

710 EAST SAN AUGUSTINE STREET

DEER PARK, TEXAS 77536

Minutes of

THE 1679TH 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 JANUARY 17, 2017, AT 7:30 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

JERRY MOUTON  
SHERRY GARRISON  
THANE HARRISON  
TOMMY GINN  
BILL PATTERSON  
RON MARTIN  
RAE SINOR

MAYOR  
COUNCILWOMAN  
COUNCILMAN  
COUNCILMAN  
COUNCILMAN  
COUNCILMAN  
COUNCILWOMAN

OTHER CITY OFFICIALS PRESENT:

JAY STOKES  
GARY JACKSON  
SHANNON BENNETT  
JIM FOX

CITY MANAGER  
ASSISTANT CITY MANAGER  
ACTING 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 the Texas Flag.
4. PROCLAMATION RECOGNIZING THE 125TH ANNIVERSARY OF DEER PARK - Mayor Mouton presented Councilwoman Sherry Garrison a proclamation declaring the year 2017 as the “Deer Park’s 125<sup>th</sup> Anniversary Year”.

Councilwoman Garrison gave a brief summary of the History of Deer Park and noted some the events scheduled within the year.

5. BERNARD MALLOY DAY PROCLAMATION – Mayor Mouton presented Bernard Malloy with a proclamation and declared November 30, 2016 as “Bernard Mallory Day”.
6. AWARDING BID FOR SURFACE WATER TREATMENT PLANT IMPROVEMENTS - REPLACEMENT OF ELECTRICAL SWITCHGEAR - B PROJECT (# 3526-16) – Motion was made by Councilman Patterson and seconded by Councilman Ginn to award the Surface

Water Treatment Plant Improvements – replacement of Electrical switchgear –B project (3526-16) to Hi –Tech Electric, low bidder, in the amount of \$45, 010.00. Motion carried 7 to 0.

7. AWARDING OF BID TO RAC INDUSTRIES FOR BATTLEGROUND GOLF COURSE DRIVEWAY IMPROVEMENTS CONSTRUCTION – Motion was made by Councilwoman Garrison and seconded by Councilman Martin to award the bid to RAC Industries for the Battleground Golf Course Driveway Improvements Construction, low bidder, in the amount of \$207, 639.95. Motion carried 7 to 0.
8. 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 workshop meeting on January 3, 2017.
  - b. Approval of minutes of regular meeting on January 3, 2017.
  - c. Approval of tax refund to Marco Group International, Inc. in the amount of \$11,420.12 due to a value decrease granted by Harris County Appraisal District.
  - d. Approval of tax refund to Wells Fargo Home Mortgage in the amount of \$630.68 due to a homestead exemption, an over-65 exemption and a freeze change granted by Harris County Appraisal District.
  - e. Authorization to seek bids for the Phase I Development of the Deer Park Nature Preserve.
  - f. Acceptance of completion and release of retainage for Battleground Golf Course 48” Storm Sewer Pipe Rehabilitation Project.
  - g. Acceptance of completion of 13th Street Lift Station Rehabilitation Project.
  - h. Acceptance of completion and release of retainage to Vaught Services for Storm Sewer Washout Outfall Rehabilitation Project (Moss Ln).

Motion carried 7 to 0.

9. COMMENTS FROM AUDIENCE -

- a. Ken Townsend, 4423 Seneca St., Pasadena, TX 77504, commented, “Thank you very much for giving me the opportunity to come here and speak. I had the misfortune to be a captured audience of your municipal court. In the package that you’ve got before you, is a declaration from me of all that occurred during the progression of everything. Mr. Fox right here was my judge in the arraignment I believe. They split half of the place up with half seeing the judge and half seeing the City Attorney. Mr. Fox could have dismissed my case. I showed him the problem that we had with the citation, but he decided not to. I had to go through the appeals process through the County. As soon as the District Attorney looked at the citation, he dismissed the case in the interest of justice. So, I mean, it should have been dismissed directly, but instead, I went through a lot of expenses, a lot of time, effort

and everything to get this stuff resolved. I'm asking council to give me a small portion of expenses that I incurred because of this. The details through my declaration, it gives you pretty well, what was going on. I've included a disc so you can actually put the documents on your computer if you would like to and see them a little better. I believe that your Municipal Court judges are not trained correctly and you will see documents in there. It's actually called in State law "tampering with State documents". You cannot take an original document and file it into the body of a political subdivision and then a person that works for a bank, to take a big black marker and write all over an original document where you can't get a certified copy of the original document, anymore. There's multiple documents in there that you'll see that the judge did, so he's not trained correctly. I believe that my due process was violated and that's why I would like to resolve the matter. Hopefully, me coming up here will get you where you'll think about the Municipal Court, that the judges need some more training. I hear that you only have one Municipal Court Judge. Well I was in front of three, maybe more judges. I do not know if they brought them in special just for me, but they may have. All of the special ones that you bring in, definitely need to be trained also. I just ask the City Council to consider my declaration and ask yourself whether or not if you went through this process, would you want to go tomorrow and go through it again? I'm one of the people that defend my rights, every time, in every situation. I will spend thousands of dollars, not to pay a fine that I don't owe. That's just the way I've always been. I don't do that. It cost me a lot of money to appeal, from the City of Deer Park, and the law doesn't even allow the expenses that it cost me. I have in your package where when you ask for bail, which bail is supposed to be for aailable offense. The City of Deer Park requires people to put up six hundred and something dollars bail, to be able to appeal the county which is not even allowed by law. Also they have you write it out to the District Court Clerk. The law says that you write it out to the State of Texas. There's a lot of stuff that you'll find in the package that they don't go by State law at all. The judge had an oath of office, supposed to go by the Constitution. He doesn't go by the Constitution. They were pretty much blatant with me because of me trying to defend my rights. I'm asking for a small compensation for what was done to me in the City of Deer Park and I'm asking to see if whether or not maybe you could get some more training for the Municipal Court judges so that other people wouldn't have to go through the same thing that I went through. My five minutes is up. Like I said, I have until March the first. You have a couple of more meetings to maybe look at it at home or whatever."

10. CONSIDERATION OF AND ACTION ON AUTHORIZING A CHANGE ORDER FOR ADDITIONAL EARTHWORK FOR THE BERMS AT THE POLICE FIRING RANGE AND TRAINING FACILITY – Motion was made by Councilman Harrison and seconded by Councilwoman Sinor to approve the change order for additional earthwork for the berms at the Police Firing Range and Training Facility. Motion carried 7 to 0.
11. CONSIDERATION OF AND ACTION ON ENTERING INTO AN AGREEMENT WITH TERRACON CONSULTANTS, INC. FOR MATERIALS TESTING SERVICES ON THE NEW CITY HALL PROJECT – Motion was made by Councilman Harrison and seconded by Councilman Martin to enter into an agreement with Terracon Consultants, Inc. for materials testing services on the new City Hall Project. Motion carried 7 to 0.

12. CONSIDERATION OF AND ACTION ON AN AGREEMENT WITH NATIONAL SIGN PLAZAS (NSP) FOR IMPLEMENTATION OF PHASE 2 OF THE COMPREHENSIVE WAY-FINDING SIGNAGE SYSTEM PLAN FROM NATIONAL SIGN PLAZAS (NSP) – Motion was made by Councilwoman Garrison and seconded by Councilman Ginn to enter into an agreement with National Sign Plazas (NSP) for implementation of Phase 2 of the Comprehensive Way-Finding Signage System Plan from National Sign Plazas. Motion carried 7 to 0.
13. CONSIDERATION OF AND ACTION ON AUTHORIZATION TO PURCHASE PLAYGROUND AMENITIES FROM THE PLAYWELL GROUP VIA THE BUYBOARD FOR THE RENOVATION OF TIFFANY AMBER PARK- Motion was made by Councilman Harrison and seconded by Councilman Ginn to approve the purchase of playground amenities from the PlayWell Group via the BuyBoard for the renovation of Tiffany Amber Park. Motion carried 7 to 0.
14. CONSIDERATION OF AND ACTION ON AUTHORIZATION TO PURCHASE FROM PLAYWORKS VIA THE BUYBOARD FOR THE INSTALLATION OF PARK AND PLAYGROUND AMENITIES AT TIFFANY AMBER PARK - Motion was made by Councilwoman Garrison and seconded by Councilman Ginn to approve the purchase from PlayWorks via the BuyBoard for the installation of park and playground amenities at Tiffany Amber Park. Motion carried 7 to 0.
15. CONSIDERATION OF AND ACTION ON AUTHORIZATION TO PURCHASE FROM MAY RECREATION VIA THE BUYBOARD FOR THE DEVELOPMENT OF PARK AND PLAYGROUND AMENITIES AT COTTONWOOD PARK - Motion was made by Councilman Harrison and seconded by Councilwoman Sinor to approve the purchase from May Recreation via the BuyBoard for the development of park and playground amenities at Cottonwood Park. Motion carried 7 to 0.
16. CONSIDERATION OF AND ACTION ON AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF DEER PARK, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 2017; LEVYING A TAX AND PROVIDING FOR THE SECURITY AND PAYMENT THEREOF; AND ENACTING OTHER PROVISIONS RELATING THERETO - After a proposed ordinance was read by caption, motion was made by Councilman Harrison and seconded by Councilwoman Sinor to adopt on first and final reading Ordinance No. 3873, captioned as follows:

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF DEER PARK, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 2017; LEVYING A TAX AND PROVIDING FOR THE SECURITY AND PAYMENT THEREOF; AND ENACTING OTHER PROVISIONS RELATING THERETO.

Motion carried 7 to 0.

17. CONSIDERATION OF AND ACTION ON A RESOLUTION TO NAME THE CITY OWNED PARK PROPERTY WITHIN THE COTTONWOOD ESTATES SUBDIVISION, "COTTONWOOD PARK" - Motion was made by Councilman Ginn and seconded by Councilman Martin to approve Resolution No. 2017-01, captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS NAMING THE CITY PARK LOCATED ON ASPEN TRAIL STREET THE "COTTONWOOD PARK".

Motion carried 7 to 0.

18. CONSIDERATION OF AND ACTION ON A RESOLUTION TO NAME THE FUTURE NATURE TRAIL WITHIN THE DEER PARK NATURE PRESERVE THE "DR. BILLY J. SEALEY NATURE TRAIL" - Motion was made by Councilman Ginn and seconded by Councilwoman Sinor to approve Resolution No. 2017-02, captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS NAMING THE NATURE TRAIL, LOCATED IN THE "DEER PARK NATURE PRESERVE" AT THE SOUTHEAST CORNER OF THIRTEENTH STREET AND EAST BOULEVARD THE "DR. BILLY J. SEALEY NATURE TRAIL".

Motion carried 7 to 0.

19. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET FOR CONSTRUCTION OF A NEW CITY HALL – After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilman Harrison to adopt on first and final reading Ordinance No. 3874, 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.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK,  
TEXAS TO PARTICIPATE IN THE EDUCATION SERVICE CENTER  
REGION 19 ALLIED STATES COOPERATIVE.

Motion carried 7 to 0.

22. CONSIDERATION OF AND ACTION ON AUTHORIZATION TO PURCHASE THROUGH THE ESC 19 - ALLIED STATES COOPERATIVE SERVICES OF T.F. HARPER FOR THE CITY HALL PARKING LOT EXPANSION PROJECT – Motion was made by Councilman Martin and seconded by Councilwoman Sinor to approve the purchase through the ESC 19 - Allied States Cooperative services of T.F. Harper for the City Hall Parking Lot Expansion Project. Motion carried 7 to 0.
23. CONSIDERATION OF AND ACTION ON A DESIGN/BUILD AGREEMENT WITH FORD AUDIO-VIDEO SYSTEMS LLC (FORD AV), FOR THE PROVISION OF AUDIO VISUAL CONSULTING SERVICE FOR THE NEW CITY HALL PROJECT THROUGH THE TEXAS BUYBOARD COOPERATIVE - Motion was made by Councilman Patterson and seconded by Councilwoman Garrison to enter into an agreement with Ford Audio-Video Systems LLC (Ford AV), for the provision of Audio Visual consulting service for the new City Hall Project through the Texas BuyBoard Cooperative. Motion carried 7 to 0.
24. CONSIDERATION OF AND ACTION ON THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND AN ORDINANCE CALLING A JOINT PUBLIC HEARING FROM THE REQUEST OF THE CITY OF DEER PARK TO AMEND ORDINANCE NO. 819, THE ZONING ORDINANCE - 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. 3875, captioned as follows:

AN ORDINANCE OF THE CITY OF DEER PARK SETTING A DATE AND TIME FOR A PUBLIC HEARING OF THE PROPOSED AMENDED CHAPTER 98 SUBDIVISIONS CITY OF DEER PARK CODE OF ORDINANCES; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

25. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FY 2016-2017 DEER PARK FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT BUDGET FOR THE REFURBISHMENT OF ONE AMBULANCE - After a proposed ordinance was read by caption, motion was made by Councilman Patterson and seconded by Councilman Ginn to adopt on first and final reading Ordinance No. 3876, captioned as follows:

AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET FOR THE DEER PARK FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT, AND APPROPRIATING THE SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

26. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FY 2016-2017 DEER PARK FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT BUDGET FOR FIREFIGHTING PERSONAL PROTECTIVE EQUIPMENT - After a proposed ordinance was read by caption, motion was made by Councilwoman Sinor and seconded by Councilman Patterson to adopt on first and final reading Ordinance No. 3877, captioned as follows:

AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET FOR THE DEER PARK FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT, AND APPROPRIATING THE SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

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

ATTEST:

APPROVED:

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Shannon Bennett, TRMC  
Acting City Secretary

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Jerry Mouton  
Mayor