

CITY OF DEER PARK

76-77

710 EAST SAN AUGUSTINE STREET

DEER PARK, TEXAS 77536

Minutes of

THE 1683RD 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 MARCH 21, 2017, AT 7:30 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 meeting to order at 7:30 p.m.
2. INVOCATION – The invocation was given by Councilman Patterson.
3. PLEDGE OF ALLEGIANCE – Caleb Moody of Boy Scout Troop #1514 led the Pledge of Allegiance to the United States Flag and the Texas Flag.
4. PRESENTATION TO SCOTT SWIGERT, PARKS AND RECREATION DIRECTOR – Jay Stokes, City Manager and Gary Jackson, Assistant City Manager presented Scott Swigert, Parks and Recreation Director with a plaque to recognize his service and many contributions to the Parks and Recreation Department, the City of Deer Park, and the community.

Mr. Swigert commented, "It has truly been a pleasure working here and a blessing working with all of you. With our great leadership in City Management, I've learned a lot from you all and the Staff. We are a great team and have done a lot together. Mostly, my Staff, they are awesome. I could not have done it without them. The Parks and Recreation Board is really good. We have accomplished a lot here together. The quality of life in Deer Park is outstanding. It's been a pleasure and it's a great community. I thank you all for what you have helped me grow into as

I get to progress into the next chapter of my life. I hope to someday be able to do what these gentlemen have done here and other cities as well. Thank you very much.”

5. AWARDING REQUEST FOR PROPOSAL (RFP) TO COMMUNITY CENTER PRESCHOOL, LLC TO PROVIDE PRESCHOOL PROGRAM SERVICES FOR THE PARKS AND RECREATION DEPARTMENT IN THE COMMUNITY CENTER – Motion was made by Councilman Patterson and seconded by Councilman Martin to approve the request for proposal to Community Center Preschool, LLC. Motion carried 7 to 0.
6. AWARDING BID FOR LEASE PURCHASING FINANCING OF A 2017 FREIGHTLINER M2-106-80 GARBAGE TRUCK FOR THE SANITATION DEPARTMENT – Motion was made by Councilwoman Garrison and seconded by Councilman Ginn to award the bid for the lease purchase financing to Signature Public Funding Corporation for a 3-year term. 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 March 7, 2017.
 - b. Approval of minutes of regular meeting on March 7, 2017.
 - c. Authorization to accept the FY 2015-2016 Annual Audit.
 - d. Acceptance of completion and release of retainage for the emergency repairs of the 10” sewer force main located at Center Street and State Highway 225.
 - e. Acceptance of completion of the 2016 Thoroughfare Re-Striping Project.Motion carried 7 to 0.
8. CONSIDERATION OF AND ACTION ON AN ORDINANCE CONFIRMING THE APPOINTMENT OF CITY SECRETARY SHANNON BENNETT 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. 3894, captioned as follows:

AN ORDINANCE APPROVING THE APPOINTMENT OF SHANNON BENNETT AS CITY SECRETARY OF THE CITY OF DEER PARK, TEXAS; PROVIDING FOR COMPENSATION; REPEALING ORDINANCES IN CONFLICT; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

9. CONSIDERATION OF AND ACTION ON ENTERING INTO AN INTERLOCAL AGREEMENT WITH HARRIS COUNTY FOR THE RECONSTRUCTION OF A PORTION OF IVY AVENUE – Motion was made by Councilman Martin and seconded by Councilman

Patterson to enter into an interlocal agreement with Harris County for the reconstruction of a portion of Ivy Avenue. Motion carried 7 to 0.

10. CONSIDERATION OF AND ACTION ON RENEWING THE AGREEMENT WITH BELT HARRIS PECHACEK, LLLP FOR PROFESSIONAL AUDITING SERVICES – Motion was made by Councilman Harrison and seconded by Councilman Ginn to enter into an agreement with Belt Harris Pechacek, LLLP for professional auditing services. Motion carried 7 to 0.
11. CONSIDERATION OF AND ACTION ON AN AGREEMENT WITH HOUSTON COMMUNITY NEWSPAPERS – Motion was made by Councilman Ginn and seconded by Councilwoman Garrison to enter into an agreement with Houston Community Newspapers.

Councilman Patterson asked, "Is this something we have to do?"

Jim Fox, City Attorney answered, "Yes. It's the City's official newspaper."

Motion carried 7 to 0.

12. CONSIDERATION OF AND ACTION ON A RESOLUTION OPPOSING SENATE BILL 2 IN THE 2017 LEGISLATIVE SESSION - Motion was made by Councilwoman Garrison and seconded by Councilman Martin to approve Resolution No. 2017-07, captioned as follows:

A RESOLUTION BY THE CITY OF DEER PARK, TEXAS OPPOSING
SENATE BILL 2 IN THE 2017 LEGISLATIVE SESSION REGARDING
REVENUE CAPS.

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

Motion was made by Councilwoman Garrison and seconded by Councilman Martin to amend the resolution by deleting the word most superior and replacing it with the word best and deleting the third Whereas from the bottom entirely.

Motion carried 7 to 0.

13. CONSIDERATION OF AND ACTION ON THE RESULTS OF THE JOINT PUBLIC HEARING AND THE PROPOSED AMENDMENTS TO ORDINANCE NO. 819, THE ZONING ORDINANCE. (3RD READING) - After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilman Harrison to adopt on third and final 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.

City Manager, Jay Stokes commented, "There is the one pending matter of the fee for the variance. The Planning and Zoning Commission recommended \$250. The original recommendation was to increase the fee to \$500, but the Planning and Zoning voted last night for the fee not to exceed \$150. That's their recommendation, but it is Council's decision

where the fee should be set. Mr. Brotherton can tell you how that decision came about."

Chief Building Official, Larry Brotherton commented, "They didn't want to raise the fee because they thought it would be a hardship on citizens requesting a variance. City Secretary, Shannon Bennett and I put together totals to show that we go in the hole for every variance and hearing. We talked about this at the last meeting. I don't know if the new agreement with the newspaper is going to increase it or not. Ultimately, it your responsibility to raise the fee. We recommended \$500 and the Commissioners thought that was way too high. There were discussions back and forth of increasing the fee to \$250 or to \$300. We know what Ms. Bennett and I put together with Mr. Jackson is just under \$250 for a simple variance."

Councilwoman Garrison commented, "Then we need to raise the fee."

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

Motion was made by Councilwoman Garrison and seconded by Councilman Martin to approve the ordinance with the exception of the variance fee to be increased to \$250.

Mayor Mouton commented, "The recommendation to increase the fee to \$500 was not an arbitrary number. They were looking at best practices in regards of what was going on in the region. The recommendation that came from the consulting firm was based on we were one of the lowest in the region. Is that correct?"

Mr. Brotherton commented, "We are the same amount as the City of La Porte. Some fees are as high as \$750. We did increase the Specific Use Permit fee as well as the Rezone fee. Those went up to \$1000. The Planning and Zoning Commission voted the first time 4 to 0, to not increase the fee to \$500. Last night the vote was in favor of not increasing the fee over \$150.

Councilwoman Garrison commented, "We all agree we are not trying to make money off of this, but we don't want to lose money either. We agreed the \$250 would break even."


Motion carried 7 to 0.

Mayor Mouton commented, "Mr. Swigert, thank you for your contributions. I know our constituents and the quality of life in Deer Park is much better since you have been here. We wish you well. Thank you."

14. ADJOURN – Mayor Mouton adjourned the meeting at 7:58 p.m.

ATTEST:

APPROVED:


Shannon Bennett, TRMC
City Secretary


Jerry Mouton
Mayor

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