

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

CC 77-01  
PZ 50-167

Minutes of

THE 1700TH 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 JANUARY 2, 2018, AT 7:30 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

JERRY MOUTON	MAYOR
SHERRY GARRISON	COUNCILWOMAN
TOMMY GINN	COUNCILMAN
BILL PATTERSON	COUNCILMAN
RAE SINOR	COUNCILWOMAN

PLANNING AND ZONING COMMISSION PRESENT:

DANIELLE WENDEBURG	CHAIRMAN
DON TIPPIT	COMMISSIONER
DOUGLAS COX	COMMISSIONER
RAY BALUSEK	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 ALLIGIANCE – Councilwoman Sinor led the Pledge of Allegiance to the United States Flag and the Texas Flag.
4. JOINT PUBLIC HEARING ON THE REQUEST OF THE CITY OF DEER PARK TO AMEND THE CODE OF ORDINANCE APPENDIX A-ZONING, SECTION 14.02 TO ALLOW HELIPORTS OR HELISTOPS AS AN ACCESSORY USE FOR MEDICAL FACILITIES IN THE GENERAL COMMERCIAL ZONING DISTRICT – Mayor Mouton opened the hearing on behalf of the City Council.

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

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. No one spoke.

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 Wendeburg on behalf of the Planning and Zoning Commission.

5. AWARDING BID FOR THE PHASE I OF THE DEER PARK NATURE PRESERVE – Motion was made by Councilwoman Garrison and seconded by Councilman Patterson to award the bid for the Phase I of the Deer Park Nature Preserve to Millis Development, low bidder, in the amount of \$554,809.00. Motion carried 5 to 0.
6. CONSENT CALENDAR – Motion was made by Councilwoman Garrison and seconded by Councilwoman Sinor to approve the consent calendar as follows:
  - a. Approval of minutes of workshop meeting on December 19, 2017.
  - b. Approval of minutes for regular meeting on December 19, 2017.
  - c. Approval of tax refund to Jack Beckham in the amount of \$619.59 due to an overpayment.
  - d. Approval of tax refund to Professional Service Industries in the amount of \$1,629.83 due to a value decrease granted by Harris County Appraisal District.
  - e. Acceptance of the Quarterly Financial Report for the Fiscal Year 2016-17 fourth quarter ending September 30, 2017.

Motion carried 5 to 0.

7. CONSIDERATION OF AND ACTION ON THE PURCHASE OF FIELD LIGHTING AND INSTALLATION FROM MUSCO SPORTS LIGHTING, LLC VIA BUY BOARD FOR SOCCER DEVELOPMENT AND GIRLS SOFTBALL RENOVATIONS TYPE B PROJECTS – Motion was made by Councilwoman Garrison and seconded by Councilman Ginn to approve the purchase of field lighting and installation from Musco Sports Lighting, LLC via Buy Board for Soccer Development and Girls Softball Renovations Type B Projects. Motion carried 5 to 0.
8. CONSIDERATION OF AND ACTION ON THE PURCHASE OF SHADE STRUCTURES FROM USA SHADE & FABRIC STRUCTURES VIA BUY BOARD FOR SOCCER DEVELOPMENT AND GIRLS SOFTBALL RENOVATIONS TYPE B PROJECTS – Motion was made by Councilman Patterson and seconded by Councilwoman Sinor to approve

the purchase of shade structures from USA Shade & Fabric Structures via Buy Board for Soccer Development and Girls Softball Renovations Type B Project. Motion carried 5 to 0.

9. CONSIDERATION OF AND ACTION ON A RESOLUTION TO SEEK A FISCAL YEAR 2019 STEP TRAFFIC ENFORCEMENT GRANT – Motion was made by Councilwoman Garrison and seconded by Councilman Ginn to approve Resolution No. 2018-01.

A RESOLUTION AUTHORIZING AND APPROVING A GRANT APPLICATION AND AGREEMENT BETWEEN THE CITY OF DEER PARK, TEXAS AND THE STATE OF TEXAS DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION IN THE AMOUNT OF FORTY-FOUR THOUSAND, NINE HUNDRED NINETY-NINE DOLLARS AND SIXTY CENTS (\$44,999.60) TO CONDUCT A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) DIRECTED AT TRAFFIC ENFORCEMENT TO BE ADMINISTERED BY THE POLICE DEPARTMENT.

Motion carried 5 to 0.

10. CONSIDERATION OF AND ACTION ON THE RESULTS OF THE JOINT PUBLIC HEARING AND A PROPOSED ORDINANCE ON THE REQUEST OF THE CITY OF DEER PARK TO AMEND THE CODE OF ORDINANCE APPENDIX A-ZONING, SECTION 14.02 TO ALLOW HELIPORTS OR HELISTOPS AS AN ACCESSORY USE FOR MEDICAL FACILITIES IN THE GENERAL COMMERCIAL ZONING DISTRICT – After a proposed ordinance was read by caption, motion was made by Councilman Ginn and seconded by Councilwoman Sinor

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF DEER PARK BY AMENDING APPENDIX A-ZONING, SECTION 14.02 – HELIPORTS, BY ALLOWING HELIPORTS OR HELISTOPS AS AN ACCESSORY USE FOR MEDICAL FACILITIES LOCATED IN COMMERCIAL DISTRICTS AND REQUIRING A SPECIFIC USE PERMIT; AND DECLARING AN EMERGENCY.

Motion was made by Councilman Ginn and seconded by Councilwoman Sinor to withdraw the motion.

Motion was made by Councilman Ginn and seconded by Councilwoman Sinor to amend and adopt on first and final reading of Ordinance No. 3949, captioned as follows

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF DEER PARK BY AMENDING APPENDIX A-ZONING, SECTION 14.02 – HELIPORTS AND HELISTOPS, BY ALLOWING HELIPORTS OR HELISTOPS AS AN ACCESSORY USE FOR MEDICAL FACILITIES LOCATED IN HIGHWAY ZONING DISTRICTS, AND BY AMENDING

SECTION 10.03 ZONING MATRIX BY ADDING “S” TO HIGHWAY ZONING DISTRICTS FOR HELISTOPS AND REQUIRING A SPECIFIC USE PERMIT; AND DECLARING AN EMERGENCY.

Motion carried 5 to 0.

11. CONSIDERATION OF AND ACTION ON A RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND A PROPOSED ORDINANCE ON THE REQUEST OF SANWOOD INVESTMENTS FOR A SPECIFIC USE PERMIT TO CONSTRUCT A BULK WAREHOUSE AT 4600 UNDERWOOD ROAD – After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilman Ginn to adopt first and final reading of Ordinance No. 3950, captioned as follows:

AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO OPERATE A LAYDOWN YARD ON A 24.42 ACRE TRACT OF LAND LOCATED AT 4600 UNDERWOOD ROAD, DEER PARK, TEXAS; AND DECLARING AN EMERGENCY.

Motion was made by Councilwoman Garrison and seconded by Councilman Ginn to withdraw the motion.

Motion was made by Councilwoman Garrison and seconded by Councilman Ginn to clarify the corrected Specific Use Permit Ordinance No. 3950 to read as follows:

AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO OPERATE A BULK WAREHOUSE ON A 24.42 ACRE TRACT OF LAND LOCATED AT 4600 UNDERWOOD ROAD, DEER PARK, TEXAS; AND DECLARING AN EMERGENCY.

Councilman Patterson asked, “Is there any other requirements like landscaping?”

Mayor Mouton responded, “Everything else is normal, it was just a specific of the extra bulk.”

Motion carried 5 to 0.

12. CONSIDERATION OF AND ACTION ON AN ORDINANCE GRANTING A PIPELINE FRANCHISE TO FLST LLC FOR A SIXTEEN IN (16”) ETHANE PIPELINE – After a proposed ordinance was read by caption, motion was made by Councilman Patterson and seconded by Councilwoman Sinor to adopt on first reading of Ordinance No. 3951, captioned as follows:

AN ORDINANCE GRANTING FLST LLC D/B/A LAVACA LST PIPELINE LLC, IT’S SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVELEGE AND FRANCHISE TO CONSTRUCT, INSTALL, EXTEND, REMOVE, REPLACE, ABANDON, OPERATE AND MAINTAIN IT’S PROPOSED 16 INCH

PIPELINE, WHICH WILL BE INSTALLED IN THE CENTERPOINT ENERGY CORRIDOR AND CROSSES, SPENCER HIGHWAY, PASADENA BOULEVARD, SAN AUGUSTINE, EAST BOULEVARD, SOUTH BATTLEGROUND ROAD AND OLD UNDERWOOD ROAD, IN THE CITY OF DEER PARK, HARRIS COUNTY, TEXAS FOR THE PURPOSE OF TRANSPORTING ETHANE; 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 A FINE OF UP TO \$2,000.00 FOR EACH DAY'S VIOLATION.

Councilwoman Sinor asked, "I remember when we did this before, we changed some of the cost, and we were practically giving it away. People had their property crossed and roads were crossed as well."

City Manager Jay Stokes responded, "We did go up on the fee, but we also watched where they cross Luella, where it has been getting very muddy. Public Works has been watching it a lot closer."

Councilwoman Sinor asked, "Is this coming right up East Boulevard and Spencer Highway?"

City Attorney Jim Fox, responded, "It is in an existing Centerpoint Utility corridor that has multiple pipelines already there."

Councilwoman Sinor, "They still have to dig?"

Mr. Stokes responded, "I would imagine it is going over there by Walmart, there along the powerline."

Mayor Mouton commented, "On the right of way where it is runs with the power lines."

Motion carried 5 to 0.

13. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FISCAL YEAR 2017-2018 PLANNING AND DEVELOPMENT DEPARTMENT BUDGET FOR EMERGENCY REPAIRS TO THE BUCKET TRUCK – After a proposed ordinance was read by caption, motion was made by Councilwoman Sinor and seconded by Councilman Patterson to adopt on first and final reading of Ordinance No. 3952, captioned as follows:

AN ORDINANCE AMENDING THE 2017-2018 BUDGET FOR THE CITY OF DEER PARK, AND APPROPRIATING THE SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED; AND DECLARING AND EMERGENCY.

Motion carried 5 to 0.

14. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FISCAL YEAR 2017-2018 BUDGET FOR CAPITAL IMPROVEMENT FUND PROJECT – After a proposed ordinance was read by caption, motion was made by Councilman Patterson and seconded by Councilwoman Sinor to adopt on first and final reading of Ordinance No. 3953, captioned as follows:

AN ORDINANCE AMENDING THE 2017-2018 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 5 to 0.

15. RECESSED/RECONVENED – Mayor Mouton recessed the regular meeting at 7:53 and reconvened at 7:58 p.m.
16. CONSIDERATION OF AND ACTION ON A CHANGE ORDER TO THE CONTRACT WITH SOUTH POOLS FOR THE DOW PARK PAVILION PARK – Motion was made by Councilwoman Sinor and seconded by Councilman Patterson to approve the change orders No. 2 and No. 3 to the contract with South Pools for the Dow Park Pavilion Project. Motion carried 5 to 0.
17. CONSIDERATION OF AND ACTION ON AN AGREEMENT WITH HI-TECH TRUCK RIGGING & EQUIPMENT COMPANY TO REPLACE THE HYDRAULIC HOSES ON THE PUBLIC WORKS VERSALIFT BUCKET TRUCK – Motion was made by Councilman Patterson and seconded by Councilman Ginn to approve an agreement with Hi-Tech Truck Rigging & Equipment Company to replace the hydraulic hoses on the Public Works Versalift bucket truck.

Councilwoman Sinor asked, “Why is the labor almost as much as the material?”

Assistant Public Works Director, Brent Costlow, commented, “It takes a lot of big and special equipment.”

Motion carried 5 to 0.

18. CONSIDERATION OF AND ACTION ON AUTHORIZATION TO PURCHASE FROM PLAYWORKS AND THE PLAYWELL GROUP VIA THE BUY BOARD FOR THE MATERIALS AND INSTALLATION OF ITEMS TO COMPLETE THE DOW PARK PAVILION AND IMPROVEMENTS PROJECT – Motion was made by Councilwoman Sinor and seconded by Councilman Patterson to authorize the purchase from Playworks and the Playwell Group via the Buy Board for the materials and installation of items to complete the Dow Park Pavilion and Improvement Project. Motion was carried 5 to 0.

19. ADJOURN – Mayor Mouton adjourned the meeting at 8:02 p.m.

ATTEST:

APPROVED:

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Shannon Bennett, TRMC  
City Secretary

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Jerry Mouton  
Mayor