

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

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Minutes of

THE 1681ST 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 FEBRUARY 21, 2017, AT 7:30 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

JERRY MOUTON	MAYOR
SHERRY GARRISON	COUNCILWOMAN
THANE HARRISON	COUNCILMAN
TOMMY GINN	COUNCILMAN
BILL PATTERSON	COUNCILMAN
RON MARTIN	COUNCILMAN
RAE A. SINOR	COUNCILWOMAN

AND PLANNING AND ZONING COMMISSION MEMBERS PRESENT:

STAN GARRETT	CHAIRMAN
DON TIPPIT	COMMISSIONER
RAY BALUSEK	COMMISSIONER

OTHER CITY OFFICIALS PRESENT:

JAY STOKES	CITY MANAGER
GARY JACKSON	ASSISTANT CITY MANAGER
SHANNON BENNETT	ACTING 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 Councilman Patterson.
3. PLEDGE OF ALLEGIANCE – Councilman Martin led the Pledge of Allegiance to the United States Flag and the Texas Flag.
4. PRESENTATION – Mayor Mouton presented City Secretary Sandra Watkins with a proclamation proclaiming February 28, 2017 as “Sandra Watkins Day”.

Ms. Watkins commented, “I have had three Mayors and three City Managers, several Councils. Board of Adjustment Committees. I have a great staff. They are very supporting and knowledgeable. I am very proud of them and the work they have been doing while I’ve been

out. It's a little earlier than I had anticipated, but it's something that's part of my dream right now. I know that God has been with me in this and keeps me going. I just love the City of Deer Park and that's why it's so hard to make this decision because it's my second family. I love what I do. It's been a rewarding career. Thirty-two years ago, I worked at a place in industry and they took us secretaries in as part-time, even though we still worked forty hours a week because they wanted to save money and not have to pay benefits. When you have a six-year-old and nine-year-old, you need some benefits. I prayed for benefits and prayed for a place, never realizing that God's version of benefits and my version was so totally different. I have been blessed from the time I came here with Ms. Dorothy Martin who was a great mentor, to my Managers, Assistant Manager, my Mayors and Councils, Board and Commissions, my staff and all my co-workers, I mean it's just a big family. I shall cherish this time that I've had and the time I'm going to have, 'cause I'm not gone'. I've already joined the Historical Committee. I've told Jay and the Mayor that I want to be on the Charter Review Committee and I might come up with some other things. The other day I was looking at The Messenger and thought, those Maxwell people have a lot of fun, but Ronnie said we're not that old yet. I said that we're old enough. I want to spend some time with my family and Ronnie and I want to do a little bit of traveling, that goes back to the history of the USA, that's what we want to see. I appreciate this and am very honored by this, and by all of you."

Mayor Mouton comments "This City's got a great reputation and a great legacy that's been left by our forefathers and you've contributed significantly in helping to maintain and grow the reputation that when people look at us, we're a great city. It's reflective of you and all the employees of our city that do a great job for us. You have been a center focus for many years here, doing your part and you've trained up a great staff. It's a good time for you to make this decision and we're just privileged that you allow us to honor you here tonight and the 28th is her day. She can do whatever she wants, eat anything she wants and Ronnie, you're going to clean the house, wash clothes, do everything for her on the 28th."

5. JOINT PUBLIC HEARING ON THE REQUEST OF THE CITY OF DEER PARK TO AMEND ORDINANCE NO. 819, THE ZONING ORDINANCE -

Mayor Mouton opened the hearing on behalf of the City Council.

Chairman Garrett opened the hearing on behalf of the Planning and Zoning Commission.

Acting City Secretary Shannon Bennett read the Notice of Joint Public Hearing. (Exhibit A)

Mayor Mouton called for those persons desiring to speak in favor of the request.

- a. Larry Brotherton, Chief Building Official commented, "The three sheets you have, the first one is the definition of an ordinance. We have tweaked it. The reason for this is, we had some complaints that we were being too rough on the industrial district and that the developers were required to spend too much money to concrete everything. We required by ordinance anything that had parked vehicles had to be on concrete or asphalt. The reason for that is, they try to keep down the dust problem, so staff along with Mr. Stokes, worked this up to see if this would help the contractors, which will help out perspective tenants.

This helps out the city in the long run. If this is adopted, we have a device to fine a company if they don't treat their lay down yard for dust free treatment. It allows the parking of vehicles on something other than asphalt or concrete, if it's engineered to meet the weight of a firetruck as well as some of the trucks that are used in the industrial district. The second sheet is out of the ordinance where we changed the requirements in a Residential, Commercial and M1 District. That means, in Commercial and Residential, you still have to have asphalt or concrete. Before that, if you read the ordinance, if you just park two vehicles, you could put crushed rock down and we won't allow that. We never have and that cuts that out completely. The third sheet is the actual ordinance in the use group about lay down yards. Some of the language is repeated, but it had to be and you will see that it has to be engineered. It has to be drained and grated so it drains right and it doesn't cause a problem with our storm sewer, the rain runoff."

Councilwoman Garrison asked, "Do you feel that this is sufficient?"

Mr. Brotherton answered, "I think it's a vast improvement, yes ma'am I do. With Mr. Pederson requesting the engineer, that means it's on the engineers to make it right when they submit plans."

Councilwoman Sinor commented, "On the variance, the fee went from \$150 to \$500. Help me remember why we went up so drastically."

Mr. Brotherton answered, "Well, the Commissioners think it might have been too drastic. To put a variance in the paper is about \$90. If the Board of Adjustments attend a hearing, that is \$10 a hearing. If there is five of them, that's \$50, then you're at \$140. You also have all the mailings that go out to everybody within 200 feet of every corner of the property. That's expensive and they have to pay me."

City Manager Jay Stokes commented, "The idea was to raise it where you are covering the cost."

Mr. Brotherton commented, "We don't have to make money, but the city has been losing money."

Councilwoman Garrison asked, "Are you going to reconsider the \$150?"

Chairman Garrett answered, "Yes, we are going to consider it and discuss it at our next meeting."

Councilwoman Garrison commented, "I think \$150 is too low."

Mr. Brotherton commented, "Especially when you compare it to other cities."

Mayor Mouton commented, "Which was how it got to the \$500. That's what was being suggested because of comparison to other municipalities."

Councilwoman Garrison asked, "Was this discussed in the Steering Committee? If you look at the Specific Use Permit, it went up. There was a \$700 increase and the filing fee and rezoning was a \$600 increase. The Planning and Zoning Commission doesn't have a problem with that?"

Chairman Garrett answered, “No we don’t.”

Councilwoman Garrison asked, “Do you have a lot more requests for a variance?”

Chairman Garrett answered, “There’s a much larger number of variance requests. It applies to a lot of people who want to get the cars off the street, to have no parking on the street, so they want to add to their driveways.”

Councilwoman Garrison commented, “I’m glad you are going to consider it.”

Councilwoman Sinor asked, “Do you have a way of adding up the cost and coming up with a more reasonable amount?”

Mr. Brotherton answered, “Yes, I can get with Shannon. It’s not an exact figure every time because it depends on how many mailings have to go out.”

Councilwoman Sinor asked, “But a closer dollar amount?”

Mr. Brotherton answered, “Sure. We know now that it exceeds \$150.”

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

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

6. AWARDING BID FOR THE CONSTRUCTION OF THE DEER PARK COMMUNITY DEVELOPMENT CORPORATION DOW PARK PAVILION AND IMPROVEMENTS – Motion was made by Councilwoman Garrison and seconded by Councilman Martin to award the bid for the construction of the Deer Park Community Development Corporation Dow Park Pavilion and Improvements to South Pool and Spa, low bidder, in the amount of \$617,737.50. Motion carried 7 to 0.
7. CONSENT CALENDAR – Motion was made by Councilman Harrison and seconded by Councilman Ginn to approve the consent calendar as follows:
 - a. Approval of minutes of workshop meeting on February 7, 2017.
 - b. Approval of minutes of regular meeting on February 7, 2017.
 - c. Approval of minutes of emergency meeting on February 13, 2017.
 - d. Approval of tax refund to Marco Group International in the amount of \$19,795.26 due to a value decrease granted by Harris County Appraisal District.
 - e. Approval of tax refund to Marco Group International in the amount of \$2,795.22 due to a value decrease granted by Harris County Appraisal District.

- f. Approval of recommendation from the Historical Committee to authorize an agreement with SWCA Environmental Consultants for Due Diligence and Application for an Official Texas Historical Marker for the Mary W. Jackson and William Wilson Gravesite.
- g. Authorization to purchase and install a wrought iron picket fence from Gray Layne Construction in Dow Park at the gravesite for Mary W. Jackson and William Wilson.
- h. Acceptance of completion and release of retainage for Hillshire and Estate Waterline Rehabilitation Project.
- i. Acceptance of completion and release of retainage to Hoggatt, LP for the Gateway Monument Repair Project.
- j. Authorization to advertise and bid the Deer Park Animal Shelter and Adoption Center.
- k. Authorization to advertise and receive bids for Replacement of 10" Force Main at Harris County Flood Control District Unit B112-00-00.
- l. Authorization of a change in the capital improvements and equipment requested by Touchstone Golf, LLC.
- m. Authorization to purchase the services of SKE Construction LLC through the Buy Board for the Storm Drain Replacement Project.

Motion carried 7 to 0.

8. CONSIDERATION OF AND ACTION ON THE PURCHASE AND INSTALLATION OF WELLNESS EQUIPMENT FROM TOTAL RECREATION PRODUCTS, INC. IN MCHENRY PARK AT THE E.M. MAXWELL ADULT CENTER - Motion was made by Councilman Martin and seconded by Councilman Patterson to approve the purchase and installation of wellness equipment from Total Recreation Products, Inc. in McHenry Park at the E.M. Maxwell Adult Center.

Councilwoman Garrison asked, "Can the equipment be used by anyone in the City?"

Mr. Swigert answered, "Correct".

Motion carried 7 to 0.

9. CONSIDERATION OF AND ACTION ON AUTHORIZING THE LIBRARY TO SUBMIT A GRANT APPLICATION FOR THE 2018 IMPACT GRANT THROUGH THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION - Motion was made by Councilman Harrison and seconded by Councilwoman Sinor to authorize the Library to submit a grant application for the 2018 Impact Grant through the Texas State Library and Archives Commission. Motion carried 7 to 0.

10. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET FOR THE POLICE DEPARTMENT FORFEITURE FUND FOR THE PURCHASE OF RAPID DEPLOYMENT ARMOR PACKAGES FOR THE CITY'S POLICE OFFICERS - 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. 3881, captioned as follows:

AN ORDINANCE AMENDING THE 2016-2017 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.

11. CONSIDERATION OF AND ACTION ON AN ORDINANCE CALLING A GENERAL ELECTION ON MAY 6, 2017 TO ELECT A MAYOR AND THREE COUNCILMEMBERS - After a proposed ordinance was read by caption, motion was made by Councilman Ginn and seconded by Councilman Harrison to adopt on first and final reading Ordinance No. 3882, captioned as follows:

AN ORDINANCE CALLING A GENERAL ELECTION IN THE CITY OF DEER PARK, TEXAS, ON MAY 6, 2017, FOR THE ELECTION OF MAYOR AND THREE COUNCILMEMBERS, POSITIONS ONE, TWO AND THREE; ESTABLISHING THE ELECTION PRECINCT FOR SUCH ELECTION; THE POLLING PLACE THEREFOR; NAMING THE ELECTION JUDGES AND PROVIDING FOR THEIR COMPENSATION; PROVIDING FOR NOTICE; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

12. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET OF THE GOLF COURSE LEASE FUND FOR ADDITIONAL EQUIPMENT AND CAPITAL IMPROVEMENTS – 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. 3883, captioned as follows:

AN ORDINANCE AMENDING THE 2016-2017 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.

13. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FISCAL YEAR 2015-2016 BUDGET FOR THE LIMITED TAX REFUNDING BONDS, SERIES 2016

- 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. 3884, 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.

14. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 WATER & SEWER FUND BUDGET

- After a proposed ordinance was read by caption, motion was made by Councilman Martin and seconded by Councilman Patterson to adopt on first and final reading Ordinance No. 3885, captioned as follows:

AN ORDINANCE AMENDING THE 2016-2017 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.

15. CONSIDERATION OF AND ACTION ON THE RESULTS OF THE JOINT PUBLIC HEARING AND THE PROPOSED AMENDMENTS TO ORDINANCE NO. 819, THE ZONING ORDINANCE (1ST READING)

- After a proposed ordinance was read by caption, motion was made by Councilman Harrison and seconded by Councilwoman Sinor to adopt on first reading Ordinance No. 3886, captioned as follows:

AN ORDINANCE AMENDING IN ITS ENTIRETY THE ZONING ORDINANCE OF THE CITY OF DEER PARK, TEXAS, NO. 283, ADOPTED OCTOBER 24, 1963, AS AMENDED, THIS ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN THE CITY OF DEER PARK, TEXAS, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES, SIZE, TYPE AND CHARACTER OF CONSTRUCTION OF BUILDINGS AND OTHER STRUCTURES, THE AREA OF LOTS AND BUILDINGS THAT MAY BE OCCUPIED, THE SIZE OF LOTS, YARDS, COURTS AND OTHER OPEN PLACES, THE DENSITY OF POPULATION, THE LOCATION AND USES OF BUILDINGS, STRUCTURES AND LAND FOR PREDEVELOPMENT, COMMERCE, TRADE, INDUSTRY, RESIDENCES AND OTHER PURPOSES; ESTABLISHING THE BOUNDARIES OF SUCH DISTRICTS, REGULATING AND RESTRICTING THE OCCUPANCY, IMPROVEMENT, ERECTION, PLACEMENT, CONSTRUCTION, REMOVAL, RECONSTRUCTION, DEMOLITION, CONVERSION, ALTERATION,

REPAIR AND USE OF BUILDINGS, STRUCTURES, SIGNS AND LAND WITHIN SUCH DISTRICTS, PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF USES, BUILDINGS AND STRUCTURES, THE TYPES AND CHARACTER OF CONSTRUCTION AND USES WITHIN THE SEVERAL DISTRICTS; ADOPTING A MAP SETTING FORTH THE SEVERAL DISTRICTS, ADOPTING CERTAIN REGULATIONS, RESTRICTIONS, LIMITATIONS, PERFORMANCE STANDARDS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS AND REQUIRING COMPLIANCE WITH ALL OF THE PROVISIONS OF THIS ORDINANCE, DEFINING TERMS USED IN THIS ORDINANCE, AND SETTING FORTH ITS PURPOSE AND OBJECTIVE, PROVIDING FOR VEHICULAR LOADING AND PARKING, PROVIDING FOR ACCESSORY BUILDINGS AND USES FOR NONCONFORMING USES OF BUILDINGS, STRUCTURES AND LAND; PROVIDING FOR CERTAIN EXCEPTIONS, MODIFICATIONS AND SPECIAL CONDITIONS TO THE USES ESTABLISHED, PROVIDING THE PROCEDURE TO OBTAIN SPECIFIC USE PERMITS IN CERTAIN INSTANCES, PROVIDING FOR COMPLETION OF STRUCTURES UNDER CONSTRUCTION AT THE TIME OF PASSAGE OF THIS ORDINANCE; PROVIDING FOR ADMINISTRATIVE PROCEDURE AND FOR THE DUTIES OF THE CITY DIRECTOR OF PLANNING AND INSPECTIONS IN CONNECTION WITH THE ADMINISTRATION OF THIS ORDINANCE; PROVIDING FOR BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY; PROVIDING FOR PENDING LITIGATION AND PRIOR VIOLATIONS; PROVIDING FOR A BOARD OF ADJUSTMENT AND THE POWERS AND PROCEDURE THEREOF; PROVIDING THE PROCEDURE FOR AMENDMENTS; PROVIDING FOR SEVERABILITY; PRESCRIBING A PENALTY BY FINE OF NOT LESS THAN \$25.00 NOR MORE THAN \$2,000.00 FOR VIOLATIONS, EACH DAY VIOLATIONS ARE PERMITTED TO EXIST CONSTITUTING A SEPARATE OFFENSE.

Motion carried 7 to 0.

16. ADJOURN – Mayor Mouton adjourned the meeting at 8:05 p.m.

ATTEST:

APPROVED:

Shannon Bennett, TRMC
Acting City Secretary

Jerry Mouton
Mayor