

710 EAST SAN AUGUSTINE STREET

DEER PARK, TEXAS 77536

Minutes of

THE 1743rd 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 OCTOBER 15, 2019, AT 7:30 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

JERRY MOUTON, JR.  
SHERRY GARRISON  
TJ HAIGHT  
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 meeting to order at 7:30 p.m.
2. RECESS/RECONVENE – Mayor Mouton recessed the regular meeting at 7:30 p.m. and reconvened the meeting at 7:38 p.m.
3. INVOCATION – The invocation was given by Councilman Patterson.
4. PLEDGE OF ALLEGIANCE – Councilman Martin led the Pledge of Allegiance to the United States Flag and led the Texas Flag Pledge.
5. PRESENTATION OF A DONATION FROM THE CITY OF DEER PARK PARKS AND RECREATION'S REINDEER DASH EVENT TO THE DEER PARK OPPORTUNITY CENTER – Athletics/Aquatics Supervisor Lacy Stole gave a brief description of the Opportunity Center and their role in the Community. Ms. Stole presented the Opportunity Center a check in the amount of \$840 from the proceeds of the Reindeer Dash Event.

Opportunity Center representative Chad Burke commented, “Thank you to the City, this is a fantastic donation. I know most of you may know about the Opportunity Center. It is a group that is dedicated to the families and students of Deer Park ISD and the City of Deer Park. It is really focused on this town. The goal is to improve the lives of students and families that

need help within the community. It was founded in 2008, as a reactionary measure for transitional students, or better known as homeless students, in the City to be able to react to them before they fall through the cracks. Over the years the group, with funding like what we are seeing tonight, has provided things like housing, financial support for bills and basic needs. Food, mattresses to get people off the floor, bicycles to get students to school and to get people to their jobs, and just basic transportation. We like to work behind the scenes, and leverage our network of resources. It is a very small but agile and focused group. One hundred percent of the funds that are donated go to the people that are in need. There is no admin cost, it is all voluntary. Our very own Mayor is one of the original Board members as well. We appreciate all the support and the ability to help these families and students in the City.”

6. SPECIAL PRESENTATION - RECOGNITION OF THE WATER AND SEWER MAINTENANCE STAFF – City Manager James Stokes spoke on the compliments and emails from the citizens on the consistency of a “job well done” from the Water and Sewer Maintenance Staff.

Public Works Director Bill Pederson commented, “We really appreciate their hard work and dedication. They provide phenomenal customer service and they respect people’s property when they are working in their backyards. I would like to also recognize Brent Costlow, Assistant Director of Public Works, this department works under him.”

Water and Sewer Maintenance Supervisor Tom Fuller introduced the Water and Sewer Maintenance Staff and commented, “Thank you all again for having us here, we appreciate it. It means a lot to me and it means a lot to the guys.”

7. PROCLAMATION OF NATIONAL CYBER SECURITY AWARENESS MONTH OCTOBER 2019 – Mayor Mouton presented a Proclamation to the Information Technology Director James Lewis, declaring the month of October 2019 as Cyber Security Awareness month. Mr. Lewis gave a summary on Cyber Security and introduced the Information Technology Staff.
8. PUBLIC HEARING FOR THE CITY TO ADOPT STANDARDS OF CARE FOR THE ALL STAR ACTIVITY PROGRAM – The public hearing was opened by the City Secretary reading the Notice of Public Hearing. (Exhibit A)

Mayor Mouton called for those desiring to speak in favor of the adoption of the Standards of Care for the All Star Activity Program. No one spoke.

Mayor Mouton called for those desiring to speak against the adoption of the Standards of Care for the All Star Activity Program. No one spoke.

Mayor Mouton closed the Public Hearing.

9. COMMENTS FROM AUDIENCE – No comments received.

10. AWARDING BID FOR FABRICATION OF THE REINFORCED PLASTIC (FRP) LAUNDER COVERS FOR DEER PARK – WASTE WATER TREATMENT PLANT (WWTP) – Motion was made by Councilman Ginn and seconded by Councilman Patterson to award the bid for fabrication of the reinforced plastic (FRP) launder covers for Deer Park – Waste Water Treatment Plant (WWTP) to Nefco Systems, low bidder in the amount of \$193,600. Motion carried 7 to 0.
11. CONSENT CALENDAR – Motion was made by Councilman Ginn and seconded by Councilman Patterson to approve the consent calendar as follows:
  - a. Approval of minutes of regular meeting on October 1, 2019.
  - b. Approval of tax refund to Underwood Associates in the amount of \$676.38 due to a value decrease granted by Harris County Appraisal District.
  - c. Approval of tax refund to Malone Industrial Machine LLC in the amount of \$641.64 due to a value decrease granted by Harris County Appraisal District.
  - d. Approval of tax refund to Terrell E. & Donna Wooley in the amount of \$823.64 due to a veteran exemption, an over-65 exemption, and a freeze granted by Harris County Appraisal District.
  - e. Approval of tax refund to Mansion Partners LTD in the amount of \$5,459.35 due to a value decrease granted by Harris County Appraisal District.
  - f. Approval of tax refund to Allied Deer Park Bank in the amount of \$1,453.24 due to a value decrease granted by Harris County Appraisal District.
  - g. Approval of tax refund to 3734 Westheimer LTD. in the amount of \$12,752.03 due to a value decrease granted by Harris County Appraisal District.
  - h. Approval of tax refund to Terrell E. & Donna Wooley in the amount of \$898.91 due to a veteran exemption, an over-65 exemption, and a freeze change granted by Harris County Appraisal District.
  - i. Approval of tax refund to Prologis LP in the amount of \$9,773.35 due to a value decrease granted by Harris County Appraisal District.
  - j. Approval of tax refund to Deer Park Apts. LLC in the amount of \$10,620.00 due to a value decrease granted by Harris County Appraisal District.
  - k. Acceptance of completion and final payment for the Battleground Historic Bridge Repair.
  - l. Authorization to ratify an emergency purchase for a replacement pump at the Waste Water Treatment Plant (WWTP) headworks (HW) lift station (LS).

Motion carried 7 to 0.

12. CONSIDERATION OF AND ACTION ON AUTHORIZATION TO PURCHASE A NIMBLE SAN STORAGE DEVICE FROM DATAVOX VIA THE TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) – Motion was made by Councilwoman Garrison and seconded by Councilman Patterson to authorize the purchase of a Nimble SAN storage device from Datavox via the Texas Department of Information Resources (DIR). Motion carried 7 to 0.
13. CONSIDERATION OF AND ACTION ON AMENDMENT NO.4 TO THE AGREEMENT WITH THE DEER PARK CRIME CONTROL PREVENTION DISTRICT (CCPD) FOR CRIME CONROL PREVENTION DISTRICT PERSONNEL, VEHICLES, FACILITIES, EQUIPMENT, INVESTMENTS, AND GRANT ADMINISTRATION – Motion was made by Councilwoman Sinor and seconded by Councilman Martin to approve the amendment No. 4 to the agreement with the Deer Park Crime Control Prevention District (CCPD) for CCPD Personnel, Vehicles, Facilities, Equipment, Investments, and Grant Administration. Motion carried 7 to 0.
14. CONSIDERATION OF AND ACTION ON AMENDMENT NO.4 TO THE AGREEMENT WITH THE DEER PARK FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT (FCPEMSD) FOR FCPEMSD PERSONNEL, VEHICLES, FACILITIES, EQUIPMENT, INVESTMENTS, AND GRANT ADMINISTRATION – Motion was made by Councilman Martin and seconded by Councilman Patterson to approve the amendment No. 4 to the agreement with the Deer Park Fire Control, Prevention and Emergency Medical Services District (FCPEMSD) for FCPEMSD Personnel, Vehicles, Facilities, Equipment, Investments and Grant Administration. Motion carried 7 to 0.
15. CONSIDERATION OF AND ACTION ON THE REQUEST OF 739 INDEPENDENCE LLC. FOR A SPECIFIC USE PERMIT TO CONSTRUCT A BULK WAREHOUSE AT 1155 INDEPENDENCE PARKWAY (12.0163 ACRE TRACT OF LAND OUT OF THE GEORGE ROSS SURVEY, A-646 AND BEING A PORTION OF THE CERTAIN 108.499 ACRE TRACT OF LAND DESCRIBED IN A DEED FROM HAMPSHIRE CHEMICAL CORP) – Motion was made by Councilwoman Garrison and seconded by Councilman Patterson to refer to the Planning and Zoning Commission the request of 739 Independence LLC. for a Specific Use Permit to construct a bulk warehouse at 1155 Independence Parkway (12.0163 acre tract of land out of the George Ross Survey, A-646 and being a portion of the certain 108.499 acre tract of land described in a deed from Hampshire Chemical Corp). Motion carried 7 to 0.
16. CONSIDERATION OF AND ACTION ON THE REFERRAL OF A REQUEST TO ESTABLISH A ZONE DESIGNATION FOR INTENSIVE INDUSTRIAL (M3) DISTRICT PHASE II TO THE PLANNING AND ZONING COMMISSION – Motion was made by Councilwoman Garrison and seconded by Councilman Patterson to authorize and establish a zone designation for Intensive Industrial (M3) District and refer to the Planning and Zoning Commission to schedule a Public Hearing. Motion carried 7 to 0.

17. CONSIDERATION OF AND ACTION ON AN ORDINANCE ACCEPTING OR REFUSING THE PETITION FOR VOLUNTARY ANNEXATION OF 12.0163 ACRES 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 – After a proposed ordinance was read by caption, motion was made by Councilman Ginn and Councilman Patterson to adopt Ordinance No. 4112, captioned as follows:

AN ORDINANCE ACCEPTING THE PETITION FOR VOLUNTARY ANNEXATION FROM 739 INDEPENDENCE, LLC ON 12.0163 ACRES OF LAND OUT OF GEORGE ROSS SURVEY A-646.

Motion carried 7 to 0.

18. CONSIDERATION OF AND ACTION ON AN ORDINANCE ADOPTING THE STANDARDS OF CARE FOR THE ALL STAR ACTIVITY PROGRAM FOR 2019-2020 DEER PARK INDEPENDENT SCHOOL DISTRICT SCHOOL YEAR – After a proposed ordinance was read by caption, motion was made by Councilwoman Sinor and seconded by Councilman Martin to adopt Ordinance No. 4113, captioned as follows:

AN ORDINANCE OF THE CITY OF DEER PARK ADOPTING STANDARDS OF CARE FOR THE CITY'S ALLSTAR ACTIVITY PROGRAM.

Motion carried 7 to 0.

19. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING APPENDIX B, SECTION 74-4, SCHEDULE OF FEES, RATES AND CHARGES PARKS AND RECREATION THEATRE FEES – After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilman Patterson to adopt Ordinance No. 4114, captioned as follows:

AN ORDINANCE AMENDING APPENDIX B–SECTION 74-4 PARKS AND RECREATION THEATRE FEES OF THE CODE OF ORDINANCES OF THE CITY OF DEER PARK.

Motion carried 7 to 0.

20. CONSIDERATION OF AND ACTION ON AN ORDINANCE GRANTING A PIPELINE FRANCHISE TO EXXONMOBIL FOR A TWENTY INCH (20") PIPELINE (THIRD READING) – After a proposed ordinance was read by caption, motion was made by Councilman Martin and seconded by Councilwoman Sinor to adopt Ordinance No. 4093, captioned as follows:

AN ORDINANCE GRANTING EXXONMOBIL PIPELINE COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, INSTALL, EXTEND, REMOVE, REPLACE, ABANDON, OPERATE AND MAINTAIN ITS PROPOSED 20-INCH PIPELINE, WHICH

WILL BE INSTALLED ALONG THE SOUTH RIGHT-OF-WAY OF STATE HIGHWAY 225, IN THE CITY OF DEER PARK, HARRIS COUNTY, TEXAS, FOR THE PURPOSE OF TRANSPORTING REFINED PETROLEUM PRODUCTS; PROVIDING FOR A FEE; PROVIDING AN INDEMNITY CLAUSE; PROVIDING THAT THIS FRANCHISE SHALL NOT BE EXCLUSIVE; RESERVING ALL POWERS OF REGULATION; PROVIDING FOR ACCEPTANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY BY FINE OF UP TO \$2,000.00 FOR EACH DAY'S VIOLATION.

Motion carried 7 to 0.

21. CONSIDERATION OF AND ACTION ON AN ORDINANCE ADDING ARTICLE X; SECTION 62-274 THROUGH SECTION 62-282 TO THE CODE OF ORDINANCES PERTAINING TO RIOTS, PROTESTS AND MASS GATHERINGS – After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilwoman Sinor to adopt Ordinance No. 4115, captioned as follows:

AN ORDINANCE AMENDING CHAPTER 62; MISCELLANEOUS OFFENSES BY ADDING ARTICLE X; SECTIONS 62-274 THROUGH 62-282.

Motion carried 7 to 0.

22. CONSIDERATION OF AND ACTION ON AN ORDINANCE TO AMEND THE FY 2019-2020 DEER PARK CRIME CONTROL AND PREVENTION DISTRICT BUDGET FOR RECONSTRUCTION OF THE BERM AT THE POLICE DEPARTMENT FIRING RANGE – After a proposed ordinance was read by caption, motion was made by Councilman Martin and seconded by Councilwoman Sinor to adopt Ordinance No. 4116, captioned as follows:

AN ORDINANCE AMENDING THE FISCAL YEAR 2019-2020 BUDGET FOR THE DEER PARK CRIME CONTROL AND PREVENTION DISTRICT, AND APPROPRIATING THE SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED.

Motion carried 7 to 0.

23. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FISCAL YEAR 2019-2020 GRANTS FUND BUDGET FOR ADDITIONAL GRANT FUNDS – After a proposed ordinance was read by caption, motion was made by Councilwoman Sinor and seconded by Councilman Martin to adopt Ordinance No. 4117, captioned as follows:

AN ORDINANCE AMENDING THE 2019-2020 BUDGET FOR THE CITY OF DEER PARK, TEXAS, AND APPROPRIATING THE SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED.

Motion carried 7 to 0.

24. CONSIDERATION OF AND ACTION ON THE AWARD OF BID FOR THE REPAIRS TO THE POLICE FIREARMS TRAINING FACILITY – Motion was made by Councilman Patterson and seconded by Councilman Haight to award the bid for the repairs to the Police Firearms Training Facility to Jerdon Enterprises L.P., low bidder, in the amount of \$788,788.78.

Assistant City Manager Gary Jackson commented, “This project has been talked about for quite some time. The berms were damaged in Hurricane Harvey and it has been quite a process to maneuver through the federal grant system. The grant funds have been obligated for the project. The way the system will work will be that the bid will be awarded tonight. There were five bids that were reviewed and recommended by the Crime Control District. We would notify the low bidder (Jerdon Enterprises, L.P.) on the bid of \$788,788.78 that they were awarded the bid and we would receive a contract. FEMA has approved \$638,000 as the project number, and would reimburse 90% of that number. However, we had to amend the budget because the bid was more than that. Now, we have to justify to FEMA why their number was not correct. The way you justify that is, we went out for competitive bids, where there were 12 contractors that were interested in the project, but only five contractors bid. That justification to FEMA, they would then theoretically approve the obligation from \$638,000 to \$788,788.78. We have to construct the project, which we expect to be 180 days in duration once the contract starts. Our City Engineer has checked out the references of the company, Jerdon Enterprises of Stafford, Texas. They all came back as good references. We are looking forward to getting this done, but it will be a lengthy process going through the grant program.”

Motion carried 7 to 0.

25. 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 Councilman Ginn and seconded by Councilwoman Sinor to adopt Ordinance No. 4118, 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.

(Faylene Defrancis, Position 1, Les Ellard, Position 3, Doug Burgess, Position 5, and Georgette Ford, Position 7)

Motion carried 7 to 0.

26. CONSIDERATION OF AND ACTION ON AN ORDINANCE APPOINTING THREE MEMBERS OF THE CRIME CONTROL AND PREVENTION DISTRICT OF THE CITY OF DEER PARK – After a proposed ordinance was read by caption, motion was made by Councilman Martin and seconded by Councilwoman Sinor to adopt Ordinance No. 4119, captioned as follows:

AN ORDINANCE APPOINTING THREE (3) BOARD MEMBERS OF THE CRIME CONTROL AND PREVENTION DISTRICT OF THE CITY OF DEER

PARK, TEXAS; AND DECLARING AN EMERGENCY. (George Pinder, Craig O'Sullivan, and Dianna Taylor)

Motion carried 7 to 0.

27. CONSIDERATION OF AND ACTION ON AN ORDINANCE APPOINTING THREE MEMBERS OF THE FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL

SERVICES DISTRICT OF THE CITY OF DEER PARK – After a proposed ordinance was read by caption, motion was made by Councilwoman Sinor and seconded by Councilman Patterson to adopt Ordinance No. 4120, captioned as follows:

AN ORDINANCE APPOINTING THREE (3) BOARD MEMBERS OF THE FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT OF THE CITY OF DEER PARK, TEXAS; AND DECLARING AN EMERGENCY. (Charlie Johnson, John Green and Eddie Brashier)

Motion carried 7 to 0.

28. CONSIDERATION OF AND ACTION ON AN ORDINANCE CALLING PUBLIC HEARINGS FOR VOLUNTARY ANNEXATION OF 12.0163 ACRES OF UNDEVELOPED LAND 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 – After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilman Martin to adopt Ordinance No. 4121, captioned as follows:

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF DEER PARK, TEXAS TO INSTITUTE PROCEEDINGS TO ANNEX CERTAIN TERRITORY; CALLING TWO PUBLIC HEARINGS; PROVIDING FOR THE PUBLICATION OF NOTICE OF SUCH HEARINGS BY THE PUBLICATION OF THIS ORDINANCE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW.

Motion carried 7 to 0.

29. CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE CITY'S PARTICIPATION IN THE GOODBUY PURCHASING COOPERATIVE – After a proposed resolution was read by caption, motion was made by Councilwoman Sinor and seconded by Councilman Martin to adopt Resolution No. 2019-12, 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 GOODBUY PURCHASING COOPERATIVE.

Motion carried 7 to 0.



30. CONSIDERATION OF AND ACTION ON AUTHORIZATION TO PURCHASE ONE (1) FORD F-250 TRUCK, ONE (1) FORD F-150 TRUCK, AND ONE (1) FORD EXCURSION FOR THE FIRE DEPARTMENT, FIRE MARSHAL'S OFFICE AND EMS DEPARTMENT THROUGH THE GOODBUY COOPERATIVE PURCHASING PROGRAM (CONTINGENT UPON THE CITY OF DEER PARK'S RECEIPT OF THE EXECUTED INTERLOCAL PARTICIPATION AGREEMENT FOR THE GOODBUY PURCHASING COOPERATIVE) – Motion was made to authorize the purchase of one (1) Ford F-250 truck, one (1) Ford F-150 truck, and one (1) Ford Excursion for the Fire Department, Fire Marshal's Office and EMS Department through the GoodBuy Cooperative Purchasing Program (Contingent upon the City of Deer Park's receipt of the executed Interlocal Participation Agreement for the GoodBuy Purchasing Cooperative). Motion carried 7 to 0.
31. ADJOURN – Mayor Mouton adjourned the meeting at 8:22 p.m.

ATTEST:

APPROVED:

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Shannon Bennett, TRMC  
City Secretary

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Jerry Mouton, Jr.  
Mayor