

CITY OF DEER PARK
710 EAST SAN AUGUSTINE STREET
DEER PARK, TEXAS 77536

CC 79-58
PZ 51-214

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 3, 2019, AT 7:30 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

JERRY MOUTON, JR.	MAYOR
SHERRY GARRISON	COUNCILWOMAN
TJ HAIGHT	COUNCILMAN
TOMMY GINN	COUNCILMAN
BILL PATTERSON	COUNCILMAN
RON MARTIN	COUNCILMAN
RAE SINOR	COUNCILWOMAN

OTHER CITY OFFICIALS PRESENT:

JAY STOKES	CITY MANAGER
GARY JACKSON	ASSISTANT CITY MANAGER
SHANNON BENNETT	CITY SECRETARY
JIM FOX	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 Dallas Wilson of Grace Houston Church.
3. PLEDGE OF ALLEGIANCE – Councilman Martin led the Pledge of Allegiance to the United States Flag and led the Texas Flag Pledge.
4. PRESENTATION BY GRACE HOUSTON CHURCH TO CITY COUNCIL – Dallas Wilson of Grace Houston Church presented Mayor Mouton and Council with a medallion for their service in the community.

Mr. Wilson commented, “We, the Community of Grace Church want to recognize all of our City Official’s sacrifice and give back. So many times we are ready and willing to stand up and criticize what we disagree with or do not understand. It is also important that we stand back and just appreciate the service provided. I think we can all agree upon this, our city fathers are here to serve us and their intentions, at the heart of it all, is to make our community strong and great. We want you to know we appreciate you.”

5. PROCLAMATION FOR “HR WEEK” – Mayor Mouton presented a proclamation in recognition of “HR Week” to Human Resources Director Bill Philibert and declared September 2-6, 2019 as “HR Week.”

6. PRESENTATION OF THE 10U GIRLS SOFTBALL AND THE 6U GIRLS SOFTBALL
– Mayor Mouton recognized the 6U Softball Teams to include Coaches Josh Telles, Kalynn Willis, Candice Sanchez, Trent Tiemann, Steve Sanchez and players Cassandra Romero, Ailethe Alvarado, Isabella Kelldorf, McKynlee Tyson, Kalissa Telles, Tenley Tiemann, Ryeleigh Sanchez, Kennedy Torres, Emmerie Carrizales, Sofia Jessen, Kendall Willis and Cecelia Anthony.

Mayor Mouton also recognized the 10U Girls Softball to include Head Coach Thomas Rivera and Assistant Coaches - Nathan Fabian, Michael Salinas, Jerney Simmons, Ryan Williams. The players include Annika Salinas, Addi Stegall, Anna Lege, McCartney Pledger, McKenna Simmons, Julia Rivera, Kinsley Hyland, Ava Duron, Riley Williams, Abby Fabian, Layla Castro, Julia Tatum and Riley Green. Head Coach Thomas Rivera recognized and gave a tribute to each individual player.

7. JOINT PUBLIC HEARING ON THE REQUEST OF THE CITY OF DEER PARK TO AMEND ORDINANCE NO. 3886, THE ZONING ORDINANCE DESIGNATING A 37.0002 ACRE TRACT WHICH HAS BEEN ANNEXED INTO THE CITY AS HEAVY INDUSTRIAL ZONING DISTRICT (M3) – Mayor Mouton opened the hearing on behalf of the City Council and Chairman Balusek opened the hearing on behalf of the Planning and Zoning Commission.

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 request.

- a. Chad Parrish of Molto Properties spoke in favor of the request and commented, “We are very excited about the project and we are moving forward. We have submitted plans to the Staff and had a meeting today with the Staff to try and advance the ball. We look forward to getting started as soon as possible.”

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

The hearing was closed by Mayor Mouton on behalf of the City Council and Chairman Balusek on behalf of the Planning and Zoning Commission.

8. JOINT PUBLIC HEARING ON THE REQUEST OF THE CITY OF DEER PARK TO AMEND ORDINANCE NO. 3886, THE ZONING ORDINANCE APPENDIX A, SECTION 12.01.34.1 BY ALLOWING LAYDOWN YARDS IN M3 DISTRICT; SECTION 8.02.3.1.1 TO ADD USE GROUPS 34 AND 35 TO PRINCIPAL USES IN M3 DISTRICT; AND SECTION 10.03 BY INCLUDING “OFFICE WAREHOUSE OR DISTRIBUTION CENTER” AS A PERMITTED USE IN THE M3 ZONING DISTRICT AND “STORAGE OR WHOLESALE WAREHOUSE” AS A USE IN M3 ZONING DISTRICT; REQUIRING A SPECIFIC USE PERMIT – Mayor Mouton opened the hearing on behalf of the City Council. Chairman Balusek opened the hearing on behalf of the Planning and Zoning Commission.

The public hearing was opened by the City Secretary reading the Notice of Public Hearing.
(Exhibit B)

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

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

The hearing was closed by Mayor Mouton on behalf of the City Council and Chairman Balusek on behalf of the Planning and Zoning Commission.

9. CONSENT CALENDAR – Motion was made by Councilman Ginn and seconded by Councilwoman Sinor to approve the consent calendar as follows:
 - a. Approval of minutes of workshop meeting on August 20, 2019.
 - b. Approval of minutes of regular meeting on August 20, 2019.
 - c. Authorization to seek proposals from potential buyers for the purchase and relocation of the house located at 518 Pasadena Blvd, with buyer bearing all costs for relocation of the structure.
 - d. Approval to purchase a fiber line upgrade for the RMS/CAD connection to League City.
(La Porte)

Motion carried 7 to 0.

10. CONSIDERATION OF AND ACTION ON PARKS AND RECREATION COMMISSION'S RECOMMENDATION TO ALLOW GATE FEES AT DEER PARK INDEPENDENT SCHOOL DISTRICT JUNIOR VARSITY SOFTBALL TOURNAMENT IN THE SPRING OF 2020 – Motion was made by Councilwoman Sinor and seconded by Councilman Patterson to approve the recommendation to allow gate fees DPISD Junior Varsity Softball Tournament in the Spring of 2020. Motion carried 7 to 0.
11. CONSIDERATION OF AND ACTION ON RENEWING THE AGREEMENT WITH VALLEY VIEW CONSULTING, L.L.C. FOR INVESTMENT ADVISORY SERVICES – Motion was made by Councilwoman Garrison and seconded by Councilman Ginn on renewing the agreement with Valley View Consulting, L.L.C. for investment advisory services. Motion carried 7 to 0.
12. CONSIDERATION OF AND ACTION ON A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS, AUTHORIZING THE PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; AND APPROVING OTHER MATTERS INCIDENTAL THERETO – After a proposed resolution was read by caption, motion was made by Councilman Ginn and seconded by Councilman Martin to adopt Resolution No. 2019-08, captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; APPROVING THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

Motion carried 7 to 0.

13. CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING REPRESENTATION IN AN IRS MATTER AND DELEGATING AUTHORITY TO EXECUTE FORM 2848 IRS POWER OF ATTORNEY – After a proposed resolution was read by caption, motion was made by Councilman Ginn and seconded by Councilman Martin to adopt Resolution No. 2019-09, captioned as follows:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK AUTHORIZING REPRESENTATION IN AN IRS MATTER AND DELEGATING AUTHORITY TO EXECUTE FORM 2848 IRS POWER OF ATTORNEY.

Motion carried 7 to 0.

14. CONSIDERATION OF AND ACTION ON THE RESULTS OF THE JOINT PUBLIC HEARING AND A PROPOSED ORDINANCE FROM THE REQUEST OF THE CITY OF DEER PARK TO AMEND ORDINANCE NO. 3886, THE ZONING ORDINANCE DESIGNATING A 37.0002 ACRE TRACT WHICH HAS BEEN ANNEXED INTO THE CITY AS HEAVY INDUSTRIAL ZONING DISTRICT (M3) – 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. 4099, captioned as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 3886 OF THE CITY OF DEER PARK, TEXAS, ADOPTED MARCH 21, 2017, AS AMENDED BY PLACING A 32.007 ACRE TRACT OF LAND ALSO KNOWN AS 739 INDEPENDENCE PARKWAY, CITY OF DEER PARK HARRIS COUNTY, TEXAS IN THE HEAVY INDUSTRIAL (M3) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING PENALTIES BY A FINE UP TO \$2,000.00 FOR EACH DAYS VIOLATION OF THE PROVISIONS OF SUCH ORDINANCE, AS AMENDED.

Motion carried 7 to 0.

15. CONSIDERATION OF AND ACTION ON THE RESULTS OF THE JOINT PUBLIC HEARING AND A PROPOSED ORDINANCE FROM THE REQUEST OF THE CITY OF DEER PARK TO AMEND ORDINANCE NO. 3886, THE ZONING ORDINANCE APPENDIX A, SECTION 12.01.34.1 BY ALLOWING LAYDOWN YARDS IN M3 DISTRICT; SECTION 8.02.3.1.1 TO ADD USE GROUPS 34 AND 35 TO PRINCIPAL USES IN M3 DISTRICT; AND SECTION 10.03 BY INCLUDING “OFFICE WAREHOUSE OR DISTRIBUTION CENTER” AS A PERMITTED USE IN THE M3

ZONING DISTRICT AND “STORAGE OR WHOLESALE WAREHOUSE” AS A USE IN M3 ZONING DISTRICT; REQUIRING A SPECIFIC USE PERMIT – 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. 4100, captioned as follows:

AN ORDINANCE AMENDING APPENDIX A, ZONING, SECTION 12.01.34.1 BY ALLOWING LAY DOWN YARDS IN M3 DISTRICT; SECTION 8.02.3.1.1 TO ADD USE GROUPS 34 AND 35 TO PRINCIPAL USES IN M3 DISTRICT; AND SECTION 10.03 BY INCLUDING “OFFICE WAREHOUSE OR DISTRIBUTION CENTER” AS A PERMITTED USE IN THE M3 ZONING DISTRICT AND “STORAGE OR WHOLESALE WAREHOUSE” AS A USE IN M3 ZONING DISTRICT; REQUIRING A SPECIFIC USE PERMIT

Motion carried 7 to 0.

16. CONSIDERATION OF AND ACTION ON A RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND A PROPOSED ORDINANCE FROM THE REQUEST OF MOLTO PROPERTIES FOR A SPECIFIC USE PERMIT TO CONSTRUCT A BULK WAREHOUSE AT 739 INDEPENDENCE PARKWAY –

After

a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilwoman Sinor to adopt Ordinance No. 4101, captioned as follows:

AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO OPERATE A BULK WAREHOUSE ON A 37.0002 ACRE TRACT OF LAND LOCATED AT 739 INDEPENDENCE PARKWAY., DEER PARK, TEXAS.

Motion carried 7 to 0.

17. CONSIDERATION OF AND ACTION ON AN ORDINANCE GRANTING A PIPELINE FRANCHISE TO EXXONMOBIL FOR A TWENTY INCH (20”) PIPELINE (second reading) – After a proposed ordinance was read by caption, motion was made by Councilwoman Sinor and seconded by Councilman Patterson to adopt on the second reading 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.

18. CONSIDERATION OF AND ACTION ON AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF DEER PARK, TEXAS LIMITED TAX REFUNDING BONDS, SERIES 2019; LEVYING A TAX IN PAYMENT THEREOF; AUTHORIZING THE REDEMPTION PRIOR TO MATURITY OF CERTAIN OUTSTANDING OBLIGATIONS; PROVIDING FOR THE AWARD AND SALE OF SAID BONDS IN ACCORDANCE WITH CERTAIN PARAMETERS; AND ENACTING OTHER PROVISIONS RELATING THERETO – After a proposed ordinance was read by caption, motion was made by Councilman Martin and seconded by Councilman Patterson to adopt Ordinance No. 4102, captioned as follows:

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF DEER PARK, TEXAS LIMITED TAX REFUNDING BONDS, SERIES 2019; LEVYING A TAX IN PAYMENT THEREOF; AUTHORIZING THE REDEMPTION PRIOR TO MATURITY OF CERTAIN OUTSTANDING OBLIGATIONS; PROVIDING FOR THE AWARD AND SALE OF SAID BONDS IN ACCORDANCE WITH CERTAIN PARAMETERS; AND ENACTING OTHER PROVISIONS RELATING THERETO.

Motion carried 7 to 0.

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

ATTEST:

APPROVED:

Shannon Bennett, TRMC
City Secretary

Jerry Mouton, Jr.
Mayor