and financial stability. It also effects the local community, the local economy and the environment. You all depend on Dow being a great community partner who provides their employees with fair wages and safe working conditions. Now I want you to know that we understand that the negotiations we are in can be a turbulent thing, but we are still willing to do our exceptional work and man our post until an agreement has been reached. What I want you, the good people of Deer Park to ask Dow is, "Why did they lock us out?" To this day, we don't know. We had some of the finest people there doing their job. We have a fine volunteer fire department, some of them are here now. They keep the plant safe. We have none of those things there now. I just came here tonight because I think you, the citizens of Deer Park, the Community, should be aware. You should ask Dow that question. Thank you very much for allowing me to speak."

b. Colin (Skeeter) Cline, commented, "Public speaking is not my forte, but I thought this message was important enough to swallow my discomfort and share a situation that is taking place in our own backyard. For 31 years, I have been employed as a Chemical Operator for Rohm and Haas Texas, which was bought by Dow Chemical 10 years ago. I was a control man in the P North Unit until April 22, 2019. At 2 p.m. on this date, Dow Chemical, one of the most powerful corporations in the world, locked out 235 hourly Operators and Mechanics from the Dow Deer Park Plant. Let me re-state, WE WERE LOCKED OUT!! We are not on strike!! We are READY, WILLING and ABLE to work. We gave them many opportunities to continue negotiations, but they chose to LOCK US OUT. When Dow locked us out, in essence,

they locked out our families. When they stopped the access to our jobs, not only did they stop our pay, but they stopped our medical, dental, vision and prescription pharmacy insurance. There are families with chronic illnesses who are dependent on these programs. We didn't quit or strike or walk away from our jobs. We took a stand against an unfair contract. The company's final offer was voted down by 96%. They tried again after presenting nearly the same contract and it was rejected by 98% of the membership. That's how unfair the situation is. Many of you have seen us walking and picketing on Highway 225 recently and probably thought we were on strike. We are not on strike, WE ARE LOCKED OUT!! Recently Dow has closed the gates on Highway225. In my opinion, they did this to get us out of the public eye. They do not want any of the public to know our plight. They have done everything in their power to make it look like Rohm and Haas was responsible for these actions, but in reality, it is Dow. They bought us out. Dow does not want any of the local communities to know how they are treating their people. This happened 10 years ago when they took over Rohm and Haas and it is happening again. This is bigger than just 235 employees that have been locked out. We are members of the community with no income to pay our bills, and no medical insurance if our families get sick or injured. Many of our people have been contributors to area charities such as churches, food pantries, after school programs and other organizations such as your baseball fields and your soccer programs. We live all over the area, La Porte, Deer Park, etc. We do not want handouts. We want our jobs back! We are trained professionals who take pride in our work and feel that we can perform our jobs in a much safer fashion than anyone in the plant at this time. Speaking for the unit that I work in, we have safely set two back to back production records for the years 2017 and 2018. I bring up safety because our unit will be celebrating, providing we go back, its 29th year accident free in June this year. That is in an active chemical production unit. We are serious about safety, yet we still got locked out. We worked through Harvey to protect the community and to keep the plant safe, yet they chose to lock us out. We worked diligently around the clock during the freezes of 2018, yet they locked us out. Most recently and undoubtedly the most serious was the ITC fire. Our plant is next door to ITC and the prevailing winds blew the smoke across the plant most of the time that it was an active scene. We kept our units safe whether we were running or shutting down. A large part of the time, our people were wearing respirators both inside and outside the control rooms. When all non-essential personnel were told not to come in, we were out there taking care of our units. We are still locked out. A large part of the people who are running the plant now are the non-essential personnel who were told to stay home during the ITC crisis. It takes approximately 6 months to qualify as an Operator out there. These people were trained in approximately 2-4 weeks with little to no hands-on experience. Most have absolutely no experience running complex control systems or manually working with the outside equipment. Our plant deals with several bad chemicals including many acids, Anhydrous Ammonia and Cyanide. With the ITC fire, the biggest concern was the Benzene in the air. With our materials, there are far more dangerous situations that could arise. My colleagues and I are extremely concerned of the potential

hazards that may become a reality with these less skilled workers running these units instead of the experienced operators and mechanics in these critical roles. This danger poses a real threat to the entire community, you, me, our families, all of us. Thank you."

c. Jana Pellusch, 714 E. Dartmouth, commented, "I have concerns about a plant in our community being operated by management and administrative people who don't normally do the day in and day out work of running the plant. We know the turmoil that came with the ITC fire. It was hard to hear it referred as the Deer Park fire. The Dow Plant where these workers are locked out is next door to ITC as you have heard. The two plants work together, raw stock and finished product, flow between them. I do not want to see another Deer Park plant become the target of a lawsuit for careless and callous behavior. It does look like that is what we have on our hands with this company locking out its Union represented workforce. To conclude, I would like to read a text to you that I received earlier today from a friend of mine who was working the picket line. He is actually a resident of Deer Park. He says, "Tell Deer Park Council, we are out here picketing in bad weather. Dow needs to step up the game." Thank you Mayor and Councilmembers."

15. CONSIDERATION OF AND ACTION ON APPOINTING COUNCILMAN WILLIAM PATTERSON AS THE CITY'S REPRESENTATIVE AND TOMMY GINN AS ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) GENERAL ASSEMBLY AND BOARD OF DIRECTORS – Motion was made by Councilman Martin and seconded by Councilwoman Sinor to appoint Councilman Bill Patterson as the City's Representative and Tommy Ginn as Alternate to the Houston- Galveston Area Council (H-GAC) General Assembly and Board of Directors. Motion carried 7 to 0.

16. CONSIDERATION OF AND ACTION ON AMENDMENT NO. 3 TO THE AGREEMENT WITH THE DEER PARK FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT (FCPEMSD) FOR FCPEMSD PERSONNEL, VEHICLES, FACILITIES, EQUIPMENT AND INVESTMENTS – Motion was made by Councilman Ginn and seconded by Councilman Patterson on the amendment No. 3 to the agreement with the Deer Park Fire Control, Prevention and Emergency Medical Services District (FCPEMSD) for FCPEMSD Personnel, Vehicles, Facilities, Equipment and Investments. Motion carried 7 to 0.

17. CONSIDERATION OF AND ACTION ON AMENDMENT NO. 3 TO THE AGREEMENT WITH THE DEER PARK CRIME CONTROL PREVENTION DISTRICT (CCPD) FOR CCPD PERSONNEL, VEHICLES, FACILITIES, EQUIPMENT AND INVESTMENTS – Motion was made by Councilwoman Sinor and seconded by Councilman Patterson on amendment No. 3 to the agreement with the Deer Park Crime Control Prevention District (CCPD) for CCPD Personnel, Vehicles, Facilities, Equipment and Investments. Motion carried 7 to 0.

18. CONSIDERATION OF AND ACTION ON AN ORDINANCE TO AMEND THE FY 2018 - 2019 BUDGET FOR HUMANE SERVICES – After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilman Patterson to adopt on first and final reading Ordinance No. 4072, captioned as follows:

> AN ORDINANCE AMENDING THE 2018-2019 BUDGET FOR THE CITY OF DEER PARK, TEXAS, AND APPROPRIATING THE SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

19. CONSIDERATION OF AND ACTION ON THE PURCHASE OF 6.19 ACRES OF REAL PROPERTY FROM THE DEER PARK INDEPENDENT SCHOOL DISTRICT – Motion was made by Councilwoman Garrison and seconded by Councilwoman Sinor to approve the purchase of 6.19 acres of real property from the Deer Park Independent School District. Motion carried 7 to 0.

20. ADJOURN – Mayor Mouton adjourned the meeting at 8:18 p.m.

ATTEST:

Shannon Bennett, TRMC
City Secretary

APPROVED:

Jerry Mouton, Jr.
Mayor