

From: (b) (6) Privacy
To: [Title VI Complaints](#)
Subject: Formal Title VI Complaint
Date: Wednesday, July 8, 2020 4:57:25 PM
Attachments: [PastedGraphic-1.png](#)
[Screen Shot 2020-07-08 at 3.31.27 PM.png](#)

Good afternoon,

I am seeking to find a permanent resolution to my ongoing flood issue and to do so, I have prepared a formal complaint to the best of my ability. Please send all correspondent communication to my mailing address only with a copy to my email address being I have difficulty accessing my emails.

My mailing address is: (b) (6) Privacy, (b) (7)(C) Enforcement Privacy
(b) (6) Privacy, (b) (7)(C) Enforcement Privacy
Colleyville, TX 76034

Email: (b) (6) Privacy, (b) (7)(C) Enforcement Privacy

Phone: (b) (6) Privacy, (b) (7)(C) Enforcement Privacy

My complaint is being filed against: The City of Colleyville Officials and Staff Employee and/or Contract Workers:
100 Main Street
Colleyville, Texas 76034

Office: (817) 503.1050
Fax: (817) 503.1059
Email: colleyville@colleyville.com.

And all named and unnamed staff employee members in their individual and official capacity having been participated in the decision-making for tree-removal, zoning, residential and commercial land development or re-development, building inspections, plans examiners that adversely impacting my family and property

Jerry Ducay, City Manager
Ray Silva-Reyes, Public Works Director .

(b) (6) Privacy, (b) (7)(C) Enforcement Privacy
(b) (6) Privacy, (b) (7)(C) Enforcement Privacy
(b) (6) Privacy, (b) (7)(C) Enforcement Privacy
Public Works Director- Past
Public Works Director- Past
Public Director - Past

David Kelly, City Mayor
(b) (6) Privacy, (b) (7)(C) Enforcement Privacy
(b) (6) Privacy, (b) (7)(C) Enforcement Privacy
(b) (6) Privacy, (b) (7)(C) Enforcement Privacy
(b) (6) Privacy, (b) (7)(C) Enforcement Privacy
Project Manager- Past
Project Inspector- Past
Public Works Manager- Past
City Engineer. Past
Petite Kirkendoll, NFIP Management Analyst
Tammy Nakamura, Council member
David Kelly, City Mayor

Ben Bryner, AICP, Community Development Director
Zoning Board Members, Past
Urban Forester in Community Development: Caleb Tandy, Arborist
Jacquelyn Reyff, Planning Division. Present and Past
Building Official. Past
Plans Examiner. Past
Building Inspection. Past
Permit Technician. Past
City of Colleyville Development Review Committee - Past/Present

I have a disability and I have been unable to put together a formal complaint as I would have liked and/or could prior to my disability. Residual symptoms resulting from my diagnoses causes communication, processing, executive functioning (organization, planing, memory). I have been working tirelessly preparing a grievance complaint that will “stick” for more than one year. However, the report seems to get longer due to the number of violations and misconduct involved that I seem to lose my direction causing information to be repeated. This is not a bad thing but it does make it difficult for the reader and no doubt is most arduous. As difficultu to the reader it needs to be noted it is even more challenging for me.

I will mail a full report (several hundred pages) to the Office which includes objective data, pictures, email correspondent letters to allow government enforcement agency’s investigation to conduct a full, complete, and fair investigation.

However, to meet 180-day timeline for wrongful tree removal occurring on January 8, 2020 I need to submit application for complaint process to begin. This is a Title VI of the Civil Rights Act of 1964 and EPA’s, Clean Water Act and NFIP Title VI regulations violation. As you already know the Federal government forbids recipients of federal financial assistance from discriminating on the basis of race, color or national origin. This means that any entity that receives federal assistance from EPA must comply with Title VI and EPA’s non-discrimination policies.

My alleged violations are related to and all of the following noted noncompliance of procedural policies, codes, and amendments on the discriminatory basis that I am a female head-of-house with a disability living in a 920 sq.ft house as compared with other affluent community residents living much larger and more expensive homes in the City of Colleyville which is recognized as being one of the best and riches cities in Texas. The focus of my complaint is based upon fundamental constitutional right as applied to private property and includes:

(1) Title VI retaliatory and/or wrongful tree taking in response to my protective action and advocating for my property’s rights related to repetitive flooding on my private property which has been long-term beginning 2008 and on-going and

(2) Fifth Amendment – the City workers failed to protect my right to private property and have deprived family’s right to enjoy our property and to be safe without contaminate Class 3 flood water infiltrating into our home/causing flood loss damage and adversely affecting the physical, mental, and emotional health of my individual family members and/or tree-taking from public ROW in contradiction to EPA green infrastructure, etc and without allowing me

to seeking legal assistance or without “due process of law,” or fair procedures.

(3) Eighth Amendment violation because the City staff worker acted with deliberate and callous indifference to cutting down six (6) heritage trees (Bur Oaks, 250 Years) located at the mid-area of my private property’s public right-of-way (ROW, in order to relocate the pre-existing utility pole which was located at the NE corner of my property’s ROW. Subsequently, the City put up a “new” utility pole/equipment on located in the middle of my property’s ROW, nearby my driveway entrance to my home. The difference in distance in location between the pre-existing utility pole/equipment and the “new” constructed utility pole/equipment is approximately 125 sq.ft. Meaningful consideration is needed for the fact that both the “pre-existing” and “new” utility pole/equipment remains unchanged, and both are standing/set at the same distance location the roadway in front of my house. The City workers supposedly needed to relocate the pre-existing utility pole/equipment in order to install underground stormwater channels as required in Drainage Study for Brown Trail (Wood Briar Estates Addition), Halff Associates, Inc. July 27, 1995. Meaningful consideration: I was not provided written notice for tree removal. It was an actual taking when I asked 15-tree workers to stop cutting and leave my property’s ROW they refused. I called the City and the mayor’s secretary visited but none the less the property area was physically invaded by government order which devalue my property. I have video-recording the police visiting my property and stating to be unable to do anything as likewise the secretary and drainage supervisor. This action was unreasonable, disproportionate, or unrelated to the purpose behind the permit requirement.

(4) Fourteen Amendment violation

The underground water channels is part of a 2-Step Process identified for storm drainage improvement in Halff’s Drainage Study, 1995. The City has only completed Step-1 of the 2-Step Process. In 2001, the City enlarged creek area which is located approximately 250 sq.ft from my plat. The City contractors wrongly put the contaminated dirt that was excavated from the creek area onto a “No build” zoning area. The City cleared 95% of the trees, vegetation and natural bush on this “No Build” lot and put asphalt on the dirt. The nearby property owners complained about asphalt being in their pool. I file a complaint related to:

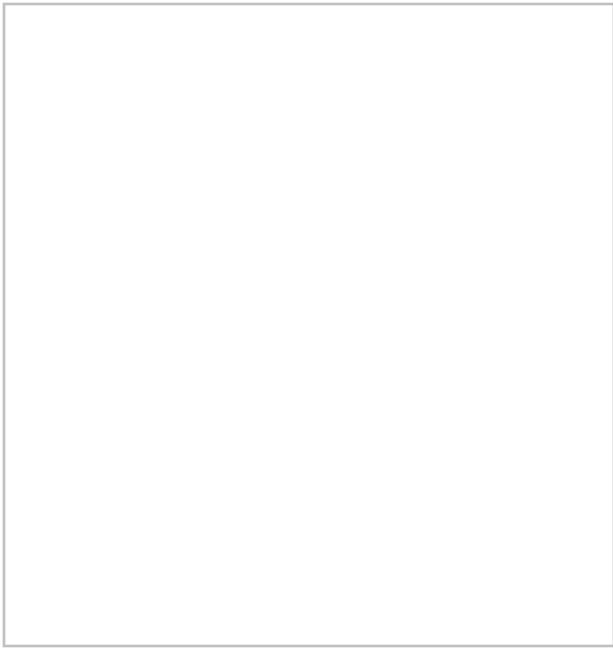
1. Wrongly putting the dirt which was excavated from the creek area onto private property. Instead it was my thinking, the excavated dirt needed to be appropriately transported to a local landfill;
2. Wrongly putting “fill” [excavated dirt] and transporting additional “fill” onto a lot zoned as for “No Build”
3. Wrongly clearing trees from “No Build” lot located in a riparian area;
4. Wrongly putting asphalt on the dirt on a “No Build” lot.
5. Wrongly putting “fill” on an area indicated to be a flood hazard

Meaningful consideration: This is not a single, isolated flood matter involving a single flood.

My property has suffered flood loss damage on five (5) separate occasions occurring at different times beginning 2008. The City workers in their “individual” and “official capacity” negligently failed to take reasonable steps to protect my family and property. My family and property have been injured as a result, and that their negligence has deprived my family of a constitutionally protected liberty interest in freedom from flood waters trespassing on my private property. It is my reason that because the City immunity provision denied me a hearing for tree-taking and property-taking, my family has been deprived of our liberty interest without due process. I am seeking injunctive relief with the following:

- (1) reimbursement for cost of rebuilding my home, for five (5) National Flood Insurance Program (NFIP) flood loss claims filed and out-of-pocket fees not covered under NFIP due to restrictions/limitations on policy,
- (2) Punitive damages for undue pain and suffer caused to my family. No individual family should have to suffer like my family has with repeated flooding and fear of flooding with each and every rain storm. I have in recent past been diagnosed with medical diagnosis: Post-Traumatic Stress Disorder (PTSD). I have two sons with disability for childhood autism and I have been unable to protect my home and family. I have been powerlessness to correct the underlying cause of environmental injustice or to remove barriers causing problem to exist. I am seeking your help. Please. EPA's Office of Civil Rights. 107. My voice is not heard because I am the “poor little house” in the neighborhood
- (3) Compensatory damages for property, health

Exhibit Below: Colleyville, Texas population demographics



Money magazine to its list of "100 Best Towns in America." Regrefully, I seemingly live in the wrong size house- (economic) which caused resources and programs to be more difficult to access and my oppportunities more constrained with because go my house value. My property's needs are overlooked, dismissed, or ignored. My house is invisible and my voice is unheard in order to to keep resources for the wealthier property owners and the poorer smaller size houses like mine are kept out. The local government officials and employees claim a lack of resources or having to reserve services for the higher priority values. I have noted flood and property strategies of segregation and secession to hoard resources which leaves my property unprepared for the next rising waters.

Money magazine to its list of "100 Best Towns in America." Flooding is segregated in my community local neighborhood. My more affluent neighbors receive remedy for flood issues which subsequently adversely impacts my property. My family is socially vulnerable experiencing disproportionate risk for repetitive flooding which is, consistent with findings indicated in Drainage Study Report, Halff, 1995. Seemingly there is a relationship between social vulnerability and flood exposure. Socially disadvantaged small property owners such as myself in my local neighborhoods experience the highest residential exposure to flood risk.

Regulating could help protect the me but also could have implications on property values and flood insurance requirements and rates and for this reason the City will not help

