

Sherry Garrison, Council Position 1
Thane Harrison, Council Position 2
Tommy Ginn, Council Position 3

Bill Patterson, Council Position 4
Ron Martin, Council Position 5
Rae A. Sinor, Council Position 6

James Stokes, City Manager
Gary Jackson, Assistant City Manager

Jerry Mouton Jr., Mayor

Sandra Watkins TRMC, CMC City Secretary
Jim Fox, City Attorney



CALL TO ORDER

1. Discussion of issues relating to Exterior Signage at the Community Center.

[DIS 17-016](#)

Recommended Action: Discussion only in Workshop.

Department: City Manager's Office and City Attorney Fox

Attachments: [Resolution- Fire Arm Possession in Deer Park Community College-03-2017](#)

2. Discussion of issues relating to the Intersection of Railroad Avenue and Center Street.

[DIS 17-018](#)

Recommended Action: Discussion only in Workshop.

Department: City Manager's Office, Public Works and Police

3. Discussion of issues relating to participation in Shared Legislative Monitoring Services with Other East Harris County Municipalities.

[DIS 17-020](#)

Recommended Action: Discussion only in Workshop

Department: Mayor Mouton Jr.

ADJOURN

Shannon Bennett, TRMC
Acting City Secretary

Posted on Bulletin Board
March 2, 2017

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 72 hours prior to any meeting. Please contact the City Secretary's office at 281.478.7248 for further information.

The Mission of the City of Deer Park is to deliver exemplary municipal services that provide the community a high quality of life consistent with our history, culture and unique character.



Legislation Details (With Text)

File #: DIS 17-016 **Version:** 2 **Name:**
Type: Discussion **Status:** Agenda Ready
File created: 3/1/2017 **In control:** City Council Workshop
On agenda: 3/7/2017 **Final action:**
Title: Discussion of issues relating to Exterior Signage at the Community Center.
Sponsors: City Manager's Office, Jim Fox
Indexes:
Code sections:
Attachments: [Resolution- Fire Arm Possession in Deer Park Community College-03-2017](#)

Date	Ver.	Action By	Action	Result
3/7/2017	2	City Council Workshop		

Discussion of issues relating to Exterior Signage at the Community Center.

Summary:

Early last year, the City permanently affixed signage at all entry points of Community Center restricting guns from the building. We believed this to be necessary and prudent because the Community Center houses a pre-school program, which is operated by a third party vendor known as the Community Center Pre-School. State law restricts openly carried or concealed weapons on the premises of a school. The types of signage placed on the building often are referred to as "30.06" and "30.07" signs, as they reflect Sections 30.06 and 30.07 of the Texas Penal Code.

After the 30.06 and 30.07 signs were affixed to the Community Center, a complaint was filed with the State Attorney General's Office (AG's Office) questioning the legality of the City's displaying of them. This led to a formal investigation of the matter by the AG's Office, which began in March 2016. In December 2016, the AG's Office concluded their investigation with a finding that the City should remove all posted 30.06 and 30.07 signs from the exterior of the Community Center, save the entrance on the southeast portion of the building which services only the pre-school facility. Additional correspondence between the City and the AG's Office led to the following agreed upon future steps by the City:

1. The City has removed all 30.06 and 30.07 signs permanently placed on the exterior of the Community Center, save only the 30.06 sign and 30.07 sign noted in #3 below.
2. The Community Center Pre-School has placed 30.06 and 30.07 signs in the interior hallway of the Community Center near the locked, interior hallway doors which lead to the portion of the Community Center that is leased by

the Community Center Pre-School and used exclusively in support of their operations.

3. There is one (1) exterior set of doors that provides ingress/egress for only that portion of the Community Center which is leased by the Community Center Pre-School. The previously placed 30.06 and 30.07 signs will remain permanently affixed to the outside portion of the Community Center at this set of doors only, since they lead to the portion of the Community Center that is leased by the Community Center Pre-School and used exclusively in support of their operations.
4. The City Council of the City of Deer Park will consider approval of a Resolution to have signs created and placed permanently near all exterior entry points of the Community Center (excepting the entry point mentioned in #3 above) which provide notice that the Community Center Pre-School is housed within the Community Center. Anticipated language on these signs reads as follows:

*This building houses The Community Center Pre-School, which conducts
classes each weekday from 7:30 a.m. until 2:30 p.m. During school hours
all weapons are prohibited pursuant to Penal Code Section 46.03(a)(1).*

An offense under that section is a third degree felony.

During Tuesday evening's City Council Meeting, it is recommended Council approve a Resolution (see attached) authorizing creation of signs to be affixed to the exterior of the Community Center which will contain the language above as written.

Fiscal/Budgetary Impact:

There will be a small cost associated with the creation of the new signs.

Discussion only in Workshop.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF DEER PARK, TEXAS, DESIGNATING THE DEER PARK COMMUNITY CENTER AS THE PHYSICAL PREMISES OF THE COMMUNITY PRE-SCHOOL FOR PURPOSES OF FIREARMS POSSESSION, INCLUDING BY A PERSON WHO HOLDS A LICENSE TO CARRY A HANDGUN.

WHEREAS, Texas Penal Code Section 46.03(a)(1) makes it an offense for a person to carry any firearm: (1) “on the physical premises of a school or educational institution...[; or (2) on]...any grounds or building on which an activity sponsored by a school or educational institution is being conducted...whether the school or educational institution is public or private;” and

WHEREAS, Penal Code Section 46.03(a)(1) does not ascribe a temporal component to the prohibition in (1), above; and

WHEREAS, the term “physical premises” is not defined in the Penal Code or elsewhere; and

WHEREAS, Penal Code Sections 46.03(c)(1) and 46.035(f)(3) provide that “‘premises’ means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area;” and

WHEREAS, without other guidance, the term “physical premises” should arguably be compared to “premises;” and

WHEREAS, Tex. Att’y Gen. Op. No. KP-0047 (2015) is merely and advisory opinion, but it calls into question the common interpretation of Penal Code Section 43.03(a)(3), which has been that a person is prohibited from carrying a firearm into the *entire building or portion of a building that houses a court or court office*; and

WHEREAS, KP-0047 concludes that “[t]he Legislature has not clearly demarcated, or established, a precise boundary in a building or portion of a building at which handguns are prohibited or permitted;” and

WHEREAS, KP-0047 further concludes that the office of the attorney general “routinely acknowledges that decisions such as [what constitutes the physical premises of a school or educational institution] are for the governmental entity in the first instance, subject to the applicable review;” and

WHEREAS, on November 28, 2016, the 506th District Court of Waller County, Texas, issued an order in *Waller County, Texas v. Terry Holcomb, Sr.*, that the premises of a courthouse constituted the *entire building* housing the court or offices utilized by the court;

WHEREAS, the analysis by the district court is equally applicable to the prohibition in (1), above, related to the prohibition against carrying a firearm on the physical premises of a school or educational institution; and

WHEREAS, the Deer Park Community Center houses the Community Center Pre-School, which is a state-licensed child care facility and thus a “school or education institution” as defined by Texas Penal Code Section 46(a)(1); and

WHEREAS, any question about the applicability of Penal Code Section 43.03(a)(1) puts handgun license holders at risk of inadvertently committing a third degree felony; and

WHEREAS, the legislature enacted Penal Code Section 43.03(a)(1) to protect the students and parents of schools and educational institutions; and

WHEREAS, it may be difficult for a license holder, without notice provided by a sign, to definitively know where he or she can lawfully carry a firearm; and

WHEREAS, the City Council of the City of Deer Park finds that the most appropriate way to assist license holders to avoid an offense under Section 46.03(a)(1) and to protect the students and parents of the Community Center Pre-School is by determining where carry is appropriate and providing notice by a sign.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS, THE FOLLOWING:

1. Texas Penal Code Section 46.03(a)(3) as interpreted by Tex. Att’y Gen. Op. No. KP-0047 (2015) is merely advisory.
2. The 506th District Court of Waller County, Texas, issued an unambiguous order in *Waller County, Texas v. Terry Holcomb, Sr.*, that the premises of a courthouse constituted the entire building housing the court or offices utilized by the court
3. Texas Penal Code Section 46.03(a)(1) is analogous to Section 46.03(a)(3).
4. A handgun license holder may have difficulty determining what comprises the physical premises of the Community Center Pre-School.
5. The physical premises of the Community Center Pre-School constitutes the entire premises [as defined by Penal Code Sections 46.03(c)(1) and 46.035(f)(3)] of the Deer Park Community Center at all times.
6. City staff is hereby directed to post permanent signs at the entrances to the Deer Park Community Center identifying them as such.
7. The permanent signs posted under 6, above, should be conspicuously posted and contain the following language:

*This building houses The Community Center Pre-School, which conducts classes each weekday from 7:30 a.m. until 2:30 p.m. During school hours all weapons are prohibited pursuant to Penal Code Section 46.03(a)(1).
An offense under that section is a third degree felony.*

8. The possession of any firearm in the Deer Park Community Center can subject any person, including a person who holds a license to carry a handgun, to prosecution of a third degree felony pursuant to Penal Code Section 46.03(g).

PASSED AND APPROVED by the City of Deer Park, Texas on this _____ day of _____, 2017.

MAYOR, City of Deer Park, Texas

ATTEST:

City Secretary

APPROVED:

City Attorney



Legislation Details (With Text)

File #: DIS 17-018 **Version:** 3 **Name:**
Type: Discussion **Status:** Agenda Ready
File created: 3/1/2017 **In control:** City Council Workshop
On agenda: 3/7/2017 **Final action:**
Title: Discussion of issues relating to the Intersection of Railroad Avenue and Center Street.
Sponsors: City Manager's Office, Public Works, Police
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
3/7/2017	3	City Council Workshop		

Discussion of issues relating to the Intersection of Railroad Avenue and Center Street.

Summary:

Over the past several weeks, staff has witnessed a rise in illegal vehicular turning movements at the intersection of Center Street and Railroad Avenue. Specifically, these entail eastbound traffic on Railroad Avenue illegally turning northbound onto Center Street. Often this traffic includes large tractor-trailers which damage the new Gateway monuments located on North Center Street. You may recall, last year the Gateway monument on the west side of North Center Street sustained \$50,000 in damage when an errant 18-wheeler turned northbound onto Center Street off of Railroad Avenue. Astonishingly, in 2017 alone we have seen additional Gateway damage on three (3) separate occasions. In early January, the median was leveled by an unknown diesel. Staff made appropriate repairs to return the median to its original condition, only to have the median struck again less than a week later by another unknown tractor-trailer. Our wonderful Public Works crews once again made median repairs which remain in place. However, in mid-February yet another unknown errant diesel illegally turned onto Center Street from Railroad Avenue, taking such a wide turn the driver damaged the eastside Monument and ruining its ground lighting.

On Tuesday evening, staff would like to discuss this matter with Council and get your feedback on potential solutions to remedy this situation, including the installation of cameras to monitor that intersection.

Fiscal/Budgetary Impact:

Unknown at this time. To be determined.

Discussion only in Workshop.



Legislation Details (With Text)

File #: DIS 17-020 **Version:** 2 **Name:**

Type: Discussion **Status:** Agenda Ready

File created: 3/2/2017 **In control:** City Council Workshop

On agenda: 3/7/2017 **Final action:**

Title: Discussion of issues relating to participation in Shared Legislative Monitoring Services with Other East Harris County Municipalities.

Sponsors: Jerry Mouton Jr.

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/7/2017	2	City Council Workshop		

Discussion of issues relating to participation in Shared Legislative Monitoring Services with Other East Harris County Municipalities.

Summary:

Mayor Mouton recently met with fellow Mayors from municipalities throughout East Harris County. They discussed mutual interest in sharing the costs of legislative monitoring services throughout the remainder of the State of Texas' current Legislative Session. He will provide additional details on Tuesday evening in an effort to gauge Council's interest in participating in this endeavor with our neighboring cities.

Fiscal/Budgetary Impact:

Estimated to be \$3,000.

Discussion only in Workshop