

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

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PZ 51-55

Minutes of

THE 1718th 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 SEPTEMBER 25, 2018, 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 SINOR	COUNCILWOMAN

PLANNING AND ZONING COMMISSION PRESENT:

DON TIPPIT	CHAIRMAN
DOUGLAS COX	COMMISSIONER
RAY BALUSEK	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. RECESS/RECONVENE – Mayor Mouton recessed the regular Council meeting at 7:30 p.m. and reconvened the regular Council meeting at 7:55 p.m.
3. INVOCATION – The invocation was given by Councilman Patterson.
4. PLEDGE OF ALLIGIANCE – Councilwoman Sinor led the Pledge of Allegiance to the United States Flag and the Texas Flag.
5. PUBLIC HEARING #1 ON THE AD VALOREM TAX RATE – The public hearing was opened by the City Secretary reading the Notice of 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.

5. JOINT PUBLIC HEARING ON THE REQUEST FROM PAUL SINGH TO REZONE THE PROPERTY LOCATED AT 1701 EAST BOULEVARD (0.8683 ACRES OF LAND OUT OF LOT 594 OF THE OUTLOTS TO THE TOWN OF LA PORTE) FROM SINGLE FAMILY 1 (SF1) TO GENERAL COMMERCIAL (GC) – Mayor Mouton opened the hearing on behalf of Council.

Chairman Tippet 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. Jenna Arcangeli, of J. Morales Architects, “Good evening Committee Members, we present to you tonight a 0.86 Acre tract of land that the property owner, Mr. Singh, requests to have rezoned from residential to commercial. The land use restriction that we are asking to be varied is Single Family 1 (SF1). The property owner, Mr. Singh, would like to sell his property for the future development of a tasteful 7400 square foot facility where skilled mechanics can perform specialty machine services in an air-conditioned environment. During a feasibility study, it was determined that an amendment for the rezoning and future construction will not impair an adequate supply of light, increase hazard from fire, increase congestion and traffic hazards or impair public health, safety, and the general welfare of the community. We have evaluated the adjacent properties, as shown in Exhibit C, and have determined that the contiguous properties are currently zoned as General Commercial. We believe that rezoning the property will not injure the property values or community. We hope that you consider the future endeavors of both the current and future owner of this property and consider this amendment for approval.”
- b. Steven Fillingame, of All-Start, “My name is Steven Fillingame and I can answer any questions you may have about what the overall business would be. I know the last time there were some individuals that had some questions. I can give you an overview of the things that we do. It is basically a specialized car parts store. We mainly deal in industrial alternators and starters. We sell new, remanufactured and we repair some and rebuild some. It is not a large scale, we will just have eight or nine people. We have other things we sell like golf cart parts. We also sell lawn mower parts. We do not sell any types of fluids, like transmission fluids, oil or anything of that nature. As far as cars, we can access car starters but we usually do not repair them because they are really reasonable. That is the just of what we do on a day to day basis. What you will see us mostly selling is Caterpillar equipment, over the road big rig trucks, ships that have boiler rooms that need starters and emergency pumps, plants that need starters, relays and dc motors.”

Mayor Mouton asked, “Are you speaking on behalf of who is going to buy the property?”

Mr. Fillingame responded “If you all rezone it, I will be the one purchasing it. “

Councilwoman Sinor asked, "Is this a new business?"

Mr. Fillingame responded, "No. We have been on Spencer Highway since 1991, across the street from the Post Office. We have just outgrown the facility."

Councilwoman Sinor asked, "What is the name of your business?"

Mr. Fillingame responded, "All-Start."

Councilman Patterson asked, "Will people bring equipment for you to work on?"

Mr. Fillingame responded, "They will have to take the units off of the equipment and bring it to me."

Councilman Patterson asked, "Will they bring cars and motors for you to work on?"

Mr. Fillingame responded, "No. We do not do any on service work on cars. It is up to the person to take it off and then bring it to us."

Mayor Mouton called for those persons desiring to speak against the request.

- a. Joe Kite, "I really do not have anything to say against this, I just had a couple of questions. Is this going to be an 8-5 type business? I just came here to make sure nothing has changed. I do not really have a problem."

City Manager, Jay Stokes commented, "My understanding is, there was testimony given in the last public hearing where it was stated it would not be 8 to 5. You are asking this again and the answer is the same."

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

7. PUBLIC HEARING ON THE CITY ADOPTING STANDARDS OF CARE FOR THE ALL STAR ACTIVITY PROGRAM – The public hearing was opened by the City Secretary reading the Notice of Public Hearing. (Exhibit B)

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.

8. 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 September 4, 2018.
- b. Authorization to advertise and receive bids for the 2018 Lane Striping Project.

- c. Authorization to purchase and install network equipment.
- d. Authorization to advertise and receive bids on the rehabilitation of the P Street 1- million gallon ground storage tank.
- e. Authorization to donate Nikon DTM-350 total station and compatible equipment to the Clear Lake Shores Police Department in Clear Lake Shores, Texas.

Motion carried 7 to 0.

9. CONSIDERATION OF AND ACTION ON APPOINTING A CITY OF DEER PARK REPRESENTATIVE TO 2018 HOUSTON - GALVESTON AREA COUNCIL (H-GAC) GENERAL ASSEMBLY AND BOARD OF DIRECTORS – Motion was made by Councilwoman Garrison and seconded by Councilman Ginn to reappoint Thane Harrison as the City's Representative and Councilmember Bill Patterson as Alternate to the H-GAC General Assembly and Board of Directors for 2018. Motion carried 7 to 0.
10. CONSIDERATION OF AND ACTION ON APPOINTING THE CITY'S REPRESENTATIVE TO TWO ARBITRATION COMMITTEES – Motion was made by Councilwoman Garrison and seconded by Councilman Patterson to appoint Arnold Adair and Sam Pipkin as the City's Arbitration Committee Representatives. Motion carried 7 to 0.
11. CONSIDERATION OF AND ACTION ON AN APPOINTMENT TO THE TOURISM COMMITTEE – Motion was made by Councilwoman Garrison and seconded by Councilman Martin to appoint Shanda Terry to the Tourism Committee. Motion carried 7 to 0.
12. CONSIDERATION OF AND ACTION ON AMENDING THE FINANCIAL MANAGEMENT POLICY – Motion was made by Councilman Patterson and seconded by Councilman Ginn to amend the Financial Management Policy. Motion carried 7 to 0.
13. CONSIDERATION OF AND ACTION ON A RESOLUTION TO UNCOMMIT \$2,500,000 AND \$500,000 OF FY 2016-17 COMMITTED FUND BALANCE FOR THE RENOVATION AND FURNISHING OF THE NEW CITY HALL – Motion was made by Councilman Harrison and seconded by Councilwoman Sinor to approve Resolution No. 2018-11 captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS UNCOMMITTING \$2,500,000.00 AND \$500,000.00 OF COMMITTED FUND BALANCE IN THE GENERAL FUND FOR RENOVATIONS AND FURNISHING OF A NEW CITY HALL.

Motion carried 7 to 0.
14. CONSIDERATION OF AND ACTION ON A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS, AUTHORIZING THE PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; AND APPROVING

OTHER MATTERS INCIDENTAL THERETO – Motion was made by Councilman Martin and seconded by Councilman Ginn to approve Resolution No. 2018-12 captioned as follows:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; AND APPROVING OTHER MATTERS INCIDENTAL THERETO.

Motion carried 7 to 0.

15. CONSIDERATION OF AND ACTION ON A RESOLUTION TO TRANSFER \$4,482,244.00 FROM THE FISCAL YEAR 2017-18 UNASSIGNED FUND BALANCE OF THE GENERAL FUND TO THE CAPITAL IMPROVEMENTS FUND – Motion was made by Councilman Martin and seconded by Councilman Ginn to approve Resolution No. 2018-13 captioned as follows:

A RESOLUTION OF THE CITY OF DEER PARK, TEXAS TRANSFERRING \$4,482,244.00 OF UNASSIGNED FUND BALANCE IN THE GENERAL FUND TO THE CAPITAL IMPROVEMENTS FUND FOR CURRENT AND FUTURE PROJECTS.

Motion carried 7 to 0.

16. CONSIDERATION OF AND ACTION ON AN ORDINANCE ADOPTING THE STANDARDS OF CARE FOR THE ALL STAR ACTIVITY PROGRAM FOR 2018-19 DPISD SCHOOL YEAR – After a proposed ordinance was read by caption, motion was made by Councilman Patterson and seconded by Councilman Martin to adopt on first and final reading Ordinance No. 4009, captioned as follows:

AN ORDINANCE OF THE CITY OF DEER PARK ADOPTING STANDARDS OF CARE FOR THE CITY'S AFTER SCHOOL PROGRAM; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

17. CONSIDERATION OF AND ACTION ON AN ORDINANCE ADOPTING FY 2018-19 BUDGET – After a proposed ordinance was read by caption, motion was made by Councilman Patterson and seconded by Councilman Martin to adopt on first and final reading Ordinance No. 4010, captioned as follows:

AN ORDINANCE ADOPTING THE 2018-2019 BUDGET FOR THE CITY OF DEER PARK, TEXAS, AND APPROPRIATING THE SEVERAL SUMS SET UP THEREIN TO THE OBJECTS AND PURPOSES THEREIN NAMED; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0 with a record vote:

Councilwoman Garrison “Aye”
Councilman Harrison “Aye”
Councilman Ginn “Aye”
Councilman Patterson “Aye”
Councilman Martin “Aye”
Councilwoman Sinor “Aye”
Mayor Mouton “Aye”

18. CONSIDERATION OF AND ACTION ON THE ANNUAL REVIEW AND AN ORDINANCE ADOPTING THE CITY’S INVESTMENT POLICY – 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. 4011, captioned as follows:

AN ORDINANCE AMENDING THE DEER PARK CODE OF ORDINANCES BY REPLACING CHAPTER 2 (ADMINISTRATION), ARTICLE VII (FINANCE), ALL OF DIVISION 2 (INVESTMENT POLICY).

Motion was carried 7 to 0.

19. CONSIDERATION OF AND ACTION ON AN ORDINANCE APPROVING THE 2018-19 SALARY AND CLASSIFICATION SCALES – After a proposed ordinance was read by caption, motion was made by Councilman Martin and seconded by Councilman Harrison to adopt on first and final reading Ordinance No. 4012, captioned as follows:

AN ORDINANCE PROVIDING FOR A RECLASSIFICATION SCALE AND PAY RANGE CHART FOR EMPLOYEES OF THE CITY OF DEER PARK; PROVIDING A PAY RANGE CHART FOR UNCLASSIFIED SERVICE EMPLOYEES; AND DECLARING AN EMERGENCY.

Motion was carried 7 to 0.

20. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING SECTION 106-25(B)(C) OF THE CODE OF ORDINANCES PERTAINING TO WATER AND SEWER RATES – After a proposed ordinance was read by caption, motion was made by Councilman Ginn and seconded by Councilman Patterson to adopt on first and final reading Ordinance No. 4013, captioned as follows:

AN ORDINANCE AMENDING CERTAIN PORTIONS OF SECTION 106-25 (b)(c) OF THE CODE OF ORDINANCES OF THE CITY OF DEER PARK, TEXAS, CONCERNING WATER AND SEWER RATES; PROVIDING EFFECTIVE DATES; PROVIDING A REPEALER CLAUSE; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

Motion was carried 7 to 0.

21. CONSIDERATION OF AND ACTION ON THE RESULTS OF THE JOINT PUBLIC HEARING AND A PROPOSED ORDINANCE ON THE REQUEST OF REQUEST FROM PAUL SINGH TO REZONE THE PROPERTY LOCATED AT 1701 EAST BOULEVARD (0.8683 ACRES OF LAND OUT OF LOT 594 OF OUTLOTS TO THE TOWN OF LA PORTE) FROM SINGLE FAMILY 1 (SF1) TO GENERAL COMMERCIAL (GC) – After a proposed ordinance was read by caption, motion was made by Councilman Martin and seconded by Councilwoman Garrison to adopt on first and final reading Ordinance No. 4014, captioned as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 3886 OF THE CITY OF DEER PARK, TEXAS, ADOPTED MARCH 21, 2017, AS AMENDED BY TAKING 0.8683 ACRES SITUATED IN LOT 594 OF THE OUTLOTS TO THE TOWN OF LA PORTE, CITY OF DEER PARK; HARRIS COUNTY, TEXAS OUT OF THE SINGLE FAMILY ONE (SF-1) ZONING DISTRICT AND PLACING IT IN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING PENALTIES BY A FINE UP TO \$2,000.00 FOR EACH DAYS VIOLATION OF THE PROVISIONS OF SUCH ORDINANCE, AS AMENDED; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

22. CONSIDERATION OF AND ACTION ON AN ORDINANCE APPOINTING A MEMBER OF THE FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT OF THE CITY OF DEER PARK – After a proposed ordinance was read by caption, motion was made by Councilman Martin and seconded by Councilwoman Sinor to adopt on first and final reading Ordinance No. 4015, captioned as follows:

AN ORDINANCE APPOINTING ONE (1) BOARD MEMBER OF THE FIRE CONTROL AND PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT OF THE CITY OF DEER PARK, TEXAS; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

23. ADJOURN – Mayor Mouton adjourned the meeting at 8:23 p.m.

ATTEST:

APPROVED:

Shannon Bennett, TRMC
City Secretary

Jerry Mouton
Mayor

Don Tippit, Chairman
Planning and Zoning Commission

