

710 EAST SAN AUGUSTINE STREET

DEER PARK, TEXAS 77536

Minutes of

THE 1753RD 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 MARCH 17, 2020 AT 7:30 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

JERRY MOUTON, JR.
SHERRY GARRISON
TOMMY GINN
TJ HAIGHT
BILL PATTERSON
RON MARTIN

MAYOR
COUNCILWOMAN
COUNCILMAN
COUNCILMAN
COUNCILMAN
COUNCILMAN

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 led the Texas Flag Pledge.
4. COMMENTS FROM THE AUDIENCE – No comments received.
5. AWARDING BID FOR THE DEMOLITION WORK AT THE DEER PARK COURT AND THEATER BUILDING – Motion was made by Councilwoman Garrison and seconded by Councilman Patterson to award the bid for the demolition work at the Deer Park Court and Theater building to Frost Construction, lowest bidder in the amount of \$51,000. Motion carried 6 to 0.
6. CONSENT CALENDAR – Motion was made by Councilwoman Garrison and seconded by Councilman Patterson to approve the consent calendar as follows:
 - a. Approval of minutes of workshop meeting on March 3, 2020.
 - b. Approval of minutes of regular meeting on March 3, 2020.

- c. Approval of tax refund to Atlas Copco in the amount of \$1,825.00 due to an overpayment.
- d. Approval of tax refund to Atlas Copco in the amount of \$7,409.63 due to overpayment.
- e. Approval of tax refund to Atlas Copco in the amount of \$8,318.78 due to an overpayment.
- f. Approval of tax refund to Atlas Copco in the amount of \$12,352.13 due to an overpayment.
- g. Approval of tax refund to Maviro Catalyst Inc. in the amount of \$1,871.45 due to an overpayment.
- h. Approval of tax refund to Maviro Catalyst Inc. in the amount of \$11,311.19 due to 2019 overpayment.
- i. Approval of tax refund to Deer Park Medical Real Estate Partnership, LTD in the amount of \$1,374.34 due to an overpayment.
- j. Acceptance of the 2016 Deer Park Street Improvement project, approval of a balancing Change Order, and the release of final payment to D&W Contractors.
- k. Acceptance of completion of the 2019 Lane Striping Project.
- l. Acceptance of completion and retainage release of the CMP Rehabilitation on Jefferson Ave. Project.
- m. Acceptance of completion and release of retainage for the Deer Park EMS Station to Cox Commercial Construction, LLC.
- n. Authorization to purchase equipment and installation of a new communications tower at Fire Station #3.

Motion carried 6 to 0.

- 7. CONSIDERATION OF AND ACTION ON THE PURCHASE OF ELECTRONIC MARQUEE MESSAGE SIGNS FOR THE EMS AND FIRE STATION 3, FROM DAKTRONICS UNDER BUY BOARD CONTRACT #592-19 – Motion was made by Councilwoman Garrison and seconded by Councilman Patterson to postpone the item to a future meeting. Motion carried 6 to 0.
- 8. CONSIDERATION OF AND ACTION ON RESTRICTING PUBLIC ACCESS TO THE PEDESTRIAN BRIDGE THAT CONNECTS THE DEER MEADOWS SECTION 3 SUBDIVISION TO DEER PARK HIGH SOUTH CAMPUS – Motion was made by Councilwoman Garrison and seconded by Councilman Patterson to postpone the item to a future meeting. Motion carried 6 to 0.

9. CONSIDERATION OF AND ACTION ON THE REAPPOINTMENT OF TROY COTHRAN AS THE CITY OF DEER PARK'S REPRESENTATIVE ON THE BOARD OF DIRECTORS FOR THE SOUTH EAST TEXAS HOUSING FINANCE CORPORATION – Motion was made by Councilman Ginn and seconded by Councilman Patterson to reappoint Troy Cothran as the City of Deer Park's representative on the Board of Directors for the South East Texas Housing Finance Corporation. Motion carried 6 to 0.
10. CONSIDERATION OF AND ACTION ON AN INTERLOCAL AGREEMENT WITH HARRIS COUNTY FLOOD CONTROL DISTRICT (HCFCD) TO JOINTLY FUND A DRAINAGE STUDY OF THE BOGGY BAYOU WATERSHED – Motion was made by Councilman Patterson and seconded by Councilman Haight to enter into an agreement with Harris County Flood Control District (HCFCD) to jointly fund a drainage study of the Boggy Bayou watershed. Motion carried 6 to 0.
11. CONSIDERATION OF AND ACTION ON AN EXTENSION OF THE 2019 SPORTS ORGANIZATION UTILIZATION AGREEMENT WITH DEER PARK PONY BASEBALL UNTIL MAY 30, 2020 – Motion was made to approve the extension of the 2019 Sports Organization Utilization Agreement with Deer Park Pony Baseball until May 30, 2020. Motion carried 6 to 0.
12. CONSIDERATION OF AND ACTION ON AN EXTENSION OF 2019 SPORTS ORGANIZATION UTILIZATION AGREEMENT FOR DEER PARK SOCCER FC UNTIL MAY 30, 2020 – Motion was made by Councilman Ginn and seconded by Councilman Martin to approve an extension of the 2019 Sports Organization Utilization Agreement for Deer Park Soccer FC until May 30, 2020. Motion carried 6 to 0.
13. CONSIDERATION OF AND ACTION ON AN EXTENSION OF 2019 SPORTS ORGANIZATION UTILIZATION AGREEMENT FOR DEER PARK GIRLS SOFTBALL UNTIL MAY 30, 2020 – Motion was made by Councilman Patterson and seconded by Councilman Ginn to approve an extension of the 2019 Sports Organization Utilization Agreement for Deer Park Girls Softball until May 30, 2020. Motion carried 6 to 0.
14. CONSIDERATION OF AND ACTION ON A RESOLUTION TO ENTER INTO A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT WITH NATIONAL INTERGOVERNMENTAL PURCHASING ALLIANCE COMPANY D/B/A OMNIA PARTNERS – After a proposed resolution was read by caption, motion was made by Councilwoman Garrison and seconded by Councilman Patterson to adopt, Resolution No. 2020-03 captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS AUTHORIZING THE CITY OF DEER PARK'S PARTICIPATION IN THE MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT WITH NATIONAL INTERGOVERNMENTAL PURCHASING ALLIANCE COMPANY d/b/a OMNIA PARTNERS.

Motion carried 6 to 0.

15. CONSIDERATION OF AND ACTION ON A REFERRAL FROM THE PLANNING AND ZONING COMMISSION AND AN ORDINANCE CALLING A JOINT PUBLIC HEARING FROM THE REQUEST OF THE WHEELHOUSE, INC. TO REZONE 0.3030 ACRES OUT OF OUTLOT 147 TOWN OF DEER PARK FORM MULTI FAMILY 2 (MF-2) TO COMMUNITY SERVICE (CS) TO EXPAND THEIR CURRENT FACILITY
- After a proposed ordinance was read by caption, motion was made by Councilman Ginn and seconded by Councilman Patterson to adopt on first reading Ordinance No. 4153, captioned as follows:

AN ORDINANCE CALLING A JOINT PUBLIC HEARING ON APRIL 21, 2020 BY THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF DEER PARK, TEXAS, ON A PROPOSED AMENDMENT TO ORDINANCE NO. 3886, THE ZONING ORDINANCE, PLACING IN THE COMMUNITY SERVICE (CS) ZONING DISTRICT, A 0.3030 ACRE TRACT OF LAND OUT OF OUTLOT 147 TOWN OF DEER PARK ALSO KNOWN AS 210 HELGRA STREET, DEER PARK, HARRIS COUNTY, TEXAS, AND TAKING THE SAME OUT OF THE MULTI FAMILY 2 (MF-2) ZONING DISTRICT.

Motion carried 6 to 0.

16. CONSIDERATION OF AND ACTION ON A REFERRAL FROM THE PLANNING AND ZONING COMMISSION AND AN ORDINANCE CALLING A JOINT PUBLIC HEARING FROM THE REQUEST OF DAKOTA ENTERPRISES, LLC FOR A NEW PLANNED UNIT DEVELOPMENT (PUD) AT 800 W. PASADENA BOULEVARD TO CONSTRUCT A THREE HUNDRED UNIT APARTMENT COMPLEX WHICH IS CURRENTLY ZONED AS A PLANNED UNIT DEVELOPMENT (PUD) - After a proposed ordinance was read by caption, motion was made by Councilman Martin and seconded by Councilman Patterson to adopt on first reading Ordinance No. 4154, captioned as follows:

AN ORDINANCE CALLING A JOINT PUBLIC HEARING ON APRIL 21, 2020, BY THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF DEER PARK, TEXAS, ON A PROPOSED AMENDMENT TO ORDINANCE NO. 3886, THE ZONING ORDINANCE, PLACING IN THE PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT UNDER A NEW PLANNED UNIT DEVELOPMENT, A 10.3 ACRE TRACT OUT OF LOTS 14 AND 15, BLOCK 15, HOUSTON SUBURBAN ESTATES (800 BLOCK OF WEST PASADENA BOULEVARD), CITY OF DEER PARK, TEXAS, AND TAKING THE SAME OUT OF THE PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT.

Motion carried 6 to 0.

17. CONSIDERATION OF AND ACTION ON AN ORDINANCE TO AMEND THE FISCAL YEAR 2018-2019 BUDGET FOR THE FIRE MARSHAL'S OFFICE – After a proposed ordinance was read by caption, motion was made by Councilman Martin and seconded by Councilman Patterson to adopt on first reading Ordinance No. 4155, 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.

Motion carried 6 to 0.

18. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 GRANTS FUND BUDGET FOR THE WETLANDS PROJECT – After a proposed ordinance was read by caption, motion as made by Councilman Martin and seconded by Councilman Patterson to adopt on first reading Ordinance No. 4156, 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.

Councilman Patterson asked, “Can you explain the \$262,000?”

Assistant City Manager Gary Jackson gave an overview of the City receiving a matching grant in the amount of \$400,000 from The Texas Parks and Wildlife Department for the Wetlands Project which spanned four (4) fiscal years (FY 2015-2016, FY 2016-2017, FY 2017-2018, and FY 2018-2019) from the time the grant was awarded until project completion and closeout. Mr. Jackson advised Council that the City’s matching share of project expenditures, funds were included in the Grants Fund budget and additional expenditures were made from Parks bond funds. Due to factors, such as having to re-bid the project due to bids exceeding budgeted and available funding, a large portion of project expenses occurred during the latter portion of the 4-year timeframe and since budgeted funds do not encumber from one budget to the next, this resulted in expenditures in the Grants Fund for this project exceeding the FY 2018-2019 Budget and necessitating the budget amendment.

Motion carried 6 to 0.

19. CONSIDERATION OF AND ACTION ON AN ORDINANCE RATIFYING THE DECLARATION OF DISASTER ISSUED BY THE MAYOR DATED MARCH 13, 2020 FOR CORONAVIRUS (COVID-19) – After a proposed ordinance was read by caption, motion as made by Councilman Ginn and seconded by Councilman Haight to adopt on first reading Ordinance No. 4157, captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS, RATIFYING THE DECLARATION OF DISASTER ISSUED BY THE MAYOR DATED MARCH 13, 2020 FOR COVID-19.

Emergency Services Director Robert Hemminger gave an update of the COVID-19, details of the current information of active cases and the actions being taken by governmental officials on all levels. Mr. Hemminger advised Council of some beneficial tactics to try and avoid the spreading of the Coronavirus and the task of making good solid decisions based on facts to do what is best for the community.

Assistant EMS Chief Andrew Smith gave an overview of risks to one's health and the risks imposed on other's health if a decrease in activities is not adhered too. Mr. Smith examples of guidelines to try and slow the spread of the Coronavirus to include, avoiding social gatherings, avoiding travel, practicing good hygiene, using drive-thru, and delivery options and to engage in social distancing as much as possible. (Exhibit A1-A2)

City Manager James Stokes gave a summary of the things that have been done and upcoming plans in regards to the COVID-19 to include the closing of the Maxwell Senior Center and the delivering homebound meals, parks rentals cancellations, closing of the Library along with all Library indoor activities with online services available, parks and recreational facilities indoor activities have been cancelled, Sports Leagues are following the school district's lead, a limit to travel was put in place and the joint meeting with DPISD was cancelled. Mr. Stokes advised Council all was done in a reasonable and prudent fashion that followed much of what neighboring cities are doing.

Mr. Stokes commented, "There are still questions that I don't have all the answers to right now. I know what we are doing right now, but I also know it could change tomorrow."

Mr. Stokes gave examples of questions pertaining to cash handling, and advised Council that City Hall currently does not have plans to close. Mr. Stokes also spoke of his efforts to balance serving the public and looking out for what's best for the employees. He mentioned Chief Health Officer, Dr. Metz recommendations and his work with Public Relations/Marketing Specialists Kristin Edwards on the website information relating to information on COVID-19.

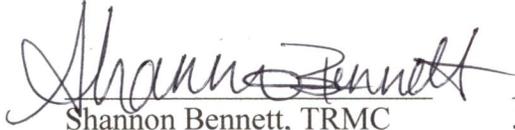
Mr. Stokes commented, "I just wanted to give you a snap shot of where we are at and just to emphasize, we are going to take it one step at a time and one day at a time."

Mayor Mouton commented, "Staff, you all have my full support. I know I have said that to many of you privately and I hope it goes without saying, but whatever needs to be done, you all make the best decision as possible and you have my full support."

20. ADJOURN – Mayor Mouton adjourned the meeting at 8:00 p.m

ATTEST:

APPROVED:



Shannon Bennett, TRMC
City Secretary



Jerry Mouton, Jr.
Mayor