



Legislation Details (With Text)

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**File created:** 3/1/2017    **In control:** City Council

**On agenda:** 3/7/2017    **Final action:**

**Title:** Consideration of and action on a resolution designating the Deer Park Community Center as the physical premises of the Community Center Pre-School for purposes of firearms possession, including by a person who holds a license to carry a handgun.

**Sponsors:** City Manager's Office, Jim Fox

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution- Fire Arm Possession in Deer Park Community College-03-2017

Date	Ver.	Action By	Action	Result
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Consideration of and action on a resolution designating the Deer Park Community Center as the physical premises of the Community Center Pre-School for purposes of firearms possession, including by a person who holds a license to carry a handgun.

Summary:

Early last year, the City permanently affixed signage at all entry points of Community Center restricting guns from the building. We believed this to be necessary and prudent because the Community Center houses a pre-school program, which is operated by a third party vendor known as the Community Center Pre-School. State law restricts openly carried or concealed weapons on the premises of a school. The types of signage placed on the building often are referred to as "30.06" and "30.07" signs, as they reflect Sections 30.06 and 30.07 of the Texas Penal Code.

After the 30.06 and 30.07 signs were affixed to the Community Center, a complaint was filed with the State Attorney General's Office (AG's Office) questioning the legality of the City's displaying of them. This led to a formal investigation of the matter by the AG's Office, which began in March 2016. In December 2016, the AG's Office concluded their investigation with a finding that the City should remove all posted 30.06 and 30.07 signs from the exterior of the Community Center, save the entrance on the southeast portion of the building which services only the pre-school facility. Additional correspondence between the City and the AG's Office led to the following agreed upon future steps by the City:

1. The City has removed all 30.06 and 30.07 signs permanently placed on the exterior of the Community Center, save only the 30.06 sign and 30.07 sign noted in #3 below.

2. The Community Center Pre-School has placed 30.06 and 30.07 signs in the interior hallway of the Community Center near the locked, interior hallway doors which lead to the portion of the Community Center that is leased by the Community Center Pre-School and used exclusively in support of their operations.
3. There is one (1) exterior set of doors that provides ingress/egress for only that portion of the Community Center which is leased by the Community Center Pre-School. The previously placed 30.06 and 30.07 signs will remain permanently affixed to the outside portion of the Community Center at this set of doors only, since they lead to the portion of the Community Center that is leased by the Community Center Pre-School and used exclusively in support of their operations.
4. The City Council of the City of Deer Park will consider approval of a Resolution to have signs created and placed permanently near all exterior entry points of the Community Center (excepting the entry point mentioned in #3 above) which provide notice that the Community Center Pre-School is housed within the Community Center. Anticipated language on these signs reads as follows:

*This building houses The Community Center Pre-School, which conducts classes each weekday from 7:30 a.m. until 2:30 p.m. During school hours all weapons are prohibited pursuant to Penal Code Section 46.03(a)(1).*

*An offense under that section is a third degree felony.*

During Tuesday evening's City Council Meeting, it is recommended Council approve the attached Resolution which designates the Community Center as the physical premises of the Community Center Day School and authorizes signs to be affixed to the exterior of the Community Center which will contain the language above as written.

#### Fiscal/Budgetary Impact:

There will be a small cost associated with the creation of the new signs.

Approval is recommended.