

Sherry Garrison, Council Position 1
TJ Haight, Council Position 2
Tommy Ginn, Council Position 3



Bill Patterson, Council Position 4
Ron Martin, Council Position 5
Rae A. Sinor, Council Position 6

James Stokes, City Manager
Gary Jackson, Assistant City Manager

Jerry Mouton Jr., Mayor

Shannon Bennett, TRMC, City Secretary
Jim Fox, City Attorney

CALL TO ORDER

COMMENTS FROM AUDIENCE

1. Presentation and discussion of issues relating to the sale of Certificates of Obligation, Series 2019.

[PRE 19-040](#)

Recommended Action: Discussion only in workshop.

Department: City Manager's Office and Finance

2. Discussion of issues relating to options for the repair/placement of the arches/columns at the entrance to the Court and Theatre Building.

[DIS 19-114](#)

Recommended Action: Discussion only.

Attachments: [Deer Park Courthouse Inspection Report and Analysis final](#)

[IMG_0898](#)

[IMG_0897](#)

[IMG_0893](#)

[IMG_0896](#)

[IMG_0895](#)

3. Discussion of issues relating to the policy of fundraisers at Parks and Recreation Department facilities.

[DIS 19-116](#)

Recommended Action: Discussion only.

Attachments: [CITY OF DEER PARK fundraising application](#)

4. Discussion of issues relating to House Bill 2840.

[DIS 19-117](#)

Recommended Action: Discussion only at this time.

Attachments: [HB2940 Final](#)

[TML QA_HB2840](#)

ADJOURN

The Mission of the City of Deer Park is to deliver exemplary municipal services that provide the community a high quality of life consistent with our history, culture and unique character.

*Shannon Bennett, TRMC
City Secretary*

*Posted on Bulletin Board
November 1, 2019*

City Hall is wheelchair accessible and accessible parking spaces are available. Hearing assistance devices are available. Requests for accommodation services must be made 72 hours prior to any meeting. Please contact the City Secretary office at 281-478-7248 for further information.

The Mission of the City of Deer Park is to deliver exemplary municipal services that provide the community a high quality of life consistent with our history, culture and unique character.



Legislation Details (With Text)

File #: PRE 19-040 **Version:** 1 **Name:**
Type: Presentation **Status:** Agenda Ready
File created: 10/25/2019 **In control:** City Council Workshop
On agenda: 11/5/2019 **Final action:**
Title: Presentation and discussion of issues relating to the sale of Certificates of Obligation, Series 2019.
Sponsors: City Manager's Office, Finance
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
11/5/2019	1	City Council Workshop		

Presentation and discussion of issues relating to the sale of Certificates of Obligation, Series 2019.

Summary: On September 3, 2019, City Council approved Resolution No. 2019-08 authorizing the publication of the City's intention to issue certificates of obligation. The proceeds of these certificates are planned for projects including sewer rehabilitation, water line replacement, rehabilitation and/or painting of a ground and an elevated storage tank, and other necessary renovations at the Water Treatment Plant. The related professional services and issuance costs will also be paid from the proceeds of these certificates. The tentative schedule of events presented by the City's Financial Advisor, John Robuck, from BOK Financial Services, Inc. at the September 3, 2019 workshop, included the sale of these certificates on November 5, 2019. Mr. Robuck and the City's Bond Counsel, Jonathan Frels, from Bracewell LLP will be in attendance at the November 5, 2019 workshop to present the results of the sale and to answer any questions related to this debt issuance.

Fiscal/Budgetary Impact:

Payment of the debt service and issuance costs related to these certificates are "payable from ad valorem taxes and from a limited pledge of a subordinate lien on the net revenues of the City's waterworks and sanitary sewer system."

Discussion only in workshop.



Legislation Details (With Text)

File #:	DIS 19-114	Version:	1	Name:	
Type:	Discussion	Status:		Agenda Ready	
File created:	10/17/2019	In control:		City Council Workshop	
On agenda:	11/5/2019	Final action:			
Title:	Discussion of issues relating to options for the repair/placement of the arches/columns at the entrance to the Court and Theatre Building.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Deer Park Courthouse Inspection Report and Analysis final				
	IMG_0898				
	IMG_0897				
	IMG_0893				
	IMG_0896				
	IMG_0895				

Date	Ver.	Action By	Action	Result
11/5/2019	1	City Council Workshop		

Discussion of issues relating to options for the repair/placement of the arches/columns at the entrance to the Court and Theatre Building.

Summary:

Damage to one of the columns occurred during a charity event that was taking place at the Court and Theatre Building. Parks and Recreation staff was asked to make repairs to the damaged tile located on the column. During the repairs, the contractor making the repair brought to the attention of staff that the interior of the column showed signs of significant deterioration. It was recommended that staff look into this matter further. After several weeks of discussion and investigation, City staff contracted with Carnes Engineering, Inc. to conduct an initial structural assessment of the Court and Theatre Building columns located on the East side of the building. After the initial structural assessment, City staff requested that Carnes provide the City with several repair recommendations. It was determined that excessive moisture and the construction design led to the deterioration of the structural integrity of the columns.

Attachments include photos from the initial assessment from City staff when the damage was first discovered.

Discussion is to determine next steps in repairs related to the Court and Theatre Building columns.

Fiscal/Budgetary Impact:

Repair Estimates for Options:

Option 1: \$88,761 - Repair in Kind

Option 2: \$66,205 - Remove outside wall and repair remaining

Option 3: \$52,950 - Remove three (3) walls including glass canopy

Alt. Option: \$19,500 - Install drainage system in front of building to remove rainfall runoff

Discussion only.

Carnes Engineering, Inc.

12605 IH 10 East, Baytown, TX 77523 Physical
PO Box 668, Mont Belvieu, TX 77580 Correspondence
Voice (281) 385-1200 Fax (281) 385-0920
info@careng.net www.carnesengineering.com



Repair Recommendations

October 22, 2019

RE: Repair recommendation options
1301 Center Street
Deer Park, TX 77536
20,000 Sq. Ft. Theater and Courthouse Building

Prepared for: Mr. Brent Costlow
Mr. Charlie Sandberg
Adam Ballesteros, P.E.

Prepared by: Carnes Engineering, Inc. (CEI)
12605 IH 10 East
Baytown, TX 77523

Introduction:

Carnes Engineering, Inc. ("CEI") was retained to provide the engineering work to complete the scope of Work outlined below. The decorative front entry facade for the referenced building consists of three freestanding structures and one attached to the main structure. All four wall surfaces are completely covered with a thin wall stone finish. The thin stone wall covering attachment and underlayment and has been partially removed to expose evidence of deterioration. This work was authorized by the city and will be billed under the original contract as a reimbursable.

Scope of Work:

- Develop an analysis and outline the cause of the damage and the extent of the failure.
- Develop alternatives for repairs or replacement (i.e. repair in kind, replace underlayment as needed, demolish and re construct.)
- Site inspections as needed.
- Meet with contractors as needed to develop cost. .
- Meet with City to discuss moving forward with repairs or replacement with specific repair or design approach.

Summary of repair options:

Repair in Kind. (Estimated cost - \$ 88,761.00)

1. Remove the exposed light gauge steel framing.
2. Repair structural steel.
3. Clean and paint the new and remaining structural steel.
4. Replace Light gauge and Install moisture resistance substrate.
5. Replace the reusable thin stone cover.
6. Replace and caulk stone as needed. *

Remove outside wall and repair remaining. (Estimated cost - \$ 66,205.00)

1. Remove the exposed light gauge steel framing.
2. Leave and water proof the glass canopy
3. Repair structural steel.
4. Clean and paint the new and remaining structural steel.
5. Replace Light gauge and Install moisture resistance substrate.
6. Replace the reusable thin stone cover.
7. Replace damaged stone as needed

Remove three walls including glass canopy. (Estimated cost - \$ 52,950.00)

1. Remove all exterior light gauge steel framing.
2. Remove structural steel.
3. Remove the glass canopy
4. Replace damaged stone as needed

Install drainage system in front of building to remove rainfall runoff.
(Estimated cost - \$ 19,500.00)

1. 240 ft. buried 6 in. HDPE system, 12 Catch basins, 40 ft. bore under walkway.
2. 177 ft. buried 6 in. HDPE outfall to street.

All cost includes a 20 % contingency.

* Replace and install damaged thin stone \$8.00/ sf

Sincerely,



Donald Spencer Carnes, P.E.
TX License # 46041

Carnes Engineering, Inc.
Firm Registration # F-003737













Legislation Details (With Text)

File #: DIS 19-116 **Version:** 1 **Name:**
Type: Discussion **Status:** Agenda Ready
File created: 10/25/2019 **In control:** City Council Workshop
On agenda: 11/5/2019 **Final action:**
Title: Discussion of issues relating to the policy of fundraisers at Parks and Recreation Department facilities.

Sponsors:

Indexes:

Code sections:

Attachments: [CITY OF DEER PARKfundraising application](#)

Date	Ver.	Action By	Action	Result
11/5/2019	1	City Council Workshop		

Discussion of issues relating to the policy of fundraisers at Parks and Recreation Department facilities.

Summary:

It has been requested that staff develop a policy related to fundraisers that would allow organizations to auction off parking spaces as a form of fundraising. This is was previously requested by the Deer Park Pony Baseball organization.

The Deer Park Pony Baseball organization requested permission to hold a fundraiser at the Spencerview Athletic Complex to City staff. This fundraiser involved the bidding of parking spaces at the complex for exclusive usage during league games.

City staff reviewed the request and determined that a review of this practice needed to occur to be discussed with the Parks and Recreation Commission to determine the potential impact of this fundraiser on the general public. Parks and Recreation reviewed the request and made a recommendation to the Deer Park City Council. City staff brought the recommendation to City Council on August 20th and it was discussed during the City Council Workshop. City Council conversed with City staff and determined that a policy related to fundraisers at Parks and Recreation Department facilities needed to be presented at a later City Council Workshop.

Fiscal/Budgetary Impact:

None

Discussion only.



CITY OF DEER PARK

POLICY FOR FUND-RAISING ACTIVITIES IN CITY PARKS AND RECREATION FACILITIES

The City of Deer Park encourages all citizens, including employees of the City, to support charitable activities that benefit the community.

- City facilities shall include all property owned by the City of Deer Park, including buildings, parking lots, green spaces and parks.
- Fund-raising activities must be beneficial to Deer Park community organizations, citizens, and the community in general.
- All fund-raising activities shall be sponsored by non-profit Deer Park groups or organizations unless written permission is issued by the City otherwise.
- City facilities shall not be used for commercial enterprises or for personal gain, unless either
 1. there will be some direct benefit to the nonprofit organization sponsoring the fund raising activity, or
 2. the commercial enterprise is subject to an agreement with the City which is similar to other City agreements and notes that dates reserved by youth athletic organizations and local service groups for fund raisers will be excluded.
- Use of City facilities for fund-raising activities shall be approved, in advance, by the City of Deer Park.
- The sponsoring organization must submit a completed application in writing (see attached) for use of the facility to the Parks and Recreation Department who will review the fund-raising activities. In addition, the request shall also be submitted by the sponsoring organization to the Fire Department and the Police Department. The Fire and Police Departments must approve the proposal for compliance and applicable codes and ordinances regarding public assemblies, fire codes, and traffic laws. The Parks and Recreation Department shall then have the proposal submitted to the City Manager's office for approval. All City staff recommendations shall also be forwarded to the City Manager.
 1. At the discretion of the City of Deer Park staff, any fund-raising activity application may be subject to recommendation by Parks and Recreation Commission and or approval by the Deer Park City Council.
- If the sponsoring organization is dissatisfied with the decision made by the City Manager, they have the right to appeal the decision to the City Council.

- Permit application process is as follows:
 1. Applicant submits completed application 60 days prior to event(s) to Parks and Recreation Department.
 2. Application reviewed internally by Parks and Recreation Department staff.
 3. Application reviewed internally by City Manager's office.
 4. If applicable, application reviewed by Police and Fire Departments.
 5. If applicable, application reviewed by Parks and Recreation Commission for consideration and recommendation.
 6. If applicable, application is taken for City Council for consideration and approval.
 7. Once approved, the applicant will be notified of the applications approval.

Fundraising in City Parks and Recreation Facilities

Permit Application

Application Instructions: This application must be submitted a minimum of **60** days in advance of the fundraising activity. All items must be completed. Please send the completed to recreation@deerparktx.org or turn application into the Parks and Recreation Administrative Office located at 610 E. San Augustine, Deer Park, TX 77536 between the hours of 7 am – 6 pm, Monday through Friday.

Date Submitted _____

Organization/Sponsoring Group Name and Address

Contact Person _____ **Email** _____

Phone (Home) _____ **(Cell)** _____

City Facility Requested _____

Specific Location _____

Nature and brief description of fundraising activity

Proposed Date (s) _____ **Hours of operation** _____

Estimated number of Attendees _____

Purpose of Fundraising Activity _____

Is this event open to the public? Yes or No

Are there other beneficiaries of this event? Yes or No

If yes, name of other organization(s) or person: _____

I, _____, as the host individual or organization representative, understand and agree to all terms set forth in this application. The information that I have provided is truthful and accurate. I hereby agree that if any claim, action or proceeding shall hereafter be brought seeking to hold the City of Deer Park liable on account of any debt, liability, or obligation, I will defend the City of Deer Park at my (our) sole expense against any claim or demand, or threats thereof, whether or not well founded, and hold the City harmless there from, together with reasonable attorney's fees and costs in connection with any defense there against. Furthermore, I (WE) shall indemnify and hold the City harmless from any such debt, liability or obligation. I agree to accept all responsibility related to this organization, any and all functions of this organization, and the participants visiting my establishment.

Applicant Signature: _____

Printed Name: _____

Date: _____

For office use only:	
Parks and Recreation Department Signature	
City Manager's office Signature	
If applicable:	
Police Department Signature	
Fire Department Signature	
<i>Parks and Recreation Commission Recommendation</i>	
<i>Deer Park City Council Approval or Denied</i>	
Additional notes:	
Approved _____ Denied _____ Reason if denied _____	
Date Approved or Denied: _____	



Legislation Details (With Text)

File #: DIS 19-117 **Version:** 1 **Name:**
Type: Discussion **Status:** Agenda Ready
File created: 10/31/2019 **In control:** City Council Workshop
On agenda: 11/5/2019 **Final action:**
Title: Discussion of issues relating to House Bill 2840.

Sponsors:

Indexes:

Code sections:

Attachments: [HB2940 Final](#)
[TML QA HB2840](#)

Date	Ver.	Action By	Action	Result
11/5/2019	1	City Council Workshop		

Discussion of issues relating to House Bill 2840.

Summary:

House Bill 2840, which was approved in the last legislative session, took effect on September 1, 2019. The bill amended the Texas Open Meetings Act to provide that “a governmental body shall allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body’s consideration of the item.”

Attached is a copy of HB 2840 and a whitepaper prepared by TML on the subject.

The City Council has for many years included an agenda item on regular council meetings allowing audience comments, although, prior to the passage of the bill, the public had only the right to observe, rather than speak at, an open meeting of a governmental body. The audience comments section has now been moved to an even earlier part on the regular council agenda to allow comments before the governing body’s consideration of the item. An audience comments section has also been added to council workshop agendas. Additionally, each of the City appointed boards that are subject to the act (CCPD, FCPEMSD, DPCDC, P&Z Commission) now have an audience comment section on its agenda.

The statute allows a governmental body to adopt reasonable rules concerning the public’s right to speak at an open meeting. The rules may include how long the person can address the governmental body on a given item. If the person addressing the governmental body needs a translator, the governmental body is required to allow at least twice the normal amount of time for the non-English speaker to address the body. Staff plans to submit some proposed rules for Council consideration at an upcoming meeting.

Fiscal/Budgetary Impact:

N/A

Discussion only at this time.

AN ACT

relating to the right of a member of the public to address the governing body of a political subdivision at an open meeting of the body.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 551, Government Code, is amended by adding Section 551.007 to read as follows:

Sec. 551.007. PUBLIC TESTIMONY. (a) This section applies only to a governmental body described by Sections 551.001(3)(B)-(L).

(b) A governmental body shall allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body's consideration of the item.

(c) A governmental body may adopt reasonable rules regarding the public's right to address the body under this section, including rules that limit the total amount of time that a member of the public may address the body on a given item.

(d) This subsection applies only if a governmental body does not use simultaneous translation equipment in a manner that allows the body to hear the translated public testimony simultaneously. A rule adopted under Subsection (c) that limits the amount of time that a member of the public may address the governmental body must

1 provide that a member of the public who addresses the body through a
2 translator must be given at least twice the amount of time as a
3 member of the public who does not require the assistance of a
4 translator in order to ensure that non-English speakers receive the
5 same opportunity to address the body.

6 (e) A governmental body may not prohibit public criticism of
7 the governmental body, including criticism of any act, omission,
8 policy, procedure, program, or service. This subsection does not
9 apply to public criticism that is otherwise prohibited by law.

10 SECTION 2. This Act takes effect September 1, 2019.

H.B. No. 2840

President of the Senate

Speaker of the House

I certify that H.B. No. 2840 was passed by the House on May 3, 2019, by the following vote: Yeas 138, Nays 3, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2840 was passed by the Senate on May 22, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

House Bill 2840: Public Comment on Agenda Items

Zindia Thomas, TML Assistant General Counsel

July 2019

What is H.B. 2840?

House Bill 2840 by Representative Terry Canales (D – Edinburg) is effective date of September 1, 2019. The bill amends the Texas Open Meetings Act to provide that “a governmental body shall allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body’s consideration of the item.” Before the passage of the bill, the public had only the right to observe, rather than speak at, an open meeting of a governmental body.

What right does the public have to speak on a particular agenda item?

The public has the right to speak on each item on the agenda at an open meeting of all governmental bodies as defined by the Open Meetings Act, except for state agencies. Tex. Gov’t Code § 551.007(a).

When does the public have the right to speak on items on the agenda of an open meeting?

The governmental body must allow the public the right to speak on items on the agenda either at the beginning of the meeting or during the meeting when the agenda item is being considered by the governmental body. *Id.* § 551.007(b).

Is a governmental body allowed to adopt reasonable rules on the public’s right to speak?

Yes. A governmental body may adopt reasonable rules concerning the public’s right to speak at an open meeting. *Id.* § 551.007(c). The rules may include how long the person can address the governmental body on a given item. If the person addressing the governmental body needs a translator, the governmental body is required to allow at least twice the normal amount of time for the non-English speaker to address the body. *Id.* § 551.007(d).

May the governmental body still allow the public to ask questions about items not on the agenda?

The governmental body may decide to allow the public to ask questions about items not on the agenda. If the governmental body allows the public to ask questions about items not on the agenda, the governmental body can still apply reasonable rules regarding the number, frequency, and length of presentation, but it cannot discriminate against speakers. The governmental body will not be able to deliberate on any item that is not on the agenda. For such an item, the governmental body may either: (1) make a statement of fact regarding the item; (2) make a statement concerning the policy regarding the item; or (3) propose that the item be placed on a future agenda. *Id.* § 551.042.

May the governmental body prevent the public from criticizing the governmental body or actions of the governmental body?

A governmental body may not prohibit public criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service. However, the bill “does not apply to public criticism that is otherwise prohibited by law.” *Id.* § 551.007(e). What public criticism is prohibited by law remains to be seen. Defamation would probably fall under that prohibition. In any case, a city should be able to enforce a decorum policy for public speakers, so long as it doesn’t prohibit criticism.