

CITY OF DEER PARK

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710 EAST SAN AUGUSTINE STREET

DEER PARK, TEXAS 77536

Minutes of

THE 1667th 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 JULY 19, 2016, AT 7:30 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

JERRY MOUTON
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
SHANNON BENNETT
JIM FOX

CITY MANAGER
ASSISTANT CITY MANAGER
ACTING 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 Councilman Patterson.
3. PLEDGE OF ALLEGIANCE – Councilman Martin led the Pledge of Allegiance to the United States Flag and the Texas Flag.
4. RECOGNITION OF DEER PARK TOROS 8U BASEBALL TEAM – Mayor Mouton recognized the Deer Park Toros 8U Baseball Team for their win at the World Series Championship in Destin, Florida.

Mayor Mouton commented, “It’s always nice to recognize accomplishments. You watch the news and it’s very seldom that you find these kinds of scenarios being recognized on television for their great accomplishments. Not just in Deer Park but all of our communities. I know this would not happen without the support of the community which are families and all of you working together. I was on the Handlers and Hellyers Facebook pages so I got to see a lot of the journeys you all have made around the country. It always made me smile knowing you all were representing our community. Thank you from the Mayor and the City Council for representing Deer Park.”

5. PUBLIC HEARING ON THE REQUEST OF the Deer Park Fire Marshal's office and the Chief Building Official that the building located at 1242 Center Street known as Vega's Mexican Restaurant be declared substandard by the Deer Park City Council -

Mayor Mouton asked Jim Fox, City Attorney to present the facts as to reasons for conducting the hearing.

Mr. Fox called upon Larry Brotherton, Chief Building Official for testimony pertaining to the condition of the property located at 1242 Center Street and asked him to state his name.

Mr. Brotherton answered, "Larry Brotherton, Chief Building Official."

Mr. Fox asked, "Did you inspect the property and structure located at 1242 Center Street, Deer Park, Harris County, Texas?"

Mr. Brotherton answered, "Yes. The fire happened on Saturday, May 8, 2016 and the Fire Marshal and I inspected the property on May 10, 2016."

Mr. Fox asked, "Can you go over what you found in the inspection?"

Mr. Brotherton answered, "We have pictures if that will help."

Mr. Fox asked, "Generally, what did you find?"

Mr. Brotherton answered, "It's a total loss."

Mr. Fox asked, "Was the roof gone?"

Mr. Brotherton answered, "Part of the roof was gone in all areas. Especially in one area, it was really bad. That's where they believed the fire started and the building collapsed.

Mr. Fox asked, "Is it open to the public at this time?"

Mr. Brotherton answered, "There's some tape around it. It wouldn't prevent someone to try and get in there."

Mr. Fox asked, "How dangerous are the premises at this particular time?"

Mr. Brotherton answered, "It's very dangerous. When the Fire Marshal and I walked through, we wore hard hats because you don't know what's stable or what's not."

Mr. Fox asked, "Would it be your testimony that the building structure be considered substandard and a nuisance?"

Mr. Brotherton answered, "Yes, Sir."

Mr. Fox asked, "Do you think it would constitute a serious health hazard to an individual on the property?"

Mr. Brotherton answered, "Yes."

Mayor Mouton asked Council if they had any more questions for Mr. Brotherton.

Councilwoman Garrison commented, "It is dangerous for it to be there. If someone did walk through it, they could be injured badly."

Mr. Brotherton commented, "It's an eyesore but it is also dangerous."

Councilman Patterson asked, "Can we keep the kids away from it?"

Mr. Brotherton answered, "Not really."

Mr. Fox asked, "Are you recommending that the building be demolished with its current conditions?"

Mr. Brotherton answered, "Yes."

6. HEARING OPENED FOR THOSE PERSONS DESIRING TO SPEAK IN FAVOR OF THE REQUEST – Mayor Mouton opened the hearing for those desiring to speak in favor of the request.

Patricia Garcia owner of Vegas Mexican Restaurant, commented, "I wanted to approach you all to let you know on July 25, 2016, I am pulling an asbestos inspection. It will take approximately a week. Then on the first of August, we will start demolishing on the property. They have to get the inspection first before we can pull a demolish permit. So those are my plans right now."

City Manager Jay Stokes asked, "Do you know how long the demolishing will take?"

Ms. Garcia answered, "Once they start, it's a three to four day process. If there is a delay, I will make sure I contact Mr. Brotherton."

Mayor Mouton asked, "By the end of August, it should be demolished?"

Ms. Garcia answered, "Yes."

Councilwoman Sinor asked, "Have these plans changed? I heard they were trying to come up with the money."

Ms. Garcia answered, "We were trying to get the money together. They were going to have a benefit on the 14th. So we figured after the 14th, it would be more than a two week process. We were able to come up with the money, so we are going to speed it up."

7. HEARING OPENED FOR THOSE PERSONS DESIRING TO SPEAK AGAINST THE REQUEST - Mayor Mouton called for those persons desiring to speak against the request. No one spoke.
8. CONSENT CALENDAR – Motion was made by Councilman Ginn and seconded by Councilman Martin to approve the consent calendar as follows:
 - a. Approval of minutes of workshop meeting on June 28, 2016.
 - b. Approval of minutes of regular meeting on June 28, 2016.
 - c. Approval of tax refund to Popp Hutcheson PLLC in the amount of \$1,294.07 due to a value decrease granted by Harris County Appraisal District.
 - d. Approval of tax refund to Popp Hutcheson PLLC in the amount of \$4,552.25 due to a value decrease granted by Harris County Appraisal District.
 - e. Approval of tax refund to First American Title Company LLC in the amount of \$758.91 due to homestead and disabled exemptions added and a freeze granted by Harris County Appraisal District.
 - f. Approval of tax refund to Linda Hord in the amount of \$550.36 due to homestead and over-65 exemptions and a freeze change granted by Harris County Appraisal District.
 - g. Approval of tax refund to Dimple Patel in the amount of \$5,593.37 due to a value decrease granted by Harris County Appraisal District.
 - h. Authorization to purchase a range cart from E-Z-GO for the Battleground Golf Course.
 - i. Acceptance of the Quarterly Financial Report for the Fiscal Year 2015-2016 Second Quarter Ended March 31, 2016.

Motion carried 7 to 0.

9. COMMENTS FROM AUDIENCE –

- a. Larry Cernosek, 614 Regency, Deer Park commented, “I am here to speak on Item #1. I am not going to repeat the comments from the last meeting. I want you all to know there have been great improvements since the City was there. I have been really involved in that. It took a lot of pressure off Ms. Neelley. People said she was crazy. I don’t know why you would say that. She works with school kids. She is not crazy. She was a little down, when we initially came into the situation. I just want to say the money that is owed to the City, the money she doesn’t have to pay, can be used on the house. It’s that simple. I understand the City might have some expenses, but a lot of it is paperwork. I want you all to take that into consideration

because we are still working very diligently. As you know, I got her a car. We got rid of the other three junk cars. It solved a big problem with that. I have been mowing her grass. It's not an issue. If someone else has that problem in Deer Park, they can call me. I will go and mow their grass. I love to mow grass. Thank you all very much."

10. CONSIDERATION OF AND ACTION ON A LIEN REMOVAL REQUEST OF MS. JANET NEELLEY - Motion was made by Councilwoman Garrison and seconded by Councilman Patterson not to approve the lien removal request of Ms. Janet Neelley.

Councilwoman Sinor asked, "What were the past reductions?"

City Manager Jay Stokes answered, "The initial bill had some extra charges related to the mowing itself. They were taken off."

Councilwoman Sinor commented, "The only thing I remember doing from a previous invoice, is to take the interest off. I would be in favor of that. I don't think we can remove all the liens that had costs incurred and we're setting a precedent for others. It's going to incur interest until it's paid."

Motion carried 7 to 0.

11. CONSIDERATION OF AND ACTION ON APPOINTING THE CITY'S REPRESENTATIVE TO AN ARBITRATION COMMITTEE - Motion was made by Councilwoman Garrison and seconded by Councilman Patterson to appoint Ryan Taylor as the City's representative to the Arbitration Committee. Motion carried 7 to 0.

12. CONSIDERATION OF AND ACTION ON A RESOLUTION TO NAME THE CITY OWNED PARK PROPERTY CURRENTLY REFERRED TO AS THE "DEER PARK WETLAND" TO THE "DEER PARK NATURE PRESERVE" - Motion was made by Councilman Martin and seconded by Councilman Ginn to approve Resolution No. 2016-07, captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS NAMING THE CITY PARK LOCATED AT THE SOUTHEAST CORNER OF THIRTEENTH STREET AND EAST BOULEVARD THE "DEER PARK NATURE PRESERVE."

Motion carried 7 to 0.

13. CONSIDERATION OF AND ACTION ON AN ORDINANCE APPROVING A 15-FOOT WATER LINE EASEMENT - After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilman Patterson to adopt on first and final reading Ordinance No. 3814, captioned as follows:

AN ORDINANCE APPROVING AND ACCEPTING THE DEDICATION FROM “NEC SPENCER HIGHWAY AND EAST BOULEVARD PHASE 1, LTD” TO THE CITY OF DEER PARK OF A FIFTEEN FOOT (15’) WATER LINE EASEMENT, AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

14. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FY 2015-2016 FCPMSD BUDGET IN THE AMOUNT OF \$8,611 FOR A ONE-TIME LUMP-SUM PAYMENT FOR ELIGIBLE FULL-TIME EMPLOYEES OF THE FCPMSD - After a proposed ordinance was read by caption, motion was made by Councilwoman Sinor and seconded by Councilman Martin to adopt on first and final reading Ordinance No. 3815, captioned as follows:

AN ORDINANCE AMENDING THE FISCAL YEAR 2015-2016 BUDGET FOR THE DEER PARK FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT APPROPRIATING THE SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

15. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FY 2015-2016 CCPD BUDGET IN THE AMOUNT OF \$5,762 FOR A ONE-TIME LUMP-SUM PAYMENT FOR ELIGIBLE FULL-TIME EMPLOYEES OF THE CCPD - After a proposed ordinance was read by caption, motion was made by Councilman Harrison and seconded by Councilman Ginn to adopt on first and final reading Ordinance No. 3816, captioned as follows:

AN ORDINANCE AMENDING THE FISCAL YEAR 2015-2016 BUDGET FOR THE DEER PARK CRIME CONTROL AND PREVENTION DISTRICT, AND APPROPRIATING THE SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

16. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE 2015-2016 BUDGET IN THE TOTAL AMOUNT OF \$409,553 FOR A ONE-TIME LUMP-SUM PAYMENT FOR ELIGIBLE FULL-TIME CITY EMPLOYEES - After a proposed ordinance was read by caption, motion was made by Councilman Ginn and seconded by Councilman Martin to adopt on first and final reading Ordinance No. 3817, captioned as follows:

AN ORDINANCE AMENDING THE 2015-2016 BUDGET FOR THE CITY OF DEER PARK, TEXAS, AND APPROPRIATING THE SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

17. CONSIDERATION OF AND ACTION ON AN ORDINANCE CALLING A PUBLIC HEARING ON THE PROPOSED FY 2016-2017 CRIME CONTROL AND PREVENTION DISTRICT BUDGET - After a proposed ordinance was read by caption, motion was made by Councilman Harrison and seconded by Councilwoman Sinor to adopt on first and final reading Ordinance No. 3818, captioned as follows:

AN ORDINANCE OF THE CITY OF DEER PARK SETTING A DATE AND TIME FOR A PUBLIC HEARING ON THE CITY APPROVING THE 2016-2017 BUDGET FOR THE CRIME CONTROL AND PREVENTION DISTRICT; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

18. CONSIDERATION OF AND ACTION ON AN ORDINANCE CALLING A PUBLIC HEARING ON THE PROPOSED FY 2016-2017 FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT BUDGET- After a proposed ordinance was read by caption, motion was made by Councilwoman Patterson and seconded by Councilman Martin to adopt on first and final reading Ordinance No. 3819, captioned as follows:

AN ORDINANCE OF THE CITY OF DEER PARK SETTING A DATE AND TIME FOR A PUBLIC HEARING ON THE CITY APPROVING THE 2016-2017 BUDGET FOR A FIRE CONTROL PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

19. CONSIDERATION OF AND ACTION ON THE ADOPTION OF AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR THE TRAMMELL CROW PUD LOCATED AT 800 W. PASADENA BLVD. TO CONSTRUCT A 280 UNIT APARTMENT COMPLEX- After a proposed ordinance was read by caption, motion was made by Councilwoman Sinor and seconded by Councilman Ginn to adopt on first and final reading Ordinance No. 3820, captioned as follows:

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN OF THE PLANNED UNIT DEVELOPMENT FOR "THE ALEXAN DEER PARK" TO BE LOCATED ON A 10.3 ACRE TRACT OF LAND OUT OF LOTS 14 & 15, HOUSTON SUBURBAN ESTATES (800 WEST PASADENA BOULEVARD), PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

Motion carried 6 to 1 with Councilwoman Garrison in opposition.

20. CONSIDERATION OF AND ACTION ON AN ORDINANCE OF FINDINGS AS A RESULT OF THE PUBLIC HEARING ON THE BUILDINGS, STRUCTURES OR PREMISES LOCATED AT 1242 CENTER STREET, KNOWN AS VEGA'S MEXICAN RESTAURANT, FINDING AND DECLARING THAT SUCH BUILDINGS, STRUCTURES OR PREMISES ARE SUBSTANDARD AND A NUISANCE; MAKING CERTAIN ORDERS TO OWNERS OF SAID BUILDINGS - After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilwoman Sinor to adopt on first and final reading Ordinance No. 3821, captioned as follows:

AN ORDINANCE OF FINDINGS FROM THE HEARING CONCERNING THE BUILDINGS, STRUCTURES OR PREMISES LOCATED AT 1242 CENTER STREET, DEER PARK, TEXAS, FINDING AND DECLARING THAT SUCH BUILDINGS, STRUCTURES AND PREMISES ARE SUBSTANDARD AND A NUISANCE; MAKING CERTAIN ORDERS TO OWNERS OF SAID BUILDINGS, PROVIDING OTHER DETAILS AND DECLARING AN EMERGENCY.

City Manager Jay Stokes suggested the owners are given a specific date based on their comments. If they have not remedy the situation by the specific date, the City will take action.

Mayor Mouton advised the owner has thirty days to comply which is stated in the ordinance.

Motion carried 7 to 0.

21. ADJOURN – Mayor Mouton adjourned the meeting at 8:30 p.m.

ATTEST:

APPROVED:

Shannon Bennett, TRMC
Acting City Secretary

Jerry Mouton
Mayor