

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

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Minutes of

THE 1697th 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 OCTOBER 17, 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   |

PLANNING AND ZONING PRESENT:

|                    |              |
|--------------------|--------------|
| DANIELLE WENDEBURG | CHAIRMAN     |
| DOUG COX           | COMMISSIONER |
| STAN GARRETT       | COMMISSIONER |

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 Councilman Patterson.
3. PLEDGE OF ALLEGIANCE – Councilman Martin led the Pledge of Allegiance to the United States Flag and the Texas Flag.
4. PRESENTATION OF THE TEXAS AMATEUR ATHLETIC FEDERATION ATHLETE OF THE YEAR NOMINEE – Ben McCluney, Athletic Recreation Specialist, gave an overview of the Summer Track Program which operates under TAAF.

Coach Tendai Lynch presented Eric Zavala the TAAF Athlete of the Year Award for his performance of getting third place in the Regional Meet and also placing within the top eight in the State Meet.

5. PRESENTATION OF A CHECK FOR \$5,000 FROM THE DEER PARK ROTARY CLUB TO THE CITY OF DEER PARK HISTORICAL COMMITTEE FOR THE PURCHASE OF DISPLAY CABINETS – Becky Stockstill-Cobb, former President of the Deer Park Rotary Club, gave an overview of the efforts of the non-profit organization that represents the City of Deer Park. The Rotary Club presented a \$5,000 dollars to purchase new display cases for the museum that will house the Rotary Club history.

Councilwoman Garrison commented, “I want to say a special thank you to Gerald Cothran, I know he is not here. Gerald talked to me about this sometime ago and he was very instrumental in presenting this to the Board. All of the City of Deer Park will benefit from these cabinets. I have passion for History, but it is really important to preserve what we have so we won’t lose it. Thank you very much for doing this.”

6. PRESENTATION AND RECOGNITION OF MARY CALLIER, ASSOCIATE MUNICIPAL JUDGE – Judge Larry Wilson commented, “Mary Callier has been an Associate Judge here in Deer Park for the past fourteen years. She was my “go to” person. It used to be that I had to go to the jail 365 days of the year. I couldn’t take a vacation, we couldn’t plan anything. Mary, a retired lawyer, came on board and took on the job as an Associate Judge for fourteen years. She enjoyed it. She was out in the parking lot earlier, she tried to walk in but she just couldn’t. She was so pumped on saying goodbye and telling the Council how much she appreciated serving all these years. Like I said, she was my “go to” person and I will certainly miss her. We have a new Associate Judge coming in, David Froneberger. I don’t know if he can take her place but he is a very confident individual and a very good friend of mine. I know she would have loved to be here, because she kept saying she was waiting for this. I just wanted to tell you all that a great person is retiring as an Associate Judge. It means a lot for the system to work because I can’t do everything all the time. In Mary’s situation, if I got caught downtown on a hearing and it looked like the Judge was going to hold me over until 1:30 pm. I would call Mary Thursday morning and ask her to stand by and hold Court for me if needed. I could always count on her. I am sorry she is not here and I will pray for her recovery and her enjoyment of her retirement.”
7. JOINT PUBLIC HEARING ON THE REQUEST OF THE CITY OF DEER PARK TO AMEND ORDINANCE NO. 3886, THE ZONING ORDINANCE TO ALLOW THE USE OF EXTERNAL SHIPPING CONTAINERS UNDER CERTAIN CONDITIONS IN THE GENERAL COMMERCIAL ZONING DISTRICT - The public hearing was opened by the City Secretary reading the Notice of Public Hearing. (Exhibit A)

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

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

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

- a. Mr. Daniel Morales, Director of Public Affairs commented, “Thanks for having me today. We are asking for some space to have containers which will allow customers to take part

in our lay away program. This will enable us to hold the items in the parking. We have been working with City Manager, James Stokes to ensure that we are complying with the rules that need to be followed so that we can make sure we are a good neighbor. Also to serve our customers, but operate within the parameters that have been set. I am happy to take any questions.”

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

8. AWARDING BID FOR MOWING AND EDGING SERVICES ON CITY MAINTAINED MEDIANS, ENTRANCES AND RIGHTS OF WAYS ON EAST BOULEVARD – Motion was made by Councilwoman Garrison and seconded by Councilman Patterson to award Merriam Group for mowing and edging services on City maintained medians, entrances and right of ways on East Boulevard, low bidder in the amount of \$53,062.

Councilman Patterson asked, “Regarding the bid summary that is attached, can you explain it to me?”

Jacob Zuniga asked, “As far as what area?”

Councilman Patterson commented, “You have areas D1 and D2, discounts per job and grand totals. The first two columns do not have a grand total. I do not know what the monies mean in columns D1 and D2.”

Jacob Zuniga responded, “It should be in the packet. I do not have it in front of me at the moment.”

Councilman Patterson asked, “Why is there no grand total for the first two?”

Jacob Zuniga responded, “When the bids were provided, they were not totaled out.”

Councilman Patterson asked, “What do the numbers under D1 and D2 mean?”

Jacob Zuniga responded, “That is the price per mow for that area. There are two areas for the bid, there and the medians which is D1 and the right of ways which is D2.”

Councilman Patterson commented, “It does not tell me how you got to the grand total.”

Jacob Zuniga responded, “It’s based on the number of mows per the mowing schedule that is provided.”

Councilman Patterson asked, “This doesn’t tell me the numbers of mows. Do all three have the same number of mows?”

Mayor Mouton asked, “All the competing bids?”

Jacob Zuniga responded, “Yes.”

Councilman Patterson commented, "The numbers are different. There is nothing that says how many mows per week."

Jacob Zuniga responded, "They would have to break it down in the schedule based on what was provided in the bid packet. For example, the first two based their price on mowing D1 and D2. The other bids actually totaled it out based on the schedule that was provided."

Councilman Patterson asked, "Is each contractor providing the same amount of work?"

Jacob Zuniga responded, "Yes."

Councilman Patterson asked, "One guy is not mowing less and another one mowing more?"

Jacob Zuniga responded, "Correct."

Councilman Patterson asked, "So, the fifty three thousand is indeed the lowest bid based on the same number of mowing jobs that the high bidder is bidding?"

Jacob Zuniga responded, "Yes."

Motion carried 6 to 0.

9. CONSENT CALENDAR – Motion was made by Councilman Harrison and seconded by Councilwoman Garrison to approve the consent calendar as follows:
  - a. Approval of minutes of emergency tax hearing of October 03, 2017.
  - b. Approval of minutes of regular meeting of October 03, 2017.
  - c. Approval of minutes of special meeting of October 09, 2017.
  - d. Approval of tax refund to Terrie Tow in the amount of \$2,593.72 due to an overpayment.
  - e. Acceptance of completion of the Center Street and East Boulevard restriping project.
  - f. Acceptance of the Quarterly Financial Report for the Fiscal Year 2016-2017.
  - g. Authorization to seek bids for a contractor to construct the Deer Park Nature Preserve Phase I Project.

Motion carried 6 to 0.

10. CONSIDERATION OF AND ACTION ON AN AMENDMENT TO THE AGREEMENT WITH THE CRIME CONTROL PREVENTION DISTRICT FOR PERSONNEL, VEHICLES, FACILITIES, EQUIPMENT AND INVESTMENTS – Motion was made by Councilwoman Garrison and seconded by Councilman Martin to approve the amendment to the agreement with the Crime Control Prevention District for personnel, vehicles, facilities, equipment and investments. Motion carried 6 to 0.
11. CONSIDERATION OF AND ACTION ON AN AMENDMENT TO THE AGREEMENT WITH THE FIRE CONTROL PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT FOR PERSONNEL, VEHICLES, FACILITIES, EQUIPMENT AND INVESTMENTS – Motion was made by Councilman Martin and seconded by Councilman Ginn to approve the amendment to the agreement with the Fire Control, Prevention and Emergency Medical Services District for personnel, vehicles, and facilities, equipment and investments. Motion carried 6 to 0.
12. CONSIDERATION OF AND ACTION ON A ORDINANCE TO AMEND THE FY 2017-2018 DEER PARK CRIME CONTROL AND PREVENTION DISTRICT BUDGET FOR THE FIRING RANGE AND TRAINING FACILITY – 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. 3933, captioned as follows:

AN ORDINANCE AMENDING THE FISCAL YEAR 2017-18 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 6 to 0.

13. CONSIDERATION OF AND ACTION ON A RESOLUTION TO ENTER INTO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION – After a proposed resolution was read by caption, motion was made by Councilman Harrison and seconded by Councilman Ginn to approve Resolution No. 2017-19, captioned as follows:

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF DEER PARK, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT FOR CONSTRUCTION, MAINTENANCE AND OPERATION BETWEEN THE CITY OF DEER PARK AND THE STATE OF TEXAS FOR SAFETY LIGHTING ON STATE HIGHWAY 225.

Motion carried 6 to 0.

14. CONSIDERATION OF AND ACTION ON THE RESULTS OF THE JOINT PUBLIC HEARING AND A PROPOSED ORDINANCE AMENDING APPENDIX A, ZONING SECTION 7, COMMERCIAL DISTRICTS OF THE CODE OF ORDINANCE RELATED TO SHIPPING – After a proposed ordinance was read by caption, motion was made by Councilman Ginn and seconded by Councilwoman Garrison to adopt on first and final reading Ordinance No. 3934, captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TX AMENDING THE CODE OF ORDINANCES FOR THE CITY OF DEER PARK BY AMENDING APPENDIX A- ZONING SECTION 7- COMMERCIAL DISTRICTS BY ADDING A NEW SECTION 7.02.4.4, SPECIAL USE PERMIT TO GENERAL COMMERCIAL DISTRICT (GC) PROVIDING FOR STANDARDS WHEN AN APPLICATION MAY BE FOR THE USE OF SHIPPING CONTAINERS AS STORAGE; AMENDING SECTION 10.03 ZONING MATRIX BY ADDING “S” TO GENERAL COMMERCIAL (GC) FOR “OUTDOOR STORAGE AND DISPLAY”, AND PROVIDING FOR OTHER MATTERS RELATED TO THE SUBJECT; AND DECLARING AN EMERGENCY.

City Manager James Stokes commented, “Although it is amending the Special Use Permit Section, it does not require to have Specific Use Permit. I think I had stated that incorrectly in my memo and I just wanted to make sure it is clear. That is consistent with what was talked about before.”

Motion carried 6 to 0.

15. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING APPENDIX B FOR THE MONTHLY DRAINAGE UTILITY FEE - After a proposed ordinance was read by caption, motion was made by Councilman Garrison and seconded by Councilman Martin to adopt on first and final reading Ordinance No. 3935, captioned as follows:

AN ORDINANCE OF THE CITY OF DEER PARK, TEXAS; AMENDING APPENDIX B TO SET THE MONTHLY UTILITY FEES AND DECLARING AN EMERGENCY.

Motion carried 6 to 0.

16. ADJOURN – Mayor Mouton adjourned the meeting at 7:55 p.m.

ATTEST:

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Shannon Bennett, TRMC  
City Secretary

APPROVED:

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Jerry Mouton  
Mayor

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Danielle Wendeburg