



## **MINUTES OF THE CITY COUNCIL REGULAR MEETING**

THE 1836th 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, 2023 AT 7:30 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

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

MAYOR  
COUNCILWOMAN  
COUNCILMAN  
COUNCILMAN  
COUNCILMAN  
COUNCILMAN  
COUNCILWOMAN

### **OTHER CITY OFFICIALS PRESENT:**

JAMES STOKES  
SARA ROBINSON  
JIM FOX  
ANGELA SMITH

CITY MANAGER  
ASSISTANT CITY MANAGER  
CITY ATTORNEY  
CITY SECRETARY

MEETING CALLED TO ORDER – Mayor Mouton called the meeting to order at 7:30 p.m.

INVOCATION – The invocation was given by Councilman Patterson.

PLEDGE OF ALLEGIANCE – Councilwoman Garrison led the Pledge of Allegiance to the United States Flag and the Texas Flag.

### COMMENTS FROM THE AUDIENCE –

- a. Jill Normix, 4206 Glacier Ln, Deer Park, spoke to the Council advocating for the senior citizen art classes provided at the Maxwell Center. Ms. Normix spoke on the consideration from City staff on possibly lowering the fees or not charging fees at all for the art classes at the Maxwell Center.
- b. Briscoe Cain, 302 W. Oak, Deer Park, spoke on the tax rate the City is proposing and stated there would be an increase of \$170.00 more in the upcoming fiscal year. Mr. Cain asked Council not to raise the taxes and to go to the “no new revenue” rate and put the “voters’ first”.

1. RECOGNITION OF THE 6U DEER PARK DYNASTY GIRLS SOFTBALL TEAM – The 6U Deer Park Dynasty Girls Softball Team was recognized for their impressive record of 41-5. The team won three prestigious titles in 2023 including the 2023 6U USA Softball Houston Pixie Metro Champions, 2023 6U USA Softball Texas Area V Texas State Champions and the 2023 6U FASA Texas State Champions. They placed 1<sup>st</sup> place in five out of six tournaments and came in 2nd place overall.

The team members are Bristol Nowetner, Adelyn Anagnostou, Kaylee Walker, Ariel Reyes, Isabel Byron, Natalie Cruz, Sawyer Maldonado, Paeyton Lara, Rosalyn Marquez, Peyton VanPutten, Arianna Pruneda and Ava Garcia.

2. RECOGNITION OF THE DEER PARK 8U ALL STAR TEAM – The Deer Park 8U All Star Team was recognized for their remarkable achievement in winning 28 games that resulted in winning the World Series. This is the second time the team has been recognized by Mayor Mouton for their hard work and dedication.

The team players are Matthew Agundis, Luke Carmona, Gavin Carrasco, Gavyn Dodson, Grant Dister, Tiago Estrada, Cole Fields, Luke Hinson, Gray Kellam, Hudson Martin, Konner Vidock and Jacob Yantis. Their coaches are Chris Martin, Adam Kellam, Jason Carmona and Keith Vidock.

3. PUBLIC HEARING ON THE PROPOSED AD VALOREM TAX RATE FOR TAX YEAR 2023 – The public hearing was opened at 8:08 p.m. City Secretary Angela Smith read the Notice of Public Hearing. (Exhibit A)

Mayor Mouton called for those desiring to speak in favor of the proposed Ad Valorem Tax Rate for Tax Year 2023. No one spoke.

Mayor Mouton called for those desiring to speak against the proposed Ad Valorem Tax Rate for Tax Year 2023.

- a. Briscoe Cain, 302 W. Oak St., Deer Park spoke against the proposed tax rate. Mr. Cain voiced his opinion that the City did not give information of the proposed tax rate to the voters. Mr. Cain also voiced his opinion against the City plans on raising taxes.

Mayor Mouton closed the Public Hearing at 8:18 p.m.

CONSENT CALENDAR – Motion was made by Councilman Ginn and seconded by Councilman Patterson to approve the consent calendar as follows:

4. Approval of minutes of regular meeting on September 05, 2023.
5. Approval of minutes of workshop meeting on September 05, 2023.
6. Accept completion and retainage release of the 2023 Sanitary Sewer Rehabilitation Project.
7. Accept completion of the 2023 Concrete Maintenance Project.

8. Authorization to accept donation of additional property at the old San Jacinto Elementary site from DPISD.

Motion carried 7 to 0.

9. CONSIDERATION OF AND ACTION ON AWARDING THE PHASE 2 GMP (GUARANTEED MAXIMUM PRICE) AMENDMENT NO. 2 TO DUROTECH, THE CONSTRUCTION MANAGER-AT-RISK (CMAR), FOR THE NEW COMMUNITY AND RECREATION CENTER PROJECT – Motion was made by Councilwoman Garrison and seconded by Councilman Patterson on awarding the Phase 2 GMP (Guaranteed Maximum Price) amendment No. 2 to Durotech, the Construction Manager-at-Risk (CMAR), for the new Community and Recreation Center Project. Motion carried 7 to 0.
10. CONSIDERATION OF AND ACTION ON A PURCHASE OF SERVICES FROM FUQUAY, INC., THROUGH THE BUY BOARD COOPERATIVE PURCHASING PROGRAM TO PERFORM STORM SEWER CMP REHABILITATION PROJECT - BASIN 7 (PHASE 2) – Motion was made by Councilman Ginn and seconded by Councilman Haight on the purchase of services from Fuquay, Inc., through the Buy Board Cooperative Purchasing Program to perform Storm Sewer CMP Rehabilitation Project - Basin 7 (Phase 2). Motion carried 7 to 0.
11. CONSIDERATION OF AND ACTION ON AN AMENDMENT TO THE EXISTING AGREEMENT WITH COBB FENDLEY FOR PROFESSIONAL ENGINEERING SERVICES RELATING TO THE DESIGN AND CONSTRUCTION OF A DETENTION POND ON THE RECENTLY ACQUIRED ACREAGE AT THE OLD SAN JACINTO DPISD PROPERTY – Motion was made by Councilman Martin and seconded by Councilman Patterson on an amendment to the existing agreement with Cobb Fendley for professional engineering services relating to the design and construction of a detention pond on the recently acquired acreage at the old San Jacinto DPISD property. Motion carried 7 to 0.
12. CONSIDERATION OF AND ACTION ON A RESOLUTION TO TRANSFER \$6,000,000.00 FROM THE FISCAL YEAR 2022-2023 UNASSIGNED FUND BALANCE FROM THE GENERAL FUND TO THE CAPITAL IMPROVEMENTS FUND – After a proposed resolution was read by caption, motion was made by Councilman Ginn and seconded by Councilman Patterson to adopt Resolution No. 23-07, captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS TRANSFERRING \$6,000,000.00 OF UNASSIGNED FUND BALANCE IN THE GENERAL FUND TO THE CAPITAL IMPROVEMENTS FUND FOR CURRENT AND FUTURE PROJECTS.

Motion carried 7 to 0.

13. CONSIDERATION OF AND ACTION ON A RESOLUTION TO TRANSFER \$1,600,000.00 FROM THE FISCAL YEAR 2022-2023 UNASSIGNED FUND BALANCE OF THE GENERAL FUND TO THE CAPITAL EQUIPMENT REPLACEMENT FUND – After a proposed resolution was read by caption, motion was made by Councilwoman Ford and seconded by Councilman Patterson to adopt Resolution No. 23-08, captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS TRANSFERRING \$1,600,000.00 OF UNASSIGNED FUND BALANCE IN THE GENERAL FUND TO THE CAPITAL EQUIPMENT REPLACEMENT FUND FOR CURRENT AND FUTURE PROJECTS.

Motion carried 7 to 0.

14. CONSIDERATION OF AND ACTION ON A RESOLUTION TO TRANSFER \$633,000 FROM THE FISCAL YEAR 2022-2023 ASSIGNED FUND BALANCE FROM THE GENERAL FUND TO THE DISASTER DECLARATIONS FUND – After a proposed resolution was read by caption, motion was made by Councilwoman Garrison and seconded by Councilman Haight to adopt Resolution No. 23-09, captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS TRANSFERRING \$633,000.00 OF ASSIGNED FUND BALANCE IN THE GENERAL FUND TO THE DISASTER DECLARATIONS FUND FOR EXPENDITURES RELATED TO THE JANUARY 24, 2023 TORNADO.

Motion carried 7 to 0.

15. CONSIDERATION OF AND ACTION ON AMENDING THE FINANCIAL MANAGEMENT POLICY – Motion was made by Councilwoman Garrison and seconded by Councilman Martin to approve amending the Financial Management Policy. Motion carried 7 to 0.
16. CONSIDERATION OF AND ACTION ON A RESOLUTION AMENDING CHAPTER VI, SECTION 6.10 OF THE PERSONNEL RULES AND POLICIES OF THE CITY OF DEER PARK BY ADDING MARTIN LUTHER KING DAY AND A FLOATING HOLIDAY TO THE CURRENT HOLIDAY LIST – After a proposed resolution was read by caption, motion was made by Councilman Ginn and seconded by Councilman Haight to adopt Resolution No. 23-10, captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK REVISING THE PERSONNEL POLICY MANUAL OF THE CITY OF DEER PARK BY AMENDING CHAPTER VI, SUB-SECTION 6.10 RELATING TO THE CITY'S HOLIDAY SCHEDULE.

Motion carried 7 to 0.

17. CONSIDERATION OF AND ACTION ON A RESOLUTION TO AMEND CHAPTER 2 OF THE PERSONNEL POLICY MANUAL OF THE CITY OF DEER PARK RELATING TO THE EMPLOYMENT OF RELATIVES – After a proposed resolution was read by caption, motion was made by Councilwoman Ford and seconded by Councilman Martin to adopt Resolution No. 23-11, captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK REVISING THE PERSONNEL POLICY MANUAL OF THE CITY OF DEER PARK BY AMENDING THE EMPLOYMENT OF RELATIVES POLICY CHAPTER 2.

Motion 7 to 0.

Human Resources Director Bill Philibert explained that this will allow flexibility in enabling Staff the supervision and control over matters pertaining to employment of relatives.

Councilman Patterson asked to have the definitions of “supervision” and “control”.

Mr. Philibert clarified stating those definitions are used to recognize the family member as an applicant or transfer or as a staff member that supervises or has control over the family member’s activities.

Assistant City Manager Sara Robinson commented, “I believe the intention is to prevent conflict of interest and keep the integrity of our policy and workforce.”

18. CONSIDERATION OF AND ACTION ON A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS NOMINATING A CANDIDATE FOR A POSITION ON THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT – After a proposed resolution was read by caption, motion was made by Councilman Ginn and seconded by Councilman Patterson to adopt Resolution No. 23-12, captioned as follows:

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF DEER PARK TEXAS, NOMINATING A CANDIDATE FOR A POSITION ON THE BOARD OF DIRECTORS OF THE HARRIS CENTRAL APPRAISAL DISTRICT. (Mike Sullivan)

Motion carried 7 to 0.

19. CONSIDERATION OF AND ACTION ON A RESOLUTION MAINTAINING THE CITY OF DEER PARK’S CONTRIBUTION RATE TO THE TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS) AT 14.91% FOR 2024 INSTEAD OF 14.41% IN ORDER TO PREFUND THE CITY’S UNFUNDED ACTUARIAL ACCRUED LIABILITY – After a proposed resolution was read by caption, motion was made by Councilwoman Garrison and seconded by Councilman Ginn to adopt Resolution No. 23-13, captioned as follows:

A RESOLUTION OF THE CITY OF DEER PARK CITY COUNCIL MAINTAINING THE CITY’S 2024 MUNICIPAL CONTRIBUTION RATE TO THE TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS) AT 14.91 PERCENT INSTEAD OF 14.41 PERCENT IN ORDER TO PREFUND THE UNFUNDED ACTUARIAL ACCRUED LIABILITY (UAAL).

Motion carried 7 to 0.

20. CONSIDERATION OF AND ACTION ON A RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND PROPOSED ORDINANCE FOR A SPECIFIC USE PERMIT FROM THE REQUEST OF PHELAN-BENNETT DEVELOPMENT TO CHANGE THE PARKING REQUIREMENTS TO CLASS A INDUSTRIAL BULK WAREHOUSE FOR 2830 EAST PASADENA BOULEVARD – After a proposed ordinance was read by caption, motion was made by Councilman Ginn and seconded by Councilman Haight to adopt Ordinance No. 4455, captioned as follows:

AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO PHELAN-BENNETT, LLC, TO REDUCE THE PARKING REQUIREMENT FOR A BULK WAREHOUSE AT 2830 E. PASADENA BOULEVARD, DEER PARK, TEXAS.

Motion carried 7 to 0.

21. CONSIDERATION OF AND ACTION ON AN ORDINANCE APPOINTING FOUR MEMBERS OF THE DEER PARK COMMUNITY DEVELOPMENT CORPORATION – After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilwoman Ford to adopt Ordinance No. 4456, captioned as follows:

AN ORDINANCE APPOINTING FOUR (4) BOARD MEMBERS OF THE DEER PARK COMMUNITY DEVELOPMENT CORPORATION OF THE CITY OF DEER PARK, TEXAS, FOR A TERM OF TWO YEARS. (Layla Ford, Faylene DeFrancis, Doug Burgess, Justin League)

Motion carried 7 to 0.

22. CONSIDERATION OF AND ACTION ON AN ORDINANCE MOVING THE TIME OF THE OCTOBER 3, 2023, REGULAR CITY COUNCIL MEETING FROM 7:30 PM TO OCTOBER 3, 2023 AT 10:00 AM. – After a proposed ordinance was read by caption, motion was made by Councilman Ginn and seconded by Councilman Martin to adopt Ordinance No. 4457, captioned as follows:

AN ORDINANCE RESCHEDULING THE REGULAR COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS; DESIGNATING ANOTHER TIME FOR SAID MEETING TO BE HELD.

Motion carried 7 to 0.

23. CONSIDERATION OF AND ACTION ON AN ORDINANCE ADOPTING THE FY 2023-2024 BUDGET FOR THE CITY OF DEER PARK – After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilman Patterson to adopt Ordinance No. 4458, captioned as follows:

AN ORDINANCE ADOPTING THE 2023-2024 BUDGET FOR THE CITY OF DEER PARK, TEXAS, AND APPROPRIATING THE SEVERAL SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED.

Motion carried 7 to 0 with a record vote:

Mayor Mouton	“Aye”
Councilwoman Garrison	“Aye”
Councilman Haight	“Aye”
Councilman Ginn	“Aye”
Councilman Patterson	“Aye”
Councilman Martin	“Aye”
Councilwoman Ford	“Aye”

24. CONSIDERATION OF AND ACTION ON AN ORDINANCE LEVYING AD VALOREM TAXES FOR TAX YEAR 2023 – After a proposed ordinance was read by caption, motion was made by Councilman Martin and seconded by Councilman Patterson to adopt Ordinance No. 4459, captioned as follows:

AN ORDINANCE OF THE CITY OF DEER PARK, TEXAS LEVYING AD VALOREM TAXES FOR 2023 AT \$0.720000 PER ONE HUNDRED DOLLARS ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS TO PROVIDE REVENUES FOR CURRENT EXPENSES AND INTEREST AND SINKING FUND REQUIREMENTS; PROVIDING DUE AND DELINQUENT DATES; PENALTIES AND INTEREST; PROVIDING A HOMESTEAD EXEMPTION; REPEALING ALL OTHER ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Motion carried 7 to 0 with a record vote:

Mayor Mouton	“Aye”
Councilwoman Garrison	“Aye”
Councilman Haight	“Aye”
Councilman Ginn	“Aye”
Councilman Patterson	“Aye”
Councilman Martin	“Aye”
Councilwoman Ford	“Aye”

25. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING SECTION 106-25(B)(C) OF THE CODE OF ORDINANCES PERTAINING TO WATER AND SEWER RATES – After a proposed ordinance was read by caption, motion was made by Councilman Martin and seconded by Councilman Patterson to adopt Ordinance No. 4460, captioned as follows:

AN ORDINANCE AMENDING CERTAIN PORTIONS OF SECTION 106-25 (b)(c) OF THE CODE OF ORDINANCES OF THE CITY OF DEER PARK, TEXAS, CONCERNING WATER AND SEWER RATES; PROVIDING EFFECTIVE DATES; PROVIDING A REPEALER CLAUSE; PROVIDING FOR SEVERABILITY.

Motion carried 7 to 0.

26. CONSIDERATION OF AND ACTION ON AN ORDINANCE APPROVING THE UPDATED 2023-2024 SALARY & CLASSIFICATION SCALES – After a proposed ordinance was read by caption, motion was made by Councilwoman Ford and seconded by Councilman Haight to adopt Ordinance No. 4461, captioned as follows:

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

Motion carried 7 to 0.

27. CONSIDERATION OF AND ACTION ON AN ORDINANCE TO AMEND SCHEDULE B OF THE CODE OF ORDINANCE RELATED TO VARIOUS PARKS AND RECREATION DEPARTMENT FEES – After a proposed ordinance was read by caption, motion was made by Councilman Ginn and seconded by Councilwoman Ford to adopt Ordinance No. 4462, captioned as follows:

AN ORDINANCE AMENDING APPENDIX B–SCHEDULE OF FEES, RATES AND CHARGES, SECTION 74-1, 74-3, 74-4, AND 74-6 PARKS AND RECREATION FEES OF THE CODE OF ORDINANCES OF THE CITY OF DEER PARK.

Motion carried 7 to 0.

28. CONSIDERATION OF AND ACTION ON AN ORDINANCE APPOINTING ONE MEMBER OF THE FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT OF THE CITY OF DEER PARK TO COMPLETE THE TERM OF A MEMBER – After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilman Patterson to adopt Ordinance No. 4463, captioned as follows:

AN ORDINANCE APPOINTING ONE (1) BOARD MEMBER TO THE FIRE CONTROL AND PREVENTION AND EMERGENCY MEDICAL SERVICE BOARD DISTRICT OF THE CITY OF DEER PARK, TEXAS TO COMPLETE THE TERM OF A DEPARTING MEMBER.  
(Marshall Shepherd)

Motion carried 7 to 0.

ADJOURN – Mayor Mouton adjourned the meeting at 8:35 p.m.

ATTEST:

APPROVED:

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Angela Smith, TRMC, CMC  
City Secretary

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Jerry Mouton, Jr.  
Mayor