

710 EAST SAN AUGUSTINE STREET

DEER PARK, TEXAS 77536

Minutes

of

A WORKSHOP MEETING OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS HELD AT CITY HALL, 710 EAST SAN AUGUSTINE STREET, DEER PARK, TEXAS ON FEBRUARY 5, 2019, BEGINNING AT 6:00 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

JERRY MOUTON, JR.
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
CITY SECRETARY
CITY ATTORNEY

1. MEETING CALLED TO ORDER – Mayor Mouton called the workshop to order at 6:00 p.m.
2. EXECUTIVE SESSION- CONSULTATION WITH CITY ATTORNEY – POTENTIAL LITIGATION – Mayor Mouton recessed the meeting at 6:00 p.m. for an Executive Session.
3. RECONVENED – Mayor Mouton reconvened the workshop meeting at 6:12 p.m.
4. ANNUAL UPDATE ON ACTIVITIES OF THE SOUTHEAST TEXAS HOUSING FINANCE CORPORATION AND THE DEER PARK HOUSING MARKET FROM TROY COTHRAN – Executive Director of Southeast Texas Housing Finance Corporation, Ron Williams gave an overview of the programs available through SETH that include single family home ownership, multifamily home ownership, homebuyer's education and transitional housing. These programs provide assistance to those in the process of purchasing a home. Mr. Williams also spoke of SETH being involved in sponsoring and supporting charitable organizations that help improve the quality of life for children with medical needs and their families. Exhibit A1-A3)

Mr. Williams commented, "I would like to congratulate Troy Cothran on being elected President of the Board of Directors of Southeast Texas Housing Finance Corporation. He has been a great innovator and a leader for us. We look forward to working with him and Deer Park in the future."

SETH Board of Director's President, Troy Cothran, highlighted some changes that have taken place recently that include the opportunity to be able to assist with conventional loan type programs and discussed the assistance for first time homebuyers, affordable housing homebuyers and senior living housing that SETH provides. Mr. Cothran also gave details of the Deer Park Housing Market of 2018 and highlighted the average days on the market of sold properties and the average pricing of those properties. (Exhibit B1)

5. PRESENTATION OF THE SUMMARY REPORT OF THE ANNUAL COMPARATIVE ANALYSIS FOR BIAS-BASE/RACIAL PROFILING – Police Chief, Greg Grigg gave detail of a change in policy that now will require a racial profiling card to be filled out. Chief Grigg also gave an overview of the data collected and analyzed to determine if any racial profiling or other form of bias-based policing exists in the Deer Park Police Department. The data showed the traffic stops, traffic citations issued, traffic stop arrests, asset forfeiture, and seizures during 2018. Chief Grigg gave detail of the Asset Seizure and Forfeiture Review and concluded the case reports associated with the circumstances surrounding these seizures show no indication of bias-based profiling during 2017/2018. (Exhibit C1-C4)
6. DISCUSSION OF ISSUES RELATING TO A REQUEST FOR PROPOSALS (RFP) FOR DISASTER RECOVERY GRANT MANAGEMENT/ADMINISTRATIVE SERVICES – Assistant City Manager, Gary Jackson gave an overview of the assessments of flood claims and expenses related to Hurricane Harvey. Following the event, public funds were expended for Emergency Protective Measures and Emergency Debris Removal in the City of Deer Park. Most of the funds for reimbursement of expenses associated with the debris removal have been received. The reimbursement for expenses associated with Emergency Protective Measures has been obligated by FEMA and reimbursement is pending. Authorization has been approved to proceed with the procurement process for the repairs to the Police Department Firearms Training Facility. Due to the extensive amount of grant related requirements involved in the procurement and administration of the remaining projects remaining (Police Department Firearms Training Facility and storm water repair), it is recommended that we issue a Request for Proposals (RFP) for disaster recovery grant management/administrative services. The cost of the services is an eligible expense as a Standard Directive Administrative Cost (DAC) under the FEMA Public Assistance Grant. (Exhibit D1)

Mr. Jackson commented, "To make sure all is done 100% correctly, we feel like services of a specialist would be necessary."

7. DISCUSSION OF ISSUES RELATING TO THE ACQUISITION OF PROPERTY FROM DEER PARK INDEPENDENT SCHOOL DISTRICT – City Manager, Jay Stokes discussed the acquisition of property from Deer Park Independent School District.

Staff identified areas of Deer Park which sustained the greatest amounts of flood damage during Hurricane Harvey. Engineering firm Cobb Fendley assessed drainage improvement needs particularly in the Heritage Addition, in hopes of determining solutions to the subdivision's localized flooding. Cobb Fendley examined a 6.19 acre property near the subdivision which is owned by DPISD. It was concluded that this property could be utilized to create a detention pond to help alleviate flooding in Heritage Addition and was brought to DPISD's Superintendent, Victor White and his Staff. Terms were agreeable to working with the City to acquire this property. DPISD Staff presented this matter to the Board of Trustees, where it was met favorably. DPISD officials had the property appraised to determine its fair market value and that was determined to be \$675,000. Recommendation is to have the City purchase this property from DPISD in the amount of \$675,000. Mr. Stokes commented, "We are very blessed to have a wonderful school district and a wonderful relationship between the City of Deer Park and Deer Park Independent School District. What we have reported is a testament to that. We really appreciate the School Board, Victor White and his Staff."

8. DISCUSSION OF ISSUES RELATING TO THE UPDATES OF THE CITY'S FINANCIAL MANAGEMENT POLICY – Finance Director, Donna Todd gave an overview of updates made to the policy to include the use of contingency funds in an emergency situation and purchasing. The recommended update to the Financial Management Policy is to address the immediate need to expend funds in an emergency or Unforeseen circumstance with funding for such an expenditure from contingency funds, unassigned fund balance, or prior year revenue. To avoid potentially costly delays (e.g., additional damage to an operating system requiring repair), the City recommends that the Financial Management Policy be amended to allow the City Manager to approve such an expenditure to be followed by City Council approval of an ordinance amending the budget for such expenditure at the next regular meeting. This approval would cover expenditures to be funded by available contingency funds, but the approval could also cover expenditures to be covered by unassigned fund balance. Ms. Todd also discussed authority to the City Manager by Ordinance No. 3774 dated January 19, 2016 to contract for expenditures of budgeted items not to exceed \$50,000.00 without further City Council approval. The City recommends including this authorization in the Financial Management Policy. Additionally, the City recommends including a reference to the required Form 1295 in the policy.

Councilman Patterson asked, "Is there a limit on the emergency spending?"

Ms. Todd responded, "The limit would be whatever the contingency amount is."

9. DISCUSSION OF ISSUES RELATING TO A CONTRACT FOR THE COLLECTION OF DELINQUENT MUNICIPAL COURT FINES AND FEES WITH THE LAW FIRM LINEBARGER, GOGGAN, BLAIR AND SAMPSON – City Manager, Jay Stokes discussed the potential renewal of the contract for delinquent Municipal Court fines and fees with the law firm Linebarger, Goggan, Blair and Sampson. The new contract contains identical language with the term of 3 years and may be terminated by the City

with 60 days notice.

Richard Hill, of Linebarger Goggan Blair & Sampson LLP, commented, “It has truly been a pleasure to represent the City of Deer Park in the collection of delinquent Municipal Court receivables. Thank you very much.”

10. DISCUSSION OF ISSUES RELATING TO ALLOWING FOOD TRUCKS AT SPECIAL CITY OF DEER PARK EVENTS – City Manager, Jay Stokes discussed the present City regulations that do not allow food trucks to operate in Deer Park. Mr. Stokes spoke of the possible changes to the Municipal Code that would permit food trucks to operate at City facilities as part of special events and gave an example of when allowing the food trucks in the City would be applicable. The discussion was focused on what is hoped to be accomplished, what changes to the existing ordinances need to occur to implement the change, and what consequences will need to be avoided to prevent unintended issues relative to existing Code.

Councilman Patterson asked, “For the Deer Park 125th Celebration event, how did we get those trucks in?”

Mr. Stokes responded, “It just sort of occurred. We called it a City event on school property. There are probably other times that have had food trucks in the City that maybe weren’t complying.”

Councilman Patterson asked, “Is this for City events on City property?” Currently, can a private property have a food truck?”

City Attorney, Jim Fox responded, “Yes.” Some of the guidelines we need from Council has to do with permitting, how long the permit is for and how many times a year can someone be allowed to get a permit.”

Councilwoman Garrison asked, “I am for this, I think it would be great. However, I think we have to have control over it. Do other cities do background checks?”

Mr. Fox responded, “No. They are required to have the County’s approval for the food.”

Assistant City Manager, Gary Jackson commented, “If we are talking about City events, those would be only the things we are allowing. We would invite certain food trucks to come and permit them only for the length of the event. If the Council is interested and it is legal, and since the food trucks will be coming to our event, background checks could be something we may be interested in doing.”

Councilwoman Sinor commented, “Just like anything else, you would want to check references.”

11. DISCUSSION OF ISSUES RELATING TO THE INSTALLATION OF SOD VS. SPRIGGING GRASS AT THE NEWLY RENOVATED DEER PARK COMMUNITY DEVELOPMENT CORPORATION SOCCER COMPLEX PROJECT – Parks and

Recreation Direction, Charlie Sandberg gave an overview of the Deer Park Community Development Corporation Soccer Complex construction plans to sprig four (4) lighted soccer fields and two (2) unlighted fields that will be hydro mulched. Due to the inclement weather and project set-backs, the sprigs have not been planted to date and are proposed to be installed in March of 2019. This will result in the grass not being mature until late 2019 or early 2020. There has been discussion to expedite the growing process of the grass by installing sod which will in turn have the grass ready for Fall of 2019. This will increase the cost of the project. Mr. Sandberg highlighted the current sprigging cost as \$52,908.90 to sprig 4 lighted soccer fields per the current contractor's cost of \$1.10 a square yard and \$26,454.00 to sprig 2 unlighted soccer fields per the current contractor's cost of \$1.10 a square yard. In comparison, Mr. Sandberg gave details of the proposed sodding cost for the same project as \$288,600 to sod 4 lighted soccer fields per the current contractor's cost of \$6 a square yard and \$144,300 to sod 2 lighted soccer fields per the current contractor's cost of \$6 a square yard. Option 1 is being proposed by Mr. Sandberg to have sod on two lighted soccer fields at the cost of \$144,300 and deduct \$26,454 from the current plan to sprig two lighted soccer fields. This would leave an amount of \$117,846 that would be required as a budget amendment from City funds.

City Manager, James Stokes commented, "We will bring it to the next agenda so Council can approve the budget amendment."

After a lengthy discussion, it was the consensus of the Council to agree on Option 1 and have two lighted and fully matured sodded fields by the Fall of 2019.

12. DISCUSSION OF ISSUES RELATING TO THE FISCAL YEAR 2019-2020 BUDGET CALENDAR – Assistant City Manager, Gary Jackson advised Council of the proposed FY 2019-2020 Budget calendar. This calendar includes budget related workshops, meetings and hearings for the City staff, City Council, the CCPD Board, the FCPMSD Board and the Deer Park Community Development Corporation Board. The schedule was designed to meet the requirements of the City Charter as well as applicable State statutes. (Exhibit F1)
13. DISCUSSION OF ISSUES RELATING TO A PETITION FOR VOLUNTARY ANNEXATION OF FOUR TRACTS OF LAND TOTALING 49.0146 ACRES AND A PETITION TOTALING 83 SQUARE FEET IN THE CITY'S ETJ LOCATED ALONG THE WEST SIDE OF INDEPENDENCE PARKWAY AND NORTH OF STATE HIGHWAY 225 INTO THE DEER PARK CITY LIMITS – Assistant City Manager, Gary Jackson gave an overview of the petition for voluntary annexation. Pursuant to the Molto Properties annexation presentation given by Chad Parrish at the December 4, 2018 Council Workshop, the City has now received two petitions for voluntary annexation of property in the City's ETJ located along the west side of Independence Pkwy and North of State Highway 225 into the Deer Park city limits. The first petition is for four (4) tracts totaling 49.0146 acres owned by GEO Specialty

Chemicals, Inc. The second petition is for 83 square feet owned by RBD Development, LLC. (see attached letter from Molto Properties and exhibits).

Chad Parrish, of Molto Properties, gave a summary of the current contract to purchase two properties within the City of Deer Park and the plan to voluntarily join in the City limits. This would also include taking on the expense and burden of the utilities for the properties. "We do intend to build on a speculative basis, which means we do not have a tenant necessarily lined up before we start this project, but we are committed to do it. I would say in general, this should be a benefit to the existing facility. It has been idle for over 20 years. We are intending to redevelop that property and create something much more aesthetically pleasing."

Chad Miller of GEO Specialty Chemicals commented, "We have been a member of the Deer Park community since we purchased the property in 2005. We have been working with Molto Properties for about a year and checked them out firmly. We wanted to make sure we did a good job of selling to someone that was going to be a good neighbor to us. We spent a lot of time checking out Molto Properties and they are a world class developer for this space. We are very pleased to be able to partner with them. From the GEO Specialty Chemicals perspective, these additional funds from this transaction will allow us to invest in our existing operation for expansion."

Councilwoman Sinor asked, "Is this being built for just one client?"

Mr. Parrish responded, "It would most likely be multi-tenant, but it could also be one tenant. We do not really know yet."

Mr. Jackson commented, "On the regular agenda, you have three ordinances that are related to this. Two would be acceptance of the petitions and if you accept the petitions for annexation then you would call two public hearings, which are the three ordinances you would entertain in the regular meeting."

14. ADJOURN – Mayor Mouton adjourned the workshop meeting at 7:17 p.m.

ATTEST:

APPROVED:

Shannon Bennett, TRMC
City Secretary

Jerry Mouton, Jr.
Mayor