

710 EAST SAN AUGUSTINE STREET

DEER PARK, TEXAS 77536

Minutes

of

A WORKSHOP MEETING OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS HELD AT CITY HALL, 710 EAST SAN AUGUSTINE STREET, DEER PARK, TEXAS ON MARCH 21, 2017, BEGINNING AT 7:00 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

JERRY MOUTON
SHERRY GARRISON
THANE HARRISON
TOMMY GINN
BILL PATTERSON
RON MARTIN
RAE A. 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
CITY SECRETARY
CITY ATTORNEY

1. MEETING CALLED TO ORDER – Mayor Mouton called the workshop to order at 7:00 p.m.
2. PRESENTATION OF THE FY 2015-2016 ANNUAL AUDIT - Donna Todd, Finance Director, introduced Mike Brotherton of Belt Harris Pechacek, LLP, who gave an overview of the opinion letter, which reflects the highest level of assurance the audit can provide. Mr. Brotherton highlighted the statement of net position and liabilities; business activities; statement of revenues, expenditures and changes in fund balances and government funds.

Mr. Brotherton thanked Ms. Todd and her Staff for their help with the audit. They make it a smooth process and work hard.

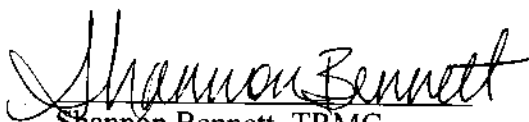
3. DISCUSSION OF ISSUES RELATING TO A REQUEST FROM WAL-MART REGARDING USE OF EXTERNAL SHIPPING CONTAINERS – Jay Stokes, City Manager commented, “The City’s Zoning Ordinance prohibits the use of shipping containers for external storage in a commercial zoning district. Historically, the only exception to this rule is the Public Works Director on occasion has granted commercial businesses the ability to use one (1) shipping container for external storage during the Holiday Season. This generally entailed the unit arriving no earlier than mid-October and being removed by mid-January. Through 2015, enforcement of this zoning restriction has

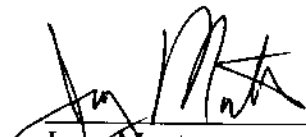
been a low priority, to the benefit of Wal-Mart. During the 2015, Holiday Season Wal-Mart used 30-40 shipping containers in support of its Holiday Layaway Program. These were placed along the western and northern boundaries of their property. In early 2016, City staff informed Wal-Mart officials the shipping containers were not allowed by Code, the 30-40 containers used during the 2015 Holiday Season needed to be removed, and our zoning restrictions forbidding these shipping containers would be enforced during the 2016 Holiday season. Wal-Mart officials then complied by removing the containers, and did not bring them back last fall. Over the past year or so, Wal-Mart staff has made numerous inquiries regarding the future possibilities of allowing them to utilize external shipping containers for their storage needs. Several times, they have questioned the definition of a "shipping container" and have questioned if the Zoning Ordinance as presently written allows for the use of shipping containers via a Specific Use Permit (SUP). Chief Building Official Larry Brotherton, City Attorney Jim Fox, and I on many occasions have informed Wal-Mart officials that our Zoning Ordinance presently contains no mechanism for Council to allow this in a commercial district, though shipping containers may be permitted via a Specific Use Permit in an industrial zoning district. We have consistently reiterated only the City Council could make such a change to the Zoning Ordinance, which would allow the use of shipping containers in a commercial zoning district.

Daniel Morales and Lisa Israel, Store Manager of Wal-Mart in Deer Park discussed the inability to fully serve the Deer Park area customers during the holiday season. Mr. Morales stated, "Walmart's Layaway Program is so successful with our Deer Park customers that our backrooms are unable to hold all the Holiday merchandise put on layaway. Normally at other stores and previously in Deer Park, we have employed storage units to allow us to keep the merchandise at our stores so that we can quickly retrieve it. We would like to discuss the necessary steps that would allow us to maintain a temporary presence of these storage containers for a period of four months from September to December. We understand that under Section 8.29 to the code of Ordinances of the City of Deer Park, Texas, it would be necessary to obtain a Specific Use Permit. We are open to listening and finding a solution that will allow us to serve our Deer Park customers while abiding by the City's ordinances."

After discussion, the consensus of the Council is to allow Walmart to propose a more permanent storage facility and meet with City Staff to negotiate a solution to discuss at a future Council Workshop meeting.

4. ADJOURN – Mayor Mouton adjourned the workshop meeting at 7:26 p.m.


Shannon Bennett, TRMC
City Secretary


Jerry Mouton
Mayor