

CITY OF DEER PARK

76-206

710 EAST SAN AUGUSTINE STREET

DEER PARK, TEXAS 77536

Minutes of

THE 1695TH 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 SEPTEMBER 19, 2017, AT 7:30 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

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| JERRY MOUTON | MAYOR |
| SHERRY GARRISON | COUNCILWOMAN |
| THANE HARRISON | COUNCILMAN |
| TOMMY GINN | COUNCILMAN |
| BILL PATTERSON | COUNCILMAN |
| RON MARTIN | COUNCILMAN |
| RAE A. SINOR | COUNCILWOMAN |

OTHER CITY OFFICIALS PRESENT:

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|-----------------|------------------------|
| 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. 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. RECESS - EXECUTIVE SESSION – CONSULTATION WITH ATTORNEY– Mayor Mouton recessed the meeting at 7.32 p.m. for an Executive Session.
5. RECONVENED – Mayor Mouton reconvened the meeting at 7:35 p.m.
6. PRESENTATION – RECOGNITION OF THE DEER PARK SPIKES BASEBALL TEAM – Mayor Mouton recognized the Deer Park Spikes for winning the Championship in the 11-U World Series held in Gulf Shores, Alabama.

Coach Dax Kiefer commented, “These guys competed against 43 teams. They went undefeated and won 9-7. Most importantly, 9 of the 10 young men started their baseball careers here in Deer Park playing with one of the youth organizations within our community. We try to stay true to Deer Park, to represent our community as best we can. We appreciate the opportunity to be here.”

Mayor Mouton asked, “What do you remember about this tournament and about the team?”

Coach Kiefer responded, “This team is very selfless and every kid on this team can play multiple positions. What stands out most to myself and the other coaches is, every time we get in the dugout to play another team, we are always the smallest kids. These kids have heart and are very competitive.”

7. PRESENTATION OF AN AWARD RECOGNIZING DR. DONALD METZ FOR HIS YEARS OF SERVICE - Mayor Mouton presented Dr. Donald Metz with an appreciation plaque for his years of service to the Deer Park Community as Medical Director.

8. PRESENTATION OF THE DEER PARK FIRE DEPARTMENT CHECK TO THE MUSCULAR DYSTROPHY ASSOCIATION FROM THE ANNUAL “FILL THE BOOT” CAMPAIGN – Justin Crow, Deputy Fire Chief, commented, “On behalf of the entire Deer Park Volunteer Fire Department, we would like to thank the citizens of Deer Park for their incredible generosity during the ‘Fill the Boot’ campaign. Altogether, we were able to raise \$6,572.34, which will go to the Muscular Dystrophy Association to aid in their fight against neuromuscular diseases. Thank you, Deer Park!”

Katelyn Alexander, “Fill the Boot is our oldest partnership with MDA and it is very special to our hearts. This area is one of the top ten places that fundraises the most every year. We couldn’t do what we do without the Fire Department.”

9. CONSENT CALENDAR – Motion was made by Councilman Harrison and seconded by Councilman Ginn to approve the consent calendar as follows:
 - a. Approval of minutes of regular meeting on September 5, 2017.
 - b. Approval of tax refund to Partnership Underwood LP in the amount of \$4241.22 due to value decrease granted by Harris County Appraisal District.
 - c. Approval of tax refund to Partnership Underwood LP in the amount of \$2,563.38 due to value decrease granted by Harris County Appraisal District.
 - d. Approval of tax refund Eldridge Land LLC & ETAL in the amount of \$884.07 granted by Harris County Appraisal District.
 - e. Approval of tax refund to Clay Real Estate Holdings #3 LP in the amount of \$963.91 due to a value decrease granted by Harris County Appraisal District.

- f. Approval of tax refund to Wells Fargo Home Mortgage in the amount of \$592.49 due to a homestead exemption and an over-65 exemption granted by Harris County Appraisal District.
- g. Approval of tax refund to Northeast R. E. Management LLC in the amount of \$797.20 due to a value decrease granted by Harris County Appraisal District.
- h. Authorization to seek a proposal from RPS Engineers to conduct an evaluation of the historic bridge at The Battleground Golf Course.
- i. Acceptance of purchase of Playground Equipment and Pavilion for new area on Glenview Street.
- j. Authorization to purchase services for the repair of SWTP Transfer Pump #6.
- k. Authorization to seek bids for a contractor to obtain lease-purchase financing for a new Pierce Velocity Ascendant 107' Ladder Truck for the FCPMSD.
- l. Authorization to purchase five museum display cabinets, as recommended by the Deer Park Historical Committee.

Motion carried 7 to 0.

10. COMMENTS FROM THE AUDIENCE –

- a. Carol Greer, 2306 Kilkenny Lane, commented, “I am here to talk on behalf of the people who are suffering from the flooding and the rain. Several people have talked to me about what they can do to try to get some relief. There are many people, especially the ones in the apartments that are having to pay for an apartment they can not inhabit. It is getting to the point where it is causing health issues for many of them and they are seeking some relief. We thought we could come to you and maybe you could get a committee together to find out who they are and where they are. We are a generous community and I think we could get people involved to try to help. People that manage these apartments should have a contingency fund. FEMA at this point could take a long time for these people to get back in their apartments. Meanwhile, they are having to pay rent and they can't stay there. If we could do something to help these people, I am sure they would appreciate it. Children who live in these apartments or who are not able to get back in their apartment, will be effected in their schooling. We are here to plead, please help us do something for these people. I will be willing to be on a committee and many people are willing to jump in. Nothing has been done after two weeks. Apartments have been seen, but no help has been given to them. Thank you.”
- b. James Schneider, 2313 Kilkenny Lane, commented, “Mayor and Councilmembers, let me thank you first for your help with this matter. You have been on Facebook with my wife Christine Schneider. She wanted to be here tonight, but she is ill and couldn't make it. I am retired from the military after 24 years of active duty. I was stationed in Fort Hood and

came down on quick orders to West Point. We owned a home in Copperas Cove and we decided to rent the home. During the time we rented the home, we had to have a contingency plan. We hired a management company to lease the home. Before we could list it, we had to do all the repairs like as if we were going to sell it. The company that we used had us set up two accounts, an emergency account and a general account for repairs. These accounts were maintained throughout the lease. If anything happened, they would come in and fix it for us. My point is, these big corporate apartments, they do not have anything. I know they have covered and tarped the roofs. For example, my daughter's apartment, their ceiling came down in their son's bedroom. It has been vacant since the hurricane hit and they have been living with us. They haven't done anything to clean up the mess and there is still drywall on the floor where mold is now growing. They do not have an emergency contingency plan to fix it or to make it livable and habitable. In the meantime, she is still paying rent. People are paying rent for the apartments they cannot live in. They are not moving at all on these apartments. I just wanted for you to take a look into this matter and see if you could do anything about it. My wife would be willing to be on the committee as well. Thank you."

Mayor Mouton commented, "This is not an issue that is on the agenda so legally, we can not discuss this scenario. It is an issue that we are aware of and the school district is aware of. There have been things done to the best of our ability. It was a rain event and everyone is dealing with it the best way they can. After the meeting, you can get with City Manager James Stokes and City Attorney Jim Fox to discuss some of the scenarios we have been working on in that regard."

11. CONSIDERATION OF AND ACTION ON A CONTRACT BETWEEN THE CITY OF DEER PARK AND PGAL FOR ARCHITECTURAL SERVICES FOR THE PRE-DESIGN, PROGRAMMING AND PLANNING PHASES OF THE DEER PARK EMS ANNEX – Motion was made by Councilwoman Garrison and seconded by Councilwoman Sinor to approve the contract between the City of Deer Park and PGAL for architectural services for the pre-design, programming and planning phases of the Deer Park EMS Annex. Motion carried 7 to 0.
12. CONSIDERATION OF AND ACTION ON RATIFICATION OF A PUBLIC ASSISTANCE GRANT APPLICATION THROUGH FEMA. - Motion was made by Councilman Harrison and seconded by Councilwoman Sinor to accept the ratification of the Public Assistance Grant Application through FEMA. Motion carried 7 to 0.
13. CONSIDERATION OF AND ACTION ON A CONTRACT BETWEEN THE CITY OF DEER PARK AND THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON FOR MEDICAL DIRECTOR SERVICES – Motion was made by Councilman Martin and seconded by Councilman Patterson to approve the contract between the City of Deer Park and the University of Texas Health Science Center at Houston for medical director services. Motion carried 7 to 0.

14. CONSIDERATION OF AND ACTION ON A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS, AUTHORIZING THE PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; AND APPROVING OTHER MATTERS INCIDENTAL THERETO – Motion was made by Councilwoman Garrison and seconded by Councilman Ginn to approve Resolution No. 2017-16, captioned as follows:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; AND APPROVING OTHER MATTERS INCIDENTAL THERETO.

Motion carried 7 to 0.

15. CONSIDERATION OF AND ACTION ON A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS, RESTRICTING THE MONTHLY INTEREST AND SINKING FUND PAYMENTS ON AN ANNUAL BASIS FOR THE BONDS PAYABLE TO THE TEXAS WATER DEVELOPMENT BOARD – Motion was made by Councilman Martin and seconded by Councilwoman Sinor to approve Resolution No. 2017-17, captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS, RESTRICTING THE MONTHLY INTEREST AND SINKING FUND PAYMENTS ON AN ANNUAL BASIS FOR THE BONDS PAYABLE TO THE TEXAS WATER DEVELOPMENT BOARD.

Motion carried 7 to 0.

16. CONSIDERATION OF AND ACTION ON A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS TRANSFERRING \$5,356,980.00 OF UNASSIGNED FUND BALANCE IN THE GENERAL FUND TO THE CAPITAL IMPROVEMENTS FUND FOR CURRENT AND FUTURE PROJECTS – Motion was made by Councilwoman Garrison and seconded by Councilman Patterson to approve Resolution No. 2017-18, captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS TRANSFERRING \$5,356,980.00 OF UNASSIGNED FUND BALANCE IN THE GENERAL FUND TO THE CAPITAL IMPROVEMENTS FUND FOR CURRENT AND FUTURE PROJECTS.

Motion carried 7 to 0.

17. CONSIDERATION OF AND ACTION ON AMENDING THE FINANCIAL MANAGEMENT POLICY – Motion was made by Councilwoman Garrison and seconded by Councilman Patterson to amend the Financial Management Policy.

Motion carried 7 to 0.

18. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FISCAL YEAR 2016-17 WATER & SEWER FUND BUDGET FOR EMERGENCY REPAIRS TO A TURBINE PUMP AT THE WATER TREATMENT PLANT- Motion was made by Councilman Harrison and seconded by Councilman Patterson to approve Ordinance No. 3922, captioned as follows:

AN ORDINANCE AMENDING THE 2016-2017 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 ANNUAL REVIEW AND AN ORDINANCE ADOPTING THE CITY'S INVESTMENT POLICY – Motion was made by Councilman Ginn and seconded by Councilman Patterson to approve Ordinance No. 3923, captioned as follows:

AN ORDINANCE AMENDING THE DEER PARK CODE OF ORDINANCES BY REPLACING CHAPTER 2 (ADMINISTRATION), ARTICLE VII (FINANCE), ALL OF DIVISION 2 (INVESTMENT POLICY).

Motion carried 7 to 0.

20. CONSIDERATION OF AND ACTION ON AN ORDINANCE ADOPTING THE FY 2017-2018 BUDGET – After a proposed ordinance was read by caption, motion was made by Councilman Martin and seconded by Councilman Patterson to adopting on first and final reading Ordinance No. 3924, captioned as follows:

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

Motion carried 7 to 0 with a roll call vote:

Councilwoman Garrison "Aye"
Councilman Harrison "Aye"
Councilman Ginn "Aye"
Councilman Patterson "Aye"
Councilman Martin "Aye"
Councilwoman Sinor "Aye"
Mayor Mouton "Aye"

21. CONSIDERATION OF AND ACTION ON AN ORDINANCE ADOPTING FY 2017-2018 SALARY AND CLASSIFICATION SCALES – After a proposed ordinance was read by caption, motion was made by Councilman Martin and seconded by Councilman Patterson to adopt on first and final reading Ordinance No. 3925, captioned as follows:

AN ORDINANCE PROVIDING FOR PAY RANGE CHART FOR EMPLOYEES OF THE CITY OF DEER PARK; PROVIDING A PAY RANGE CHART FOR UNCLASSIFIED SERVICE EMPLOYEES; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

22. CONSIDERATION OF AND ACTION ON AN ORDINANCE APPOINTING ASSOCIATE JUDGES – After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Bill Patterson to appoint Associate Judges on first and final reading Ordinance No.3926, captioned as follows:

AN ORDINANCE APPOINTING ASSOCIATE JUDGES OF THE CITY OF DEER PARK; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

23. 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 THE CITY OF DEER PARK ON THE PROPOSED AMENDMENTS TO ORDINANCE NO. 3886, TO ALLOW THE USE OF EXTERNAL SHIPPING CONTAINERS UNDER CERTAIN CONDITIONS IN THE GENERAL COMMERCIAL ZONING DISTRICT – After a proposed ordinance was read by caption, motion was made by Councilman Ginn and seconded by Councilman Patterson calling a joint public hearing on the request from the City of Deer Park on first and final reading Ordinance 3927, captioned as follows:

AN ORDINANCE CALLING A JOINT PUBLIC HEARING ON OCTOBER 17, 2017 BY THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF DEER PARK, TEXAS, ON A PROPOSED AMENDMENT TO ORDINANCE NO. 819, THE ZONING ORDINANCE, AMENDING APPENDIX A-ZONING, SECTION 7 – COMMERCIAL DISTRICTS, BY ADDING A NEW SECTION 7.02.4.4, SPECIAL USE PERMIT TO GENERAL COMMERCIAL DISTRICT PROVIDING FOR STANDARDS

WHEN AN APPLICATION MAY BE MADE FOR THE USE OF SHIPPING CONTAINERS AS STORAGE; AMENDING SECTION 10.03, ZONING MATRIX BY ADDING “S” TO GENERAL COMMERCIAL FOR “OUTDOOR STORAGE AND DISPLAY”; AND PROVIDING FOR OTHER MATTERS RELATED TO THE SUBJECT; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

24. CONSIDERATION OF AND ACTION ON AN ORDINANCE ADOPTING THE STANDARDS OF CARE FOR THE ALL STAR ACTIVITY PROGRAM FOR 2017-18 DPISD SCHOOL YEAR – After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilwoman Sinor to adopt on first and final reading Ordinance No. 3928, captioned as follows:

AN ORDINANCE OF THE CITY OF DEER PARK ADOPTING STANDARDS OF CARE FOR THE CITY’S ALL STAR ACTIVITY PROGRAM FOR 2017-18 DPISD SCHOOL YEAR; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

25. AWARDING THE BID FOR THE SIDEWALK IMPROVEMENTS PROJECT ON PASADENA BOULEVARD.,13TH STREET., AND SPENCER HIGHWAY – Motion was made by Councilwoman Sinor and seconded by Councilman Patterson to award the bid for sidewalk improvements on Pasadena Boulevard, 13th Street and Spencer Highway to GMJ Paving Company LLC, low bidder, in the amount of \$288,233.75.

Motion carried 7 to 0.

26. ADJOURN – Mayor Mouton adjourned the meeting at 8:02 p.m.

ATTEST:

APPROVED:

Shannon Bennett, TRMC
City Secretary

Jerry Mouton
Mayor