

710 EAST SAN AUGUSTINE STREET

DEER PARK, TEXAS 77536

Minutes of

THE 1740th 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 SEPTEMBER 17, 2019, AT 7:30 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

JERRY MOUTON, JR.
SHERRY GARRISON
TJ HAIGHT
TOMMY GINN
BILL PATTERSON
RAE SINOR

MAYOR
COUNCILWOMAN
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. INVOCATION – The invocation was given by Councilwoman Sinor.
3. PLEDGE OF ALLEGIANCE – Councilman Patterson led the Pledge of Allegiance to the United States Flag and led the Texas Flag Pledge.
4. PUBLIC HEARING #2 ON THE AD VALOREM TAX RATE – The public hearing was opened by the City Secretary reading the Notice of Public Hearing. (Exhibit A)

Mayor Mouton called for those persons desiring to speak in favor of the request. No one spoke.

Mayor Mouton called for those persons desiring to speak against the request. No one spoke.

5. 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 workshop meeting on September 3, 2019.
 - b. Approval of minutes of regular meeting on September 3, 2019.

- c. Approval of minutes of special meeting held on September 10, 2019.

Motion carried 6 to 0.

6. COMMENTS FROM THE AUDIENCE –

Richard Mueller, 2309 Wayside Court, Deer Park spoke against not having an option to play Bridge on the usual day and also spoke in support of keeping the kilns at the Maxwell Center.

John Matula, 801 Lanell, Deer Park, spoke against excessive dog barking within the city.

Patty Mayes, 203 Eric Glen Court, Deer Park, spoke in favor of keeping the kilns at the Maxwell Center.

Marilyn Wiggins, 225 W. 3rd Street, Deer Park, spoke in favor of keeping the kilns at the Maxwell Center.

- 7. CONSIDERATION OF AND ACTION ON APPOINTING A CITY OF DEER PARK REPRESENTATIVE TO THE 2020 HOUSTON - GALVESTON AREA COUNCIL (HGAC) GENERAL ASSEMBLY AND BOARD OF DIRECTORS.– Motion was made by Councilwoman Garrison and seconded by Councilman Haight to appoint Councilmember Bill Patterson as the City's Representative and Councilmember Tommy Ginn as Alternate to the HGAC General Assembly and Board of Directors for 2020. Motion carried 6 to 0.

- 8. CONSIDERATION OF AND ACTION ON A RESOLUTION TO TRANSFER \$4,026,425 FROM THE FISCAL YEAR 2018-2019 UNASSIGNED FUND BALANCE OF THE GENERAL FUND TO THE CAPITAL IMPROVEMENTS FUND – After a proposed resolution was read by caption, motion was made by Councilwoman Sinor and seconded by Councilman Patterson to adopt Resolution No. 2019-10, captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS TRANSFERRING \$4,026,425.00 OF UNASSIGNED FUND BALANCE IN THE GENERAL FUND TO THE CAPITAL IMPROVEMENTS FUND FOR CURRENT AND FUTURE PROJECTS.

Motion carried 6 to 0.

- 9. CONSIDERATION OF AND ACTION ON THE ANNUAL REVIEW AND AN ORDINANCE ADOPTING THE CITY'S INVESTMENT POLICY – After a proposed ordinance was read by caption, motion was made by Councilman Ginn and seconded by Councilman Patterson to adopt on first reading Ordinance No. 4103, captioned as follows:

AN ORDINANCE AMENDING THE DEER PARK CODE OF ORDINANCES BY REPLACING CHAPTER 2 (ADMINISTRATION), ARTICLE VII (FINANCE), ALL OF DIVISION 2 (INVESTMENT POLICY).

Motion carried 6 to 0.

10. CONSIDERATION OF AND ACTION ON AN ORDINANCE CALLING A PUBLIC HEARING TO ADOPT STANDARDS OF CARE FOR THE ALL STAR ACTIVITY PROGRAM – After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilwoman Sinor to adopt on first reading Ordinance No. 4104, captioned as follows:

AN ORDINANCE OF THE CITY OF DEER PARK SETTING A DATE AND TIME FOR A PUBLIC HEARING ON THE CITY ADOPTING STANDARDS OF CARE FOR AN ALL STAR ACTIVITY PROGRAM.

Motion carried 6 to 0.

11. CONSIDERATION OF AND ACTION ON AN ORDINANCE ADOPTING THE FY 2019-2020 BUDGET – After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilwoman Sinor to adopt on first reading Ordinance No. 4105, captioned as follows:

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

Motion carried 6 to 0 with a record vote:

Councilwoman Garrison “Aye”
Councilman Haight “Aye”
Councilman Ginn “Aye”
Councilman Patterson “Aye”
Councilwoman Sinor “Aye”
Mayor Mouton “Aye”

12. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING SECTION 106-25(B)(C) OF THE CODE OF ORDINANCES PERTAINING TO WATER AND SEWER RATES. – After a proposed ordinance was read by caption, motion was made by Councilman Ginn and seconded by Councilwoman Garrison to adopt on first reading Ordinance No. 4106, captioned as follows:

AN ORDINANCE AMENDING CERTAIN PORTIONS OF SECTION 106-25 (B)(C) OF THE CODE OF ORDINANCES OF THE CITY OF DEER PARK, TEXAS, CONCERNING WATER AND SEWER RATES; PROVIDING EFFECTIVE DATES; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR SEVERABILITY.

Motion carried 6 to 0.

13. CONSIDERATION OF AND ACTION ON AN ORDINANCE APPROVING THE 2019-20 SALARY AND CLASSIFICATION SCALES – After a proposed ordinance was read by caption, motion was made by Councilwoman Sinor and seconded by Councilman Haight to adopt Ordinance No. 4107, captioned as follows:

AN ORDINANCE PROVIDING FOR A RECLASSIFICATION SCALE AND PAY RANGE CHART FOR EMPLOYEES OF THE CITY OF DEER PARK; PROVIDING A PAY RANGE CHART FOR UNCLASSIFIED SERVICE EMPLOYEES; AND DECLARING AN EMERGENCY.

Motion carried 6 to 0.

14. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 GOLF COURSE LEASE FUND BUDGET FOR THE REPLACEMENT OF AN AIR CONDITIONING UNIT AT THE BATTLEGROUND GOLF COURSE – After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilman Patterson to adopt on the first reading Ordinance No. 4108, captioned as follows:

AN ORDINANCE AMENDING THE 2018-2019 BUDGET FOR THE CITY OF DEER PARK, TEXAS, AND APPROPRIATING THE SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED.

Motion carried 6 to 0.

15. CONSIDERATION OF AND ACTION ON AN ORDINANCE TO GRANT EXXONMOBIL A PERMANENT EASEMENT TEN (10) FEET IN WIDTH UPON CITY OF DEER PARK OWNED PROPERTY AT THE WASTE WATER TREATMENT PLANT LOCATED AT 526 EAST 2ND STREET, DEER PARK, TEXAS 77536 – After a proposed ordinance was read by caption, motion was made by Councilman Martin and seconded by Councilman Patterson to adopt Ordinance No. 4109, captioned as follows:

AN ORDINANCE GRANTING AND APPROVING THE DEDICATION FROM CITY OF DEER PARK, TEXAS TO EXXONMOBIL PIPELINE COMPANY OF A PIPELINE EASEMENT.

Motion carried 6 to 0.

16. CONSIDERATION OF AND ACTION ON THE APPROVAL OF THE OPTION 1 OF THE MAXWELL ADULT CENTER CERAMICS PROGRAM – Motion was made by Councilwoman Garrison and seconded by Councilwoman Sinor to approve Option 1 of the Maxwell Adult Center Ceramics Program.

Mayor Mouton commented, "I am going to open up for discussion and make a few comments regarding this particular item. In regards to Council, as a rule of thumb, everything we do up here is official. It was handled in this situation, where some on Council have questioned if what we do in the Workshop, in some cases, is official. We voted on this thing, or agreed unanimously to some extent even though we had an objection or two on June the 4th. After having a forty-five minute discussion on the options that were presented to Council based on the information that we had and to the best of my ability, nothing has changed. I was asked by a Council person, to bring it back up and typically in situations, unless some things have changed, there's no need to bring it back up. At the August 6th meeting, when the motion to auction off the kilns were done, it was motioned by Councilman Tommy Ginn, a second, and voted on to sell all the kilns at the time. Right after the meeting, someone again asked to bring it back up to discuss it because they were not happy with the discussion and the actions at the June 4th meeting. The thing that bothers me the most is statements that were being made in the Community about this and that what we did on June the 4th was not official because we didn't vote on it. I repeat, everything we do up here is official. We had a forty-five minute discussion on June 4th, it was presented to Council, we talked about it, everybody had a say to some extent and unless I missed something, and you all tell me if I'm wrong, we agreed as a governing body to do Option 1. I brought it back for one reason, because of the statements that were being made in the Community about what we did on June 4th was not official. On top of all that, information was being spread out into the Community that in some cases was not accurate. We haven't removed the voucher program, even though most of the emails that were sent to City Hall today included verbiage that said we've removed the voucher program. Mayor Mouton asked, "Have we removed the voucher program Mr. Stokes?"

City Manager James Stokes replied, "No Sir."

Mayor Mouton asked, "So, it's still in place?"

Mr. Stokes replied, "Yes sir."

Mayor Mouton asked, "The Pottery Ceramics Program is still in place?"

Mr. Stokes replied, "Yes sir."

Mayor Mouton commented, "Unless I'm missing something, nothing has changed since the June 4th meeting. If every item that we voted on up here, because someone didn't like it, the way it went was brought back up, we would never get anything done. We have to adhere to the process and the integrity of the process. From the beginning, this is a "majority rules" governing body in regards to actions that need to be taken. I don't think there's been any discussion from anybody up here to shut down the Ceramics Program. We want the Ceramics Program to continue. Even if we install the kilns, even on the meeting on June 4th, you all still have to go get your pottery someplace else because we're

not a Pottery Program, or a Ceramics Program. These options were laid out to us Council." Councilman Patterson commented, "On the June 4th meeting, there were three options that were presented and two of the options would have kept the kilns here, but the people that were here representing the Maxwell Center did not like where we were going to put the kilns. That's why we went with Option 1."

Mayor Mouton acknowledging a citizen in the audience, commented, "This is a discussion by Council at this time sir."

Mayor Mouton directed Mr. Patterson to continue.

Councilman Patterson commented, "One of the options was to put in kilns at the Kingsdale Recreation Center. There was a lady from the Maxwell Center that said that building was not appropriately maintained and was infested. That was just not true. The City brought forth options that would have kept the kilns here in Deer Park, but the people that were there on June 4th did not like those options and they were from the Maxwell Center."

Mayor Mouton again acknowledging a citizen in the audience, commented, "This is Council's discussion."

Mayor Mouton asked, "Anybody else have any discussion?"

Councilman Ginn commented, "What the seniors are asking for is for the kilns to stay in Deer Park regardless of where they are, so that they do not have to leave Deer Park. That's the bottom line."

Councilman Patterson commented, "We had that discussion on June the 4th Councilman Ginn."

Councilman Ginn replied, "Yes sir, we did Councilman Patterson. There was one lady, like you said that was out of order, obnoxious or whatever. However, the bottom line is, wherever they are in Deer Park, the citizens would like, not only the seniors, but their kids, grandkids, friends and family are saying they would like for them to be kept here in Deer Park."

Councilwoman Garrison commented, "That is not what we're voting on. That's not the motion we are voting on."

Councilman Ginn commented, "No. We are voting on whether to get rid of them or not to sell them in an auction?"

Councilwoman Garrison replied, "No, we are voting on Option #1."

Councilman Ginn asked, "Option #1 is to do what?"

Councilwoman Garrison commented, "Option # 1 was discussed on June the 4th."

Councilman Ginn commented, "If that's what we're voting for, the bottom line is, if we vote for Option #1 then we are voting to take the kilns out of Deer Park and put them back on the auction block and get rid of them."

Councilwoman Garrison commented, "If I understand correctly, part of that process during that meeting, even though I wasn't there, I was listening to it online and I understand totally what's happening, was that part of the reason that we could not bring back those kilns was because they are not safe. They are top loading and that is one of the reasons why. We are voting on this."

Councilman Ginn commented, "We are voting on it. As far as the kilns not being safe, I don't think that is correct."

Councilwoman Garrison replied, "Well, I call for a vote Mayor."

Mayor Mouton replied, "We'll vote."

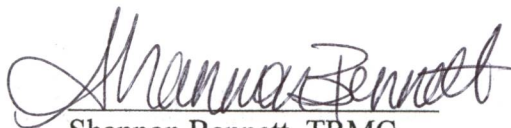
Councilman Ginn commented, "I say, keep them in Deer Park."

Councilwoman Sinor commented, "The only thing I want to say is that this discussion was made, the decision was made. I know many of the seniors and I hadn't heard a word about it until the last week or two when it was all over Facebook. We started getting letters today, most of them were exactly the same letter and a few were different. Betty, some of them had your instructions on the bottom of their email, to cut and paste the letter. We encourage that, we never mind hearing from our citizens, but this was several weeks ago, about two months ago. We hadn't heard anything from any Seniors, not even the ones that were screaming and yelling at us from the audience. What I hate is some of the letters that have been promoted and that we've received and some of the horrible and nasty comments that have been made about our Staff and that continue to be made tonight about our Staff which I feel is unfair and mostly untrue. We have a Staff, Mayor, Council and Directors that love the Seniors. We bend over backwards and we take in everything. I've never seen a group that was given a beautiful facility and hated it so. You said it tonight, there's nothing good about it anymore and I find that overwhelmingly sad. Some of the comments and notes that we've received are attacks on our character, on our integrity because of these two kilns. I know it's important to you. We've made presentations to what we could do and none of it was good enough. Those facilities that have kids meeting in and playing in at Kingsdale, they're good enough for them, but they're not good enough for you all? I just find that insulting. To be talked to like we have and the terrible hateful notes that we've received and our Staff has received, that's what I find sad and shameful."

Motion carried 4 to 2 with Councilman Ginn and Councilman Haight in opposition.

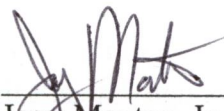
17. ADJOURN – Mayor Mouton adjourned the meeting at 8:25 p.m.

ATTEST:

A handwritten signature in dark ink, appearing to read "Shannon Bennett", written over a horizontal line.

Shannon Bennett, TRMC
City Secretary

APPROVED:

A handwritten signature in dark ink, appearing to read "Jerry Mouton, Jr.", written over a horizontal line.

Jerry Mouton, Jr.
Mayor

NOTICE OF 2019 TAX YEAR PROPOSED PROPERTY TAX RATE FOR CITY OF DEER PARK

A tax rate of \$0.720000 per \$100 valuation has been proposed for adoption by the governing body of City of Deer Park. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

The governing body of City of Deer Park proposes to use revenue attributable to the tax rate increase for the purpose of infrastructure maintenance and improvements and public safety.

PROPOSED TAX RATE	\$0.720000 per \$100
PRECEDING YEAR'S TAX RATE	\$0.720000 per \$100
EFFECTIVE TAX RATE	\$0.681897 per \$100
ROLLBACK TAX RATE	\$0.720175 per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for City of Deer Park from the same properties in both the 2018 tax year and the 2019 tax year.

The rollback tax rate is the highest tax rate that City of Deer Park may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS
FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

Jeffery Johnson
City of Deer Park Tax Assessor Collector
City Hall, 710 E. San Augustine St, Deer Park TX 77536
281-478-7231
customerservice@deerparktx.org
www.deerparktx.gov

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: September 10, 2019 at 05:30 PM at City Hall Council Chambers; 710 E. San Augustine St, Deer Park TX 77536.

Second Hearing: September 17, 2019 at 7:30 PM at City Hall Council Chambers; 710 E. San Augustine St, Deer Park TX 77536.