

CITY OF DEER PARK
710 EAST SAN AUGUSTINE STREET

78-01

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 NOVEMBER 06, 2018, BEGINNING AT 5:30 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
SONIA ACOSTA
JIM FOX

CITY MANAGER
ASSISTANT CITY MANAGER
DEPUTY CITY SECRETARY
CITY ATTORNEY

1. MEETING CALLED TO ORDER – Mayor Mouton called the workshop to order at 5:30 p.m.
2. DISCUSSION OF ISSUES RELATING TO A PROFESSIONAL SERVICES AGREEMENT WITH BRINKLEY SARGENT WIGINGTON ARCHITECTS FOR A NEEDS ASSESSMENT STUDY FOR A NEW COMMUNITY CENTER – Parks and Recreation Director, Charlie Sandberg gave an overview of many issues relating to the new Community Center to include the use of unencumbered Deer Park Community Development Commission funds for the Maxwell Adult Center and Lensec camera services, the negotiation to seek professional services from Burditt Consultants, LLC for the Hike and Bike Trail Project, and the use of unencumbered DPCDC funds for Maxwell Adult Center and extended services to Halff Associates/Brinkley Sargent Wigington. Mr. Sandberg introduced Steven Springs of Brinkley Sargent Wigington Architects. (Exhibit A1)

Mr. Springs commented, “I don’t know what you all need in terms of any more presentations or explanation. I will just open it up for questions.”

Councilwoman Sinor asked, “Does the needs assessment for the new Community Center include all the issues with the problems at the current facility?”

Mr. Springs responded, "I know the whole building was not necessarily in question. The needs assessment focus is more about what is the community needs for recreation and defining that in a way that lends itself to us translating program needs into square footages. Once you have square footages now you have the ability to start having capital conversations and side organization conversations. You will have options at the end of the needs assessment process based on the identified needs."

Councilwoman Garrison asked, "How are you going to find out what the community needs are?"

Mr. Springs responded, "My understanding is that will come through a Steering Committee the City Council or the Parks and Recreation Commission Board will be selecting."

Councilwoman Garrison asked, "Will the needs assessment will mainly be for the physical aspect of the building?"

Mr. Springs responded, "Correct. If we need to do more exploratory public meetings, we can certainly talk about that. Outlining this proposal wasn't anticipated for many public meetings."

Councilwoman Garrison asked, "Will we be able to do something with the existing pool to where we would have something there we could use instead of building a new pool?"

Mr. Springs responded, "Part of our proposal has a physical evaluation of the existing aquatic center. We will have a base line for that conversation of the life cycle and feasibility of refurbishment."

Mr. Sandberg commented, "Mr. Springs will be doing most of the programming aspect of the building. There will be some architectural services, but a big part of this will be programming."

Mr. Springs commented, "One thing that might be worth noting, when Parks and Recreation and designer people use "program" it is a word that usually means completely different things. In the interest of clarity, programming in the Parks and Recreation world mean the events and activities going on. In an architectural world, a program is a spreadsheet that states the square feet and characteristics that are needed. We will be listening to the programming needs of the department and translating those into an architectural program, which then will give the ability to translate into budget concepts."

Mr. Sandberg commented, "There is a summary of the optional additional services. This analysis lets you know an estimate of what your expenses and revenues could possibly be."

Mr. Springs commented, "After the process of determining the needs and budget concepts, we could put together an operational model, basically a business plan of how to operate the facility."

3. EXECUTIVE SESSION – PERSONNEL – NAMING AN APPOINTEE TO THE BOARD OF DIRECTORS OF THE DEER PARK COMMUNITY DEVELOPMENT CORPORATION – Mayor Mouton recessed the workshop meeting at 5:41 p.m. for an Executive Session.
4. EXECUTIVE SESSION – PERSONNEL – NAMING AN APPOINTEE TO AN ARBITRATION COMMITTEE – Mayor Mouton reconvened the workshop meeting at 5:53 p.m.
5. DISCUSSION OF ISSUES RELATING TO THE PROPOSED ORDINANCE RELATED TO SEISMIC TESTING – City Manager, Jay Stokes gave an overview of the potential adoption of an ordinance related to seismic testing within the city limits. Presently, the City has no ordinance that addresses seismic testing. Mr. Stokes introduced Mr. Michel Bechtel of Blue Moon Exploration Company, LLC to discuss potential requirements of a seismic testing ordinance and to answer any questions.

City Attorney Jim Fox, commented, "After meeting with Mr. Bechtel and based on some recommendations and some new technologies, there were changes made to the proposed ordinance. The notifications for the testing that is sent out to the residents had a distance of 2000 feet and was greatly reduced to 300 feet. Extension of the permit period changed from 120 days to 90 days. The source point energy testing distance requirements changed from 300 feet to 50 feet."

Mayor Mouton asked Mr. Bechtel to give a brief explanation.

Mr. Bechtel commented, "Instead of having a horizontal distance from a structure, the technology of today can measure every shock point called Peak Particle Velocity (PPV). It is a way of measuring vibrations in a subsurface. It is used for mining and construction."

Mayor Mouton asked, "Is it a small device that is put down?"

Mr. Bechtel responded, "Yes, which allows you to get much closer."

Mayor Mouton asked, "Just to clarify, there will be a distance of 50 feet from a structure where vibrations will be sent and there will also be a secondary company that will make sure no extra vibrations will be sent out?"

Mr. Bechtel responded, "Correct."

Mr. Fox commented, "This ordinance regulates the distance and the intensity of the vibrations."

Councilwoman Garrison asked, "How long do you think this process will take?"

Mr. Bechtel responded, "Probably just a few days."

City Manager, Jay Stokes, asked, "Are the property taxes paid at the point of extraction or the point you are drilling from?"

Mr. Bechtel responded, "The property taxes of the facility are at the surface location. The royalty dollars are going to go to the companies that owns the property."

6. DISCUSSION OF ISSUES RELATING TO SPORTS ORGANIZATION UTILIZATION AGREEMENT THIRD PARTY TOURNAMENT FEES – Parks & Recreation Director Charlie Sandberg gave an overview of the Sports Organization Utilization Agreement that currently exists and gave an update of the developments relating to the agreement amendments. (Exhibit B1)

Councilman Patterson asked, "If they have a select tournament and invite teams from the Houston area and there is a charge, who gets the revenues off of that tournament?"

Mr. Sandberg responded, "The leagues would. We would just the fees that apply."

Councilman Patterson asked, "What if it is a select team that is not part of a youth organization that wants to have a tournament here, who would get those tournament fees?"

Mr. Sandberg responded, "We would charge them the third party fees. We would keep that money because it would be outside of the league."

Councilman Patterson asked, "The tournament fees that are charged, who owns that?"

Mr. Sandberg responded, "The organizer of the tournament."

Councilman Martin commented, "The City will never get tournament registration fees."

Councilman Patterson commented, "Unless they themselves, being the City run the tournament."

Councilman Patterson asked, "If a select team is not part of the league, do they go to the City or go to the league?"

Mr. Sandberg responded, "They will come to the City. The City will ask the youth organizations for first right of refusal and if they are not using the fields we will charge the appropriate fees."

Councilman Martin asked, "Will the league be the ones communicating the with regional select teams of the process?"

Mr. Sandberg responded, "The concept of the select team being under the auspice of the Youth Organizations, they will be able to practice, they will be paying a cost but it is the

in lieu of fee. We are still receiving funding but they will not have to pay to for practices.”

Councilman Martin asked, “Is it the City or the league that allows them to play under our auspice?”

Mr. Sandberg responded, “The league.”

City Manager Jay Stokes asked, “What is the standard by which the league will or will not recognized a select team as being under its auspice?”

Mr. Sandberg responded, “That was not discussed. The only thing that was discussed was the potential number of teams.”

Mr. Sandberg asked Parks and Recreation Commissioner, Eric Ripley to speak to Council on behalf of the Girls Softball Team.

Mr. Ripley commented, “The way the sports organizations are is different than it was 5 or 10 years ago. Recreational play is still there but there is a select component that is not going away, but increasing. The Girls Softball Team has had up to 6 select teams. There is a process where they have to apply to the league. They present to us who they are and what they are trying to accomplish to our board members. Then, we vote on up to 6 teams. The select component is in Baseball, Softball and now it is in Soccer. In our new Soccer organization you have a recreation and a club level. The biggest part of it is to encompass those select teams under the league. They are to be sanctioned by the league, the league should be in charge of choosing them. I think it is important to maintain a good ratio between recreation and select.”

Councilman Patterson asked, “Do you understand the payment that is being recommended, which means you are paying third party fees?”

Mr. Ripley responded, “My understanding was if the select team was under the auspice of the league, they wouldn’t pay. If an outside organization wanted to rent the fields at that point they would pay the third party fee. Select teams aren’t going away. We are trying to figure it out.”

Mayor Mouton asked, “Is it important to define how that select team is recognized or do you have the component where the team has to be recognized individually under any concept?”

Mr. Sandberg responded, “The determining factor will be the condition of the fields. There are three important components; residents that are playing, recreational play and taking care of our fields.”

Mr. Ripley commented, “The reason we increased the third party usage fees is because we do not want outside organizations tearing up the fields or over using them. We increased the fee to protect the City and the leagues.”

Councilman Martin asked, "If a select team is under the auspice of Deer Park, are they still considered third party?"

Mr. Sandberg responded, "Correct. The next step is to take the recommendation from the Park and Recreation Commission provided to us and document it. The Parks and Recreation would like to review it afterwards. The youth organizations will also be able to view it. I would ask, if there are any recommendations or additions to please share it with City Manager Jay Stokes or Assistant City Manager, Gary Jackson."

7. DISCUSSION OF ISSUES RELATING TO CHRISTMAS DECORATIONS FOR FY 2018-19 – Parks and Recreation Director, Charlie Sandberg gave an update of the new Christmas decorations that are to be installed in time for the 2018 holiday season. Mr. Sandberg also discussed decorations that will be purchased over the next few years. (Exhibit C1)

Councilwoman Sinor commented, "I just want to thank Charlie and his group because they have worked hard. There have been lots of meetings and follow ups because we are using a new company. We are very happy with the new company. They have some beautiful good quality products."

8. DISCUSSION OF ISSUES RELATING TO THE BATTLEGROUND GOLF COURSE PROPOSED PROJECTS – Parks and Recreation Director Charlie Sandberg gave an overview of the suggested improvements to the Battle Ground Golf Course. Millis Construction looked at what could potentially be done to improve the golf course and gave an estimated cost. RVI looked at the water fountain and are willing to put a proposal together. No other action has been taken due to the items not being budgeted at this time. (Exhibit D1)

City Manager, Jay Stokes commented, "With hole #5, #6, #7 and with hole #17, was just to make Council aware of those issues. That is probably something we will look at incorporating into a future budget. With the water fountain area, it would not be as expensive to fix it but it is not budgeted. If Council wanted to look at amending the budget, we could bring it to the next council meeting to get authorization to hire RVI to look at options for the water fountain. We are just asking if Council wants to pursue this."

Councilwoman Garrison commented, "We need to do something about it because it is an eyesore."

Councilwoman Sinor asked, "Did they offer different options to choose from?"

Mr. Sandberg responded, "Yes."

Mr. Stokes commented, "We will come back at the next Council meeting with a contract for that."

9. DISCUSSION OF ISSUES RELATING TO THE DEER PARK COMMUNITY DEVELOPMENT COMMISSION PROJECTS INCLUDING TERMINATION OF TASK ORDERS, USE OF UNENCUMBERED FUNDS AND PROFESSIONAL SERVICES CONTRACTS – Parks and Recreation Director Charlie Sandberg gave an

overview of the Deer Park Community Development Corporation Project update that includes the termination of the Halff Associates task order for the Community Center, termination of the task order for the Hike and Bike Trails and the negotiation to hire professional services with Brinkley Sargent Wiginton for Phase I programming of the Community Center. (Exhibits E1)

Assistant City Manager, Gary Jackson commented, "This would tie back with Mr. Springs' earlier presentation. The basis of the task order was to renovate, we are no longer pursuing renovations of the existing facility. Plans are to termination the task order and have the new agreement with Brinkley Sargent Wiginton Architects. The request to terminate the task order with Halff Associates for the Hike and Bike Trails and get authorization from Council to have Staff negotiate a contract with Burditt Consultants LLC and bring it back to Council for a proposed contract at the December 4th 2018 meeting. Council will not be awarding a contract tonight just authorizing a negotiation."

Mr. Sandberg concluded the discussion with an overview of the Deer Park Community Development Corporation quarterly reports.

10. DISCUSSION OF ISSUES RELATING TO POTENTIAL CHARTER AMENDMENTS

– Assistant City Manager, Gary Jackson gave an overview of the proposed Charter amendments. The City Charter has not been amended since 2008. The City's Five Year Strategic Plan, adopted in 2014, called for a review of the City Charter and a possible accompanying Charter Amendment Election in May 2019. City Secretary Shannon Bennett other Staff members established a list of amendments recommended for change. (Exhibit F1-F7)

City Manager, Jay Stokes commented, "This is a reminder component of the Strategic Plan, which is wrapping up its 5th year. Staff has put a great deal of work in this. We have Directors meetings and all individual Directors have looked at their specific areas, if they have any that are covered by the Charter and came back with recommendations. The recommendations have been prioritized. Keep in mind, this is just a discussion, but in order to have it on the ballot in May, Council will need to take action January to put it on the ballot. Focus was put on a smaller number of things we felt were most important and critical."

Assistant City Manager commented, "There were a number of things that Staff identified, but we funneled the items down to the more key and critical items. We didn't tackle issues where items were outdated by State law. If the State law supersedes us, like elections, we can not run a foul of what the State provisions are. We chose items that we have discretion through our Home Ruled Charter to make changes on."

Councilman Martin asked, "The administrative policy would be under the discretion through the City Manager?"

Mr. Jackson responded, "Yes."

Councilwoman Garrison asked, "How will that allow due process?"

Mr. Jackson responded, "Through the administrative procedure."

Councilwoman Garrison asked, "It will be written somewhere?"

Mr. Jackson responded, "Yes. Every employee will sign it through the administrative policies. It will just not be in the Charter."

Mr. Stokes commented, "The employee would still have a process of appeals defined in the administrative policies. There would no longer be a third party Arbitration Committee as defined currently in the Charter."

Councilwoman Garrison asked, "What do other cities do?"

City Attorney, Jim Fox responded, "What we have is very unique. Not very many cities have this. This is considered an extra appeal process on top of everything else. I don't think any other city has this kind of an appeal process that we currently have."

Councilman Martin asked, "How often has this happened?"

Mr. Stokes responded, "To my knowledge, from what I heard it has never gone in the favor of the employee. Since I have been here, probably six times in eight and a half years."

Mr. Fox commented, "I have been here 20 years, I did one in the first 10 years I was here. The frequency of that has increased. It is a long process. It is very complicated."

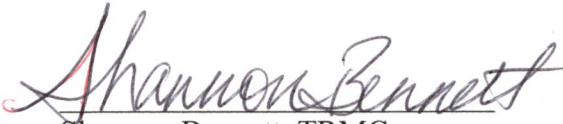
Mr. Jackson commented, "We have two pending appeals right now."

Mayor Mouton asked, "Will you be bringing this item back in December?"

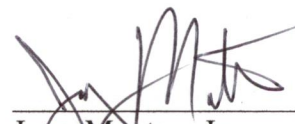
Mr. Stokes responded, "Planning on it."

11. PRESENTATION AND DISCUSSION OF ISSUES RELATING TO THE SALE OF CERTIFICATES OF OBLIGATION, SERIES 2018 – John Robuck of BOK Financial Securities, Inc. gave a presentation of the \$6,300,00 Certificates of Obligation, Series 2018 and highlighted the current market condition, the summary of bids, final debt service requirements and a schedule of events. (Exhibits G1-G5)
12. ADJOURN – Mayor Mouton adjourned the workshop meeting at 7:29 p.m.

ATTEST:


Shannon Bennett, TRMC
City Secretary

APPROVED:


Jerry Mouton, Jr.
Mayor

Deer Park Community Development Corporation Project Update

- Use of unencumbered DPCDC funds for Maxwell Adult Center and Lensec camera services
- Negotiate permission to seek professional services from Burditt Consultants, LLC for the hike and bike trail project
- Use of unencumbered DPCDC funds for Maxwell Adult Center and extended services to Halff Associates/Brinkley Sargent Wiginton
- DPCDC quarterly reports
 1. Continued biweekly meetings on the Maxwell Adult Center
 2. Continued biweekly meetings on Soccer and Girls Softball Complexes
 3. Pavilion Ribbon Cutting on September 27th
 4. Proposed Maxwell completion date November 16th
 5. Proposed Girls Softball completion date December 31st
 6. Proposed Soccer Complex completion date spring 2019

Youth Sports Association Agreement Amendments

- We will be enforcing recreational league play
- New contract will include strong language concerning field usage maintenance time
- Select and third party tournaments will be measured the same
- Additional addendum lease agreement for concession and storage facility usage
- Select teams that sign up under the auspice of the sports organization utilization agreement will be recognized as a league team
 - Youth organization recognized select teams will be accepted in lieu of the agreement
- Amended select and third party tournament usage will be as follows
 - \$500 deposit
 - \$250 per field per day
 - Field lights: \$10 per hour
- Current field rental costs would remain for residents and non tournament usage
 - Field usage: \$25 for 2 hours
 - Tournament Usage: \$25 per hour per field
 - Field Lights: \$10 per hour
 - We will be enforcing recreational league play

To: Rae Sinor

From: Charlie Sandberg, Director

Date: March 6, 2018

Subject: Christmas Decorations

Councilwoman Sinor,

Please review the recommendations below for purchase of Christmas decorations for this current fiscal year and the next 3 fiscal years. We are working on putting these items into Granicus for the March 20 Council Meeting.

FY 2017-18 \$35,500 (HOT) – Please prioritize. All items cannot be purchased in current fiscal year.

1. City Hall Permanent Lighting (Lights & Labor)	\$17,000
2. (3) Street Banners	<u>\$18,500</u>
	\$35,500.

FY 2018-19 \$68,000 (HOT)

1. 27' Christmas tree for Theatre <i>(Current tree will be relocated to City Hall)</i>	\$23,000
2. Star for Police Department	\$2,000.
3. (6) 6' Deer for the Library	\$15,000
4. 23' Santa	<u>\$28,000.</u>
	\$68,000.

FY 2019-20 \$31,500 (HOT)

1. (3) Snow Flakes	\$6,500.
2. (6) 6' Deer for Theatre	\$15,000
3. Lights & Bulbs	\$5,000
4. Lights to back of City Hall	<u>\$5,000</u>
	\$31,500.

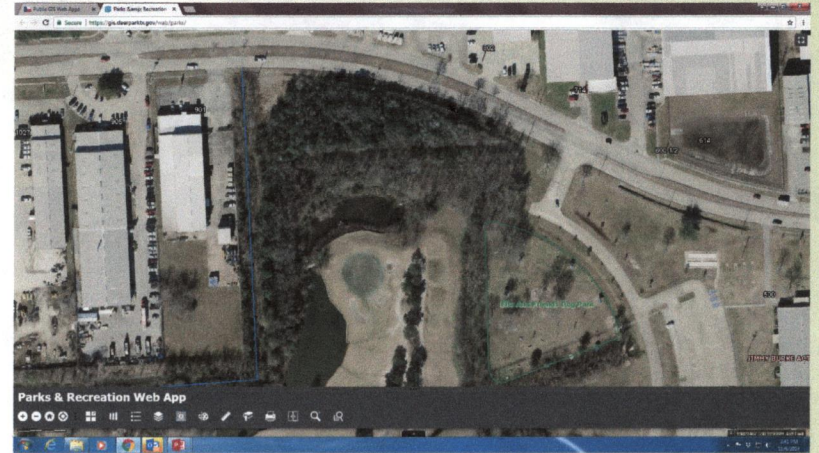
FY 2020-21 \$40,000 (HOT)

1. Community Center Permanent Lighting (Lights & Labor)	\$20,000
2. (6) 6' Deer (Replacements-various locations)	<u>\$20,000</u>
	\$40,000

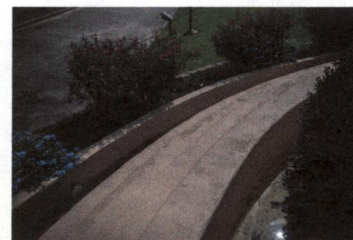
Battleground Golf Course



Hole 17

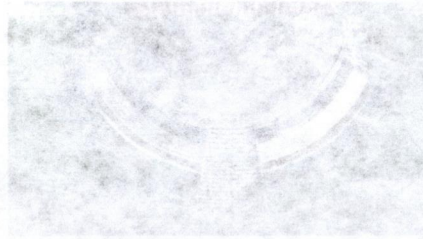


Hole 7

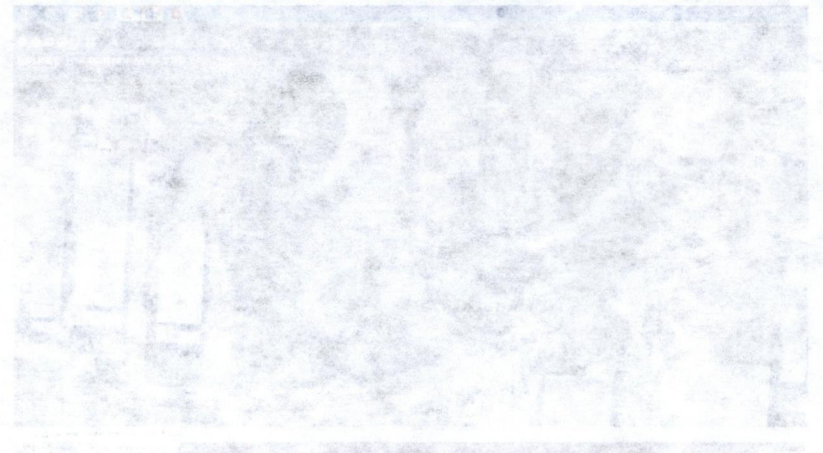


Water Fountain

Water fountain



Hole 5



Hole 13



Water fountain, Hole 5, Hole 13

Deer Park Community Development Corporation Project Update

- Termination of the Halff Associates task order for the Deer Park Community Center
 1. Task orders can be terminated without cause
 2. Complete the current projects *Soccer, Girls Softball and Maxwell Adult Center
 3. Current programming funding discussion
- Termination of the Halff Associates task order for the hike and bike trails
 1. Task orders can be terminated without cause
 2. During the request for qualification process Burditt Consultants, LLC was determined to be the second most qualified architectural firm for all Type B projects
- Negotiate professional services contract with Brinkley Sargent Wiginton for phase 1 programming of the Deer Park Community Center
 1. A new needs assessment for the community center and gym
 2. A new needs assessment for the indoor pool
 3. Evaluate the pool and potential year round usage and possibility of covering
 4. Options for Community Center and Gym proposal joint council, PARC and DPCDC meeting from September 24th *See other presentation
 5. Proposed additional services operations plan *See proposal pg. 49

Charter Amendment Recommendations

City of Deer Park Proposition A

Current Charter

Section 6.10 Purchase Procedure

All purchases made and contracts executed by the city shall be pursuant to a requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be binding upon the city unless and until the city manager certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation and allotment balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued. Before the city makes any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition. The council may by ordinance confer upon the city manager general authority to contract for expenditures without further approval of the council for all budgeted items not exceeding fifty thousand dollars (\$50,000.00). All contracts for expenditures involving more than fifty thousand dollars (\$50,000.00) must be expressly approved in advance by the council. All contracts or purchases involving more than fifty thousand dollars (\$50,000.00) shall be let to the lowest and best responsible bidder after there has been opportunity for competitive bidding as provided for by law or ordinance; provided that the council, or the city manager in such cases as he is authorized to contract for the city, shall have the right to reject any and all bids. Copies of all bids shall be delivered to each councilman immediately.

Proposed Amendment

To follow State Statute on Purchase Procedure

Section 6.10 Purchase Procedure

All purchases made and contracts executed by the city shall be pursuant to a requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be binding upon the city unless and until the city manager certifies that there is to the credit of such office, department or agency a sufficient unencumbered

appropriation and allotment balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued. Before the city makes any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition. The council may by ordinance confer upon the city manager general authority to contract for expenditures without further approval of the council for all budgeted items not exceeding \$50,000.00. All contracts for expenditures involving more than \$50,000.00 must be expressly approved in advance by the council. All contracts or purchases involving more than \$50,000.00 shall be let to the lowest and best responsible bidder after there has been opportunity for competitive bidding as provided for by law or ordinance; provided that the council, or the city manager in such cases as he is authorized to contract for the city, shall have the right to reject any and all bids. All contracts or purchases involving more than "state minimum dollar bidding limit" shall be let as per state statute for purchasing, contracting and competitive bidding, provided that the Council or the City Manager in such cases is authorized to contract for the City, shall have the right to reject any and all bids. Copies of the tabulation of all bids shall be delivered to each councilman immediately.

City of Deer Park Proposition B

Current Charter

Section 5.14 Job Security; Arbitration Committee

Should an employee of the city be discharged from his employment therewith, such employee(s) shall have the right to appeal said action and to seek reinstatement in accordance with the following provisions, to wit:

Said employee shall, within fourteen (14) days after the date of discharge, file a written notice and request for reinstatement with the person performing the duties of city secretary. Such request-notice shall contain a statement requesting reinstatement to employment, the circumstances under which his discharge occurred and the reasons pertinent to, or the objections to such discharge becoming final.

- (a) Said request-notice shall be filed with the person performing the duties of city secretary within the time above allotted. It shall then become the duty of the city secretary to appraise the council, at the next meeting thereof and following the date upon which such request-notice is filed, that such request-notice was filed and whether or not same was

filed in compliance with the a foregoing provision.

- (b) Provided the request-notice is found to be in compliance with the foregoing provisions, the council shall immediately order the formation of an arbitration committee for the purpose of settling the existing dispute. Such committee shall be comprised of three (3) resident qualified voters. Each of the three (3) members thereto shall serve without reward or compensation and no member of the council, or city employee, or relative thereof shall be eligible to serve upon such committee. The three (3) qualified citizens to comprise the arbitration committee shall be named and appointed in the following manner:
- (1) Within seven (7) days of the date on which the council acts to form such requested committee, the aggrieved employee shall name one qualified member thereto.
 - (2) Within the same period of time allotted in (1) above, the council (as expressed in a majority vote thereof) shall name one qualified member thereto. Provided further that the council may appoint a subcommittee of its members for the purpose of naming the qualified person to said committee. The action of such council subcommittee shall be binding upon the council and shall constitute council appointment of the committee member thus named to service by the subcommittee.
 - (3) Within seven (7) days of the date upon which the second or latter member is appointed, as provided above, the two-(2) committee members shall name a disinterested person mutually acceptable to both. The committee thus formed shall be the arbitration committee and shall have all powers hereinafter set forth.
- (c) Should the two (2) members first appointed fail to name a third member to the committee in the time allotted, notice of such failure will be given to the council at the next meeting thereof. The council shall forthwith terminate the appointments of both members. Both the council and the aggrieved employee shall then have the right to appoint second members to the committee in the same manner and in the same time specified above for the original appointments. Provided further that the two (2) original appointees shall be

ineligible for reappointment to any such arbitration committee concerned with the same aggrieved employee.

An arbitration committee acting in its official capacity shall, within thirty (30) days of the date upon which the third member is named to service, render its majority decision. During said thirty (30) days, when acting as a committee, the members thereof shall have the power to inquire into any phase of the municipal function, which, in their opinions, might aid in the determination of the facts related to the case before them. The committee shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers and other evidence material to the inquiry.

Proposed Amendment

Appeal process will be covered in the Administrative Policies

~~Section 5.14 Job Security; Arbitration Committee~~ ~~Job Security; Arbitration Committee~~

~~Should an employee of the city be discharged from his employment therewith, such employee(s) shall have the right to appeal said action and to seek reinstatement in accordance with the following provisions, to wit:~~

~~Said employee shall, within fourteen (14) days after the date of discharge, file a written notice and request for reinstatement with the person performing the duties of city secretary. Such request notice shall contain a statement requesting reinstatement to employment, the circumstances under which his discharge occurred and the reasons pertinent to, or the objections to such discharge becoming final.~~

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- ~~(2) Within the same period of time allotted in (1) above, the council (as expressed in a majority vote thereof) shall name one qualified member thereto. Provided further that the council may appoint a subcommittee of its members for the purpose of naming the qualified person to said committee. The action of such council subcommittee shall be binding upon the council and shall constitute council appointment of the committee member thus named to service by the subcommittee.~~
- ~~(3) Within seven (7) days of the date upon which the second or latter member is appointed, as provided above, the two (2) committee members shall name a disinterested person mutually acceptable to both. The committee thus formed shall be the arbitration committee and shall have all powers hereinafter set forth.~~
- ~~(c) Should the two (2) members first appointed fail to name a third member to the committee in the time allotted, notice of such failure will be given to the council at the next meeting thereof. The council shall forthwith terminate the appointments of both members. Both the council and the aggrieved employee shall then have the right to appoint second members to the committee in the same manner and in the same time specified above for the original appointments. Provided further that the two (2) original appointees shall be ineligible for reappointment to any such arbitration committee concerned with the same aggrieved employee.~~

~~An arbitration committee acting in its official capacity shall, within thirty (30) days of the date upon which the third member is named to service, render its majority decision. During said thirty (30) days, when acting as a committee, the members thereof shall have the power to inquire into any phase of the municipal function, which, in their opinion, might aid in the determination of the facts related to the case before them. The committee shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers and other evidence material to the inquiry.~~

City of Deer Park Proposition C

Current Charter

Section 2.05 Powers of the City Council (C) (4)

May with just cause and not in conflict with the provisions of this Charter, remove from any office or position of employment in the city government, any officer or employee by a majority vote of the councilmembers qualified and serving.

Proposed Amendment