

Sherry Garrison, Council Position 1  
Thane Harrison, Council Position 2  
Tommy Ginn, Council Position 3



Bill Patterson, Council Position 4  
Ron Martin, Council Position 5  
Rae A. Sinor, Council Position 6

James Stokes, City Manager  
Gary Jackson, Assistant City Manager

Jerry Mouton Jr., Mayor

Sandra Watkins TRMC, CMC City Secretary  
Jim Fox, City Attorney

Ordinance # 3861

Resolution #2016-14

## CALL TO ORDER

*The 1676th meeting of the Deer Park City Council.*

## INVOCATION

## PLEDGE OF ALLEGIANCE

## PRESENTATIONS

1. Presentation of the 2016 Parks and Recreation Commission Awards.

[PRE 16-054](#)

**Recommended Action:** Applause!

**Department:** Parks & Recreation Director Swigert

2. Recognition of the Deer Park Seminoles.

[PRE 16-055](#)

**Recommended Action:** Applause is recommended

**Department:** Office of the Mayor

## AWARDING/REJECTING BIDS

3. Awarding Bid for 2016 Thoroughfare Re-Striping Project.

[BID 16-038](#)

**Recommended Action:** It is the Engineer's recommendation that the City of Deer Park award the bid to Stripes and Stops, CO. This was the lowest qualified bidder for this project.

**Department:** Public Works

**Attachments:** [Thoroughfare Striping Map](#)

## CONSENT CALENDAR

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*The Mission of the City of Deer Park is to deliver exemplary municipal services that provide the community a high quality of life consistent with our history, culture and unique character.*

4. Approval of minutes of joint meeting of October 25, 2016. [MIN 16-160](#)  
**Recommended Action:** Approval  
**Attachments:** [CC\\_MJoint\\_102516](#)
5. Approval of minutes of workshop meeting of November 15, 2016. [MIN 16-161](#)  
**Recommended Action:** Approval  
**Attachments:** [CC\\_MW\\_111516](#)
6. Approval of minutes of regular meeting of November 15, 2016. [MIN 16-162](#)  
**Recommended Action:** Approval  
**Attachments:** [CC\\_MR\\_111516](#)
7. Approval of minutes of special meeting of November 22, 2016. [MIN 16-163](#)  
**Recommended Action:** Approval  
**Attachments:** [CC\\_H\\_112216 Comp Plan Sub Ord](#)
8. Approval of tax refund to Deer Park Station LTD in the amount of \$7,179.24 due to value decrease granted by Harris County Appraisal District. [TAXR 16-076](#)  
**Recommended Action:** Approve the tax refund to Deer Park Station LTD.  
**Department:** Finance
9. Approval of tax refund to Core Lab Petroleum Services in the amount of \$642.05 due to value change granted by Harris County Appraisal District. [TAXR 16-077](#)  
**Recommended Action:** Approve the tax refund to Core Lab Petroleum Services.  
**Department:** Finance
10. Approval of tax refund to Ryan Tax Compliance Service LLC in the amount of \$635.30 due to value decrease granted by Harris County Appraisal District. [TAXR 16-078](#)  
**Recommended Action:** Approve the tax refund to Ryan Tax Compliance Service LLC.  
**Department:** Finance
11. Authorization to advertise and receive bids on the Golf Course Maintenance Driveway/Bridge Repairs. [AUT 16-137](#)  
**Attachments:** [Golf Course Road/Bridge Estimate](#)

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*The Mission of the City of Deer Park is to deliver exemplary municipal services that provide the community a high quality of life consistent with our history, culture and unique character.*

12. Authorization to allow Wynfield Estates Homeowners Association to install new signage in Wynfield Estates Subdivision.

[AUT 16-141](#)

**Recommended Action:** Approval is recommended with understanding HOA accepts future responsibility for signage and posts.

**Department:** City Manager's Office

**Attachments:** [Bravo Heavy Duty Sign Post - Mel Northey](#)  
[Bravo Heavy Duty Sign Post 2 - Mel Northey](#)  
[Bravo Heavy Duty Sign Post 3 - Mel Northey](#)  
[Bravo Heavy Duty Sign Post 4- Mel Northey](#)  
[FaxQuoteCustomer](#)

13. Authorization to purchase a Ford F-450 Super Duty with Chassis for the Street Maintenance Department through the Tarrant County Purchasing Program.

[AUT 16-140](#)

**Recommended Action:** Approval to purchase a Ford F-450 Super Duty with Chassis for the Street Maintenance Department through the Tarrant County Purchasing Program.

**Department:** Finance

**Attachments:** [Form 1295 - Street Maintenance](#)  
[F-450 - Street Maintenance](#)

14. Acceptance of completion of the Maintenance Facility Paving Improvements which consisted of a concrete connector road at the Luella Service Center.

[ACT 16-062](#)

**Recommended Action:** Staff recommends Council acceptance of this project with approval to release final payment.

**Department:** Public Works

## COMMENTS FROM AUDIENCE

*The Mayor shall call upon those who have registered to address Council in the order registered. There is a five minute time limit . A registration form is available in the Council Chambers and citizens must register by 7:25 p.m.*

## NEW BUSINESS

15. Consideration of and action on an agreement with ArborLeaf Engineering for professional services related to HCFCB B-112-00.

[AGR 16-062](#)

**Recommended Action:** Staff recommends approval.

**Attachments:** [REVISED PROPOSAL B112-02 RIGHT OF WAY](#)  
[B112 \(00000003\)](#)  
[City of Deer Park Services Agreement B112-02 Arborleaf](#)

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*The Mission of the City of Deer Park is to deliver exemplary municipal services that provide the community a high quality of life consistent with our history, culture and unique character.*

16. Consideration of and action on authorizing the purchase of one (1) 2017 Frazer remount ambulance. [PUR 16-036](#)

**Recommended Action:** Staff requests and recommends approval for this purchase.

**Attachments:** [Deer Park Remount Quote 63B.pdf](#)

17. Consideration of and action on the request of Pasadena Taxi Company to operate a taxi cab business in Deer Park. [AUT 16-139](#)

**Recommended Action:** Approval of Pasadena Taxi Company Inc.'s application to operate a taxi cab business in Deer Park in 2017.

**Attachments:** [2017 Taxi Application](#)

18. Consideration of and action on a resolution suspending the effective date of the statement of intent of CenterPoint Energy to increase rates; authorizing participation with the Gulf Coast Coalition of Cities; and hiring legal counsel. [RES 16-421](#)

**Recommended Action:** Approval is recommended.

**Department:** City Manager's Office

**Attachments:** [GCCC - Suspension Resolution \(Nov. 16\)](#)

[Staff Report Re Suspension Resolution](#)

[Impact Summary - CNP Proposed](#)

19. Consideration of and action on the adoption of 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. [RES 16-384](#)

**Recommended Action:** Approve the resolution authorizing the publication of Notice of Intention to Issue Certificates of Obligation; and approve other matters incidental thereto.

**Department:** City Manager's Office

**Attachments:** [2017 CO - NOI Resolution 12.06.16](#)

20. Consideration of and action on an ordinance amending the Fiscal Year 2016-2017 Budget for the City's wide area network upgrade and network security. [ORD 16-115](#)

**Recommended Action:** Approve the ordinance to amend the Fiscal Year 2016-2017 Budget for the City's wide area network upgrade and network security.

**Attachments:** [Ord - Amend Budget FY17 WAN](#)

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*The Mission of the City of Deer Park is to deliver exemplary municipal services that provide the community a high quality of life consistent with our history, culture and unique character.*



21. Consideration of and action on an ordinance amending the Comprehensive Plan (2nd reading). [ORD 16-118](#)

**Recommended Action:** Approve the ordinance amending the Comprehensive Plan (2nd of 3 readings).

**Department:** City Manager's Office

**Attachments:** [Amend Comprehensive Development Plan-11-2016](#)  
[2016 to 2026 Comprehensive Plan FINAL.112916](#)

22. Consideration of and action on an ordinance amending the Subdivision Ordinance (2nd reading). [ORD 16-119](#)

**Recommended Action:** Approve the ordinance amending the Subdivision Ordinance (2nd of 3 readings).

**Department:** City Manager's Office

**Attachments:** [Amend 98 Subdivision-11-2016](#)  
[Chapter 98 - Subdivision Division and Land Development\\_FINAL.101916](#)  
[Subdivision Ordinance Summary\\_FINAL.101916](#)

23. Consideration of and action on an ordinance re-affirming the Tax Abatement Policy. [ORD 16-117](#)

**Recommended Action:** Approve the ordinance reaffirming the Tax Abatement Policy. This was previously discussed at the November 1, 2016 Workshop.

**Department:** City Manager's Office

**Attachments:** [Ord. 3687\\_120614](#)  
[120214 - New Tax Abatement Threshold Spreadsheet](#)  
[Reaffirm Ord 3687-Sec 102-Tax Abatement and Reinvestment Zone-11-2016](#)

## ADJOURN

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Shannon Bennett, TRMC  
Acting City Secretary

Posted on Bulletin Board  
December 2, 2016

*City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 72 hours prior to any meeting. Please contact the City Secretary's office at 281.478.7248 for further information.*

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*The Mission of the City of Deer Park is to deliver exemplary municipal services that provide the community a high quality of life consistent with our history, culture and unique character.*



## Legislation Details (With Text)

**File #:** PRE 16-054    **Version:** 1    **Name:**  
**Type:** Presentation    **Status:** Agenda Ready  
**File created:** 11/9/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** Presentation of the 2016 Parks and Recreation Commission Awards.  
**Sponsors:** Scott Swigert  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Presentation of the 2016 Parks and Recreation Commission Awards.

**Summary:** The Parks and Recreation Commission will present the 2016 Parks and Recreation Commission Awards to both the Individual (Volunteer) and the Business of the Year. The purpose and intent of the Deer Park Parks and Recreation Commission Award is to annually recognize an individual (volunteer) and business within our community that has made contributions to the City of Deer Park Parks and Recreation Department. Contributions are considered to be monetary donations, in-kind services and/or volunteer hours worked within the Parks and Recreation Department.

**Individual:** The award winner for the 2016 Individual of the Year is a true community servant in every capacity of her life - she is a giver and gives with a loving heart. She is one of those people that just knows when the need is there - you never have to ask her - she just does it. If there is a special event, she will just show up without being asked. Some days she will have a break in her day and she will come by the theater to work and assist with whatever is going on that day. This volunteer takes much pride in her volunteering at the theater. She loves the theater and considers it her home and the individuals that work/volunteer with her are her extended family. She is very caring of everyone and especially, the students. Not only is she devoted to the theater - she is devoted to the Deer park Community. We are all blessed by her presence.  
**The Individual of the Year Award for 2016 goes to Faylene DeFrancis.**

**Business:** The award winner for the 2016 Business of the Year has been partnering with the Parks and Recreation Department to promote health and wellness during their Healthy Living Event. The event encompasses an invaluable marketing opportunity for the Department. The Department was able to present and promote all of the opportunities the Department offers during these two day events. This event allowed the Department to have face-to-face contact with hundreds of area residents. This local partnership between the Department and business has caused additional potential partnerships across the state with other city Parks and Recreation Departments and their local business affiliate. **The Business of the Year Award for 2016 goes to H-E-B Deer Park.**

Fiscal/Budgetary Impact:

None

Applause!



## Legislation Details (With Text)

**File #:** PRE 16-055    **Version:** 1    **Name:**  
**Type:** Presentation    **Status:** Agenda Ready  
**File created:** 11/15/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** Recognition of the Deer Park Seminoles.  
**Sponsors:** Office of the Mayor  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Recognition of the Deer Park Seminoles.

### Summary:

The Deer Park Seminoles had a great season concluding with winning three (3) Super Bowls:

Pee Wee Division (5-6 year old),

Sophomore Division (9 year old) and

Seniors Division (11-12 year old)

All three teams finished their seasons undefeated.

### Fiscal/Budgetary Impact:

N/A

Applause is recommended



## Legislation Details (With Text)

**File #:** BID 16-038    **Version:** 1    **Name:**  
**Type:** Bids    **Status:** Agenda Ready  
**File created:** 10/20/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** Awarding Bid for 2016 Thoroughfare Re-Striping Project.  
**Sponsors:** Public Works  
**Indexes:**  
**Code sections:**  
**Attachments:** [Thoroughfare Striping Map](#)

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Awarding Bid for 2016 Thoroughfare Re-Striping Project.

### Summary:

We received four bids at the bid opening for Thoroughfare Re-striping Project 2016. This project involves the removal and renewal of roadway pavement markings on seven thoroughfares within the city: Pasadena Blvd, San Augustine, Luella, X Street, East P Street, Georgia Avenue, and 13<sup>th</sup> Street. For specific street sections refer to the map attachment.

The work includes, but is not limited to, re-striping of the roadways, removal of existing raised pavement markers, stop bars, and cross walks, as well as the installation of new raised pavement markers, crosswalks, and stop bars

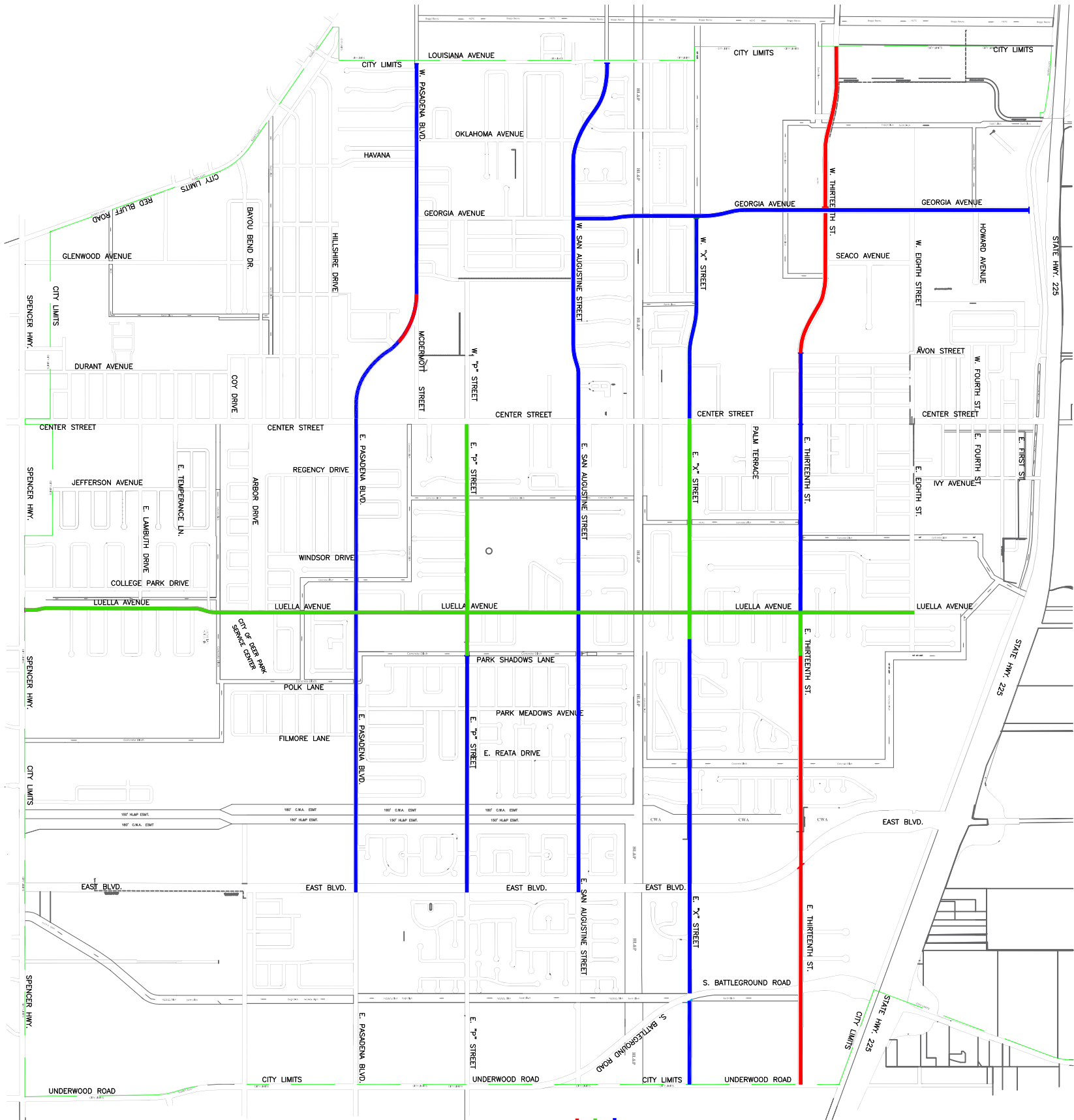
\$500,000.00 was budgeted in the Capital Improvements Fund, for the 2016/2017 fiscal year, to cover the cost of this project. The bids received are as follows:

STRIPES AND STOPS	BATTERSON LLP	ONE WAY STRIPING LLC	REPUBLIC TRAFIC SAFETY
\$135,348.45	\$159,055.26	\$193,953.90	\$194,570.37

### Fiscal/Budgetary Impact:

This project is funded out of the Capital Improvements Fund 90-403-4406.

It is the Engineer's recommendation that the City of Deer Park award the bid to Stripes and Stops, CO. This was the lowest qualified bidder for this project.



SCALE: 1"=2000'

### Legend

- Double Yellow at center line, with yellow buttons, White Lane Separators (2)
- Double Yellow at center line with yellow buttons, No Lane Separators
- Single White Lane Separators



## Legislation Details (With Text)

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**File #:** MIN 16-160    **Version:** 1    **Name:**  
**Type:** Minutes    **Status:** Agenda Ready  
**File created:** 11/30/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** Approval of minutes of joint meeting of October 25, 2016.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [CC\\_MJoint\\_102516](#)

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Approval of minutes of joint meeting of October 25, 2016.

Summary:

Fiscal/Budgetary Impact:

None

Approval

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

CC 75-172  
PZ 49-192

Minutes of

A JOINT WORKSHOP MEETING OF THE CITY COUNCIL, PLANNING AND ZONING COMMISSION AND THE STEERING COMMITTEE OF THE CITY OF DEER PARK TO BE HELD AT THE DEER PARK COMMUNITY CENTER, ROOM 12, 610 EAST SAN AUGUSTINE, DEER PARK, TEXAS ON OCTOBER 25, 2016, AT 6:00 P.M. WITH THE FOLLOWING MEMBERS PRESENT:

CITY OFFICIALS PRESENT:

JERRY MOUTON, JR	MAYOR
SHERRY GARRISON	COUNCILMANWOMAN
THANE HARRISON	COUNCILMAN
TOMMY GINN	COUNCILMAN
BILL PATTERSON	COUNCILMAN
JAY STOKES	CITY MANAGER
GARY JACKSON	ASSISTANT CITY MANAGER
JIM FOX	CITY ATTORNEY
SHANNON BENNETT	ACTING CITY SECRETARY
BILL PEDERSEN	DIRECTOR OF PUBLIC WORKS

PLANNING AND ZONING PRESENT:

STAN GARRETT	CHAIRMAN
DON TIPPITT	COMMISSIONER
RAY BALUSEK	COMMISSIONER
DANIELLE WENDEBURG	COMMISSIONER

STEERING COMMITTEE PRESENT:

MELVIN EMBRY	COMMITTEE MEMBER
JEFF LAWOTHER	COMMITTEE MEMBER

1. CALL TO ORDER – Mayor Mouton called the Joint Workshop Meeting to order
2. DISCUSSION OF ISSUES RELATING TO THE PROPOSED CITY OF DEER PARK COMPREHENSIVE PLAN AND SUBDIVISION ORDINANCE UPDATE - Angela Martinez of Knudson advised that the meeting was a follow-up from the workshop meeting in April and all of the comments were added to the latest Comprehensive Plan and



Subdivision Ordinance. Ms. Martinez gave an overview of the purpose of the updating the Comprehensive Plan and Subdivision Ordinance, the relationship between the Comprehensive Plan and the Subdivision ordinance and how it relates to the zoning Ordinance, significant changes within the subdivision Ordinance, and the legal process to adopt the Comprehensive Plan and Subdivision ordinance. (Exhibit A1-A5)

Kim Nickelson of Olson & Olson gave a summary of minor plat and stated, "State law provides that the City Council can delegate to the Planning and Zoning Commission the authority to prove certain types of minor subdivisions plats. If someone is dividing the land in few parcels and not dedicating any right of way, the Staff will have the authority to approve that. It can streamline redevelopment or help assist going forward. Anytime there something that needs additional dedication such a wider street, drainage or water and sewer infrastructure that will have to come through the Planning and Zoning Commission to approve the plats. It's a good administrative tool."

Jeff Lawther asked, "Will an amendment of a plat fall under the same category as a minor plat?"

Ms. Nickelson answered, "Yes."

Mayor Mouton asked Mr. Lawther to give an example of his question."

Mr. Lawther commented, "For example in the last subdivision we developed, there were two lots that were two hundred feet in depth and both sides fronted the street. So, we amended the plats to divide the lots down the middle of the depth to create four lots out of two."

Ms. Nickelson gave an overview of the remaining timeline and a schedule of adopting the Comprehensive Plan and Subdivision Ordinance and the Future Land Use Map.

3. ADJOURN – Mayor Mouton adjourned the meeting at 6:53 p.m.

ATTEST:

APPROVED:

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Shannon Bennett, TRMC  
Acting City Secretary

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Jerry Mouton  
Mayor

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Stan Garrett, Chairman  
Planning and Zoning Commission



## Legislation Details (With Text)

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**File #:** MIN 16-161    **Version:** 1    **Name:**  
**Type:** Minutes    **Status:** Agenda Ready  
**File created:** 11/30/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** Approval of minutes of workshop meeting of November 15, 2016.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [CC\\_MW\\_111516](#)

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Approval of minutes of workshop meeting of November 15, 2016.

Summary:

Fiscal/Budgetary Impact:

None

Approval

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 NOVEMBER 15, 2016, BEGINNING AT 6:15 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 A. SINOR	COUNCILWOMAN

OTHER CITY OFFICIALS PRESENT:

JAY STOKES	CITY MANAGER
SHANNON BENNETT	ACTING CITY SECRETARY
JIM FOX	CITY ATTORNEY

1. MEETING CALLED TO ORDER – Mayor Mouton called the workshop to order at 6:45 p.m.
2. PRESENTATION OF THE RENOVATIONS OF PLAYGROUND EQUIPMENT AT WYNFIELD PARK - Parks and Recreation Director Scott Swigert provided a video of the construction of the Wynfield Park playground. He thanked the Council for attending the Wynfield Park Dedication
3. DISCUSSION OF ISSUES RELATED TO ENTERING INTO AN INTERLOCAL AGREEMENT WITH HARRIS COUNTY FOR RECONSTRUCTION OF DURANT AVE – City Manager Jay Stokes commented, “We want to thank Commissioner Jack Morman’s office for partnering with us on to complete the construction on Durant Avenue. The City’s contribution is going to very minimal compared to theirs. Anytime we can have the County be a partner and financially participate at this level as they did on Ivy Street, we really appreciate that.”

Public Works Director Bill Pedersen advised Council in early June, 2016 Harris County Precinct 2 informed the City that they were developing plans and specifications to reconstruct Durant Avenue from Coy Street to Spencer Highway. Their design will replace the existing asphalt street with a 7-inch thick concrete roadway with open ditches. The county request the City participate with some of the proposed drainage improvements in the amount of \$200,000, which will be a fixed contribution. The

estimated cost of the reconstruction project is \$1,270,000 and the project bids December 5, 2016.

4. DISCUSSION OF ISSUES RELATED TO THE COMPLETION AND RETAINAGE RELEASE FOR THE BAYOU STREET STORM SEWER UPSIZING PROJECT – Public Works Director Bill Pedersen advised the Council the project consisted of pipe-bursting the 185’ outfall pipe draining Willow Spring Subdivision to the adjacent drainage ditch. The original pipe was 24” in diameter and was undersized to drain even light rain events without causing flooding. The new HDPE pipe replacing it is 30” in diameter and is better suited to drain the neighborhood without flooding. In addition to the new pipe installation, two curb inlets were installed at the corner to collect the water and channel it to the outfall pipe. This should clear the water from the road at a faster rate during rain events to prevent water from topping the curb.

Mr. Stokes commented, “This would have been much more complicated if not for the cooperation of the property owner.”

5. DISCUSSION OF ISSUES RELATED TO THE NEW DEER PARK ANIMAL SHELTER AND ADOPTION CENTER- Public Works Director Bill Pedersen advised the Council the Animal Shelter Advisory Committee met for their quarterly meeting on November 2, 2016. At the meeting the committee accepted the challenge and responsibility to organize and facilitate fund raising to allow citizen and companies to contribute to the funding of equipment purchases, housing facilities, furnishing, landscaping and décor for the new shelter. Two ideas were presented during the meeting. The first was an online photo contest where individuals submit a photo of their pet and others vote for their favorite by paying for each vote online. The other is a space-naming opportunity concept in which individuals and/or corporations purchase the right to have their name(s) placed on a room or other amenity within the shelter complex.

Councilwoman Garrison asked, “How are you going to advertise this to the citizens?”

Mr. Pedersen answered, “The Advisory Committee will decide how they want to advertise.”

City Manager commented, “Tonight we want to conceptually see if Council has an interest in this, so we can move forward.”

6. ADJOURN – Mayor Mouton adjourned the workshop meeting at 7:03 p.m.

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Shannon Bennett, TRMC  
Acting City Secretary

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Jerry Mouton  
Mayor



# City of Deer Park

710 E SAN AUGUSTINE  
DEER PARK, TX 77536

## Legislation Details (With Text)

**File #:** MIN 16-162    **Version:** 1    **Name:**  
**Type:** Minutes    **Status:** Agenda Ready  
**File created:** 11/30/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** Approval of minutes of regular meeting of November 15, 2016.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [CC\\_MR\\_111516](#)

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Approval of minutes of regular meeting of November 15, 2016.

Summary:

Fiscal/Budgetary Impact:

None

Approval

710 EAST SAN AUGUSTINE STREET

DEER PARK, TEXAS 77536

Minutes of

THE 1675TH 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 NOVEMBER 15, 2016, AT 7:30 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

JERRY MOUTON  
SHERRY GARRISON  
THANE HARRISON  
TOMMY GINN  
BILL PATTERSON  
RON MARTIN  
RAE SINOR

MAYOR  
COUNCILWOMAN  
COUNCILMAN  
COUNCILMAN  
COUNCILMAN  
COUNCILMAN  
COUNCILWOMAN

OTHER CITY OFFICIALS PRESENT:

JAY STOKES  
SHANNON BENNETT  
JIM FOX

CITY MANAGER  
ACTING 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 from Councilman Chris Richey.
3. PLEDGE OF ALLEGIANCE – Councilman Martin led the Pledge of Allegiance to the United States Flag and the Texas Flag.
4. PROCLAMATION TO RECOGNIZE SHERRY REDWINE – Mayor Mouton presented Sherry Redwine with a proclamation declaring November 1, 2016 as Sherry Redwine Day.
5. AWARDING BID TO ARNOLD CONSTRUCTION FOR THE CONSTRUCTION OF A NEW MAINTENANCE BUILDING AT THE SURFACE WATER PLANT ON X STREET – Motion was made by Councilwoman Garrison and seconded by Councilman Ginn to award the bid to Arnold Construction in the amount of \$221,290.00. Motion carried 7 to 0.
6. AWARDING BID TO ARNOLD CONSTRUCTION FOR THE CONSTRUCTION OF A NEW WATER AND SEWER MAINTENANCE BUILDING AT THE LUELLA SERVICE CENTER – Motion was made by Councilman Martin and seconded by Councilwoman Garrison to award the base bid plus alternate #2 to Arnold Construction in the amount of \$550,485.00. 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 October 18, 2016.
  - b. Approval of minutes of workshop meeting November 1, 2016.
  - c. Approval of minutes of regular meeting of November 1, 2016.
  - d. Approval of tax refund to Economic Alliance in the amount of \$1,120.92 due to a total exemption granted by Harris County Appraisal District.
  - e. Approval of tax refund to Economic Alliance in the amount of \$1,120.92 due to a total exemption granted by Harris County Appraisal District.
  - f. Approval of tax refund to National Tax Search LLC in the amount of \$516.29 due to a value decrease granted by Harris County Appraisal District
  - g. Approval of tax refund to National Tax Search LLC in the amount of \$4,237.12 due to a value decrease granted by Harris County Appraisal District.
  - h. Approval of tax refund to National Tax Search LLC in the amount of \$4,789.13 due to a value decrease granted by Harris County Appraisal District.
  - i. Approval of tax refund to National Tax Search LLC in the amount of \$4719.98 due to a value decrease granted by Harris County Appraisal District.
  - j. Approval of tax refund to National Tax Search LLC in the amount of \$7082.53 due to a value decrease granted by Harris County Appraisal District.
  - k. Approval of tax refund to Dimple Patel in the amount of \$3,571.76 due to a value decrease granted by Harris County Appraisal District.
  - l. Approval of tax refund to Popp Hutcheson PLLC in the amount of \$781.39 due to a value decrease granted by Harris County Appraisal District.
  - m. Authorization to cancel current contract and to seek bids for mowing and edging services on City maintained medians, entrances and rights of ways.
  - n. Acceptance of completion and retainage release for the Bayou Street Storm Sewer Upsizing Project.

Motion carried 7 to 0.

8. CONSIDERATION OF AND ACTION AUTHORIZATION TO PURCHASE A 2017 FREIGHTLINER 108SD-80 TRUCK FOR THE SANITATION DEPARTMENT THROUGH THE HOUSTON – GALVESTON AREA COUNCIL COOPERATIVE PURCHASING PROGRAM – Motion was made by Councilman Harrison and seconded by Councilwoman Sinor to approve the purchase of a 2017 Freightliner 108SD-80 for the Sanitation Department through the Houston-Galveston Area Council Cooperative Purchasing Program. Motion carried 7 to 0.
9. CONSIDERATION OF AND ACTION ON ENTERING INTO AN INTERLOCAL AGREEMENT WITH HARRIS COUNTY FOR RECONSTRUCTION OF DURANT AVENUE - Motion was made by Councilwoman Garrison and seconded by Councilman Harrison to enter into an agreement with Harris County for reconstruction of Durant Avenue. Motion carried 7 to 0.
10. CONSIDERATION OF AND ACTION ON THE REQUEST OF GLENWOOD CHURCH PLACE OF PRAISE FOR A SPECIFIC USE PERMIT AT 4526 GLENWOOD AVENUE FOR CHURCH SERVICES - Motion was made by Councilman Harrison and seconded by Councilman Ginn to refer to the Planning and Zoning Commission the request of Glenwood Church Place of Praise for a Specific Use Permit at 4526 Glenwood Avenue for churches services. Motion carried 7 to 0.
11. CONSIDERATION OF AND ACTION ON A RESOLUTION TO MEMBERS OF THE 85TH LEGISLATURE OF TEXAS FOR SUPPORT OF LEGISLATION THAT PROVIDES A FAIR AND EQUITABLE DISTRIBUTION OF THE SPORTING GOODS SALES TAX REVENUE FOR LOCAL AND STATE PARKS AND THAT ALL TRPA AND URBAN ACCOUNT FUNDED PARK PROJECTS BE SUBJECT TO THE ESTABLISHED TPWD COMPETITIVE SCORING SYSTEM - Motion was made by Councilman Ginn and seconded by Councilwoman Sinor to approve Resolution No. 2016-13, captioned as follows:

A RESOLUTION OF THE CITY OF DEER PARK CITY COUNCIL REQUESTING THE MEMBERS OF THE 85<sup>TH</sup> LEGISLATIVE SESSION OF THE STATE OF TEXAS TO SUPPORT LEGISLATION THAT PROVIDES A FAIR AND EQUITABLE DISTRIBUTION OF THE SPORTING GOODS SALES TAX REVENUE FOR LOCAL AND STATE PARKS.

Motion carried 7 to 0.

12. CONSIDERATION OF AND ACTION ON AN AMENDING THE FIRE MARSHAL INSPECTION FEE SCHEDULE - After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilwoman Sinor to adopt on first and final reading Ordinance No. 3858, captioned as follows:

AN ORDINANCE AMENDING APPENDIX (B), AT SECTION 42-121 (d) OF THE CODE OF ORDINANCES OF THE CITY OF DEER PARK, AMENDING THE FEE SCHEDULE; AND DECLARING AN EMERGENCY.



Motion carried 7 to 0.

13. ADJOURN – Mayor Mouton adjourned the meeting at 7:42 p.m.

ATTEST:

APPROVED:

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Shannon Bennett, TRMC  
Acting City Secretary

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Jerry Mouton  
Mayor



# City of Deer Park

710 E SAN AUGUSTINE  
DEER PARK, TX 77536

## Legislation Details (With Text)

**File #:** MIN 16-163    **Version:** 1    **Name:**  
**Type:** Minutes    **Status:** Agenda Ready  
**File created:** 11/30/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** Approval of minutes of special meeting of November 22, 2016.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [CC\\_H\\_112216 Comp Plan Sub Ord](#)

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Approval of minutes of special meeting of November 22, 2016.

Summary:

Fiscal/Budgetary Impact:

None

Approval

710 EAST SAN AUGUSTINE STREET

DEER PARK, TEXAS 77536

Minutes

of

PUBLIC HEARINGS OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS, HELD IN THE CITY HALL, 710 EAST SAN AUGUSTINE STREET, NOVEMBER 22, 2016 BEGINNING AT 5:30 P.M. ON THE UPDATED COMPREHENSIVE PLAN AND A PUBLIC HEARING ON THE AMENDED SUBDIVISION ORDINANCE, WITH THE FOLLOWING MEMBERS PRESENT:

JERRY MOUTON, JR.  
SHERRY GARRISON  
BILL PATTERSON  
RON MARTIN

MAYOR  
COUNCILWOMAN  
COUNCILMAN  
COUNCILMAN

OTHER CITY OFFICIALS PRESENT WERE:

JAMES STOKES  
GARY JACKSON  
SONIA ACOSTA

CITY MANAGER  
ASSISTANT CITY MANAGER  
RECORDS TECHNICIAN

1. NOTICE OF PUBLIC HEARING - The public hearing was opened by the Records Technician reading the Notice of Public Hearing. (Exhibit A)
2. HEARING OPENED FOR THOSE PERSONS DESIRING TO SPEAK IN FAVOR OF THE UPDATED COMPREHENSIVE PLAN - Mayor Mouton opened the hearing for those persons desiring to speak in favor of the request. No one spoke.
3. HEARING OPENED FOR THOSE PERSONS DESIRING TO SPEAK AGAINST THE UPDATED COMPREHENSIVE PLAN - Mayor Mouton opened the hearing for those persons desiring to speak against the request. No one spoke.
4. HEARING OPENED FOR THOSE PERSONS DESIRING TO SPEAK IN FAVOR OF THE AMENDED SUBDIVISION ORDINANCE - Mayor Mouton opened the hearing for those persons desiring to speak in favor of the request. No one spoke.
5. HEARING OPENED FOR THOSE PERSONS DESIRING TO SPEAK IN FAVOR OF THE AMENDED SUBDIVISION ORDINANCE - Mayor Mouton opened the hearing for those persons desiring to speak in favor of the request. No one spoke.
6. CONSIDERATION OF AND ACTION ON THE RESULTS OF THE PUBLIC HEARING OF THE ORDINANCE AMENDING THE COMPREHENSIVE PLAN - After a proposed ordinance was read by caption, motion was made by Councilman Martin seconded by Councilman Patterson to adopt on the first reading Ordinance No. 3859, captioned as follows:

AN ORDINANCE AMENDING THE COMPREHENSIVE DEVELOPMENT PLAN OF THE CITY OF DEER PARK, TEXAS; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR SEVERABILITY.

Councilwomen Garrison commented, "I would like to make an amendment to the Comprehensive Plan on page 7, it should read that Luella Avenue, P Street and X Street are currently the only original streets in Deer Park."

Motion carried 4-0.

7. CONSIDERATION OF AND ACTION ON THE RESULTS OF THE PUBLIC HEARING AMENDING THE SUBDIVISION ORDINANCE - After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilman Martin to adopt on the first reading Ordinance No. 3860, captioned as follows:

AN ORDINANCE AMENDING CHAPTER 98 SUBDIVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF DEER PARK, TEXAS; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR SEVERABILITY.

Motion carried 4-0.

8. HEARING CLOSED - Mayor Mouton closed the public hearing at 5:36p.m.

ATTEST:

APPROVED:

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Shannon Bennett, TRMC  
Acting City Secretary

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Jerry Mouton, Jr.  
Mayor



## Legislation Details (With Text)

**File #:** TAXR 16-076 **Version:** 1 **Name:**  
**Type:** Tax Refund **Status:** Agenda Ready  
**File created:** 11/16/2016 **In control:** City Council  
**On agenda:** 12/6/2016 **Final action:**  
**Title:** Approval of tax refund to Deer Park Station LTD in the amount of \$7,179.24 due to value decrease granted by Harris County Appraisal District.  
**Sponsors:** Finance  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Approval of tax refund to Deer Park Station LTD in the amount of \$7,179.24 due to value decrease granted by Harris County Appraisal District.

### Summary:

Section 31.11 of the Texas Property Tax Code requires that all refunds exceeding \$500 be approved by the governing body prior to the issuance of a check to the payee. The following refund is pending:

Deer Park Station LTD in the total amount of \$7,179.24 due to value decrease granted by Harris County Appraisal District on the 2015 Correction Roll #13 (Account #124-798-001-0002).

Fiscal/Budgetary Impact: None.

Approve the tax refund to Deer Park Station LTD.



## Legislation Details (With Text)

**File #:** TAXR 16-077 **Version:** 1 **Name:**  
**Type:** Tax Refund **Status:** Agenda Ready  
**File created:** 11/16/2016 **In control:** City Council  
**On agenda:** 12/6/2016 **Final action:**  
**Title:** Approval of tax refund to Core Lab Petroleum Services in the amount of \$642.05 due to value change granted by Harris County Appraisal District.  
**Sponsors:** Finance  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Approval of tax refund to Core Lab Petroleum Services in the amount of \$642.05 due to value change granted by Harris County Appraisal District.

### Summary:

Section 31.11 of the Texas Property Tax Code requires that all refunds exceeding \$500 be approved by the governing body prior to the issuance of a check to the payee. The following refund is pending:

Core Lab Petroleum Services in the total amount of \$642.05 due to value change granted by Harris County Appraisal District on the 2015 Correction Roll #13 (Account #217-375-0).

Fiscal/Budgetary Impact: None.

Approve the tax refund to Core Lab Petroleum Services.



## Legislation Details (With Text)

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**File #:** TAXR 16-078   **Version:** 1   **Name:**

**Type:** Tax Refund   **Status:** Agenda Ready

**File created:** 11/16/2016   **In control:** City Council

**On agenda:** 12/6/2016   **Final action:**

**Title:** Approval of tax refund to Ryan Tax Compliance Service LLC in the amount of \$635.30 due to value decrease granted by Harris County Appraisal District.

**Sponsors:** Finance

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Approval of tax refund to Ryan Tax Compliance Service LLC in the amount of \$635.30 due to value decrease granted by Harris County Appraisal District.

### Summary:

Section 31.11 of the Texas Property Tax Code requires that all refunds exceeding \$500 be approved by the governing body prior to the issuance of a check to the payee. The following refund is pending:

Ryan Tax Compliance Service LLC in the total amount of \$635.30 due to value decrease granted by Harris County Appraisal District on the 2015 Correction Roll #13 (Account #011-319000-0543).

Fiscal/Budgetary Impact: None.

Approve the tax refund to Ryan Tax Compliance Service LLC.



## Legislation Details (With Text)

<b>File #:</b>	AUT 16-137	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Authorization	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	11/16/2016	<b>In control:</b>		City Council	
<b>On agenda:</b>	12/6/2016	<b>Final action:</b>			
<b>Title:</b>	Authorization to advertise and receive bids on the Golf Course Maintenance Driveway/Bridge Repairs.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Golf Course Road/Bridge Estimate</a>				

Date	Ver.	Action By	Action	Result
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Authorization to advertise and receive bids on the Golf Course Maintenance Driveway/Bridge Repairs.

The President issued a federal disaster declaration in Harris County, Texas for flooding rains that occurred from May 4-29, 2015. The City of Deer Park suffered damages to infrastructure near the Battleground Golf Course. Specific damages included the damage to a bridge and roadway servicing the course's maintenance facility. The heavy rains and flooding caused erosion which has left the roadway unusable. It was determined that these damages were eligible for FEMA Public Assistance reimbursement coverage due to the Presidential Disaster Declaration.

The engineer's estimate for the completion of this project with 15% contingency is \$462,060.11.

The repairs to the infrastructure are now ready to go out for formal bids. Staff is requesting council authorization to bid this project.

Fiscal/Budgetary Impact:

This project will be funded out of fund 22.



CLIENT: CITY OF DEER PARK  
CONSULTANT: COBBFENDLEY  
PROJECT: BATTLEGROUND GOLF COURSE DRIVEWAY IMPROVEMENTS  
DATE: 5/20/2016

Item No.	Spec. No.	Item Description	Unit	Total Quantity	Unit Price	Total Unit Price
<b>SITE PREPARATION AND EARTH WORK</b>						
1	01502	Mobilization (5% OF Total Base Bid Price)	LS	1	\$ 19,401.53	\$ 19,401.53
2	02912	Tree and Plant Protection	LS	1	\$ 250.00	\$ 250.00
3	02221	Remove, Haul and Dispose of Existing Utility Lines, Manholes, Including 72" Storm Sewer, Inlets, and Valves (All Depths), Trees, Flowerbeds (Within Project Limits)	LS	1	\$ 5,000.00	\$ 5,000.00
4	02221	Remove, Haul and Dispose of Existing Concrete/Asphalt Pavement, Sidewalks, Guard Rail, Base and Driveways, all Thicknesses (Includes all Saw-Cutting Required)	SY	463	\$ 15.00	\$ 6,945.00
5	02221	Remove, Haul and Dispose of Existing Concrete Curb (Includes all Saw-Cutting Required)	LF	151	\$ 3.00	\$ 453.00
6	02315	Excavation, Roadway (including haul) top 6"	CY	758	\$ 50.00	\$ 37,900.00
7	02330	Embankment (including haul and compaction)	CY	540	\$ 20.00	\$ 10,800.00
8		Select Fill (as directed by Engineer)	CY	65	\$ 20.00	\$ 1,300.00
9	02233	Clearing/Grubbing and Disposal	AC	0.16	\$ 4,000.00	\$ 640.00
<b>TOTAL SITE PREPARATION AND EARTH WORK</b>						<b>\$ 82,689.53</b>
<b>PUBLIC STORM SEWER LINE IMPROVEMENTS</b>						
10	02632	Precast inlet, reinforced concrete, C76, Type BB, all depths (with Stage 1)	EA	2	\$ 2,000.00	\$ 4,000.00
11	02612	6' x 5' RCB Storm Sewer (Open Cut)	LF	174	\$ 900.00	\$ 156,600.00
12	02632	Reinforced Concrete Wingwall	EA	2	\$ 10,000.00	\$ 20,000.00
<b>TOTAL PUBLIC STORM SEWER LINE IMPROVEMENTS</b>						<b>\$ 180,600.00</b>
<b>PUBLIC PAVING IMPROVEMENTS</b>						
13	02751	Concrete paving, reinforced, 7-in thick	SY	825	\$ 75.00	\$ 61,875.00
14	02336	Lime stabilized subgrade, 6-in thick	SY	975	\$ 15.00	\$ 14,625.00
15	02336	Lime for lime stabilization (6% by lb/SY)	TON	15	\$ 180.00	\$ 2,700.00
16	02771	6" Curbs, Complete in Place	LF	675	\$ 10.00	\$ 6,750.00
17	02771	Concrete Pavement Header (includes Sawcut, All Depths)	LF	101	\$ 20.00	\$ 2,020.00
18		Furnish and Install Stop Sign	EA	1	\$ 400.00	\$ 400.00
19	TXDOT 542	Guard Rail	LF	200	\$ 50.00	\$ 10,000.00
<b>TOTAL PUBLIC PAVING IMPROVEMENTS</b>						<b>\$ 98,370.00</b>
<b>PUBLIC WATERLINE IMPROVEMENTS</b>						
20	02516	Cut, plug, and Remove Existing Waterline	EA	1	\$ 500.00	\$ 500.00
21	02511	2-Inch SCH 40 PVC Waterline	LF	310	\$ 30.00	\$ 9,300.00
<b>TOTAL PUBLIC WATERLINE IMPROVEMENTS</b>						<b>\$ 9,800.00</b>

Item No.	Spec. No.	Item Description	Unit	Total Quantity	Unit Price	Total Unit Price
<b>PUBLIC SANITARY IMPROVEMENTS</b>						
22	02516	Cut, plug, and Remove Existing Sanitary Sewer Forcemain	EA	1	\$ 500.00	\$ 500.00
23	02532	24 Inch SCH 40 PVC Sanitary Sewer	LF	310	\$ 30.00	\$ 9,300.00
<b>TOTAL PUBLIC SANITARY IMPROVEMENTS</b>						<b>\$ 9,800.00</b>
<b>TRAFFIC CONTROL PLAN</b>						
24	01555	Traffic Control and Regulation	LS	1	\$ 1,000.00	\$ 1,000.00
<b>TOTAL TRAFFIC CONTROL PLAN</b>						<b>\$ 1,000.00</b>
<b>STORM WATER POLLUTION PREVENTION PLAN</b>						
25	01410	TPDES Compliance (Includes NOI, NOT, Maintenance, Inspection and Reporting, and Street Cleaning)	LS	1	\$ 2,500.00	\$ 2,500.00
26	01570	Furnish and Install Filter Fabric Fence	LF	671	\$ 1.00	\$ 671.00
27	01570	Furnish, Install and Remove Inlet Protection (Stage I & II)	EA	2	\$ 100.00	\$ 200.00
28	01575	Stabilized Construction Entrance/Exit	EA	1	\$ 500.00	\$ 500.00
29	02921	Hydro Mulch Seeding of all Disturbed Areas	AC	0.2	\$ 2,000.00	\$ 400.00
30	02922	Block Sodding	SY	150	\$ 10.00	\$ 1,500.00
<b>TOTAL STORM WATER POLLUTION PREVENTION PLAN</b>						<b>\$ 5,771.00</b>
<b>EXTRA WORK ITEMS</b>						
32	HC 493	24" Thick Rip Rap (as approved and directed by Engineer)	SY	285	\$ 35.00	\$ 9,975.00
33		Crushed Stone for Wet Stable Trench Filter for Box Culvert (Include Fabric)	CY	100	\$ 15.00	\$ 1,500.00
34		Wellpointing (as approved and directed by the Engineer) (\$25/LF)	LF	174	\$ 25.00	\$ 4,350.00
<b>TOTAL EXTRA WORK ITEMS</b>						<b>\$ 15,825.00</b>
<b>BASE BID PRICE</b>						<b>\$ 388,030.53</b>
<b>TOTAL PRICE (BASE BID + EXTRA WORK)</b>						<b>\$ 403,855.53</b>
<b>15% CONTINGENCY</b>						<b>\$ 58,204.58</b>
<b>TOTAL BUDGET (BASE BID + EXTRA WORK + CONTINGENCY)</b>						<b>\$ 462,060.11</b>



## Legislation Details (With Text)

**File #:** AUT 16-141    **Version:** 1    **Name:**  
**Type:** Authorization    **Status:** Agenda Ready  
**File created:** 11/30/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** Authorization to allow Wynfield Estates Homeowners Association to install new signage in Wynfield Estates Subdivision.  
**Sponsors:** City Manager's Office  
**Indexes:**  
**Code sections:**

**Attachments:** [Bravo Heavy Duty Sign Post - Mel Northey](#)  
[Bravo Heavy Duty Sign Post 2 - Mel Northey](#)  
[Bravo Heavy Duty Sign Post 3 - Mel Northey](#)  
[Bravo Heavy Duty Sign Post 4- Mel Northey](#)  
[FaxQuoteCustomer](#)

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Authorization to allow Wynfield Estates Homeowners Association to install new signage in Wynfield Estates Subdivision.

### Summary:

Ms. Christina Ridings, Board President of the Wynfield Estates Homeowners Association (HOA) recently approached staff with a request to upgrade street signage within their subdivision. The HOA is willing to fund the improved signage and posts, which were quoted at \$6,732.00. Attached are several items displaying the proposed signage and posts. City Attorney Fox reviewed this request and recommends the HOA receive City Council's approval prior to moving forward with the project. City staff supports this request, provided the HOA accepts all responsibility for the future maintenance, upkeep, and replacement of the signage and posts. Ms. Ridings will be present during Council Workshop on Tuesday evening to discuss this matter with Council.

### Fiscal/Budgetary Impact:

N/A

Approval is recommended with understanding HOA accepts future responsibility for signage and posts.

## ONLINE CATALOG

### Online Catalog

#### Lamps & Posts

<http://www.melnorthey.com/prod-Mail Boxes>

<cat/lamps-posts/>

<http://www.melnorthey.com/prod-Signs & Posts>

<cat/mail-boxes/>

<http://www.melnorthey.com/prod-Street and Stop Signs>

<cat/signs-post/>

Essex

<http://www.melnorthey.com/prod-Excel>

<cat/essex/>

<http://www.melnorthey.com/prod-Belle Chase>

<cat/excel/>

<http://www.melnorthey.com/prod-Bravo>

<cat/belle-chase-signs-post/>

<http://www.melnorthey.com/prod-Manor>

<cat/bravo-signs-post/>

[cat/manor/](http://www.melnorthey.com/prod-cat/manor/)

<cat/sconces/>

<http://www.melnorthey.com/prod-cat/sconces/>

<cat/sconces/>

## Product Specifications

[Click Here for a Printable Version](#)



### Bravo Heavy Duty Sign Post

Brand: Bravo (<http://www.melnorthey.com/prod-cat/bravo-signs-post/>)

Stock Number: 96HBF Street

Base 12"

Diameter:

Height: 11' above ground

Pole Finish: Black - Durable powder coat finish

Mount Style: Ground Burial

Dimensions: Base: 12" x 18" Tubular : 12' x 4" Dia.

<http://www.melnorthey.com/wp-content/uploads/2014/02/96hbf.jpg>

### Installation Instructions

DIG A HOLE APPROXIMATELY 2 FOOT DEEP BY 5"-6" IN DIAMETER. TAKE THE PIECE OF TUBULAR AND PLACE IN MIDDLE OF HOLE AND SURROUND WITH READY MIX CEMENT, LET IT SET. AFTER CEMENT SETS, 1 PIECE

BASE IS READY TO BE PLACE OVER THE  
PIECE OF TUBULAR. ATTACH BRACKETS &  
SIGNS

#### Additional Information

Sign Backers available at an extra charge.  
Matching light post and mailbox posts available

#### Extended Product Description

Base: 1 pc cast aluminum Stop Sign: 30"  
engineered grade reflective sheeting. Stop Sign  
Brackets, 2 per sign, rust proof post clamps. Cast  
aluminum ball top. 6" x 24" Green flat aluminum,  
engineer grade reflective sheeting both sides.  
Street names processed at an extra charge. Cast  
aluminum side mount Framed street sign brackets  
for 24" or 30" flat street blades only, powder coated  
finish.

Next Product »

**[Bravo Heavy Duty Sign Post  
96HB Combo \(http://www.melnorthey.com/products/bravo-heavy-duty-sign-  
post-3/\)](http://www.melnorthey.com/products/bravo-heavy-duty-sign-post-3/)**

## Mel Northey

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📍 Mel Northey Co. Inc. 303 Gulf Bank Road Houston.

✉ [chrisnor@melnorthey.com](mailto:chrisnor@melnorthey.com)

☎ 77037-2499 , 281-445-3485, 1-800-828-0302

📠 281-445-7456



## About us

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[TEMPLATES \(http://www.melnorthey.com/templates/\)](http://www.melnorthey.com/templates/)

## Product Categories

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[Lamps & Posts \(http://www.melnorthey.com/prod-cat/lamps-posts/\)](http://www.melnorthey.com/prod-cat/lamps-posts/)

[Mail Boxes \(http://www.melnorthey.com/prod-cat/mail-boxes/\)](http://www.melnorthey.com/prod-cat/mail-boxes/)

[Sconces \(http://www.melnorthey.com/prod-cat/sconces/\)](http://www.melnorthey.com/prod-cat/sconces/)

[Signs & Posts \(http://www.melnorthey.com/prod-cat/signs-post/\)](http://www.melnorthey.com/prod-cat/signs-post/)

## ONLINE CATALOG

### Online Catalog

#### [Lamps & Posts](#)

<http://www.melnorthey.com/prod-Mail-Boxes>

<cat/lamps-posts/>

<http://www.melnorthey.com/prod-Signs & Posts>

<cat/mail-boxes/>

<http://www.melnorthey.com/prod-Street and Stop Signs>

<cat/signs-post/>

Essex

<http://www.melnorthey.com/prod-Excel>

<cat/essex/>

<http://www.melnorthey.com/prod-Belle Chase>

<cat/excel/>

<http://www.melnorthey.com/prod-Bravo>

<cat/belle-chase-signs-post/>

<http://www.melnorthey.com/prod-Manor>

<cat/bravo-signs-post/>

[cat/manor/](http://www.melnorthey.com/prod-cat/manor/)

<cat/sconces/>

<http://www.melnorthey.com/prod-cat/sconces/>

<cat/sconces/>



<http://melnorthey.com/wp-content/uploads/2014/02/96hb.jpg>

Material: .125 wall thickness, fluted extruded aluminum

### Bravo Heavy Duty Sign Post

Brand: Bravo (<http://www.melnorthey.com/prod-cat/bravo-signs-post/>)

Stock Number: 96HB Combo

Base 12"

Diameter:

Height: 11' above ground

Pole Finish: Black - Durable powder coat finish

Mount Style: Ground Burial

Dimensions: Base: 12" x 18" Tubular : 12' x 4" Dia.

### Installation Instructions

DIG A HOLE APPROXIMATELY 2 FOOT DEEP BY 5"-6" IN DIAMETER. TAKE THE PIECE OF TUBULAR AND PLACE IN MIDDLE OF HOLE AND SURROUND WITH READY MIX CEMENT, LET IT SET. AFTER CEMENT SETS, 1 PIECE

BASE IS READY TO BE PLACE OVER THE  
PIECE OF TUBULAR. ATTACH BRACKETS &  
SIGNS

#### Additional Information

Sign Backers available at an extra charge.  
Matching light post and mailbox posts available

#### Extended Product Description

Base: 1 pc cast aluminum Stop Sign: 30"  
engineered grade reflective sheeting. Stop Sign  
Brackets, 2 per sign, rust proof post clamps. Cast  
aluminum ball top. 6" x 24" Green extruded  
aluminum, engineer grade reflective sheeting both  
sides. Street names processed at an extra charge.  
Cast aluminum side mount street sign brackets,  
powder coated finish.

« Previous Product

**Bravo Heavy Duty Sign Post**

**96HBF Street (<http://www.melnorthey.com/products/bravo-heavy-duty-sign-post-4/>)**

Next Product »

**Bravo Heavy Duty Sign Post**

**96B Street Sign (<http://www.melnorthey.com/products/bravo-heavy-duty-sign-post-2/>)**

## Mel Northey

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📍 Mel Northey Co. Inc. 303 Gulf Bank Road Houston.

✉ [chrisnor@melnorthey.com](mailto:chrisnor@melnorthey.com)

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[Dark Sky Info \(<http://www.melnorthey.com/dark-sky-info/>\)](http://www.melnorthey.com/dark-sky-info/)

[Resources \(<http://www.melnorthey.com/resources/>\)](http://www.melnorthey.com/resources/)

[Replacement Globes \(<http://www.melnorthey.com/replacement-globes/>\)](http://www.melnorthey.com/replacement-globes/)

[TEMPLATES \(<http://www.melnorthey.com/templates/>\)](http://www.melnorthey.com/templates/)

## Product Categories

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[Lamps & Posts \(<http://www.melnorthey.com/prod-cat/lamps-posts/>\)](http://www.melnorthey.com/prod-cat/lamps-posts/)

[Mail Boxes \(<http://www.melnorthey.com/prod-cat/mail-boxes/>\)](http://www.melnorthey.com/prod-cat/mail-boxes/)



## ONLINE CATALOG

### Online Catalog

#### [Lamps & Posts](#)

<http://www.melnorthey.com/prod-Mail-Boxes>

<cat/lamps-posts/>

<http://www.melnorthey.com/prod-Signs & Posts>

<cat/mail-boxes/>

<http://www.melnorthey.com/prod-Street and Stop Signs>

<cat/signs-post/>

Essex

<http://www.melnorthey.com/prod-Excel>

<cat/essex/>

<http://www.melnorthey.com/prod-Belle Chase>

<cat/excel/>

<http://www.melnorthey.com/prod-Bravo>

<cat/belle-chase-signs-post/>

<http://www.melnorthey.com/prod-Manor>

<cat/bravo-signs-post/>

[cat/manor/](http://www.melnorthey.com/prod-cat/manor/)

<cat/sconces/>

<http://www.melnorthey.com/prod-cat/sconces/>

## Product Specifications

[Click Here for a Printable Version](#)

<http://www.melnorthey.com/wp-content/uploads/images/media/default.png>  
Bravo Heavy Duty Sign Post

Brand: Bravo (<http://www.melnorthey.com/prod-cat/bravo-signs-post/>)

Stock Number: 96B Street Sign

Base 12"

Diameter:

Height: 11' above ground

Pole Finish: Powder Coat

Colors: Black - Durable powder coat finish

Mount Style: Ground Burial

Dimensions: Base: 18" h x 12" dia Tubular : 12' x 4" Dia.

Post Material: 125 wall thickness, fluted extruded aluminum

### Installation Instructions

DIG A HOLE APPROXIMATLEY 2 FOOT DEEP BY 5"-6" IN DIAMETER. TAKE THE PIECE OF TUBULAR AND PLACE IN MIDDLE OF HOLE AND SURROUND WITH READY MIX CEMENT, LET IT SET. AFTER CEMENT SETS, 1 PIECE

BASE IS READY TO BE PLACE OVER THE  
PIECE OF TUBULAR. ATTACH BRACKETS &  
SIGNS

#### Additional Information

Base: 1 pc cast aluminum 6" x 24" Green extruded  
aluminum, engineer grade reflective sheeting both  
sides. Street names processed at an extra charge.  
Die cast brackets, cap and crossbar, powder  
coated finish.

« Previous Product

**Bravo Heavy Duty Sign Post**

**96HB Combo (<http://www.melnorthey.com/products/bravo-heavy-duty-sign-post-3/>)**

Next Product »

**Bravo Heavy Duty Sign Post**

**96B Stop Sign (<http://www.melnorthey.com/products/bravo-heavy-duty-sign-post/>)**

## Mel Northey

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📍 Mel Northey Co. Inc. 303 Gulf Bank Road Houston.

✉ [chrisnor@melnorthey.com](mailto:chrisnor@melnorthey.com)

☎ 77037-2499 , 281-445-3485, 1-800-828-0302

📠 281-445-7456



## About us

---

[Lamps & Posts \(<http://www.melnorthey.com/lamps-posts/>\)](http://www.melnorthey.com/lamps-posts/)

[Signs \(<http://www.melnorthey.com/signs/>\)](http://www.melnorthey.com/signs/)

[Request Catalog \(<http://www.melnorthey.com/request-catalog/>\)](http://www.melnorthey.com/request-catalog/)

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[TEMPLATES \(<http://www.melnorthey.com/templates/>\)](http://www.melnorthey.com/templates/)

## Product Categories

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[Mail Boxes \(<http://www.melnorthey.com/prod-cat/mail-boxes/>\)](http://www.melnorthey.com/prod-cat/mail-boxes/)

[Sconces \(<http://www.melnorthey.com/prod-cat/sconces/>\)](http://www.melnorthey.com/prod-cat/sconces/)

[Signs & Posts \(<http://www.melnorthey.com/prod-cat/signs-post/>\)](http://www.melnorthey.com/prod-cat/signs-post/)

## Get in a Touch

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Enter Your Name

## ONLINE CATALOG

### Online Catalog

#### Lamps & Posts

(<http://www.melnorthey.com/prod-Mail Boxes>

<cat/lamps-posts/>)

(<http://www.melnorthey.com/prod-Signs & Posts>

<cat/mail-boxes/>)

(<http://www.melnorthey.com/prod-Street and Stop Signs>

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Essex

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<cat/sconces/>)

Sconces

(<http://www.melnorthey.com/prod-cat/sconces/>)

<cat/sconces/>)

## Product Specifications

[Click Here for a Printable Version](#)



### Bravo Heavy Duty Sign Post

Brand: Bravo (<http://www.melnorthey.com/prod-cat/bravo-signs-post/>)

Stock Number: 96B Stop Sign

Base 12"

Diameter:

Height: 11' above ground

Pole Finish: Black - Durable powder coat finish

Mount Style: Ground Burial

Dimensions: Base: 18" tall x 12" diameter

Post Material: 125 wall thickness, fluted extruded aluminum

### Installation Instructions

DIG A HOLE APPROXIMATELY 2 FOOT DEEP BY 5 5/8" IN DIAMETER. TAKE THE PIECE OF SIGN AND PLACE IN MIDDLE OF HOLE AND SURROUND WITH READY MIX CEMENT, LET IT SET. AFTER CEMENT SETS, 1 PIECE

BASE IS READY TO BE PLACE OVER THE  
PIECE OF TUBULAR. ATTACH BRACKETS &  
SIGNS

#### Additional Information

Sign Backers available at an extra charge.  
Matching light post and mailbox posts available.

#### Extended Product Description

Base: 1 pc cast aluminum Stop Sign: 30"  
engineered grade reflective sheeting. Stop Sign  
Brackets, 2 per sign, rust proof post clamps. Cast  
aluminum ball top.

« Pervious Product

**[Bravo Heavy Duty Sign Post](#)**

**[96B Street Sign \(http://www.melnorthey.com/products/bravo-heavy-duty-sign-post-2/\)](http://www.melnorthey.com/products/bravo-heavy-duty-sign-post-2/)**

## Mel Northey

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✉ chrisnor@melnorthey.com

☎ 77037-2499 , 281-445-3485, 1-800-828-0302

📠 281-445-7456



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## Get in a Touch

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Enter Your Name



**Mel Northey Co. Inc.**

**303 Gulf Bank  
Houston, TX 77037  
1-800-828-0302  
Fax 281-445-7456**

To CHRISTINA  
From Chris Northey  
Fax  
Date August 24, 2016

**Page 1 of 2**  
**Quote # 87967**

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Houston, TX 77037  
1-800-828-0302  
Fax 281-445-7456

Name CHRISTINA  
Phone 832-877-6240  
Fax:

**Quote # 87967**

Quote Date

August 24, 2016

**Quote**  
**Valid for 90 Days**

Sold by Chris Northey

Terms 50% DEPOSIT/50% DU

Promise Date

Ship Via ABF

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WYNFIELD ESTATES HOA  
1609 WYNFIELD  
DEERPARK, TX 77356

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SAME

Email CCRIDINGS@GMAIL.COM

**PLEASE ALLOW 4 WEEKS FOR DELIVERY**

QTY	Description	Size	Color	Unit Price	Total Price
6	96HBC - Bravo Combo Street / Stop	11'	Black	\$499.00	\$2,994.00
4	96BST - Bravo Stop	11'	Black	\$349.00	\$1,396.00
2	96HB - Bravo Street	11'	Black	\$469.00	\$938.00
6	BACKER 26" - 26" BACKER FOR 24" STOP 26"		-	\$69.00	\$414.00
1	PROOF -		-	\$30.00	\$30.00
8	PROCESSING FEE (SET) -		-	\$79.00	\$632.00
8	4444 - Misc Sign		-	\$10.00	\$80.00
BLACK UPGRADE FOR SIGN					

**Total** \$6,484.00

Volume discounts and reduced  
freight only apply to orders of  
\$10,000 or more

Discount Percent 0%

Discount Amount \$0.00

Discounted Total \$6,484.00

Freight Charge \$248.00

Taxable ☐ Tax \$0.00

**Quote Total \$6,732.00**

### Payment Required In Advance To Process Order

50% Deposit Required to Begin Order and 50% on Day Of Shipment  
or to be collected by UPS COD unless cc on file or payment received in advance

#### DAMAGED/LOST MERCHANDISE

All merchandise should be examined for damages at the time of delivery. When a loss or damage occurs, the carrier is held responsible. Therefore, all damage/loss claims should be noted to the carrier and to Mel Northey Co., Inc. within 48 hours of receipt of merchandise. PLEASE FORWARD PICTURES OF DAMAGE TO TPRATER@MELNORTHEY.COM

#### PLEASE DO NOT REFUSE TO ACCEPT THE SHIPMENT

This will cause you to incur unnecessary shipping expenses in returning damaged merchandise and will not properly document the carrier fault. All damage claims will be filed by Mel Northey Co., Inc. in order to expedite the shipment of new merchandise to you. Failure to notify Carrier and Mel Northey Co., Inc. within 48 hours can result in loss of rights for claim.

Freight carriers Do NOT Unload.

If residential or construction delivery site additional Charges May Apply.

[Specification and installation instructions can be found at: www.melnorthey.com](http://www.melnorthey.com)



## Legislation Details (With Text)

**File #:** AUT 16-140    **Version:** 1    **Name:**  
**Type:** Authorization    **Status:** Agenda Ready  
**File created:** 11/29/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** Authorization to purchase a Ford F-450 Super Duty with Chassis for the Street Maintenance Department through the Tarrant County Purchasing Program.  
**Sponsors:** Finance  
**Indexes:**  
**Code sections:**  
**Attachments:** [Form 1295 - Street Maintenance](#)  
[F-450 - Street Maintenance](#)

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Authorization to purchase a Ford F-450 Super Duty with Chassis for the Street Maintenance Department through the Tarrant County Purchasing Program.

Summary: The Street Maintenance Department is requesting the replacement of Unit 229, a 2008 Ford F-350 Truck. The current truck is used to haul concrete forming materials and tools for concrete work. The suspension in the truck is worn out, and the truck is also having alignment problems. Mileage on the current truck is 46,200.

Ford F-450 Super Duty with Chassis

Vendor: Silsbee Ford

Cost: \$64,005.25

### Fiscal/Budgetary Impact:

An amount of \$65,000.00 is included in the Fiscal Year 2016-2017 Budget for the Street Maintenance Department (Account No. 10-403-4906, Automobiles & Light Trucks).

Approval to purchase a Ford F-450 Super Duty with Chassis for the Street Maintenance Department through the Tarrant County Purchasing Program.

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.  
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

## OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:  
2016-141176

Date Filed:  
11/30/2016

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Silsbee Ford Inc.  
Silsbee, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Deer Park

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

B161745  
Vehicle

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Donalson, Drew	Silsbee, TX United States	X	

5 Check only if there is NO Interested Party.

☐

### 6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



AFFIX NOTARY STAMP / SEAL ABOVE

Signature of authorized agent of contracting business entity

Sworn to and subscribed before me, by the said Richard Hyder, this the 30th day of Nov, 2016, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath



B161745

**PRODUCT PRICING SUMMARY BUYBOARD CONTRACT #430-13**

Vehicles and Heavy Duty Trucks

VENDOR--Silsbee Ford, 1211 Hwy 96 N., Silsbee TX 77656

End User: CITY OF DEER PARK

Prepared by: RICHARD HYDER

Contact: TRACY MCBRIDE 281.478.7228

Phone: (409) 300-1385

Email: TMCBRIDE@DEERPARKTX.ORG

Email: rhyder.cowboyfleet@gmail.com

Product Description: FORD SUPER DUTY

Date: November 21, 2016

A. Bid Series: 103

A. Base Price: \$ 29,426.00

## B. Published Options [Itemize each below]

Code	Options	Bid Price	Code	Options	Bid Price
X4G	SUPERCAB 4X2 186" WB 84" CA	\$ 2,525.00	HIT	KNAPHEIDE 7132D54FJ SERVICE	\$ 19,160.00
99T	6.7L DIESEL V8	\$ 7,972.00		BODY TO CUST SPEC, TOMMYGATE	
44W	6-SPD AUTO TRANSMISSION	\$ 179.00		G2-60-1342TP38, OVERHEAD RACK	
52B	TRAILER BRAKE CONTROLLER	\$ 259.00		PER QUOTE DES03181601REV2	
90L	POWER EQUIPMENT GROUP	\$ 842.00			
X4N	4.10 LIMITED SLIP DIFFERENTIAL	\$ 339.00			
AS	VINYL 40/20/40 SEATING	\$ -			
Z1	EXTERIOR WHITE	\$ -			
76C	BACKUP ALARM	\$ 118.00			
512	SPARE TIRE AND WHEEL	\$ 329.00			

Total of B. Published Options: \$ 31,723.00

## C. Unpublished Options [Itemize each below, not to exceed 25%]

S= 3.7 %

Options	Bid Price	Options	Bid Price
UPGRADE TO HX4G	\$ 2,000.00		
HIDDEN LEDS CLEAR FRONT CORNERS	\$ 290.00		
colson@deerparktx.org			

Total of C. Unpublished Options: \$ 2,290.00

D. Pre-delivery Inspection:

E. Texas State Inspection:

F. Manufacturer Destination/Delivery:

G. Floor Plan Interest (for in-stock and/or equipped vehicles):

H. Lot Insurance (for in-stock and/or equipped vehicles):

I. Contract Price Adjustment:

J. Additional Delivery Charge: 95 miles

K. Subtotal:

L. Quantity Ordered 1 x K =

M. Trade in:

N. BUYBOARD Administrative Fee (\$400 per purchase order)

O. TOTAL PURCHASE PRICE INCLUDING BUYBOARD FEE

\$ -

\$ -

\$ 166.25

\$ 63,605.25

\$ 63,605.25

\$ -

\$ 400.00

\$ 64,005.25

# **HI-TECH**

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**P. O. Box 111535 Houston, Texas 77293-0535**

**13531 West Hardy Road Houston, Texas 77060**

**Off: (713) 695-9700 Fax: (713) 695-9700**

**Date: November 16, 2016**

**Quotation: DES03181601Rev.2**

**To: City of Deer Park  
Attn: Mr. Shain Olson**

**Description: Knapheide model 7132D54FJ service body, OH rack  
Tommy Gate model G2-60-1342TP38 SU liftgate**

**Dear Mr. Shain Olson,**

**We are pleased to submit our bid for your consideration and approval for the following:**

**Furnish and install, on your new Ford F-450 Super Cab DRW chassis w/ 84" CA, a Knapheide model 7132D54FJ custom service body with the following features:**

- **Transverse compartment on streetside front**
- **Raised vertical oxy./act. compartment w/ bottle gas retainers on curbside front**
- **Flip top compartments**
- **Master lock system**
- **C-Tech 5-drawer unit w/ 3-3" hi drawers, 1-5" hi drawer and 1-7" hi drawer, installed in rear vertical compartment on streetside, includes dividers in 3" and 5" drawers**
- **Tread plate rear bumper with ball hitch recess**
- **H.D. receiver hitch w/ D-rings for safety chains and 4-way and 7-way light connectors**
- **Fabricate and install H.D. double rail bumper to bumper OH rack (1.5" x .25" square tubing), w/ expanded metal across front and down both sides of rack, includes expanded metal rear window protection, paint white**
- **Tommy Gate model G2-60-1342TP38 SU liftgate (1,300# cap.) w/ 55" x 38" tread plate (2-piece) platform w/ 4" taper, paint white**
- **All LED lights except backup lights**
- **Lights and flaps to DOT specifications**
- **Federal certification and weight ticket**

**Your cost: \$19,160.00**

**The above price does not include and state, federal or local taxes and will be held firm for thirty days after which I have the right to review and possibly rebid. This quotation is based on a verbal description of the project and/or photographs of the project. Additional charges may be applied from unseen damages, items that require relocation, or items not specifically addressed in the quotation. Cancellation of this project, once acquisition of parts has begun, will result in a 25% re-stocking fee. Any items involving non-stocking parts or special fabricated parts may require payment in advance or a non-refundable deposit.**



## Legislation Details (With Text)

**File #:** ACT 16-062    **Version:** 1    **Name:**

**Type:** Acceptance    **Status:** Agenda Ready

**File created:** 11/29/2016    **In control:** City Council

**On agenda:** 12/6/2016    **Final action:**

**Title:** Acceptance of completion of the Maintenance Facility Paving Improvements which consisted of a concrete connector road at the Luella Service Center.

**Sponsors:** Public Works

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Acceptance of completion of the Maintenance Facility Paving Improvements which consisted of a concrete connector road at the Luella Service Center.

Summary: We received 9 bids at the July 26, 2016 bid opening for the Maintenance Facility Paving Improvements with Construction Diversity Group being awarded the project for their low bid of \$168,186.79. The project has been completed and inspected by our Engineering Department and is now ready for Council's acceptance of the project. The final cost of the project was \$166,005.35 which is a savings of \$2,181.44.

Fiscal/Budgetary Impact: \$200,000 was budgeted for this project in account 10-404-4909.

Staff recommends Council acceptance of this project with approval to release final payment.



## Legislation Details (With Text)

**File #:** AGR 16-062    **Version:** 1    **Name:**  
**Type:** Agreement    **Status:** Agenda Ready  
**File created:** 11/30/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** Consideration of and action on an agreement with ArborLeaf Engineering for professional services related to HCFCD B-112-00.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [REVISED PROPOSAL B112-02 RIGHT OF WAY B112 \(00000003\)](#)  
[City of Deer Park Services Agreement B112-02 Arborleaf](#)

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Consideration of and action on an agreement with ArborLeaf Engineering for professional services related to HCFCD B-112-00.

### Summary:

In 2007 the city issued General Obligation Bonds and Certificates of Obligation infrastructure projects including drainage. Due to over 10-inches of rain received during Tropical Storm Erin in August 2007 staff began to identify flood prone areas throughout the city based on FEMA repetitive losses and local structural losses. In 2010 an additional \$8 million in Certificates of Obligation were sold for drainage projects. Council selected the Patrick's Bayou Detention project as the top project and reserved bonds funds for the project. In addition to the bond funds, in April 2009 the city submitted an application for a Hazard Mitigation Grant (HMGP) for additional funding for the project. In order to qualify for the FEMA grant the city also constructed offsite drainage projects to achieve a required Benefit Cost Analysis (BCA). Design and construction of these projects was paid for out of the bond funds. There is approximately \$2.5 million remaining out of the 2010 issue.

Another project identified by council was the Harris County Flood Control District Ditch B-112-00, that is east of and parallel to East Blvd (see attached). In 2007 a preliminary drainage study was prepared that identified five obstructions/restrictions that need to be addressed to lower the water surface elevation in the channel. Four of the five obstructions/restrictions have been completed by the city. The final recommended improvement will require changing the cross section of the channel. Staff has met with Harris County Flood Control District (HCFCD) on a couple of occasions to discuss the project, the most recent being November 10, 2016. HCFCD indicated that they had no identified funding available but were supportive of the project if the city had funding. The first step to determining project cost is to determine how much right-of-way there is to work in and if additional is required for the ultimate cross section. Arborleaf Engineering & Surveying, Inc. has submitted a proposal for title and ownership research for an amount not to exceed \$18,645.00.

Fiscal/Budgetary Impact:

\$2.5 million out of 2010 bond issue

Staff recommends approval.



**ARBORLEAF ENGINEERING  
& SURVEYING, INC.**

990 Village Square Drive, Suite P  
Tomball, TX 77375  
281-655-0634

November 29, 2016

Mr. Bill Pedersen, PE  
City Engineer/Public Works Director  
City of Deer Park  
710 East San Augustine  
Deer Park, Texas 77536

Re: Ditch B112-02 Improvements

Dear Mr. Pedersen,


Thank you for the opportunity to resubmit this proposal for professional services in regards to the above project. We have revised our previous proposal to reflect only the Right of Way Surveying Portion of the Work..

1. Arborleaf will perform ownership research on the existing right of way, and adjoining, search for existing evidence of ownership (iron rods or pipes), tie adjacent properties, and analyze the results to produce a right of way map from the southern limit of the Centerpoint Energy Right of Way to the HCFCD Regional Detention Pond.

Our fee for this work is \$ 18,645.00

Thank you, again, for this opportunity to resubmit this proposal. You can call me at 713-550-4931 any time.

Sincerely,



Walter E. Smith, PE, RPLS  
President

TBPLS #100543-00

TBPE #7705

P:\1\_Clients\CIDP - City of Deer Park\16-0596\_Improvements to B112-02\1-0  
Correspondence\1-2 Client\Revised Proposal 11 29 2016.docx



Drainage Outfall Ditch  
B112-02-00 in Red



## **AGREEMENT FOR ENGINEERING SERVICES**

### **B112 Right-of-Way Verification**

This Agreement is made and entered into in Deer Park, Harris County, Texas on the 7th day of December, 2016; by and between

**The City of Deer Park**, a Municipal Corporation in the State of Texas

And

**ArborLeaf Engineering & Surveying, Inc.**, ENGINEER(s) duly licensed, and practicing under the laws of the State of Texas.

Said Agreement being executed by the City pursuant to the City Charter, Ordinances, and Resolutions of the City Council, and by the Engineer for engineering services hereinafter set forth in connection with the above-designated Project for the City of Deer Park.

DEER PARK retains ArborLeaf to perform engineering services related to perform ownership search, tie to adjacent properties, and analyze results to produce a right-of-way map of the BHCFCFCD 112-00 ditch from the CenterPoint Energy ROW to the HCFCD regional detention pond (see exhibit A) in return for consideration to be paid by DEER PARK under terms and conditions set forth below.

#### **ARTICLE 1. SCOPE OF WORK**

- 1.1 ENGINEER will provide engineering, design, consultation, project management, and other services as required to perform and complete the Scope of Work & Services specifically identified in Attachment A of this Agreement. The Services Scope of Work (the "Work") and the time schedules set forth in Attachment A are based on information provided by DEER PARK and ENGINEER. The schedule of milestones and deliverables are essential terms of this Agreement.
- 1.2 If this information is incomplete or inaccurate, or if site conditions are encountered which materially vary from those indicated by DEER PARK, or if DEER PARK directs ENGINEER to change the original Scope of Work shown in Attachment A, a written amendment equitably adjusting the costs, performance time and/or terms and conditions, shall be executed by DEER PARK and ENGINEER.



## **ARTICLE 2. COMPENSATION**

- 2.1 ENGINEER bills for its services on a time and materials basis using the Schedule of Rates and Terms entitled Estimated Level of Effort ("Schedule of Rates") attached as Attachment B of this Agreement. As requested, ENGINEER has provided an estimate of the fees for the Work amounting to \$18,645. ENGINEER will not exceed that estimate without prior approval from DEER PARK. ENGINEER will notify DEER PARK, for approval, of any proposed revisions to the Schedule of Rates and effective date thereof which shall not be less than thirty (30) days after such notice.
- 2.2 ENGINEER will submit monthly invoices for Services rendered, and DEER PARK will make payment within thirty (30) days of receipt of ENGINEER'S invoices. If DEER PARK objects to all or any portion of an invoice, it will notify ENGINEER of the same within fifteen (15) days from the date of receipt of the invoice and will pay that portion of the invoice not in dispute, and the parties shall immediately make every effort to settle the disputed portion of the invoice. Prices or rates quoted do not include state or local taxes.

## **ARTICLE 3. DEER PARK'S RESPONSIBILITIES**

- 3.1 DEER PARK will designate in writing the person or persons with authority to act on DEER PARK's behalf on all matters concerning the work to be performed.
- 3.2 DEER PARK will furnish to ENGINEER all existing studies, reports, data and other information available to DEER PARK necessary for performance of the Work, authorize ENGINEER to obtain additional data as required, and furnish the services of others where necessary for the performance of the Work. ENGINEER will be entitled to use and rely upon all such information and services.
- 3.3 Where necessary to performance of the Work, DEER PARK shall arrange for ENGINEER to have access to any site or property.

## **ARTICLE 4. PERFORMANCE OF SERVICE**

- 4.1 ENGINEER's services will be performed within the schedule and time period set forth in Attachment A.
- 4.2 ENGINEER shall perform the Work, and any additional services as may be required, for the development of the Project to completion.
- 4.3 If required, additional services will be performed and completed within the time period agreed to in writing by the parties at the time such services are authorized.

- 4.4 If any time period within or date by which any of ENGINEER's services are to be performed is exceeded for reasons outside of ENGINEER's reasonable control, all rates, measures and amounts of compensation and the time for completion of performance shall be subject to equitable adjustment.

## **ARTICLE 5. CONFIDENTIALITY**

- 5.1 ENGINEER will hold confidential all information obtained from DEER PARK, not previously known by ENGINEER or in the public domain.

## **ARTICLE 6. STANDARD OF CARE & WARRANTY**

- 6.1 Standard of Care. In performing services, ENGINEER agrees to exercise professional judgment, made on the basis of the information available to ENGINEER, and to perform its engineering services with the professional skill and care of competent design professionals practicing in the same or similar locale and under the same or similar circumstances and professional license. ENGINEER also agrees to perform its engineering services as expeditiously as is prudent considering this standard of care. This standard of care shall be judged as of the time and place the services are rendered, and not according to later standards.
- 6.2 Warranty. If any failure to meet the foregoing standard of care Warranty appears during one year from the date of completion of the service and ENGINEER is promptly notified thereof in writing, ENGINEER will at its expense re-perform the nonconforming work.
- 6.3 The foregoing Warranty is the sole and express warranty obligation of ENGINEER and is provided in lieu of all other warranties, whether written, oral, implied or statutory, including any warranty of merchantability. Engineer does not warrant any products or services of others. ENGINEER, however, expressly acknowledges that these warranty obligations do not eliminate the applicability of the standard of care to all of its work and that the OWNER may still retain remedies against ENGINEER following the expiration of the warranty period in contract, tort, or otherwise as the law allows.

## **ARTICLE 7. INSURANCE**

- 7.1 ENGINEER will procure and maintain insurance as required by law. At a minimum, ENGINEER will have the following coverage:
- (1) Workers compensation and occupational disease insurance in statutory amounts.
  - (2) Employer's liability insurance in the amount of \$1,000,000.

- (3) Automobile liability in the amount of \$1,000,000.
- (4) Commercial General Liability insurance for bodily injury, death or loss of or damage to property of third persons in the amount of \$1,000,000 per occurrence, \$2,000,000 in the aggregate.
- (5) Professional errors and omissions insurance in the amount of \$1,000,000.

7.2 ENGINEER has provided a Statement of Insurance to DEER PARK demonstrating and reflecting that ENGINEER has procured and maintains insurance coverage in accordance with the requirements stated above. That Statement of Insurance is Attachment C of this Agreement.

## **ARTICLE 8. INDEMNITY**

8.1 TO THE FULLEST EXTENT PERMITTED BY LAW, ENGINEER SHALL INDEMNIFY, AND HOLD HARMLESS THE CITY OF DEER PARK, ITS OFFICERS, OFFICIALS, AGENTS, DIRECTORS, AND EMPLOYEES, FROM AND AGAINST ALL CLAIMS, CAUSES OF ACTION, DAMAGES, LOSSES, LAWSUITS, JUDGMENTS, FINES, PENALTIES, OR LIABILITY OF ANY CHARACTER, TYPE OR DESCRIPTION INCLUDING WITHOUT LIMITATION, ALL EXPENSES OF LITIGATION, INCLUDING EXPERT OR CONSULTANT FEES, COURT COSTS, AND ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM BODILY INJURY OR DEATH OF ANY PERSON, OR PROPERTY DAMAGE, OR OTHER HARM TO THE EXTENT SUCH BODILY INJURY, PROPERTY DAMAGE, OR HARM ARISES OUT OF OR IS OCCASIONED BY THE NEGLIGENCE, INTENTIONAL TORT, INTELLECTUAL PROPERTY INFRINGEMENT, OR FAILURE TO PAY A SUBCONTRACTOR OR SUPPLIER COMMITTED BY THE ENGINEER OR THE ENGINEER'S AGENT, CONSULTANT UNDER CONTRACT, OR ANOTHER ENTITY OVER WHICH THE INDEMNITOR EXERCISES CONTROL.

IF THE CITY DEFENDS AN ACTION, CLAIM, LAWSUIT OR OTHERWISE INCURS ATTORNEY'S FEES AS A RESULT OF AN INDEMNIFIED CLAIM AS STATED ABOVE, ENGINEER AGREES TO REIMBURSE THE CITY IN PROPORTION TO THE ENGINEER'S LIABILITY.

8.2 ENGINEER agrees to and shall contractually require its consultants and subcontractors of any tier to assume the same indemnification obligations to Indemnities as stated herein.

## **ARTICLE 9. OWNERSHIP OF DOCUMENTS**

9.1 As long as DEER PARK is current in the payment of all undisputed invoices, all work product prepared by the ENGINEER pursuant to this Agreement, including, but not limited to, all Contract Documents, Plans and Specifications and any computer aided design, shall be

the sole and exclusive property of DEER PARK, subject to the ENGINEER's reserved rights.

- 9.2 ENGINEER's technology, including without limitation customary techniques and details, skill, processes, knowledge, and computer software developed or acquired by ENGINEER or its Consultants to prepare and manipulate the data which comprises the instruments of services shall all be and remain the property of the ENGINEER.

#### **ARTICLE 10. INDEPENDENT CONTRACTOR**

- 10.1 The ENGINEER is an independent contractor and shall not be regarded as an employee or agent of the DEER PARK.

#### **ARTICLE 11. COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS**

- 11.1 The ENGINEER shall observe all applicable provisions of the federal, state and local laws and regulations, including those relating to equal opportunity employment.

#### **ARTICLE 12. SAFETY**

- 12.1 DEER PARK shall inform the ENGINEER and its employees of any applicable site safety procedures and regulations known to DEER PARK as well as any special safety concerns or dangerous conditions at the site. The ENGINEER and its employees will be obligated to adhere to such procedures and regulations once notice has been given.
- 12.2 ENGINEER shall not have any responsibility for overall job safety at the site. If in ENGINEER's opinion, its field personnel are unable to access required locations or perform required services in conformance with applicable safety standards, ENGINEER may immediately suspend performance until such safety standards can be attained. If within a reasonable time site operations or conditions are not brought into compliance with such safety standards, ENGINEER may in its discretion terminate its performance, in which event, DEER PARK shall pay for services and termination expenses as provided in Article 18.

#### **ARTICLE 13. LITIGATION**

- 13.1 At the request of DEER PARK, ENGINEER agrees to provide testimony and other evidence in any litigation, hearings or proceedings to which DEER PARK is or becomes a party in connection with the work performed under this Agreement, unless DEER PARK and the ENGINEER are adverse to one-another in any such litigation.

- 13.2 Any litigation arising out of this Agreement between DEER PARK and ENGINEER shall be heard by the state district courts of Harris County.

#### **ARTICLE 14. NOTICE**

- 14.1 All notices to either party by the other shall be deemed to have been sufficiently given when made in writing and delivered in person, by electronic mail, facsimile, certified mail or courier to the address of the respective party or to such other address as such party may designate.

#### **ARTICLE 15. TERMINATION**

- 15.1 The performance of work may be terminated or suspended by DEER PARK, for any reason. Such suspension or termination shall be subject to notice of DEER PARK's election to either suspend or terminate the Agreement fifteen (15) days' prior to the effective suspension or termination date. The Notice shall specify the extent to which performance of work is suspended or terminated and the date upon which such action shall become effective. In the event work is terminated or suspended by DEER PARK prior to the completion of services contemplated hereunder, ENGINEER shall be paid for (i) the services rendered to the date of termination or suspension and reasonable services provided to effectuate a professional and timely project termination or suspension.

#### **ARTICLE 16. SEVERABILITY**

- 16.1 If any term, covenant, condition or provision of this Agreement is found by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of this Agreement shall remain in full force and effect, and shall in no way be affected, impaired or invalidated thereby.

#### **ARTICLE 17. WAIVER**

- 17.1 Any waiver by either party or any provision or condition of this Agreement shall not be construed or deemed to be a waiver of a subsequent breach of the same provision or condition, unless such waiver is so expressed in writing and signed by the party to be bound.

#### **ARTICLE 18. GOVERNING LAW**

- 18.1 This Agreement will be governed by and construed and interpreted in accordance with the laws of the State of Texas.

**ARTICLE 19. CAPTIONS**

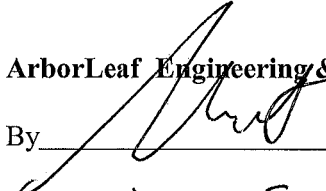
- 19.1 The captions contained herein are intended solely for the convenience of reference and shall not define, limit or affect in any way the provisions, terms and conditions hereof or their interpretation.

**ARTICLE 20. ENTIRE AGREEMENT**

- 20.1 This Agreement, its articles, provision, terms, and attached Schedules represent the entire understanding and agreement between DEER PARK and ENGINEER and supersede any and all prior agreements, whether written or oral, and may be amended or modified only by a written amendment signed by both parties.

This Agreement is effective on the last day signed.

**ArborLeaf Engineering & Surveying, Inc.**

By  \_\_\_\_\_

Name WALTER SMITH

Title PRESIDENT

Date 12 / 1 / 2016

**The City of Deer Park**

By \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

**SCHEDULE A**  
**SCOPE OF WORK**



**ARBORLEAF ENGINEERING  
& SURVEYING, INC.**

990 Village Square Drive, Suite P  
Tomball, TX 77375  
281-655-0634

November 29, 2016

Mr. Bill Pedersen, PE  
City Engineer/Public Works Director  
City of Deer Park  
710 East San Augustine  
Deer Park, Texas 77536

Re: Ditch B112-02 Improvements

Dear Mr. Pedersen,


Thank you for the opportunity to resubmit this proposal for professional services in regards to the above project. We have revised our previous proposal to reflect only the Right of Way Surveying Portion of the Work..

1. Arborleaf will perform ownership research on the existing right of way, and adjoiners, search for existing evidence of ownership (iron rods or pipes), tie adjacent properties, and analyze the results to produce a right of way map from the southern limit of the Centerpoint Energy Right of Way to the HCFCD Regional Detention Pond.

Our fee for this work is \$ 18,645.00

Thank you, again, for this opportunity to resubmit this proposal. You can call me at 713-550-4931 any time.

Sincerely,



Walter E. Smith, PE, RPLS  
President

TBPLS #100543-00

TBPE #7705

P:\1\_Clients\CIDP - City of Deer Park\16-0596\_Improvements to B112-02\1-0  
Correspondence\1-2 Client\Revised Proposal 11 29 2016.docx



**SCHEDULE B**  
**COMPENSATION AND RATES**

<b>Position</b>	<b>Rate</b>
RPLS	\$ 175
Survey Technician	\$ 110
CAD Technician	\$ 110
Survey Crew	\$ 185
Administration	\$ 85
Abstracting Services	Cost + 10%



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

12/01/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Gretchen Fagan Agency 407 E Main Tomball, TX 77375	281-357-4477 281-357-4380	CONTACT NAME: Gretchen Fagan PHONE (A/C, No, Ext): 281-357-4477 E-MAIL: gretchen@gretcheninsure.com ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A : Truck Insurance Exchange INSURER B : Farmers Insurance Exchange INSURER C : Mid Century Insurance Company INSURER D : Farmers Texas County Mutual Insurance Co INSURER E : INSURER F :	FAX (A/C, No): 281-357-4380 NAIC # 21709 21652 21687 24392
INSURED ArborLeaf Engineering & Surveying, Inc. 990 Village Square Dr., Ste. P Tomball, TX 77375	281-655-0634		

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			605892044	02/08/2016	02/08/2017	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			605890990	02/08/2016	02/08/2017	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB DED RETENTION \$ ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			605892172	02/08/2016	02/08/2017	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N <input type="checkbox"/> N/A N/A			A07498563	02/08/16	02/08/2017	PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

**CERTIFICATE HOLDER****CANCELLATION**

City of Deer Park  
710 E. San Augustine  
Deer Park, TX 77536  
Ph: (281) 479-2394  
Fx: (281) 478-7217

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
12/01/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b>  Mercer Consumer, a service of Mercer Health & Benefits Administration LLC PO Box 8146 Des Moines, IA 50306-8146	<b>CONTACT</b> NAME: PHONE (A/C, No): EMAIL ADDRESS: FAX (A/C, No): PRODUCER CUSTOMER ID:																					
<b>INSURED</b> Arborleaf Engineering & Surveying Suite P 990 Village Square Drive Tomball, TX 77375	<table border="1"><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A:</td><td>Beazley Insurance Company Inc</td><td>37540</td></tr><tr><td>INSURER B:</td><td></td><td></td></tr><tr><td>INSURER C:</td><td></td><td></td></tr><tr><td>INSURER D:</td><td></td><td></td></tr><tr><td>INSURER E:</td><td></td><td></td></tr><tr><td>INSURER F:</td><td></td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	Beazley Insurance Company Inc	37540	INSURER B:			INSURER C:			INSURER D:			INSURER E:			INSURER F:		
INSURER(S) AFFORDING COVERAGE		NAIC #																				
INSURER A:	Beazley Insurance Company Inc	37540																				
INSURER B:																						
INSURER C:																						
INSURER D:																						
INSURER E:																						
INSURER F:																						

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INS LETR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>GENERAL LIABILITY</b> <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR <input type="checkbox"/> <input type="checkbox"/> GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/>						COMBINED SINGLE LIMIT (Each Occurrence) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> Y/N <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					<input type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	OTHER ENGINEERS PROFESSIONAL LIABILITY INSURANCE RETRO DATE: 01/01/2004			V16DA0160301	10/01/2016	10/01/2017	LIMITS: PER CLAIM \$2,000,000 AGGREGATE \$2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CLAIMS MADE POLICY

**CERTIFICATE HOLDER****CANCELLATION**City of Deer Park  
710 E. San Augustine  
Deer Park, TX 77536

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



## Legislation Details (With Text)

**File #:** PUR 16-036    **Version:** 1    **Name:**  
**Type:** Purchase    **Status:** Agenda Ready  
**File created:** 11/21/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** Consideration of and action on authorizing the purchase of one (1) 2017 Frazer remount ambulance.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [Deer Park Remount Quote 63B.pdf](#)

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Consideration of and action on authorizing the purchase of one (1) 2017 Frazer remount ambulance.

### Summary:

The 2016-17 adopted budget of the Fire Control, Prevention, and Emergency Medical Services District includes funding for the purchase of one ambulance remount (refurbishment of the existing "box" and mounting on a new chassis).

The ambulance being remounted is a 2008 Frazer ambulance and the chassis has required extensive maintenance. The unit continues to pose maintenance issues. Due to the excessive maintenance costs, it is prudent to replace the chassis.

Quote (attached) for \$138,050 for the refurbishing/remounting will utilize the HGAC Cooperative Purchasing Program and includes a \$4,000.00 credit for trade-in of the existing chassis.

This quote does exceed the budgeted funds for this project. A budget amendment will be introduced at the next meeting of the FCPEMSD Board, and then subsequently presented to City Council.

### Fiscal/Budgetary Impact:

Budgeted funds are available and a budget amendment will be proposed to offset the budget exceedance.

Staff requests and recommends approval for this purchase.



November 18, 2016

Robert Wolfe  
Deer Park Fire Department  
E-mail: [rwolfe@deerparktx.org](mailto:rwolfe@deerparktx.org)

Quote # 63B

Mr. Wolfe,

Per your request we are quoting remounting and refurbishing your Frazer Type I 12' Generator Powered Module (X-471/E-913) onto a 2017 Ford F-350 6.7L diesel chassis with steel wheels. For your convenience all pricing has been itemized below.

Frazer Type I 12' Generator Powered Module (X-471/E-913)		
2017 Ford F-350 6.7L diesel chassis with steel wheels	\$	43,500.00
Liquid Spring suspension	\$	10,000.00
Heat shielding for diesel chassis	\$	1,500.00
Remount of Module (see Incl. Items below)	\$	18,000.00
Chassis Exterior Upgrades	\$	1,750.00
Chassis Interior Upgrades	\$	5,700.00
Module Exterior Upgrades	\$	40,825.00
Module Interior Upgrades	\$	20,175.00
HGAC fee per HGAC Contract #AM10-14	\$	600.00
	<b>Subtotal \$</b>	<b>142,050.00</b>
Trade-in of chassis (1GBJC34K88E132709)	\$	-4,000.00
	<b>Total \$</b>	<b><u>138,050.00</u></b>

**Items included in above total:**

**Chassis Exterior Upgrades:**

- |  |    |       |
|--|----|-------|
| 1 . Items included in remount fee:   | \$ | incl. |
| a) Ranch Hand powder coated grille guard   |    |       |
| b) (2) Whelen M4 grille lights w/ clear lenses<br><i>Layout: clear, red</i>                              |    |       |
| c) (2) Whelen M4 intersects w/ clear lenses<br><i>Layout: clear, red</i>                                 |    |       |
| d) (2) Federal Signal AS124 speakers   |    |       |
| e) Frazer aluminum rear window pass through plate with aluminum plate over rear windows due to 2017 Ford |    |       |
| f) (2) New 125A & 150A Mega fuses with new wiring  |    |       |
| g) Stripe new chassis to match module  |    |       |
| h) New mounting rubber   |    |       |
| i) New tie downs & spacers   |    |       |

j) Inner fender on passenger's side for Ford		
k) VHB Tape		
l) Furnish & install Backup alarm		
m) Mudflaps		
n) Make old chassis road ready -THIS WILL BE A TRADE IN		
o) This unit needs to be weighed and a weight slip provided to the customer		
p) Fuel with diesel to verify fuel flow		
q) Install license plates from customer provided chassis		
r) Wash Unit		
s) Route chassis exhaust to standard location under passenger side end cap		
t) This unit will get a state inspection		
2 . Furnish & install oval chrome nerf bars	\$	500.00
3 . Furnish and install stainless steel wheel covers	\$	incl
4 . Furnish and install dual Buell 10" & 12" air horn, w/ TRUCKAIRHORN switch at console.	\$	1,250.00
a) Install new air tank		
b) Replace fittings on existing compressor		
c) Replace solenoids		
d) Replace air lines and any defective hardware		
e) Reconnect to existing air compressor in electrical compartment		
f) Air horns location TBD due to chassis year change to 2017 body style		
5 . Do not remove Whelen speaker, leave on existing push bar of old chassis.	\$	N/C
<b>Total</b>	<b>\$</b>	<b>1,750.00</b>

#### **Chassis Interior Upgrades**

6 . Furnish & install pinned powder coated aluminum four position console	\$	incl.
a) <b>Slot 1</b> – Single blank plate	\$	incl.
b) <b>Slot 2/3</b> – Furnish & install new double slot switch panel		
c) <b>Switch Layout:</b> <i>Primary, Secondary, Blank, Siren 1, Siren 2, Blank, Truck/Air Horn, Interior Light, Rear Load, side Scene. Side Scene, Start Stop</i>		
d) <b>Slot 4</b> – Remove and reinstall Motorola 05 remote head with speaker on floor in front of console with mic driver side slot 1	\$	525.00
<b>Wired to fail safe</b>		
<b>Verify radios work correctly, customer had issues with connectors</b>		
7 . Remove and reinstall (1) handheld radio charger onto front of console toward driver side	\$	100.00
<b>wired battery hot</b>		
8 . Furnish and install 12VDC outlet on passenger side of console towards the front (match E-2795)		150.00
9 . Furnish & install arm rests on console	\$	200.00
10 . Remove (2) Whelen SA1 sirens from console	\$	225.00
a) Reinstall in electrical compartment		
b) Zip tie mics to siren in electrical compartment		
c) Ship loose new Whelen SA1 siren		
d) Connect sirens in electrical compartment to two switches at console		
e) Tap-2 on primary siren		
11 . Furnish and install (2) large map holders at rear of console	\$	350.00

12 .	Furnish and install 3 high glove box holder on rear wall of chassis	\$	150.00
13 .	120 VAC outlet in chassis (location TBD)	\$	400.00
14 .	Furnish and install Digital Ally DVM 250Plus forward facing camera system with WiFi package and back up camera	\$	3,600.00
	a) <b><i>let engineering know when unit is install to program and verify the system is working</i></b>		
	b) Program to continuous loop of recording		
	c) Program triggered events for: reverse, 70mph and higher		
	d) Program triggered event for it to start recording when the emergency lights were one. (Primary or Secondary)		
		<b>Total</b>	<b>\$ 5,700.00</b>

#### **Module Exterior Upgrades**

15 .	Items included in remount fee:	\$	incl.
	a) Install new ignition & fail safe solenoids on electrical shelf		
	b) Full electrical check		
	c) New passthrough rubber boot		
	d) Replace all door compartment bumpers		
	e) Replace weather stripping		
	f) Install new foam weatherstripping on rear backboard compartment door (discard old)		
	g) New ribbed rubber in applicable compartments including O2 compartment		
	h) Zero clearance behind side main entry step well		
	i) Zero clearance inside lower front I/O compartment		
	j) Verify front and rear wall skins have 10ga Black ground wire terminated to roof frame		
	k) Frazer key fob		
	l) Furnish & install new fuel guards (discard old)		
	m Replace marker lights (discard old)		
	)		
	n) Furnish & install (2) 4" round red LED lower B/T/T's and (2) 4" round lower clear back up lights (discard existing)		
	o) Furnish & install wheel well guard		
16 .	Replace all halogen compartment lights (O2, long lower storage, rear storage) with new LED compartment lighting		
	a) Run wiring on electrical and front I/O for compartment lights		
	b) Install rear storage compartment light on forward wall.		
17 .	Strip, prime, and repaint 12' module Frazer white	\$	14,500.00

***Note – Items sub-listed are included with paint unless stated other wise***

- a) Furnish & install painted corner caps on module
- b) Furnish & install painted module trims-discard existing trim
- c) Replace compartment and entry door latches w/ Eberhard style latches
- d) Repair oxidization on inserts.
- e) Make sure rear entry doors operate properly from the inside, previous new unit had issues
- f) J236 keys and 102 keys
- g) Replace entry door windows with double pane windows
- h) Rear entry corner guards
- i) Install new drip rails without rivets over the following:

1. Side entry doors
  2. Rear entry doors
  3. Rear backboard compartment door
  4. Long lower storage
  - j) Install new side entry door grab rail (discard old)
  - k) Install new rear entry door grab rails (discard old)
  - l) Furnish & install gas shock on long lower storage compartment door (discard existing)
  - m) Furnish & install gas shock on rear backboard compartment door (discard old)
  - n) Replace side entry door hold open spring with new, discard existing
  - o) Furnish and install O2 compartment vent (discard old)
  - p) Install new O2 compartment insert threshold (discard old)
  - q) **Ship loose all emergency lights**
- 18 . Furnish & install new doors on the following (discard old): \$ incl.
- a) O2 compartment
  - b) Radio compartment
  - c) Long lower storage compartment
  - d) Rear storage compartment
  - e) Rear passenger's side entry door
  - f) Rear driver's side entry door
  - g) Side entry door
  - h) Generator compartment
  - i) Front I/O compartment
  - j) Electrical compartment
  - k) Rear backboard compartment
  - l) A/C compartment
- 19 . Furnish & install new panels on the following new doors: \$ incl.
- a) O2 compartment
  - b) Radio compartment
  - c) Long lower storage compartment
  - d) Rear storage compartment
  - e) Rear passenger's side entry door
  - f) Rear driver's side entry door
  - g) Side entry door
  - h) Front I/O compartment
  - i) Electrical compartment
- 20 . Furnish & install new hinges on the following doors (discard old): \$ incl.
- a) O2 compartment
  - b) Radio compartment
  - c) Long lower storage compartment
  - d) Rear storage compartment
  - e) Rear passenger's side entry door
  - f) Rear driver's side entry door
  - g) Side entry door
  - h) Generator compartment
  - i) Front I/O compartment



j) Electrical compartment		
k) Rear backboard compartment		
21 . Striping & lettering to match current fleet (Match E-2795)	\$	2,600.00
22 . Furnish & install 3M diamond grade fluorescent lime yellow conspicuity with red overlay in a chevron pattern on entire rear wall (Match E-2795)	\$	1,500.00
23 . Furnish and install the following decals:		
a) Install CO stickers in three (3) locations		
b) Install one (1) NO SMOKING sticker on dash and ship one (1) loose		
24 . Clear lenses on all emergency lights		
25 . Furnish & install (8) Whelen M6 series red corner box lights w/ converter flanges	\$	1,800.00
<b>Ship loose old</b>		
26 . Furnish & install (5) Whelen M6 series on front wall w/ converter flanges	\$	1,000.00
<b>Front Layout:</b> Clear, Red, Clear, Red, Clear		
<b>Ship loose old</b>		
27 . Furnish & install (3) Whelen M6 series on rear wall w/ converter flanges	\$	600.00
<b>Rear layout:</b> Red, Red, Red		
<b>Ship loose</b>		
28 . Furnish & install (2) Whelen M6 Gradient load light w/ converter flanges on rear of module	\$	650.00
<b>Note - Wired to come ON w/reverse and with (2) 3-way switches; one at the console, one at the squad bench</b>		
29 . Furnish & install (2) Whelen M6 red B/T/T w/ converter flanges on rear wall	\$	300.00
30 . Furnish & install (2) FRC 900 series Spectra LED side scene lights in standard location, wired to 2 switches (convert wiring in electrical compartment to 12V; add plating to existing location on passenger's side)	\$	2,000.00
<b>Ship loose old</b>		
31 . Furnish and install (2) Whelen M6 red/clear (red to front) wheel well LEDs with converter flanges	\$	500.00
<b>Ship loose</b>		
32 . Furnish & install new rear entry door grabbers (discard existing)	\$	75.00
33 . Furnish and install cast LED license plate light	\$	75.00
34 . Replace entire rear bumper with center strip and end caps	\$	750.00
35 . Furnish & install new treadbrite at front, wheel wells, and rear corners with new (discard existing)	\$	900.00
a) Driver's & Passenger's side front corner panels		
b) Passenger's side wheel well panel		
c) Driver's side wheel well panel square filler guard		
d) Driver side rear panel with (2) 4" round light cut outs		
e) Passenger side rear panel with (2) 4" round light cut outs		
36 . Terminate existing shore power ignition kill switch wiring to new chassis	\$	225.00
37 . Furnish & install new Meltric single 30A twist lock shore power receptacle on front driver's side wall w/ pigtail shipped loose	\$	750.00
<b>Ship loose existing shore power</b>		
38 . Furnish & install new Onan 5.5kW generator with non permeable hoses, emissions canister kit and add new 10 gallon TransferFlow fuel tank and fuel pump, modify compartment to new standard	\$	7,500.00
a) NON Locking gas cap on genset fuel fill, (ensure green cap for diesel)		
39 . Furnish & install genset shutdown circuit w/ acknowledge switch at rear door switch panel	\$	incl.

40 . Remove Tomar strobe on front wall and emitter base in electrical compartment and ship loose	\$	100.00
41 . Furnish and install 3M-GTT Opticom on the front wall	\$	2,000.00
<i>Come ON with PRIMARY, turn OFF when chassis is in PARK</i>		
<b>Add plate on front wall if necessary</b>		
42 . Renovate existing rear storage to be 3" taller rear outside only storage compartment.		1,250.00
a) Furnish and install vertical divider 11" from the rear wall and a shelf from the front wall to the vertical divider.		
b) Replace insert and install new taller door.		
c) <b>Match E-2795</b>		
d) Install compartment light on forward wall		
43 . Furnish and install vertical divider in O2 compartment flush with O2 access opening with shelf from vertical divider to front wall.	\$	250.00
a) Remove and reinstall O2 rollers		
b) Remove ribbed rubber and sub floor of O2.		
44 . Furnish & install new Lambda power supply (ship loose old)	\$	1,500.00
<b>Total</b>	<b>\$</b>	<b>40,825.00</b>

#### **Module Interior Upgrades:**

45 . Items included in remount fee:	\$	incl.
a) Replace all non-skid material on threshold(s) with 3M non-skid material (discard existing)		
b) Complete detail of module interior		
1. Clean & wipe down lasco walls		
2. Clean & wipe down floor of module		
3. Clean & wipe down exterior & interior of cabinets		
4. Clean & wipe down compartments and shelves		
c) Air filter		
46 . Clean all lexan	\$	N/C
47 . Power Load already installed-Ensure it is working	\$	N/C
48 . Furnish and install 3 high glove box/end rail combo at head of squad bench	\$	350.00
<i>add plate at the end of squad bench to accommodate combo</i>		
Ship loose bracket at end of squad bench		
49 . Reconnect existing speakers in headknocker to chassis	\$	100.00
a) Remove volume control knob and reconnect speakers on the switch at action wall		
b) Install blank plate at action wall to cover volume control knob hole		
50 . Furnish and install sharps container on rear wall centered above squad bench	\$	100.00
51 . Furnish and install single O2 outlet with dial flow meter in ceiling raceway 62" from rear entry	\$	850.00
a) Remove and reinstall action wall cabinet		
b) Remove and reinstall ceiling raceway		
52 . Remove KnoxMedVault from front I/O	\$	550.00
a) Add riser in front corner area		
b) <b>Wire to fail safe</b>		
c) Reinstall in front corner area		
53 . Furnish & install new blue captain's chair with built in child safety seat	\$	1,325.00
54 . Furnish and install blank plate over hole in action wall	\$	N/C
55 . Furnish and install small acrylic holder at the end of the action wall cabinet	\$	250.00
56 . New cobalt Wise trim throughout module (discard arm knockers)	\$	350.00

57 .	Furnish and install 5 place switch panel at location 1 .	\$	incl.
<b>Switch layout: Interior Lights, Front Light, Suction, Electric O2, Speakers</b>			
58 .	Furnish & install (8) fluorescent interior light fixtures with (8) Grote LED fixtures and retrofit plates (discard old)	\$	3,000.00
<b>Note - Standard interior light switching:</b>			
a) Driver's side front single LED on a 3 way switch to the HIGH setting			
b) ON/OFF interior light switch at the console that controls the front driver's side interior LED only			
c) ON/OFF interior light switch at the action wall that controls the front driver's interior LED only			
d) HIGH/OFF/LOW interior light switch at the action wall that controls all but one of the interior LED's			
59 .	Furnish & install action wall w/ SSCOR suction & hinged panel (discard existing)	\$	950.00
60 .	Furnish and install electric O2 panel with monitor	\$	1,700.00
61 .	Replace floor with Alucabond subfloor and Lonseal vinyl floor - Sapphire; includes replacing thresholds & floor hardware (discard existing)	\$	3,100.00
62 .	Furnish & install lexan & tracks on existing cabinets - includes squad bench, action wall, and front wall	\$	750.00
63 .	Engel 15 qt. refrigerator on laydown O2	\$	900.00
64 .	Replace (3) IV hangers in the ceiling	\$	250.00
65 .	Furnish & install 4-place switch panel at the rear entry doors	\$	N/C
<b>Switches at rear doors will be Acknowledge and Dump/Bypass</b>			
66 .	Furnish & install Dometic self-contained A/C uni with UV plenumt; including interior & exterior modifications	\$	5,500.00
67 .	Remove load light switch at squad bench and plate over	\$	150.00
<b>Total</b>		<b>\$</b>	<b>20,175.00</b>

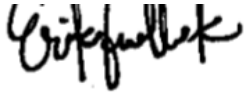
#### Terms and Conditions

- 1 . This quote is valid for 90 days.
- 2 . All pricing is F.O.B. Houston.
- 3 . Please note, payment for the entire purchase is due upon receipt and acceptance of completed unit.
- 4 . Please make your purchase order out to Sterling McCall Ford (6445 Southwest Freeway, Houston, TX 77074). Please email a copy of your purchase order and this quote to Pablo Cantu with Sterling McCall Ford at [pcantu@group1auto.com](mailto:pcantu@group1auto.com) and to Adam Fischer at [sales@frazerbilt.com](mailto:sales@frazerbilt.com).
- 5 . To minimize delays, customer provided items should be present prior to unit production start.
- 6 . Please remove your Onan generator prior to remount delivery at Frazer.
- 7 . Please remove your A/C prior to remount delivery at Frazer.
- 8 . Please remove your antler & bar prior to remount delivery at Frazer.
- 9 . Fair condition of module is assumed when quoting paint. Large or excessive dents, deep or excessive scratches and unforeseen body work will require a revision to the quoted paint price.
- 10 . \*Striping and lettering pricing may be adjusted based on the company's scheme. Striping and lettering pricing includes two hours' design time in the base price. Additional design time for more extensive graphics and/or multiple changes is quoted at \$100/hour.

Thank you for the opportunity to quote this job. If you have any questions please call me at 888-372-9371.

Best Regards,



A handwritten signature in black ink, appearing to read 'Erika Fullick', written in a cursive style.

Erika Fullick  
Inside Sales Representative  
Frazer, Ltd.



## Legislation Details (With Text)

<b>File #:</b>	AUT 16-139	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Authorization	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	11/27/2016	<b>In control:</b>		City Council	
<b>On agenda:</b>	12/6/2016	<b>Final action:</b>			
<b>Title:</b>	Consideration of and action on the request of Pasadena Taxi Company to operate a taxi cab business in Deer Park.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">2017 Taxi Application</a>				

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Consideration of and action on the request of Pasadena Taxi Company to operate a taxi cab business in Deer Park.

### Summary:

Per Ordinance, a taxi cab business must make application to operate a taxi cab business in Deer Park which has to be approved by City Council.

Roman Martinez of Pasadena Taxi Company Inc. has made application to operate a taxi cab business in Deer Park in 2017. Mr. Martinez has met all requirements of the application process.

### Fiscal/Budgetary Impact:

There is no budgetary impact with this action.

Approval of Pasadena Taxi Company Inc.'s application to operate a taxi cab business in Deer Park in 2017.

**CITY OF DEER PARK**  
**APPLICATION FOR TAXICAB BUSINESS OPERATING LICENSE**

Owner must fill in all applicable blanks. Please print or type all information.

Company Name Pasadena Taxi Co., Inc. Phone (713) 477-6000

Physical Address 311 W. Shaw Ave. City Houston State TX Zip 77506

Mailing Address 1406 Hays Street City Houston State TX Zip 77009

If partnership, give name and addresses of all partners. If Corporation, give name and address of President and Secretary. (Print or type information)

Name PTCI Holding, Inc.  
Address 1406 Hays Street  
City Houston State TX Zip 77009

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

President John Bouloubasis  
Address 1406 Hays Street  
City Houston State TX Zip 77009

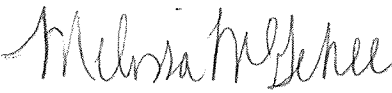
Secretary Ericka Zamarripa  
Address 1406 Hays Street  
City Houston State TX Zip 77009

Insurance Carrier Name Self-Insurance Certificate #103 Phone (713) 428-5725  
Address 1406 Hays Street, Houston, TX 77009

Signed this 11 day of November, 2016, ~~2000~~

ATTEST:

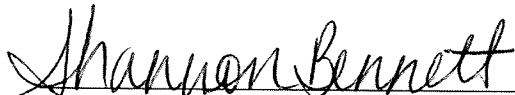
  
Secretary

 Melissa McGehee  
General Manager  
Applicant or Authorized Agent Signature

This is to certify that the City Council of the City of Deer Park, Texas has granted the above referenced applicant a license to operate a taxi cab business for the year 2017, and that applicant has deposited with the City Secretary: copies of liability insurance as required by the Code.

Witness our hands at Deer Park, this 6<sup>th</sup> day of December, 2016.

ATTEST:


  
City Secretary

\_\_\_\_\_  
Mayor, City of Deer Park

List of all vehicles which will be used under this license on the reverse side of form or attach a list.

A \$50.00 per vehicle fee up to 30 vehicles is required and must accompany application.

A \$1500.00 fee is required for 30+ vehicles being licensed and must accompany application.

Date Paid 11/29/16 Payment Processed By  GR# 012916714 Amount 1,500.00

Vehicle ID	Company	Vehicle Plate Number	VIN	Vehicle Make	Vehicle Model	Vehicle Year
P00025	Pasadena Taxi	DPX4473	1B3BD4FG05N562464	DODGE	AVENGER	2011
P00018	Pasadena Taxi	CBM5302	2D4RN4DG8BR601238	DODGE	CARAVAN	2011
P00022	Pasadena Taxi	FLV6347	2C4RDGCG5DR811530	DODGE	CARAVAN	2013
P00207	Pasadena Taxi	DL8X992	2D4RN4DE3AR339786	DODGE	CARAVAN	2010
P02329	Pasadena Taxi	CL3F077	2D4RN4DEXAR292188	DODGE	CARAVAN	2010
P00932	Pasadena Taxi	CRM1243	2C4RDGCG3CR165533	DODGE	CARAVAN	2012
P01017	Pasadena Taxi	BXX9890	1B3CC4FB9AN180184	DODGE	AVENGER	2010
P00024	Pasadena Taxi	FLV6464	2C4RDGCG6DR750270	DODGE	CARAVAN	2013
P00014	Pasadena Taxi	HMT4019	2FABP7BV1AX124549	FORD	CROWN VIC	2010
P00801	Pasadena Taxi	FGK7488	2C4RDGCGT6DR760314	DODGE	CARAVAN	2013
P00001	Pasadena Taxi	DPX4830	1FAHP3F26CL201872	FORD	FOCUS	2012
P01315	Pasadena Taxi	CGP9924	2D4RN4DG1BR714898	DODGE	CARAVAN	2011
P00028	Pasadena Taxi	FLV6463	2C4RDGCG7DR717164	DODGE	CARAVAN	2013
P00004	Pasadena Taxi	CYY8823	2C4RDGCG2CR301747	DODGE	CARAVAN	2012
P00031	Pasadena Taxi	DTJ1839	2C4RDGGBG2CR291934	DODGE	CARAVAN	2012
P00003	Pasadena Taxi	BN88446	2D8HN44E79RG44679	DODGE	CARAVAN	2009
P00013	Pasadena Taxi	CTK7337	2D4RN3DG7BR791768	DODGE	CARAVAN	2011
P00006	Pasadena Taxi	FLV6465	2C4RDGCG1DR687188	DODGE	CARAVAN	2013
P02191	Pasadena Taxi	FTF6108	2C4RDGCG3DR654208	DODGE	CARAVAN	2013
P00007	Pasadena Taxi	DPX4472	1B3BD4FB7BN543513	DODGE	AVENGER	2011
P00012	Pasadena Taxi	BRX8425	2FABP7BVXAX144279	FORD	CROWN VIC	2010
P00011	Pasadena Taxi	CRG1879	2D4RN3DG5BR605807	DODGE	CARAVAN	2011
P00016	Pasadena Taxi	HSK9277	2D8HN44E99R621890	DODGE	CARAVAN	2009
P00020	Pasadena Taxi	CRG1880	2C4RDGGBG9CR396292	DODGE	CARAVAN	2012
P00033	Pasadena Taxi	GXX8201	2C4RDGCG8DR626095	DODGE	CARAVAN	2013
P00005	Pasadena Taxi	FLV6345	2C4RDGCG1DR749141	DODGE	CARAVAN	2013
P02327	Pasadena Taxi	CMW0284	2C4RDGCG3CR146450	DODGE	CARAVAN	2012
P00029	Pasadena Taxi	CBM5303	2D4RN4DE6AR121258	DODGE	CARAVAN	2010
P00181	Pasadena Taxi	CBM6130	2D4RN4DG8BR617505	DODGE	CARAVAN	2011
P02190	Pasadena Taxi	FGK7487	2C4RDGBG5DR608915	DODGE	CARAVAN	2013
P02213	Pasadena Taxi	DWL3476	2C4RDGCG4DR580507	DODGE	CARAVAN	2013
P00026	Pasadena Taxi	BP3N596	1D8HN44E89B513386	DODGE	CARAVAN	2009
P00032	Pasadena Taxi	CDN1560	2D8HN44E29R682577	DODGE	CARAVAN	2009
P00019	Pasadena Taxi	DPX4471	1B3BD4FG7BN549243	DODGE	AVENGER	2011
P00180	Pasadena Taxi	DJ1L409	2D4RN4DEXAR132909	DODGE	CARAVAN	2010
P00034	Pasadena Taxi	HVV9846	2FABP7BV7BX182103	FORD	CROWN VIC	2011
P00949	Pasadena Taxi	BRX8407	2FABP7BV7AX142022	FORD	CROWN VIC	2010
P02328	Pasadena Taxi	CN4G249	2D4RN4DE9AR292246	DODGE	CARAVAN	2010
P00017	Pasadena Taxi	HBS1101	1FAHP2F86FG139188	FORD	TAURUS	2015
P02219	Pasadena Taxi	DWL3475	2C4RDGCG6DR687980	DODGE	CARAVAN	2013
P00130	Pasadena Taxi	DZS4967	2C4RDGCG0DR688106	DODGE	CARAVAN	2013
P00027	Pasadena Taxi	BP84362	2C2DL13F496240666	CHEVROLET	EQUINOX	2009
P00023	Pasadena Taxi	BRX8406	2FABP7BV0AX142024	FORD	CROWN VIC	2010



## Legislation Details (With Text)

**File #:** RES 16-421    **Version:** 1    **Name:**

**Type:** Resolution    **Status:** Agenda Ready

**File created:** 11/29/2016    **In control:** City Council

**On agenda:** 12/6/2016    **Final action:**

**Title:** Consideration of and action on a resolution suspending the effective date of the statement of intent of CenterPoint Energy to increase rates; authorizing participation with the Gulf Coast Coalition of Cities; and hiring legal counsel.

**Sponsors:** City Manager's Office

**Indexes:**

**Code sections:**

**Attachments:** [GCCC - Suspension Resolution \(Nov.pdf\)](#)  
[Staff Report Re Suspension Resolution](#)  
[Impact Summary - CNP Proposed](#)

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Consideration of and action on a resolution suspending the effective date of the statement of intent of CenterPoint Energy to increase rates; authorizing participation with the Gulf Coast Coalition of Cities; and hiring legal counsel.

### Summary:

CenterPoint Energy Resources recently filed a Statement of Intent seeking to increase the natural gas rates charged to their Greater Houston area customers, including those located inside the Deer Park city limits. They seek a combined \$31.0 million increase, which equates to a 10.4% increase. By law, this rate cannot become effective for 35 days (December 21, 2016). The City is allowed to suspend the rate change for 90 days, otherwise it becomes effective.

The City of Deer Park participates in the Gulf Coast Coalition of Cities (GCCC), a consortium which monitors such rate increases. GCCC attorneys recommend all member cities adopt the attached Resolution which extends the effective date of the rate increase by 90 days. This allows all member cities to review CenterPoint's rate-filing package and determine the best course of action to achieve reasonable rates.

Attached to this item are the aforementioned Resolution, as well as additional information prepared by GCCC including a staff report and a rate impact analysis.



Fiscal/Budgetary Impact:

Unknown at This Time

Approval is recommended.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION BY THE CITY OF DEER PARK, TEXAS SUSPENDING THE DECEMBER 21, 2016 EFFECTIVE DATE OF THE STATEMENT OF INTENT OF CENTERPOINT ENERGY TO INCREASE RATES WITHIN THE HOUSTON AND TEXAS COAST DIVISIONS AND CONSOLIDATE THE HOUSTON AND TEXAS COAST DIVISIONS TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; AUTHORIZING PARTICIPATION WITH THE GULF COAST COALITION OF CITIES; HIRING LEGAL AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.**

**WHEREAS**, on or about November 16, 2016, CenterPoint Energy Resources d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas ("CenterPoint" or "Company") filed with the City of Deer Park ("City") and the other affected municipalities a Statement of Intent seeking to increase gas utility rates within the incorporated areas of the Houston Division and Texas Coast Division effective December 21, 2016; and

**WHEREAS**, CenterPoint is also requesting consolidation of the Houston and Texas Coast Divisions into a single Texas Gulf Division, effective December 21, 2016;

**WHEREAS**, the City is a gas utility customer of CenterPoint and a regulatory authority with an interest in the rates and charges of CenterPoint; and

**WHEREAS**, the City is a member of the Gulf Coast Coalition of Cities ("GCCC") (such participating cities are referred to herein as "GCCC"), a coalition of similarly situated cities served by CenterPoint that have joined together to efficiently and cost effectively review and respond to gas issues affecting rates charged in CenterPoint's service area; and

**WHEREAS**, the Gas Utility Regulatory Act § 104.107 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days; and

**WHEREAS**, the City retains its rights as a city with original jurisdiction including the right to suspend the application; and

**WHEREAS**, the City's consultants and attorneys recommend that the City suspend the application for further review.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS:**

**SECTION 1.** That the findings and recitations set out in the preamble of this Resolution are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

**SECTION 2.** That the City is authorized to protect the interests of the City and protect the interests of CenterPoint customers residing and conducting business within municipal limits.

**SECTION 3.** That the December 21, 2016 effective date of the request to increase rates submitted by CenterPoint on or about November 16, 2016, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

**SECTION 4.** That the City has previously adopted a resolution authorizing membership in the Gulf Coast Coalition of Cities and intervention in ratemaking proceedings.

**SECTION 5.** That the City, subject to the right to terminate employment at any time, hereby authorizes the hiring of Thomas Brocato of the law firm of Lloyd Gosselink Rochelle and Townsend, P.C., Karl J. Nalepa of the consulting firm of Resolved Energy Consulting, L.L.C., and Connie Cannady of the consulting firm of New Gen Strategies to review the Company's filing, negotiate with the Company, make recommendations regarding reasonable rates and to direct any necessary administrative proceedings or court litigation associated with an appeal of the filing.

**SECTION 6.** That as a member of GCCC, the City shall work in the review and evaluation of whether the proposed rates are appropriate, fair, just, and reasonable; and, intervene as a necessary party in the Railroad Commission of Texas' consideration of the CenterPoint rate filing as it affects the customers in the unincorporated areas of the Central Texas region.

**SECTION 7.** That the City's reasonable rate case expenses shall be reimbursed in full by TGS.

**SECTION 8.** That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

**SECTION 9.** That a copy of this Resolution shall be sent to Thomas Stevens, Director of Regulatory Affairs, CenterPoint Energy, P. O. Box 2628, Houston, Texas 77252-2628 and to Thomas Brocato, General Counsel for the GCCC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

**SECTION 10.** That this Resolution shall be and become effective from and after its adoption.

APPROVED AS TO FORM:

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JIM FOX, CITY ATTORNEY

I, Shannon Bennett, City Secretary of the City of Deer Park, Texas, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the City Council of the City of Deer Park, Texas, at its regular meeting held of the 6th day of December, 2016, as the same appears in the records of this office.

**IN TESTIMONY WHEREOF**, I subscribe my name hereto officially under the corporate seal of the City of Deer Park this 6th day of December, 2016.

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SHANNON BENNETT,  
CITY SECRETARY  
Of the City of Deer Park, Texas.

# **MODEL STAFF REPORT REGARDING CENTERPOINT ENERGY'S STATEMENT OF INTENT TO INCREASE RATES IN THE HOUSTON DIVISION AND TEXAS COAST DIVISION AND CONSOLIDATE THE HOUSTON DIVISION AND TEXAS COAST DIVISION**

**ACTION MUST BE TAKEN TO SUSPEND THE EFFECTIVE DATE ON OR BEFORE  
DECEMBER 21, 2016**

\*\*\*

On November 16, CenterPoint Energy Resources d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas ("CenterPoint" or "Company") filed a Statement of Intent seeking to increase natural gas rates to all customers residing in its Houston and Texas Coast Divisions and in the following cities in the Houston and Texas Coast Divisions that have ceded original jurisdiction to the Commission pursuant to GURA § 103.003(a): Clear Lake Shores, Cut and Shoot, Danbury, El Lago, Galena Park, Hillcrest Village, Hitchcock, Jacinto City, Jones Creek, Liverpool, New Waverly, Panorama Village, Pleak, Richwood, Roman Forest, South Houston, Southside Place, West University Place, Weston Lakes, and Willis. CenterPoint also proposed to consolidate the Houston and Texas Coast Divisions into one Texas Gulf Division. In the filing, the Company asserts that it is entitled to a \$31.0 million increase in the Cities or a 10.4% increase over current adjusted revenues, excluding gas costs.

The law provides that a rate request made by a gas utility cannot become effective until at least 35 days following the filing of the application to change rates. CenterPoint has proposed an effective date of December 21, 2016. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. **If the City fails to take some action regarding the filing before the effective date, CenterPoint's rate request is deemed administratively approved.**

The purpose of the resolution is to extend the effective date of CenterPoint's proposed rate increase to give the City time to review the rate-filing package. The resolution suspends the December 21, 2016 effective date of the Company's rate increase for the maximum period permitted by law to allow the City to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy to pursue, including settlement and ultimately to approve reasonable rates.

## **Explanation of "Be It Ordained" Paragraphs:**

Section 1. This section incorporates the "whereas" provisions in preamble into the Resolution.

Section 2. This section confirms that the City is authorized to protect the interests of the City and CenterPoint customers residing in the City.

Section 3. The City is authorized to suspend the rate change for 90 days after the date that the rate change would otherwise be effective so long as the City has a legitimate purpose. Time to study and investigate the application is always a legitimate purpose. Please note that the

resolution refers to the suspension period as the “maximum period allowed by law” rather than ending by a specific date. This is because the Company controls the effective date and can extend its effective date and, therefore, extend the deadline for final city action to increase the time that the City retains jurisdiction (for example, if necessary to reach settlement on the case). If the suspension period is not otherwise extended by the Company, the City must take final action on CenterPoint’s request to raise rates by December 21, 2016.

Section 4. This section confirms that the City has previously authorized formal membership into the Gulf Coast Coalition of Cities (“GCCC”) and intervention in any ratemaking proceeding.

Section 5. This section authorizes this hiring of outside attorneys and consultants to work on this matter.

Section 6. This section explains that, as a member of GCCC, the City will work with the coalition to review the application to insure fair and just rates.

Section 7. By law, the Company must reimburse the cities for their reasonable rate case expenses. Legal counsel and consultants approved by GCCC will present their invoices to the City of Alvin which will then seek reimbursement from CenterPoint on behalf of GCCC. The City will not incur liability for payment of rate case expenses by adopting a suspension resolution.

Section 8. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the resolution was properly noticed.

Section 9. This section provides that both CenterPoint’s designated representative and counsel for GCCC will be notified of the City’s action by sending a copy of the approved and signed resolution to certain designated individuals.

Section 10. This section identifies the effective date of the Resolution as the time it is adopted.

### **Recommendation**

The City Staff recommends adoption of the resolution suspending the effective date of CenterPoint’s proposed rate increase.

**CENTERPOINT ENERGY**  
**Texas Gulf Division**  
**Proposed Revenue Impacts by Division**

Base Rate Increase				
	Revenue		Increase	
	Present	Proposed	\$	%
Residential				
Conroe	\$ 3,657,680	\$ 4,263,185	\$ 605,505	16.6%
Houston	\$ 195,086,317	\$ 226,631,814	\$ 31,545,497	16.2%
Texas Coast	\$ 63,580,299	\$ 66,746,031	\$ 3,165,732	5.0%
Total	\$ 262,324,296	\$ 297,641,029	\$ 35,316,734	13.5%
General Service Small				
Conroe	\$ 445,164	\$ 498,787	\$ 53,624	12.0%
Houston	\$ 13,503,055	\$ 15,210,205	\$ 1,707,150	12.6%
Texas Coast	\$ 4,342,675	\$ 4,302,067	\$ (40,608)	-0.9%
Total	\$ 18,290,894	\$ 20,011,058	\$ 1,720,165	9.4%
General Service Large Volume				
Conroe	\$ 374,691	\$ 133,040	\$ (241,651)	-64.5%
Houston	\$ 9,026,076	\$ 3,240,046	\$ (5,786,030)	-64.1%
Texas Coast	\$ 642,633	\$ 600,867	\$ (41,766)	-6.5%
Total	\$ 10,043,400	\$ 3,973,952	\$ (6,069,447)	-60.4%
Grand Total				
Conroe	\$ 4,477,534	\$ 4,895,012	\$ 417,478	9.3%
Houston	\$ 217,615,448	\$ 245,082,064	\$ 27,466,616	12.6%
Texas Coast	\$ 68,565,607	\$ 71,648,965	\$ 3,083,358	4.5%
Total	\$ 290,658,589	\$ 321,626,040	\$ 30,967,451	10.7%

Total Increase (Incl. Gas Revenue & Gross Receipts)				
	Revenue		Increase	
	Present	Proposed	\$	%
Residential				
Conroe	\$ 7,427,901	\$ 8,850,597	\$ 1,422,697	19.2%
Houston	\$ 425,065,777	\$ 456,255,228	\$ 31,189,451	7.3%
Texas Coast	\$ 127,148,334	\$ 131,005,653	\$ 3,857,319	3.0%
Total	\$ 559,642,012	\$ 596,111,478	\$ 36,469,466	6.5%
General Service Small				
Conroe	\$ 1,806,466	\$ 2,156,854	\$ 350,388	19.4%
Houston	\$ 66,969,391	\$ 68,356,958	\$ 1,387,567	2.1%
Texas Coast	\$ 17,236,501	\$ 17,317,590	\$ 81,089	0.5%
Total	\$ 86,012,358	\$ 87,831,402	\$ 1,819,044	2.1%
General Service Large Volume				
Conroe	\$ 1,267,705	\$ 1,208,601	\$ (59,104)	-4.7%
Houston	\$ 37,442,311	\$ 31,009,071	\$ (6,433,239)	-17.2%
Texas Coast	\$ 5,677,104	\$ 5,682,809	\$ 5,705	0.1%
Total	\$ 44,387,120	\$ 37,900,481	\$ (6,486,639)	-14.6%
Total Residential & General Service Small				
Conroe	\$ 10,502,071	\$ 12,216,052	\$ 1,713,981	16.3%
Houston	\$ 529,477,480	\$ 555,621,257	\$ 26,143,778	4.9%
Texas Coast	\$ 150,061,939	\$ 154,006,052	\$ 3,944,112	2.6%
Total	\$ 690,041,490	\$ 721,843,361	\$ 31,801,871	4.6%

Source: Texas Gulf - SOI - Margin + PGA + GRT\_SCC Final.xlsx

**CENTERPOINT ENERGY**  
**Texas Gulf Division**  
**Typical Bill Comparison**

	Conroe	Houston	Texas Coast		Conroe	Houston	Texas Coast		Conroe	Houston	Texas Coast
	Residential				General Service Small				General Service Large		
Avg Use (Ccf)	35	34	33		156	167	142		1962	2068	2225
<b>Present Rates</b>											
Customer Charge	\$15.85	\$15.85	\$16.17		\$18.07	\$18.07	\$17.20		\$276.79	\$276.79	\$56.45
Commodity Charge	\$0.03080	\$0.03080	\$0.07460		\$0.04030	\$0.04030	\$0.06710		\$0.05540	\$0.05540	\$0.04400
Gas Costs	\$0.44111	\$0.54261	\$0.53299		\$0.44111	\$0.54261	\$0.53299		\$0.44111	\$0.54261	\$0.52228
Base Rate Bill	\$16.93	\$16.90	\$18.63		\$24.36	\$24.80	\$26.73		\$385.48	\$391.36	\$154.35
Base Plus Gas Cost Bill	\$32.37	\$35.35	\$36.22		\$93.17	\$115.42	\$102.41		\$1,250.94	\$1,513.47	\$1,316.42
<b>Proposed Rates</b>											
Customer Charge	\$16.75	\$16.75	\$16.75		\$18.25	\$18.25	\$18.25		\$70.00	\$70.00	\$70.00
Commodity Charge	\$0.08514	\$0.08514	\$0.08514		\$0.05797	\$0.05797	\$0.05797		\$0.03408	\$0.03408	\$0.03340
Gas Costs	\$0.53817	\$0.53817	\$0.53817		\$0.53817	\$0.53817	\$0.53817		\$0.53817	\$0.53817	\$0.52738
Base Rate Bill	\$19.73	\$19.64	\$19.56		\$27.29	\$27.93	\$26.48		\$136.86	\$140.48	\$144.32
Base Plus Gas Cost Bill	\$38.57	\$37.94	\$37.32		\$111.25	\$117.81	\$102.90		\$1,192.75	\$1,253.41	\$1,317.74
<b>Increase Amount</b>											
Base Rate	\$2.80	\$2.75	\$0.93		\$2.94	\$3.13	(\$0.25)		(\$248.62)	(\$250.88)	(\$10.04)
Base Plus Gas Cost	\$6.20	\$2.60	\$1.10		\$18.08	\$2.39	\$0.49		(\$58.19)	(\$260.06)	\$1.31
<b>Percent Increase</b>											
Base Rate	16.6%	16.3%	5.0%		12.1%	12.6%	-0.9%		-64.5%	-64.1%	-6.5%
Base Plus Gas Cost	19.2%	7.3%	3.0%		19.4%	2.1%	0.5%		-4.7%	-17.2%	0.1%

\_1/ The proposed General Service Large ("GSLV") commodity charge and Gas Cost differs in the Houston and Texas Coast Divisions because the Houston Division GSLV customers are served at a pressure of 14.95 PSI and Texas Coast Division GSLV customers are served at a pressure base of 14.65 PSI.





## Legislation Details (With Text)

**File #:** RES 16-384    **Version:** 1    **Name:**

**Type:** Resolution    **Status:** Agenda Ready

**File created:** 10/31/2016    **In control:** City Council

**On agenda:** 12/6/2016    **Final action:**

**Title:** Consideration of and action on the adoption of 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.

**Sponsors:** City Manager's Office

**Indexes:**

**Code sections:**

**Attachments:** [2017 CO - NOI Resolution 12.06.16](#)

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Consideration of and action on the adoption of 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.

Summary: As proposed in the FY 2016-2017 budget of the City, the City intends to issue certificates of obligation for the construction of parks and recreation projects approved by the voters on May 9, 2015. The maximum aggregate principal of the certificates will not exceed \$2,700,000. Proceeds from these certificates will be used to fund the following construction project:

Girls Softball Renovations at Youth Sports Complex - \$2,700,000

The FY 2016-2017 budget of the Deer Park Community Development Corporation ("Corporation") includes expenditures of \$63,000 for the annual debt service payments associated with the proposed \$2,700,000 certificates of obligation to be issued by the City. Issuance costs and paying agent fees estimated at \$23,500 are also budgeted by and will be paid by the Corporation.

The City's Financial Advisor, John Robuck, from BOK Financial Securities, Inc., and the City's Bond Counsel, Jonathan Frels, from Bracewell LLP, will be in attendance at the meeting to present a tentative schedule of events and to answer any questions related to this planned issuance.

Attached is a proposed resolution authorizing publication of the Notice of Intention to Issue Certificates of Obligation, and approving other matters incidental thereto. Note: based on the smaller size and shorter maturity structure of this issuance, the City intends to issue the certificates via private placement (similar to the first issuance for the projects of the Corporation), which will also result in lower issuance costs.

Fiscal/Budgetary Impact: Payment of the debt service and issuance costs related to these certificates will be funded by

sales tax revenues of the Corporation through an agreement with the City.

Approve the resolution authorizing the publication of Notice of Intention to Issue Certificates of Obligation; and approve other matters incidental thereto.

RESOLUTION NO. 2016-\_\_\_\_\_

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

THE STATE OF TEXAS       §  
COUNTY OF HARRIS       §  
CITY OF DEER PARK       §

WHEREAS, the City Council of the City of Deer Park, Texas (the “City”) deems it advisable to issue certificates of obligation (the “Certificates”) of the City in accordance with the notice hereinafter set forth; and

WHEREAS, it is hereby found and determined that the meeting at which this resolution is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code; NOW, THEREFORE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS:

Section 1. The findings, definitions and recitations set out in the preamble to this resolution are found to be true and correct and are hereby adopted by City Council and made a part hereof for all purposes.

Section 2. The City Secretary or Deputy City Secretary is hereby authorized and directed to cause to be published in the manner required by law and in substantially the form attached hereto as Exhibit A, a notice of the City’s intention to issue the Certificates (the “Notice”).

Section 3. The Notice shall be published once a week for two (2) consecutive weeks in a newspaper which is of general circulation in the City, the date of the first publication to be at least thirty-one (31) days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates.

Section 4. The City’s financial advisor, BOK Financial Securities, Inc., and bond counsel, Bracewell LLP, are authorized and directed to proceed with the necessary arrangements for the sale of the Certificates.

Section 5. The City reasonably expects to reimburse itself for costs that have been or will be paid subsequent to the date that is 60 days prior to the date hereof and that are to be paid in connection with the project listed in Exhibit A (the “Financed Project”) from proceeds of the Certificates.

Section 6. Mayor, City Manager, Assistant City Manager, Director of Finance, City Secretary, and other officers and agents of the City are hereby authorized and directed to do any and all things necessary or desirable to carry out the provisions of this resolution.

Section 7. This resolution shall take effect immediately upon its passage.

Section 8. The notice and agenda relating to this meeting and heretofore posted by the City Secretary, and the posting thereof, are hereby authorized, approved, and ratified.

*[Remainder of Page Intentionally Left Blank]*

PASSED AND APPROVED on this the 6<sup>th</sup> day of December, 2016.

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Deputy City Secretary  
City of Deer Park, Texas

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Mayor  
City of Deer Park, Texas

[SEAL]

EXHIBIT A

NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Deer Park, Texas (the "City"), will meet at City Hall, 710 East San Augustine Street, Deer Park, Texas, 77536 at 7:30 p.m. on the 17<sup>th</sup> day of January, 2017, which is the time and place tentatively set for the passage of an ordinance and such other action as may be deemed necessary to authorize the issuance of the City's certificates of obligation, in the maximum aggregate principal amount not to exceed \$2,700,000, payable from ad valorem taxes and from a limited pledge of a subordinate lien on the net revenues of the City's waterworks and sanitary sewer system, bearing interest at any rate or rates not to exceed the maximum interest rate now or hereafter authorized by law, as shall be determined within the discretion of the City Council of the City at the time of issuance of the certificates of obligation, and maturing over a period not to exceed forty years from the date of issuance, for the purposes of evidencing the indebtedness of the City for all or any part of the costs associated with the renovation of the girls softball facilities at the City's Youth Sports Complex and the cost of professional services incurred in connection therewith.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY, this 6<sup>th</sup> day of December, 2016.

Shannon Bennett  
Deputy City Secretary  
City of Deer Park, Texas

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS       §  
COUNTY OF HARRIS       §

I, the undersigned officer of the City Council of the City of Deer Park, Texas, hereby certify as follows:

1. The City Council of the City of Deer Park, Texas, convened in a regular meeting on the 6<sup>th</sup> day of December, 2016, at the regular meeting place thereof, within said City, and the roll was called of the duly constituted officers and members of said City Council, to wit:

Jerry Mouton, Jr.	Mayor
Sherry Garrison	Council Member, Position 1
Thane Harrison	Council Member, Position 2
Tommy Ginn	Council Member, Position 3
Bill Patterson	Council Member, Position 4
Ron Martin	Council Member, Position 5
Rae A. Sinor	Council Member, Position 6

and all of said persons were present, except the following absentee(s): \_\_\_\_\_, thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: a written

RESOLUTION NO. 2016-\_\_\_\_

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

was duly introduced for the consideration of said City Council and read in full. It was then duly moved and seconded that said resolution be adopted; and, after due discussion, said motion, carrying with it the adoption of said resolution, prevailed and carried by the following vote:

AYES: \_\_\_\_\_ Members shown present voted "Aye."

NOES: \_\_\_\_\_ Members shown present voted "No."

2. A true, full and correct copy of the aforesaid resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; that said resolution has been duly recorded in said City Council's minutes of said meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said meeting pertaining to the adoption of said resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said

City Council was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and purpose of the aforesaid meeting, and that said resolution would be introduced and considered for adoption at said meeting, and each of said officers and members consented, in advance, to the holding of said meeting for such purpose; that said meeting was open to the public as required by law; and that public notice of the date, hour, place and subject of said meeting was given as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED this 6<sup>th</sup> day of December, 2016.

[SEAL]

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Deputy City Secretary  
City of Deer Park, Texas





## Legislation Details (With Text)

**File #:** ORD 16-115    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Agenda Ready  
**File created:** 11/9/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** Consideration of and action on an ordinance amending the Fiscal Year 2016-2017 Budget for the City's wide area network upgrade and network security.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [Ord - Amend Budget FY17 WAN](#)

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Consideration of and action on an ordinance amending the Fiscal Year 2016-2017 Budget for the City's wide area network upgrade and network security.

Summary: The Fiscal Year 2014-2015 Budget included a project for the City's wide area network upgrade, which was not completed during the fiscal year. Assigned fund balance of the General Fund for Fiscal Year 2014-2015 included \$35,618 for the portion of the project specifically related to City Hall. A budget amendment to the Fiscal Year 2015-2016 budget in the amount of \$41,932 was approved in August 2016 when the project was expected to start. That amount included expenditures related to the Court/Theater Building, which is also part of the wide area network upgrade. The source of funding for that portion of the project was prior year revenues from the Municipal Court Special Revenue Fund.

Due to the decision to change the design for the City Hall communications tower for increased wind load and also due to the consideration of new options related to the expansion of the parking lot behind City Hall, which will affect the location of the tower, this project was again delayed and will not be completed until 2017.

The Fiscal Year 2015-2016 Budget for the IT Department included \$12,500 for network penetration testing and \$60,000 for contract security services, both related to testing the integrity and security of the City's network. With the retirement of the IT Director and the hiring of a new Director, this project was delayed to allow the new department head to become familiar with the City's overall operations and scope of the network security project. This project is now ready to begin and a budget amendment of \$72,500 is proposed, with the source of funding the assigned fund balance of the General Fund (these monies will be assigned for Fiscal Year 2015-2016 as part of the annual audit).

### Fiscal/Budgetary Impact:

A total of \$114,432 as follows: \$41,932 to upgrade the City's wide area network will be added to the Fiscal Year 2016-2017 Budget, including \$35,618 for the IT Services budget (Account No. 10-200-4904, Machinery and Equipment), which will be funded by the \$35,618 assigned fund balance of the General Fund set aside for this purpose and \$6,314 from the prior year

revenues of the Municipal Court Special Revenue Fund budget (Account No. 19-104-4904, Machinery and Equipment); \$72,500 to perform and evaluate the network penetration testing of the City's network security system, which will be funded by \$72,500 to be set aside for this purpose as assigned fund balance of the General Fund for Fiscal Year 2015-2016 (Account No. 10-200-4290, Contract Labor).

Approve the ordinance to amend the Fiscal Year 2016-2017 Budget for the City's wide area network upgrade and network security.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE 2016-2017 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.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER PARK:**

**I.**

That the City of Deer Park's budget for the fiscal year ending September 30, 2016 was duly prepared and filed with the City Secretary, where it was available for inspection by any taxpayer.

**II.**

That the City of Deer Park's budget for the fiscal year ending September 30, 2016 was amended to include \$41,932.00 for the City's wide area network upgrade, including \$35,618.00 in the General Fund to be funded by assigned fund balance from the fiscal year ending September 30, 2015 and \$6,314.00 in the Municipal Court Fund to be funded by prior year revenues in the Technology Fund.

**III.**

That due to the ongoing planning for the new City Hall construction project, which included decisions related to the expansion of the parking lot behind City Hall and related to a design change to the City Hall communications tower to increase the wind load, the upgrade of the City's wide area network was postponed during the fiscal year ending September 30, 2016 and will be started and completed during the fiscal year ending September 30, 2017.

**IV.**

That the City of Deer Park's budget for the fiscal year ending September 30, 2016 included \$72,500.00 to perform and evaluate the network penetration testing of the City's network security system, including \$12,500.00 for the testing and \$60,000.00 for contract labor.

**V.**

That due to the retirement of the IT Director and the hiring of a new Director, this project was delayed to allow the new Director to become familiar with the City's overall operations and scope of the network security project.

**VI.**

That the City of Deer Park's budget for the fiscal year ending September 30, 2017 was duly prepared and filed with the City Secretary, where it is available for inspection by any taxpayer.

**VII.**

That because of the aforementioned project delays, it is necessary to amend the General Fund and the Municipal Court Fund budgets for the fiscal year ending September 30, 2017 to include expenditures of \$108,118.00 and \$6,314.00, respectively, for the cost of the wide area network upgrade and the cost of the testing and evaluation of the network security system, both projects to be completed during the fiscal year ending September 30, 2017.

**VIII.**

That funding for the amendment to the expenditures of the adopted budget of the General Fund for the fiscal year ending September 30, 2017 will include the amount of \$108,118.00 from the assigned fund balance of the General Fund, which will be set aside for this purpose as part of the fiscal year ending September 30, 2016 audit.

**IX.**

That funding for the amendment to the expenditures of the adopted budget of the Municipal Court Fund for the fiscal year ending September 30, 2017 will include the amount of \$6,314.00 from the prior year revenues of the Municipal Court Fund.

**X.**

That the regular budget of the City of Deer Park, Texas, for the fiscal year ending September 30, 2017, be, and the same is hereby, in all respects finally approved and amended as so described above and shall be, and is hereby, filed with the City Secretary of said City.

**XI.**

That the amounts specified are for the purposes named in said budget, and they are hereby appropriated to and for such purposes.

**XII.**

That the City Secretary file copies of this Ordinance and of such budget with all public officers as required by the laws of the State of Texas.

**XIII.**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public, and that public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Government Code of the State of Texas.

**XIV.**

The City Council finds that this Ordinance relates to the immediate preservation of the public peace, health, safety and welfare, and that approval of a 2016-2017 Budget amendment be adopted at the earliest possible moment to comply with the City Charter and Statutes of the State of Texas, and to provide protection for persons within the City, thereby creating an emergency, for which the Charter requirement providing for the reading of Ordinances on three (3) several days should be dispensed with, and this Ordinance be passed finally on its introduction, and accordingly, such requirement is dispensed with, and this Ordinance shall take effect upon its passage and approval by the Mayor.

In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Deer Park, Texas, **passed, approved and adopted** on this the \_\_\_\_ day of \_\_\_\_\_, 2016 **by a vote of** \_\_\_\_\_ **“Ayes” and** \_\_\_\_\_ **“Noes”**.

\_\_\_\_\_  
**MAYOR**, City of Deer Park, Texas

**ATTEST:**

\_\_\_\_\_  
City Secretary

**APPROVED:**

\_\_\_\_\_  
City Attorney



## Legislation Details (With Text)

**File #:** ORD 16-118    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Agenda Ready  
**File created:** 11/29/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** Consideration of and action on an ordinance amending the Comprehensive Plan (2nd reading).  
**Sponsors:** City Manager's Office  
**Indexes:**  
**Code sections:**  
**Attachments:** [Amend Comprehensive Development Plan-11-2016](#)  
[2016 to 2026 Comprehensive Plan FINAL.112916](#)

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Consideration of and action on an ordinance amending the Comprehensive Plan (2<sup>nd</sup> reading).

### Summary:

The process to update the City's Comprehensive Plan and Subdivision and Zoning Ordinances began in 2014. Knudson LP was hired as the consultant to assist the City in developing the update of the three documents. A public involvement plan was developed and a Steering Committee was appointed. A number of meetings and workshops were held to include the Steering Committee, Planning and Zoning Commission, City Council and City Staff. Final drafts of the Comprehensive Plan Update and the Subdivision Ordinance amendments were presented at a Joint Workshop of the City Council, Planning and Zoning Commission, and Steering Committee on October 25, 2016. Public hearings on the Comprehensive Plan Update and Subdivision Ordinance amendment were held on November 22, 2016 at 5:30 pm. Also, on November 22, 2016 City Council approved the first reading of the ordinances to adopt the Comprehensive Plan Update and Subdivision Ordinance amendment. Additional readings of these ordinances will be scheduled at the December 6<sup>th</sup> and December 20, 2016 Council Meetings. A Joint Workshop of the City Council, Planning and Zoning Commission, and Steering Committee was held on November 28, 2016. Subsequent to this joint workshop, three readings of the ordinance amending the Zoning Ordinance will be scheduled. The full schedule is below:

- Joint workshop with Council, P&Z and Steering Committee on Comprehensive Plan and Subdivision Ordinance **(October 25) - 6:00 pm @ Deer Park Community Center, Room 6.**
- Council calls Public Hearing on Comprehensive Plan **(November 1, 2016)**
- Council calls Public Hearing on Subdivision Ordinance **(November 1, 2016)**
- Council holds Public Hearing on Comprehensive Plan **(November 22, 2016)** (Special Meeting)
- Council holds Public Hearing on Subdivision Ordinance **(November 22, 2016)** (Special Meeting)
- Council votes on first reading of Comprehensive Plan **(November 22, 2016)** (Special Meeting)
- Council votes on first reading of Subdivision Ordinance **(November 22, 2016)** (Special Meeting)
- Joint workshop with Council, P&Z and Steering Committee on Zoning Ordinance **(November 28, 2016) - 6:00 pm @ Deer Park Public Library, Meeting Room**
- P&Z calls preliminary hearing on Zoning Ordinance **(December 5, 2016)**

- Council votes on second reading of Comprehensive Plan (**December 6, 2016**)
- Council votes on second reading of Subdivision Ordinance (**December 6, 2016**)
- Council votes on third reading of Comprehensive Plan (**December 20, 2016**)
- Council votes on third reading of Subdivision Ordinance (**December 20, 2016**)
- P&Z conducts preliminary hearing on Zoning Ordinance (**January 9, 2017**)
- Council calls Joint Public Hearing with P&Z on Zoning Ordinance (**January 17, 2017**)
- Council holds Joint Public Hearing with P&Z on Zoning Ordinance (**February 21, 2017**)
- Council votes on first reading of Zoning Ordinance (**February 21, 2017**)
- Council votes on second reading of Zoning Ordinance (**March 7, 2017**)
- Council votes on third reading of Zoning Ordinance (**March 21, 2017**)

Fiscal/Budgetary Impact:

Approve the ordinance amending the Comprehensive Plan (2nd of 3 readings).



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING COMPREHENSIVE DEVELOPMENT PLAN OF THE CITY OF DEER PARK, TEXAS; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR SEVERABILITY.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER PARK:**

1. The City Council of the City of Deer Park, Texas, after a public hearing on November 22, 2016, as required by Section 213.003 of the Local Government Code of the State of Texas does hereby amend the City of Deer Park's Comprehensive Development Plan in its entirety, with the Comprehensive Development Plan attached hereto as Exhibit "A".

2. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

3. It is officially found and determined that the meeting at which this Ordinance was adopted was open to the public; and that public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Government Code of the State of Texas.

In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Deer Park, Texas, **passed and approved** on this the \_\_\_\_ day of \_\_\_\_\_, 2016 by a vote of \_\_\_\_\_ "Ayes" and \_\_\_\_\_ "Noes" this Ordinance having been read in full prior to such vote.

\_\_\_\_\_  
**MAYOR**, City of Deer Park, Texas

**ATTEST:**

\_\_\_\_\_  
City Secretary

**PASSED AND APPROVED** on the second reading, the \_\_\_\_ day of \_\_\_\_\_,  
2016 **by a vote of** \_\_\_\_\_ **“Ayes” and** \_\_\_\_\_ **“Noes”** this Ordinance having been read in full  
prior to such vote.

\_\_\_\_\_  
**MAYOR**, City of Deer Park, Texas

**ATTEST:**

\_\_\_\_\_  
City Secretary

**PASSED, APPROVED AND ADOPTED** on the third and final reading, this the \_\_\_\_ day of  
\_\_\_\_\_, 2016 **by a vote of** \_\_\_\_\_ **“Ayes” and** \_\_\_\_\_ **“Noes”** this  
Ordinance having been read in full prior to such vote.

\_\_\_\_\_  
**MAYOR**, City of Deer Park, Texas

**ATTEST:**

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
City Attorney



# THE CITY OF DEER PARK COMPREHENSIVE PLAN UPDATE

MAY 2016

# CITY OF DEER PARK COMPREHENSIVE PLAN UPDATE

OCTOBER 2016

JERRY MOUTON JR. MAYOR

## CITY COUNCIL MEMBERS

SHERRY GARRISON  
BILL PATTERSON

THANE HARRISON  
RON MARTIN

TOMMY GINN  
RAE A. SINOR

## PLANNING AND ZONING COMMISSION

DON TIPPIT

HAL ANDERSON

RAY BALUSEK

DANIELLE WENDEBURG  
BETTY LEMLEY, ALTERNATE

STAN GARRETT  
GERALD COTHRAN, ALTERNATE

## STEERING COMMITTEE MEMBERS

MAYOR JERRY MOUTON, JR.

COUNCIL MEMBER RON MARTIN, CHAIR  
RAY BALUSEK, P&Z COMMISSIONER

COUNCIL MEMBER SHERRY GARRISON  
DANIELLE WENDEBERG, P&Z COMMISSIONER

BROCK BIHM  
MELVIN EMBRY  
JEFF LAWTHOR  
DR. TIFFANY REAGAN, ED. D.

SCOTT BURKE  
STEPHEN HARRELL  
DR. RAY LANDERS, ED. D., CWS  
PEACHES MCCROSKY

RANDY STOCKWELL  
ROB JOHNSON  
CARLA NETTLES  
RYAN TAYLOR

CITY STAFF

JAMES STOKES, CITY MANAGER  
GARY JACKSON, ASSISTANT CITY MANAGER  
BILL PEDERSEN, DIRECTOR OF PUBLIC WORKS  
SANDRA WATKINS, CITY SECRETARY

LARRY BROTHERTON  
FRED BECK  
KATHY HOLCOMB  
NATHAN BELL

CONSULTING TEAM

KNUDSON, LP

OLSON & OLSON, LLP

PLAN THIS

ADOPTED BY THE DEER PARK CITY COUNCIL  
OCTOBER XX, 2016

GENERALIZED FUTURE LAND USE MAP ADOPTED BY THE DEER PARK CITY COUNCIL  
OCTOBER XX, 2016  
ORDINANCE 2016-XXXXXX

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# CHAPTER 1

## WHAT IS A COMPREHENSIVE PLAN?

# CHAPTER 1 - WHAT IS A COMPREHENSIVE PLAN?

## COMPREHENSIVE PLAN<sup>1</sup>

- A. The governing body of a municipality may adopt a comprehensive plan for the long-range development of the municipality. A municipality may define the content and design of a comprehensive plan.
- B. A comprehensive plan may:
  - 1) Include but is not limited to provisions on land use, transportation, and public facilities;
  - 2) Consist of a single plan or a coordinated set of plans organized by subject and geographic area; and
  - 3) Be used to coordinate and guide the establishment of development regulations.
- C. A municipality may define, in its charter or by ordinance, the relationship between a comprehensive plan and development regulations and may provide standards for determining the consistency required between a plan and development regulations.
- D. Land use assumptions adopted in a manner that complies with Sub-chapter C, Chapter 395, may be incorporated in a comprehensive plan.

## ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN<sup>2</sup>

- A. A comprehensive plan may be adopted or amended by ordinance following:
  - 1) A hearing at which the public is given the opportunity to give testimony and present written evidence; and
  - 2) Review by the municipality's planning commission or department, if one exists.
- B. A municipality may establish, in its charter or by ordinance, procedures for adopting and amending a comprehensive plan.

## What is a Comprehensive Plan?

A Comprehensive Plan is a written document formally adopted by the local legislature that contains goals, objectives, and strategies for the future development and conservation of the community. In Texas, Chapter 213 of the Texas Local Government Code provides that City's may adopt a Comprehensive Plan, and determine what elements the Comprehensive Plan contains, and what effect it may have.

A Comprehensive Plan is a road map that guides a municipality's decision related to its future growth and development. It expresses the vision, goals, strategies, and policies of a city or town and is intended to be implemented over ten to fifteen years.

A Comprehensive Plan provides policy support for the adoption of regulations. It does not establish regulations by itself. All land use regulations and approvals must be done in accordance with an adopted Comprehensive Plan. It is the guiding document that must be considered when developing any land use laws, such as zoning, that will be used to implement the Comprehensive Plan. Those land use laws must be developed and adopted through separate processes.

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<sup>1</sup> Sec. 213.002 of the Texas Local Government Code

<sup>2</sup> Sec. 213.003 of the Texas Local Government Code



A Comprehensive Plan does not need to be a single document. Evidence of a plan can be found in various planning documents, such as City Council or Planning and Zoning Commission meeting minutes that reflect decision making, studies and environmental reviews, and the zoning law itself. Deer Park currently has the following plans to be included as part of the Comprehensive Plan:

- 2014 Strategic Plan
- 2013 – 2023 Parks, Recreation, and Open Space Master Plan
- Deer Park Library Long Range Master Plan
- Center Street Revitalization Plan
- San Jacinto Texas Historic District Corridor Standards

## What is the purpose of a Comprehensive Plan?

The purpose of the Comprehensive Plan is to function as a general policy guide for future development. It should be used in conjunction with other land use planning tools such as site development, subdivision, and zoning ordinances. The Comprehensive Plan should be used by appointed and elected officials and City Staff as a guide to all major decisions affecting growth and development within the City of Deer Park.

Comprehensive Plans are developed to provide a logical and analytical approach towards short and long range planning for cities.

The benefits for this approach are:

- A. The Comprehensive Plan provides a framework for long-range planning for the City of Deer Park.
  - B. Developers and lending institutions are more comfortable with a city that has a Comprehensive Plan since the Comprehensive Plan:
    - 1) Avoids uncertainty;
    - 2) Aids in orderly growth; and
    - 3) Aids in maintaining and/or enhancing property values.
  - C. The Comprehensive Plan provides a framework by which short-range plans can be evaluated and accommodated into long-range plans such as:
    - 1) Subdivisions related to the thoroughfare plan; and
    - 2) Relationship of zoning requests to long-range plans.
  - D. The Comprehensive Plan provides a framework for logical and cost-effective development of utility systems, community facilities, (parks, schools, libraries), and thoroughfare systems.
  - E. It is a method to comprehensively examine a community's physical needs over an extended period of time (10-30 years to ultimate development), plan and spend public funds in the most cost effective and timely manner.
  - F. It provides a basis for capital improvement plan (CIP) programs to proceed in a cost-effective, logical and timely manner (new police and fire stations, new streets, new municipal buildings, etc.)
  - G. It provides a basis for zoning districts, mapping, and subdivision ordinances.
  - H. It serves as a framework for more detailed physical planning such as:
    - 1) Neighborhood plans, corridor plans, urban design plans, land use plans, economic development strategies, subdivision design, landscape standards, signage, streetscape and other related standards.
  - I. The Comprehensive Plan serves to promote the public good, the interest of the community at large, instead of interests of individuals or special groups within the community.
-

# CHAPTER 1 - WHAT IS A COMPREHENSIVE PLAN?

- J. The Comprehensive Plan can demonstrate the reasonableness and fairness of the Comprehensive Planning and Zoning Commission's and City Council's decisions and actions, especially in relationship to litigation.

## How is a Comprehensive Plan Developed?

Comprehensive planning typically follows a planning process that consists of eight different steps. By following this process, planners are able to determine a wide range of interconnecting issues that affect an urban area. Each step can be seen as interdependent and many times planners will revise the order to best fit their needs.

### Identifying issues

The Comprehensive Plan must first address the issue they are investigating. "To be relevant, the Comprehensive Planning process must identify, and address, not only contemporary issues of concern to residents, workers, property owners, and business people, but also the emerging issues that will be important in the future."<sup>3</sup> Generally, planners determine community issues by involving various community leaders, community organizations, and ordinary citizens.

### Stating goals and objectives

Once issues have been identified by a community, goals to address the issues can then be established. Goals are broad community visions. They establish priorities for communities and help community leaders make future decisions which will affect the city. Stating goals is not always an easy process and it requires active participation.

### Collecting data

Data is needed in the Comprehensive Planning process in order to evaluate current city conditions as well as to predict future conditions. Population, social and economic data is most easily collected from the United States Census Bureau, however many communities actively collect their own data. The most typical data collected for a Comprehensive Plan include data about the environment, traffic conditions, economic conditions, social conditions (such as population and income), public services and utilities, and land use conditions (such as housing and zoning). Once this data is collected it is analyzed and studied. Outcomes of the data collection process include population projections, economic condition forecasts, and future housing needs.

### Preparing the Comprehensive Plan

The Comprehensive Plan is prepared using the information gathered during the data collection and goal setting stages. A typical Comprehensive Plan begins by giving a brief background of the current and future conditions found in the data collection step. Following the background information are the community goals and the Comprehensive Plans that will be used in order to implement those goals into the community. Plans may also contain separate sections for important issues such as transportation or housing which follow the same standard format.

### Creating implementation plans

During this stage of the process different programs are thought of in order to implement the goals of the Comprehensive Plan. These plans focus on issues such as cost and effectiveness. It is possible that a variety of plans will result from this process in order to realize one goal. These different plans are known as alternatives.

## Evaluating alternatives

Each alternative should be evaluated by community leaders to ensure the most efficient and cost-effective way to realize the community's goals. During this stage each alternative should be weighed given its potential positive and negative effects, impacts on the community, and impacts on the city government. One alternative should be chosen that best meets the needs and desires of the community and community leaders for meeting the community goals.

## Adopting a plan

The community needs to adopt the Comprehensive Plan as an official statement of policy in order for it to take effect. This is done by the City Council, following public hearings on the draft Plan. City Council may choose not to adopt the Comprehensive Plan, and require planners to refine the work they did during previous steps. Once the Comprehensive Plan is accepted by City officials it is then a legal statement of community policy in regards to future development.

## Implementing and monitoring the Comprehensive Plan

Using the implementation plans defined in the earlier stages, the City will carry out the goals in the Comprehensive Plan. City planning staff monitors the outcomes of the Comprehensive Plan and may propose future changes if the results are not desired. A Comprehensive Plan can be changed and rewritten over time. For many fast growing communities, it is necessary to revise or update the Comprehensive Plan every three to five years. In order for the Comprehensive Plan to be relevant to the community it must remain current. It is a document that should be used to guide ordinance development, CIP planning, and policies.

## **Relationship between the Comprehensive Plan and the Zoning Ordinance**

In Texas, if a city has an adopted Comprehensive Plan, the city Zoning Ordinance, and all amendments and approvals subject to it, must be adopted in accordance with the Comprehensive Plan.<sup>4</sup> The Comprehensive Plan provides the Deer Park Planning and Zoning Commission with the opportunity to look beyond the day-to-day zoning issues and provide guidance for the future use of land and development in the community. A properly developed, well thought-out Comprehensive Plan can be of great value to a community in its efforts to improve quality of life, make more efficient use of financial and other resources, provide a cleaner environment, and build an economically healthy community.

However, the value of any Comprehensive Plan is directly related to the community's willingness to follow the Comprehensive Plan, and its diligence in keeping the Comprehensive Plan current and relevant to today's conditions. Once adopted, the Comprehensive Plan may be implemented through appropriate zoning regulations, and changes to the zoning districts, the subdivision ordinance or other ordinances regulating the physical development of the city. Some portions or policies of a Comprehensive Plan may be implemented in five years or less and other provisions may take ten years or more. Implementation is a function of the choice of tools to be used and how long the community chooses to take to achieve the ultimate vision.

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<sup>4</sup> Texas Local Government Code Sec. 211.004(a)

## **What are goals and objectives within a Comprehensive Plan?**

Goals are general statements concerning an aspect of the City's desired ultimate physical, social and/or economic environment. Goals set the tone for development decisions in terms of the citizens' desired quality of life.

Objectives express the kinds of action that are necessary to achieve the stated goals without assigning responsibility to any specific action.

The policies and recommendations related to these goals and objectives are contained within subsequent chapters of this Comprehensive Plan will help to clarify the specific position of the City of Deer Park regarding a particular objective, and will encourage specific courses of action for the community to undertake to achieve the applicable stated objective.

## **What is the Future Land Use?**

The Future Land Use Map shows the desired location of different land uses in Deer Park. This map is used by the City Staff, Planning and Zoning Commission, and City Council when making decisions on rezoning requests. However, like the rest of the plan, the map is intended as a guide.

A Future Land Use Map is required for all local governments that practice zoning.<sup>5</sup> The map is a portion of the required Future Land Use Chapter of the Comprehensive Plan.

This Future Land Use Map is based upon the principles and goals of the overall comprehensive plan. This map is intended to allow for greater flexibility and integration of uses.

## **Will the Future Land Use Map Rezone My Property?**

The Future Land Use Map is NOT a zoning map. The future land use map will be used in making recommendations on individual rezoning request cases and in the identification of potential rezoning districts for citizen driven efforts in the future.



# CHAPTER 2

## HISTORY OF DEER PARK

## CHAPTER 2 - HISTORY OF DEER PARK

The original town of Deer Park was based on four land surveys:

1. Thomas Earle Survey, granted by the Mexican Government in 1824; 4,428.4 acres (*a league of land*)
2. George M. Patrick Survey, purchased land in 1835, obtained legal title in 1838; 531.3 acres (*3 labors of land*)
3. James B. Wood Survey, a resident and signer of the Texas Declaration of Independence, he was issued land in 1838; 177.1 acres (*1 labor of land*)
4. Henry W. Raglin Survey, received land for his service in the Army of Texas in 1839; 320 acres

Simeon Henry West was the founder of Deer Park. He was a native of Illinois, who settled in this area and visualized his city. He recorded a plat of the outlots of the town of Deer Park on December 20, 1892. On February 3, 1893 he filed his map of Deer Park proper. The originals of both maps are in the County Court House, Houston, Texas. Although he was a statesman in Illinois, West became an aggressive pioneer in Texas, pursuing his dream of creating a city. Envisioning the area to be an excellent location for a town, he named it Deer Park after the large number of deer that roamed the gulf plains.<sup>6</sup>

As settlers arrived from the North to build homes and establish farms, West built a hotel and a post office in 1893. He granted the Houston and Northern Railroad Company a 100-foot strip of land across Deer Park. He built a wharf on Buffalo Bayou, later it was destroyed by the Galveston storm of 1900. He reserved rights for water, street cars, telephone and electric utility lines, and named streets. Luella, P Street, and X Street are the only original streets remaining today. West donated the right-of-way to the Houston Ship Channel and granted this deed to the United States of America on October 3, 1902.<sup>7</sup>

The town that Mr. West had dreamed of did not prosper as he had originally planned. A 22 inch snowstorm in 1895, the coldest weather on record of 8 degrees in 1899, and the Galveston storm of 1900 that destroyed homes, crops and livestock forced many residents to return North. Mr. West was always impressed with the value of the Waterfront, about a mile and a half in Deer Park. He felt in time it would be valuable in manufacturing and shipping. He also realized the surrounding area was not suitable for farming. He decided that he could not wait for this development and sold Deer Park in 1905.<sup>8</sup> Some of the hardier families remained for another few years. The Edwin Brown family leased and later bought the hotel from Simeon West and lived there until sometime in the 1920's. Other families that remained were the Roberts Marsh family, the Hagbergs, the Ostendorfs, and the Olives.

The area was also plagued by the hoof-and-mouth disease. Between the weather and the disease most of the livestock was destroyed. The Post office was discontinued in 1919. By 1922 Deer Park had dwindled to almost nothing with only four houses, a schoolhouse, an old hotel, and scattered shacks by the railroad. In 1928 Shell Oil Company built a new refinery. In the 1930's an independent school district was established. By 1940, the population had grown to 100 and by 1946 the city of Deer Park began to flourish.

During World War II the United States Maritime Commission contracted with the Houston Shipbuilding Corporation, a subsidiary of Todd Shipyards, to establish a \$5 million yard at Irish Bend, near Deer Park. The citizens of Deer Park voted to incorporate on December 12, 1948, and a few weeks later Earl E. Dunn became the

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<sup>6</sup> [www.deerparktx.gov](http://www.deerparktx.gov)

<sup>7</sup> Weidig, Barbara Yeary. *Deer Park A History of a Texas Town*, San Antonio: Naylor Publishing Co. 1976

<sup>8</sup> West, Simeon H. *Life and Times of S. H. West*, LeRoy, Illinois: 1908



first mayor. Because of the 1948 incorporation, Houston did not incorporate Deer Park's territory into its city limits. The first City Council meeting was held on February 7, 1949.

The first city marshal was hired in 1950 and by 1960 a fire station, city hall, playground parks, an independent water supply, and four major industries were built within the city limits. In 1962, five acres of land were dedicated for a new public library. By 1965, the city could no longer expand as it was surrounded by annexation from Houston and other cities.

The population had grown to 700 by 1948, to 5,000 by 1960. The town, governed by a city manager-Council system, endorsed a plan to expand educational opportunities in 1961 and municipal recreational facilities in 1964. In conjunction with surrounding communities, Deer Park has supported San Jacinto Junior College since its opening in 1961. In 1970 the town reported 86 businesses. The 1970 population of 12,773 represented a 162.5 percent increase over the previous decade, and from 1970 to 1990 the population continued a steady rise, reaching a high of 27,652 in 1990. The maximum number of businesses in the same period was 324 in 1986. In 2000 the population was 28,520 with 819 businesses.

This growth has been fueled by the growth of the petrochemical industry as well as the growth of business along the Houston Ship Channel. Deer Park celebrated its 100th birthday in February of 1992. Today, Deer Park has approximately 10,000 homes and more than 32,517 residents<sup>9</sup>, a city hall, a school district with 15 campuses, a library, a community theater, a municipal court building, three fire stations, numerous parks and recreational facilities, state-of-the-art water and sewer processing facilities, a post office, several hotels, railroad, and numerous major industrial facilities, as well as several smaller light industrial companies.<sup>10</sup>

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<sup>9</sup> American Community Survey 2009-2013 5-year

<sup>10</sup> [www.deerparktx.gov](http://www.deerparktx.gov)



# CHAPTER 3

## DEER PARK'S RELATIONSHIP TO THE REGION

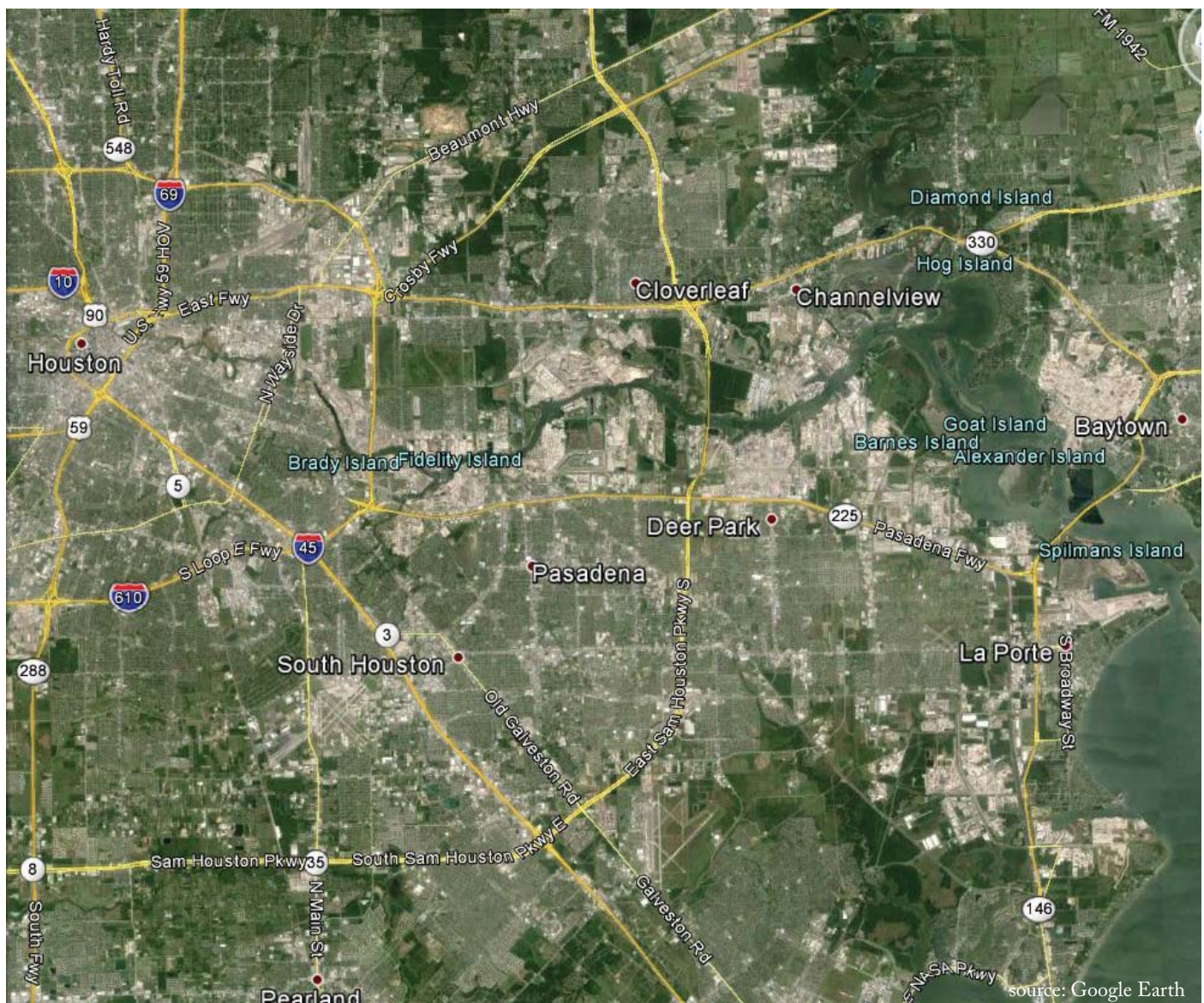


## CHAPTER 3 - DEER PARK'S RELATIONSHIP TO THE REGION

Deer Park, a city in Harris County, is located approximately 15 miles from the Central Business District (CBD) of Houston. It is bounded by the cities of Pasadena on the south and west, La Porte on the south and east, and the Houston Ship Channel (Buffalo Bayou) on the north. Deer Park is located in the southeastern portion of the state of Texas. The city has a total of 10.46 square miles and 3,061.4 persons per square mile according to the 2010 U.S. Census.<sup>11</sup>

Deer Park is located within the Houston-Sugar Land-Baytown metropolitan area. State Highway (SH) 225 is the major transportation route that runs through the northern portion of Deer Park. SH 225 links the Barbour's Cut Terminal located in Morgan's Point, the Bayport Terminal, and the Bayport Industrial Terminal to the City of Houston and other areas of the Houston Ship Channel.

The map below shows the City of Deer Park in relation to the Houston-Sugar Land-Baytown metropolitan area.



<sup>11</sup> [www.census.gov](http://www.census.gov)



# CHAPTER 4

## DEER PARK'S GOVERNMENT



Deer Park has a Council-Manager form of government. Under this form of government, the elected City Council sets the policies for the operation of the city's government. The administrative responsibility rests with the City Manager who is appointed by the City Council.

The basic structure of the City Manager plan is similar to that of a private corporation, in which the stockholders elect a board of directors which then hires a president to run the company. Under the City Manager plan, the voters elect a City Council which, in turn, hires a City Manager to administer the city's day-to-day affairs.

Under the City Manager plan, City Council serves as the legislative body. City Council sets policy, it approves the budget and sets the tax rate, and it determines the size of the payroll and the extent and cost of municipal services. In short, City Council is the final authority on all of the many policy decisions that determine the scope and functions of the city government.

The Mayor and City Council Members have no administrative duties under the City Manager plan. These are vested in the City Manager, who is responsible for directing the workforce and programs of the city in accordance with ordinances, rules, and regulations adopted by City Council.

The typical City Manager in Texas is appointed for an indefinite term and is subject to dismissal by City Council at any time. He or she is designated as the Chief Executive and Administrative Officer of the city and is accountable to City Council for the proper conduct of all municipal operations. The City Manager has the unilateral authority to hire, discipline, and fire the department heads under the City Manager's control.

Although the City Manager's role varies from one city to another, the primary function is to implement the policies established by City Council and ensure that the city is operated in an economical and responsible manner. Specific duties of the City Manager may include the following:

- A. Enforcing all city ordinances, rules, and regulations.
- B. Supervising all municipal employees and programs.
- C. Preparing and executing the city's annual budget pursuant to the revenue and expenditure plans adopted by City Council.
- D. Managing the city's funds and preparing periodic reports that advise City Council and the general public of the city's financial condition.
- E. Providing information to City Council to facilitate its ability to make informed decisions in the best interests of the city.
- F. Providing City Council meeting agendas and attendance at all such meetings to serve as a resource to City Council and the public.
- G. Drawing City Council's attention to community needs and recommending alternatives by which City Council can respond to those needs.<sup>12</sup>

### **Subdivision Ordinance**

The Deer Park Subdivision Ordinance was adopted on September 16, 2003, and covers the process by which a subdivision may be developed within the city limits of Deer Park.

Standards and specifications are provided for the basic building blocks of a development, including block length, lots, streets, curbs, sidewalks, and street lights.

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<sup>12</sup> [www.tml.org](http://www.tml.org)

In some cases, the City relies on home owner associations (HOAs) for enforcement of some regulations. The enforcement of all City standards and regulations, even if by private entities, must be held accountable and overseen in a uniform fashion by the City.

### Zoning Ordinance

Deer Park's Zoning Ordinance was adopted on July 6, 1976. This ordinance provides regulation and standards for development and land use within the Deer Park city limits. Deer Park's Zoning Ordinance uses a standard Euclidean zoning format where land uses and building standards are applied to geographical and discrete areas as shown on a zoning map. Typically, a zoning ordinance deals with the primary concern that led to its creation, such as encroachment of non-compatible uses, by creating space, usually expressed as front, side, and rear yard or height-to-setback ratios. This approach injects space into the urban fabric and hinders commercial aggregation on mixed-use sites. In the Deer Park Zoning Ordinance, each zoning district is provided with a purpose statement, permitted uses, and a set of conditions and limitations, which covers basic standards for form and design, including building height and placement on the lot, parking requirements, exterior building materials, and permitted density of development. There are also many categories that appear to overlap and multiply zoning categories for housing that could be condensed. Traditional zoning also generally encounters problems when addressing issues of building materials and design because it is outside the normal concerns of land use (*i.e. density, use, height, parking, and yard space*). In 21st Century planning these categories can be simplified.

The Zoning Ordinance contains very few requirements or standards for elements such as public open space, orientation of buildings to public spaces or roadways, or design of buildings. These types of standards are often utilized to encourage shared spaces and a commonality of design that can contribute to a greater sense of community and identity for the municipality. Additionally, the use of Euclidean zoning districts can limit beneficial mixed use areas by not allowing any sort of shopping or working opportunities in residential areas and can also create awkward land use adjacencies where two non-compatible districts are located next to each other.

### Future Land Use Map versus Zoning Map

The Future Land Use Map should be an embodiment of community goals. The Zoning Map should be constructed as a tool to implement the Future Land Use Map and Comprehensive Plan.

If the zoning so mapped is not cumulative, the zoning map becomes reactionary, as it records decisions made by City Council action on individual parcels versus the overall city. Because the document records actions taken, it is a map and not a plan. The Future Land Use Map should be prescriptive, serving as a guide for redevelopment and zoning change requests. A Future Land Use Plan:

- Anticipates and informs actions;
- Views the consequences of actions on a larger scale and in futuristic terms;
- Anticipates an ultimate condition so that present actions serve the desired end; and
- Is initiated by the City and its residents for the purpose of defining a vision.

All of these components of a Future Land Use Map are missing from a Zoning Map. A Zoning Map:

- Is a record of action taken;
- Considers consequences immediately present and generally in close proximity to the site;
- Is initiated by a landowner/developer for the purpose of maximizing land use (highest economic use); and
- Seeks to expand or change the present condition without view to limitation.

The Zoning Map is the manifestation of how a City applies its zoning ordinance. It is required that such ordinances be applied uniformly within jurisdictional boundaries. For this reason unequal applications are prohibited under State enabling legislation. Such applications include contract zoning, and generally any zoning that can be proven capricious. The Future Land Use Plan assures due deliberations, in light of public policy as they regard an individual zoning decision, to make uniform application more certain. The Zoning Map by its reactionary nature provides no such assurance, and zoning decisions that are not consistent with neighboring zoning already in place could be construed as arbitrary and capricious. This is a great challenge to zoning in areas where non-residential and residential uses are mixed. In such cases, a City's ability to change the status quo is more difficult.

The historical origins of zoning were to protect retailers in New York from encroachment by the neighboring and growing Garment District. Zoning is not meant to be visionary, but "protective". In contrast, a Future Land Use Plan is strictly meant to deal with vision and is not meant to be mired in the issues of protection to the extent that zoning is. However, many cities are limited in their view of a Future Land Use Plan, seeing it as a version of the zoning record and/or as a Zoning Map for future, un-zoned portions of the city. The adoption of the Future Land Use Plan becomes focused on anticipating the land owner's or developer's response to or likely impact on market conditions. This is particularly true of the non-residential portions of the land use plan, which end up "stripping" the traffic corridors.

In its relationship to zoning, the Future Land Use Map is intended to serve as a guide. The term "guide" means reference. The Future Land Use Plan is a public record derived from the vision of the community. It is a point of reference in City Council's deliberations regarding zoning change request and future development and/or redevelopment. Zoning is the action performed by an elected City Council, and the Future Land Use Map is the input provided by citizens to facilitate the City Council's deliberative proceedings. It is important that the status of the Future Land Use Map as a guide be preserved by using terms and categories that do not replicate the Zoning Map.

When the Zoning Map and the Future Land Use Map are not kept separate, the development process is also affected. The landowner/developer is uncertain as to risk associated with acquiring entitlement because there is no clear policy without a case by case interpretation. The process of interpretation opens the entitlement portion of a development process to an uncertain time frame and an uncertain outcome. Often, cities who try to manage their zoning decisions from a Zoning Map find themselves trapped in perpetuation of existing zoning because any variance constitutes incremental decision-making that is hard to defend from a "uniformity of application" perspective. Finding precedent in the existing zoning pattern to justify a current zoning decision is where the conflict between development and entitlement happens, often necessitating the involvement of attorneys. A city like Deer Park, which has a broad mixture of zoning in a relatively small area, is particularly susceptible to this type of conflict situation. The question before City Staff should be whether or not an action complies with the Comprehensive Plan, and a recommendation should be made in consideration of that question. It is then up to the Planning and Zoning Commission and ultimately City Council to approve that compliance or make an interpretation (based on the case) that allows some degree of variance from the Comprehensive Plan. The need to comply with the Comprehensive Plan also allows City Council to impose "conditions" that can assure that the intent of the Comprehensive Plan is accomplished. As a City fills in vacant parcels, these additional conditions become very important to preserving the quality of life.

In summary, the City of Deer Park currently has a Zoning Map, but is lacking a Future Land Use Map. One of the purposes of this comprehensive planning effort is to establish a Future Land Use Plan that guides future application of zoning and the Zoning Map. Without the two documents working side by side, the City of Deer Park is nurturing a condition that leads to conflict, creates an environment of uncertainty, and requires City Staff to function at levels of discretion not typical of their designated function.



# CHAPTER 5

## INCORPORATION OF EXISTING PLANS



The City of Deer Park's recent plans include the Strategic Plan (2014), Parks, Recreation, and Open Space Master Plan (2013), Library Master Plan (2011), Center Street Revitalization Plan (2008), and San Jacinto Texas Historic District Corridor Standards (2008). These plans are recommended to be incorporated into the Comprehensive Plan.

## 2014 Strategic Plan

In March of 2014, the City Council and City of Deer Park staff met in retreat. The purpose of the retreat was:

- A. To meet with City Council and executive staff to discuss and reconfirm the City Council's governance process; and
- B. To develop goals and strategies for the coming years.

During this process, a Vision Statement and Mission Statement were developed. It is recommended these Vision and Mission Statements be incorporated into the Comprehensive Plan.

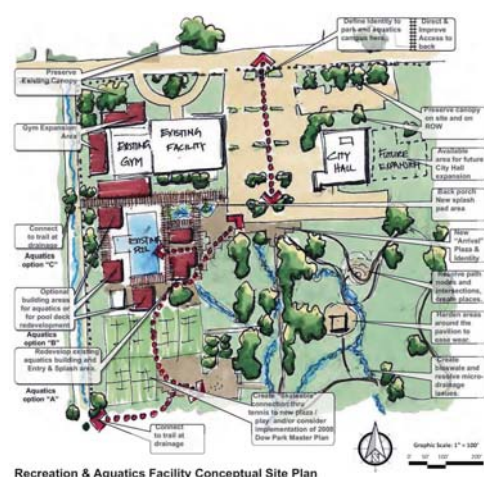
*Vision Statement* – Deer Park is a vibrant, sustainable community; a safe place to work, play, and live, offering growth and opportunity to all residents and businesses.

*Mission Statement* – The Mission of the City of Deer Park is to deliver exemplary municipal services that provide the community a high quality of life consistent with our history, culture, and unique character.

Many of the goals and objectives of the Strategic Plan are incorporated into this Comprehensive Plan. The 2014 Strategic Plan is found in the addendum of the Comprehensive Plan.

## 2013 – 2023 Parks, Recreation, and Open Space Master Plan

The Parks, Recreation, and Open Space Master Plan was prepared for, and adopted by, the City of Deer Park in January 2013.<sup>13</sup> The goals of that plan have been incorporated in the recommended goals for the Comprehensive Plan. The Parks, Recreation and Open Space Master Plan is found on the City of Deer Park website; <http://www.deerparktx.gov/index.aspx?NID=1011>



source: Parks & Open Space Master Plan

# Dow Park Master Plan

A site analysis was performed in 2008 of Dow Park for an evaluation of the character and existing conditions. There was a review to understand the pedestrian circulation and park amenities as well as a perspective of the community character and adjacent land uses. From this site analysis, multiple concepts were designed to address amenities, connectivity throughout the park and drainage in and around the park. The different concepts included programmed open space, play ground and picnic area, skate park, rose gardens, toddler playground, splash pad, and an outdoor theater and plaza.



source: Dow Park Master Plan

<sup>13</sup> Burditt Consultants

## CHAPTER 5 - INCORPORATION OF EXISTING PLANS

### Deer Park Library Long Range Master Plan

Deer Park developed a Library Long Range Plan in 2011. The Long Range Plan gives a snapshot of the library, its current condition, and its long range vision for better serving the community.

*Mission Statement* - Deer Park Public Library strives to deliver exemplary educational and recreational resources and programs that enrich and strengthen literacy, love of reading, and lifelong learning opportunities to provide our community with a high quality of life consistent with our history, culture and unique character.

The goals of that plan have been incorporated in the recommended goals for the Comprehensive Plan. The Deer Park Library Long Range Master Plan is found on the city website at: <http://www.deerparktx.gov/DocumentCenter/View/118>

### Center Street Revitalization Plan

This plan was accepted by City Council in 2008, provides guidance to improve the appearance of the City's main vehicular corridor, Center Street, from Highway 225 to 13th Street.<sup>14</sup> The study area encompasses 4,168 linear feet of street right-of-way, and approximately 36 acres of potential commercial redevelopment. In addition to enhancing the aesthetics of Center Street, Knudson identified development strategies and incorporated the new Harris County Precinct 2 Epic Art initiative to improve the economic vitality of the corridor. Many of the goals and objectives of the Center Street Revitalization Plan are incorporated into this Comprehensive Plan. The details of this plan are discussed in more detail in the Land Use and Economic Development Chapters. The Center Street Revitalization Plan is found in the Appendix of the Comprehensive Plan



### San Jacinto Texas Historic District Corridor Standards

The San Jacinto Texas Historic District Corridor Standards are structured to be a tool to assist in the design, construction, and maintenance of culturally relevant, sustainable, and restorative landscapes, public amenities and furnishings, and other features throughout the San Jacinto Texas Historic District (SJTHD). This standards document includes a succinct set of design elements and best practices that cover planting/vegetation, pavement, lighting, and site amenities. Public and private landowners can turn to these standards to select specific vegetation and furnishings that will help maintain a consistent 'look and feel' throughout the Historic District. Many of the goals and objectives of the Corridor Standards are incorporated into this Comprehensive Plan. The details of this plan are discussed in more detail in the Land Use and Economic Development Chapters. The San Jacinto Texas Historic District Corridor Standards are online at <http://www.sjthd.org/beautification-projects/corridor-standards>.

### Lighting

Light poles and lighting fixtures can be the most visible features on a streetscape. The color and form of these elements should contribute to the historic quality of the corridor and provide a sense of place. Designers should coordinate lighting poles with landscape.

#### Street Light (20'-35')

- These taller poles have extended arms which allow the light source to be positioned over the roadway. Reflectors in the luminaire direct light down.
- The height of the pole allows the fixtures to be spaced further apart.
- The decorative arm and headcap luminaire replace the conventional 'cobra-head' fixture for a distinctive look.
- Arms for securing banners and flags should be provided.
- A custom San Jacinto District emblem should be incorporated into the banner arm and light pole base.

#### Recommended Infrastructure/Model

- Holograph/Tree Drop series
- Bulled Steel Shaft and Washington Style Aluminum Base
- Color Black



58 | DESIGN ELEMENTS

source: SJTHD Corridor Standards

It is recommended the design standards be adopted as an alternative for landscape and fence treatments to meet the design criteria for this 228,000 acre special district.





CHAPTER 6  
HISTORIC PRESERVATION  
AND  
CULTURAL RESOURCES

## CHAPTER 6 - HISTORIC PRESERVATION AND CULTURAL RESOURCES

The history of Deer Park and the San Jacinto Historic District is a critical component of the birthplace of Texas and should hold an important chapter in the Comprehensive Plan. History sells communities and Deer Park holds an opportunity to embrace historical context in its subdivision and zoning ordinance standards for the City. The ability to embrace history has been embodied in the San Jacinto Historic Guidelines referenced in this Plan as well as the Parks and Recreation Plan for the community.

Deer Park has taken the initiative to establish a Historical Committee who is responsible for identifying the historic related assets and identifying opportunities to preserve and protect them. The Historical Committee is charged with making recommendations to the City Council. The opportunities to incorporate historical themes within the city is a way to continue expressing the importance of Texas history while also capitalizing on the benefits that historical design standards, or plantings, or even historical themes for signage could be used to enhance the quality of life for the community. A summary of the historic elements that make up San Jacinto Texas Historic District is included below.

### San Jacinto Battleground

The San Jacinto Battleground is located on the Houston Ship Channel close to the cities of Deer Park and LaPorte. It is an important element of the San Jacinto Historic District that covers 228,000 acres of historic East Harris County including the 1,200-acre San Jacinto Battleground State Historic site, which is also a national Historic Landmark, and consists of the Battleground, the Monument and Battleship Texas. The famous Battle of San Jacinto that brought Texas its independence was fought on this site. Texan troops under General Sam Houston achieved the independence of Texas by defeating the Mexican Army led by General Antonio Lopez de Santa Anna on April 21, 1836.<sup>15</sup> After the surrender a treaty was drafted at Dr. George Moffit Patrick's cabin. A representation of the cabin stands in front of the Theatre/Courts Building at 1302 Center Street between 13th Street and Helgra as a reminder that Deer Park is the "Birthplace of Texas."



source: [www.nextsuccession.com](http://www.nextsuccession.com)

### San Jacinto Monument

The San Jacinto Monument is dedicated to the "Heroes of the Battle of San Jacinto and all others who contributed to the independence of Texas." The monument is a 570-foot shaft topped by a 34-foot star symbolizing the Lone Star Republic. The building incorporates a number of innovative engineering features not common during the period of its construction. The American Society of Civil Engineers recognized this technology with the prestigious designation of State and National Historic Structure. The monument is listed as the tallest stone column memorial structure in the world, 15 feet taller than the Washington Monument in Washington, DC. The monument's design was the brainchild of architect Alfred C. Finn and engineer Robert J. Cummins, both Houstonians. Construction ran from 1936 to 1939. Its builder was the W. S. Bellows Construction Co. of Dallas and Houston. The impressive structure alone, apart from its historical significance, is worth a trip to San Jacinto Battleground. This is one of the finest examples of Modern (Art Deco) architecture in the United States, and is recognized as a National Historic Civil Engineering Landmark by the American Society of Civil Engineers. Immediately after the battle, the land, then privately owned, commanded respect from all who walked on its soil. The Texas Veterans Association began planning a formal monument, and the state finally received funding to purchase the land in the 1890s.

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<sup>15</sup> [tpwd.texas.gov](http://tpwd.texas.gov)

After years of pushing by the Sons and Daughters of the Republic of Texas, as well as help from President Roosevelt's Secretary of Commerce Jesse H. Jones, a prominent Houstonian, its proponents raised enough money to build a fitting monument.<sup>16</sup>

## USS Texas (BB-35) - Battleship Texas

Another piece of history, located at the San Jacinto State Park is the USS Texas (BB-35) "Battleship Texas". This iron ship served our country from 1912 to 1948, fighting in two world wars. In 1948, the Battleship Texas became the first battleship memorial museum in the United States. That same year, on the anniversary of Texas Independence, the Texas was presented to the State of Texas and commissioned as the flagship of the Texas Navy. In 1983, the Texas was placed under the stewardship of the Texas Parks and Wildlife Department and is permanently anchored on the Buffalo Bayou and the busy Houston Ship Channel.<sup>17</sup> Recent efforts have been undertaken to preserve it, giving this site a renewed interest.



source: [www.houstoneco.org](http://www.houstoneco.org)

The Texas Parks and Wildlife Department's Legislative Appropriations Request (LAR)



source: [houstonianhomes.com](http://houstonianhomes.com)

for 2016-2017 includes a biennial (two-year) base funding request of \$575.1 million and 3,109.2 full-time equivalent (FTE) employee positions in each year. TPWD's request for additional funding and FTEs totals \$201.6 million and 66 FTEs, as shown in the following list of LAR exceptional items:

**BATTLESHIP TEXAS:** This item requests \$25 million to complete the balance of known critical repair items necessary to preserve this state historic treasure.

Attendance to the Battleship Texas is ±100k annually.<sup>18</sup> More detailed information can be found at <http://tpwd.texas.gov/state-parks/battleship-texas> and [www.dryberthTEXAS.com](http://www.dryberthTEXAS.com)

## San Jacinto Texas Historic District

The San Jacinto Texas Historic District (SJTHD), a collaborative effort between the 16 port region communities in East Harris County Precinct 2, brought forth a unique master plan referred to as Project Stars. Project Stars provides permanent displays of colorful historic Texas-sized epic art along major corridors in the SJTHD leading to the famous San Jacinto Battleground site. This master plan was created over a two-year period and currently targets enhancements for 26 historic sites on major corridors. The SJTHD is now the newest and fifth-largest historic district in the State of Texas.<sup>19</sup> For a full list of beautification projects within the SJTHD, please visit [www.sanjacintotexashistoricdistrict.org](http://www.sanjacintotexashistoricdistrict.org)



source: Economic Alliance Houston Port Region

<sup>16</sup> [www.sanjacinto-museum.org](http://www.sanjacinto-museum.org)

<sup>17</sup> [tpwd.texas.gov](http://tpwd.texas.gov)

<sup>18</sup> Bruce Bramlett (01/08/2015)

<sup>19</sup> [www.sanjacintotexashistoricdistrict.org](http://www.sanjacintotexashistoricdistrict.org)

### Patrick's Cabin

The City of Deer Park proudly displays a representation of the historic Patrick's Cabin at 1410 Center Street between 13th Street and Helgra. The replica was constructed in 1985 by a group of city employees in the Parks and Recreation and Public Works departments. In the fall of 2007, a joint effort by the Beautification Committee and the Historical and Tourism Committee moved Patrick's Cabin from Dow Park to its more prominent and permanent location on Center Street. Modifications to the interior and exterior of the cabin, in addition to the location site, have been made to better capture the authenticity of the 1830s.<sup>20</sup>



In April of 1836, Sam Houston and his small band of men defeated the powerful Mexican army under the leadership of General Santa Anna on the San Jacinto Battlefield. Following the battle, Sam Houston, David Burnet, and the Texas Cabinet met at Patrick's Cabin to draft the initial treaty papers.

The cabin was the home of Dr. George Moffitt Patrick. It was located 1.5 miles from the Battlefield along Buffalo Bayou, which is now considered Deer Park. Because of this significant historical event on Deer Park soil, Deer Park holds the distinction of being the true "Birthplace of Texas."

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<sup>20</sup> [www.deerparktx.gov](http://www.deerparktx.gov)





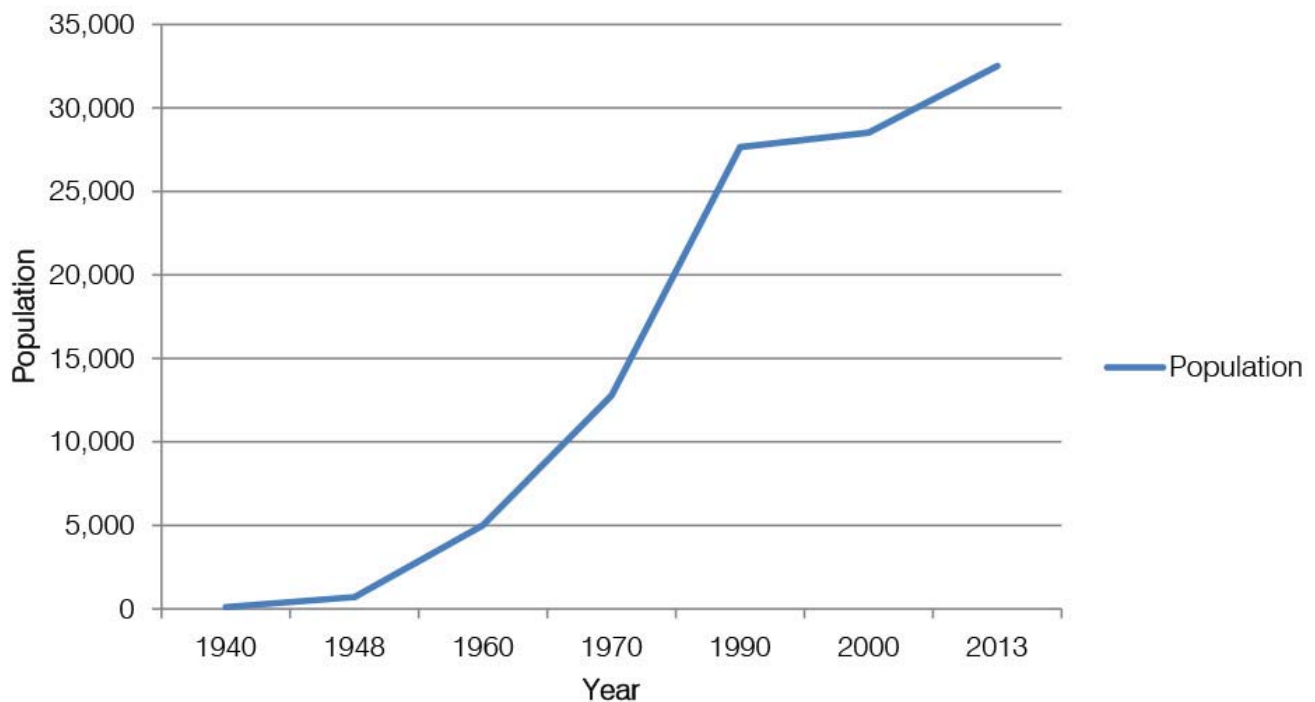
# CHAPTER 7

## CHARACTERISTICS OF DEER PARK

Deer Park's population and demographics has changed over the past several decades and it forecasts population and demographic changes for the next 20 to 30 years.

### Demographic and Socioeconomic Characteristics

#### Deer Park Population Growth from 1940 - 2013



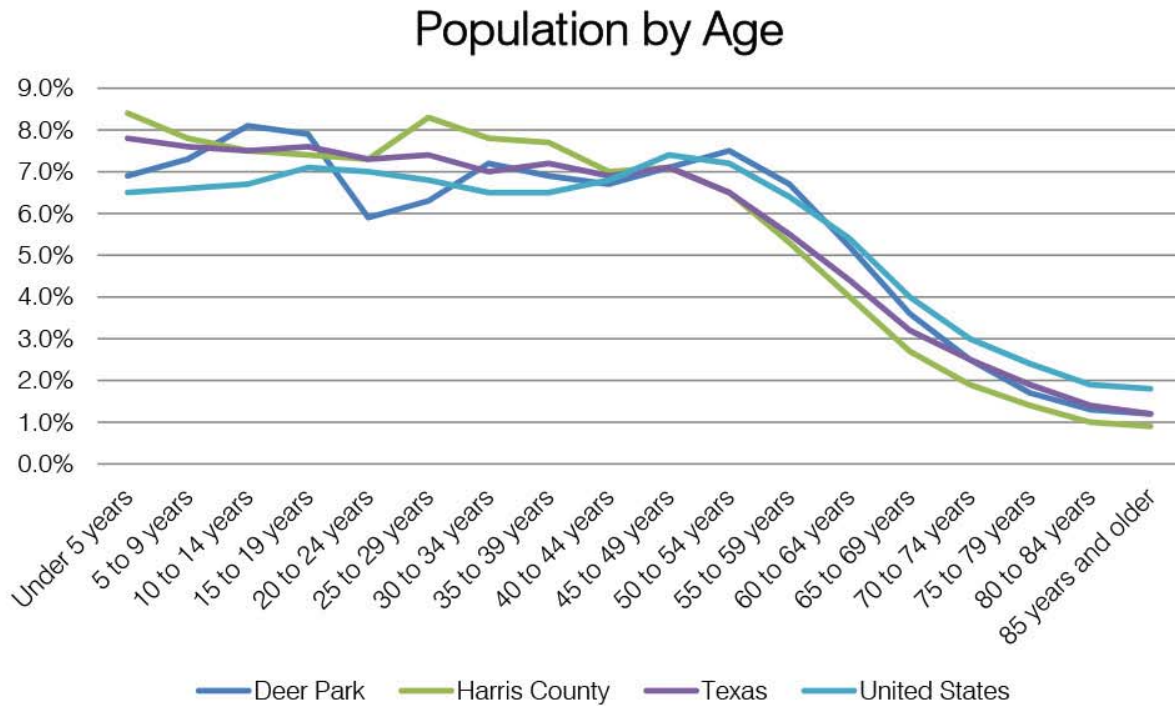
Deer Park Population Percentage Increase								
1940	1950	1960	1970	1980	1990	2000	2010	2013 est.
100	736	4,865	12,773	22,648	27,731	28,565	32,010	33,237
% change	636%	561%	162%	77%	22%	3%	12%	4%

Source: [www.census.gov](http://www.census.gov)

Deer Park has experienced moderate growth over the past century, as shown in the table above. The most rapid rate of growth occurred between 1940 and 1960. The lowest population growth experienced by Deer Park occurred between 1990 and 2000. During the 1990's, growth was somewhat stagnant at three percent then was more aggressive at the turn of the century at 12 percent, adding 3,445 more residents to the City by 2010. By the year 2020, Deer Park's population is projected to be over 34,000.<sup>21</sup> During the span of 70 years, Deer Park has grown from a population of 100 to over 33,000 residents.

It is beneficial for Deer Park to know about the age distribution of its population. That knowledge will provide insight into the types of facilities and services that may need to be provided, such as a senior citizens center, a new elementary school, etc.

<sup>21</sup> Geolytics, Inc.



	Deer Park	Houston	Harris County	Texas	United States
Under 5 years	6.9%	8.1%	8.4%	7.8%	6.5%
5 to 9 years	7.3%	7.2%	7.8%	7.6%	6.6%
10 to 14 years	8.1%	6.5%	7.5%	7.5%	6.7%
15 to 19 years	7.9%	6.8%	7.4%	7.6%	7.1%
20 to 24 years	5.9%	8.1%	7.3%	7.3%	7.0%
25 to 29 years	6.3%	9.5%	8.3%	7.4%	6.8%
30 to 34 years	7.2%	8.3%	7.8%	7.0%	6.5%
35 to 39 years	6.9%	7.3%	7.7%	7.2%	6.5%
40 to 44 years	6.7%	6.6%	7.0%	6.9%	6.8%
45 to 49 years	7.1%	6.5%	7.1%	7.1%	7.4%
50 to 54 years	7.5%	6.3%	6.5%	6.5%	7.2%
55 to 59 years	6.7%	5.4%	5.3%	5.5%	6.4%
60 to 64 years	5.2%	4.3%	4.0%	4.4%	5.4%
65 to 69 years	3.6%	3.0%	2.7%	3.2%	4.0%
70 to 74 years	2.5%	2.1%	1.9%	2.5%	3.0%
75 to 79 years	1.7%	1.6%	1.4%	1.9%	2.4%
80 to 84 years	1.3%	1.2%	1.0%	1.4%	1.9%
85 years and older	1.2%	1.1%	0.9%	1.2%	1.8%
Median Age	35.3	32.1	32.2	33.4	37.2

Source: [www.census.gov](http://www.census.gov)

## CHAPTER 7 - CHARACTERISTICS OF DEER PARK

The analysis of age composition and population characteristics can ensure that the Comprehensive Plan is tailored to meet Deer Park's needs for the future. The median age in Deer Park is 35.3 years compared to 32.1 years in Houston, 32.2 years in Harris County, 33.4 years in the state of Texas, and 37.2 years in the United States.

### Household Income

Household income levels can be an important factor in planning Deer Park's future. For example, income levels indicate to potential retailers whether or not Deer Park is a prime site to locate their business. This fact may influence the amount and type of retail that Deer Park could support. Also, income is a major determining factor for homeownership; a high level of homeownership is generally seen as a positive characteristic for a community. Income levels are an issue that can play a role in the size, type, and quality of residential development a community attracts.

The table below shows income data for the City of Deer Park, the City of Houston, Harris County and the state of Texas for 2010 and 2013, as reported by the 2010 U.S. Census and the 2013 American Fact Finder. This table allows for comparison of local citizens' income to other areas. The largest percentage of households in 2013 in Deer Park, specifically 21.4 percent, earned between \$100,000 and \$149,999 annually.

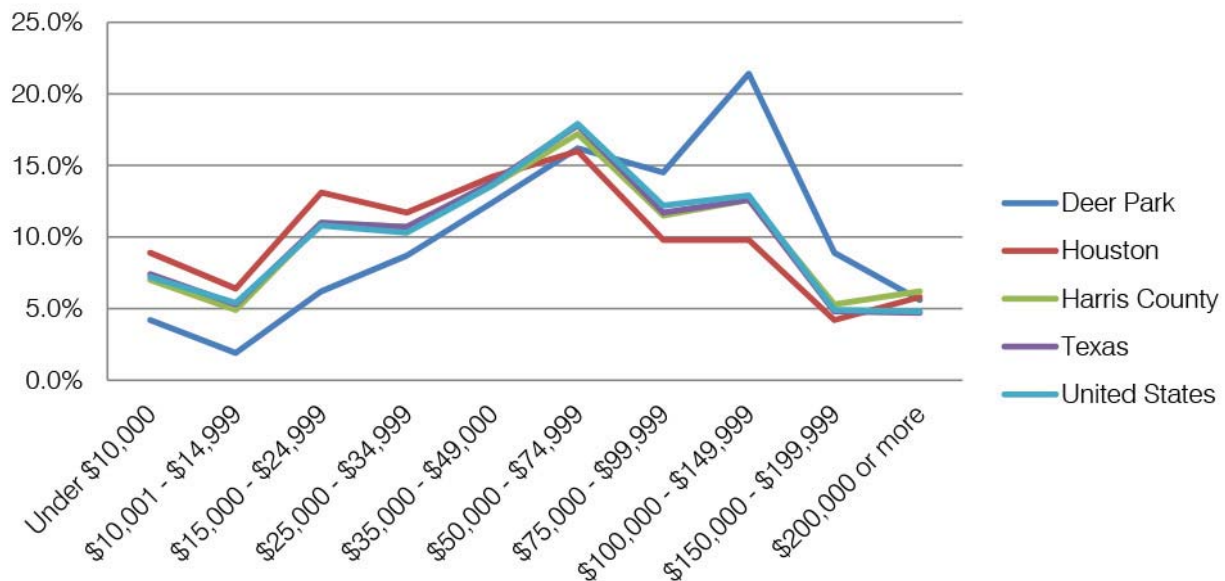
Household Income ( 2010 US Census and 2013 American Community Survey)								
	Deer Park		Houston		Harris County		Texas	
	2010	2013	2010	2013	2010	2013	2010	2013
Under \$10,000	3.5%	4.2%	8.7%	8.9%	6.9%	7.0%	7.7%	7.4%
\$ 10,001 to \$ 14,999	2.7%	1.9%	6.7%	6.4%	5.2%	4.9%	5.7%	5.3%
\$ 15,000 to \$ 24,999	5.7%	6.2%	13.5%	13.1%	11.3%	11.0%	11.4%	11.0%
\$ 25,000 to \$ 34,999	8.6%	8.7%	12.6%	11.7%	11.2%	10.7%	11.1%	10.7%
\$ 35,000 to \$ 49,000	12.3%	12.4%	14.7%	14.2%	14.1%	13.6%	14.3%	13.8%
\$ 50,000 to \$ 74,999	18.0%	16.2%	16.6%	16.0%	17.6%	17.2%	18.1%	17.8%
\$ 75,000 to \$ 99,999	15.1%	14.5%	9.4%	9.8%	11.6%	11.5%	11.7%	11.7%
\$100,000 to \$149,999	23.2%	21.4%	9.3%	9.8%	12.2%	12.6%	11.7%	12.6%
\$150,000 to \$199,999	7.2%	8.9%	3.7%	4.2%	4.8%	5.3%	4.1%	4.8%
\$200,000 or more	3.7%	5.6%	4.8%	5.8%	5.2%	6.2%	4.0%	4.7%
Median Household Income	\$73,820	\$75,603	\$42,962	\$45,010	\$51,444	\$53,137	\$49,646	\$51,900

Source: [factfinder.census.gov](http://factfinder.census.gov)

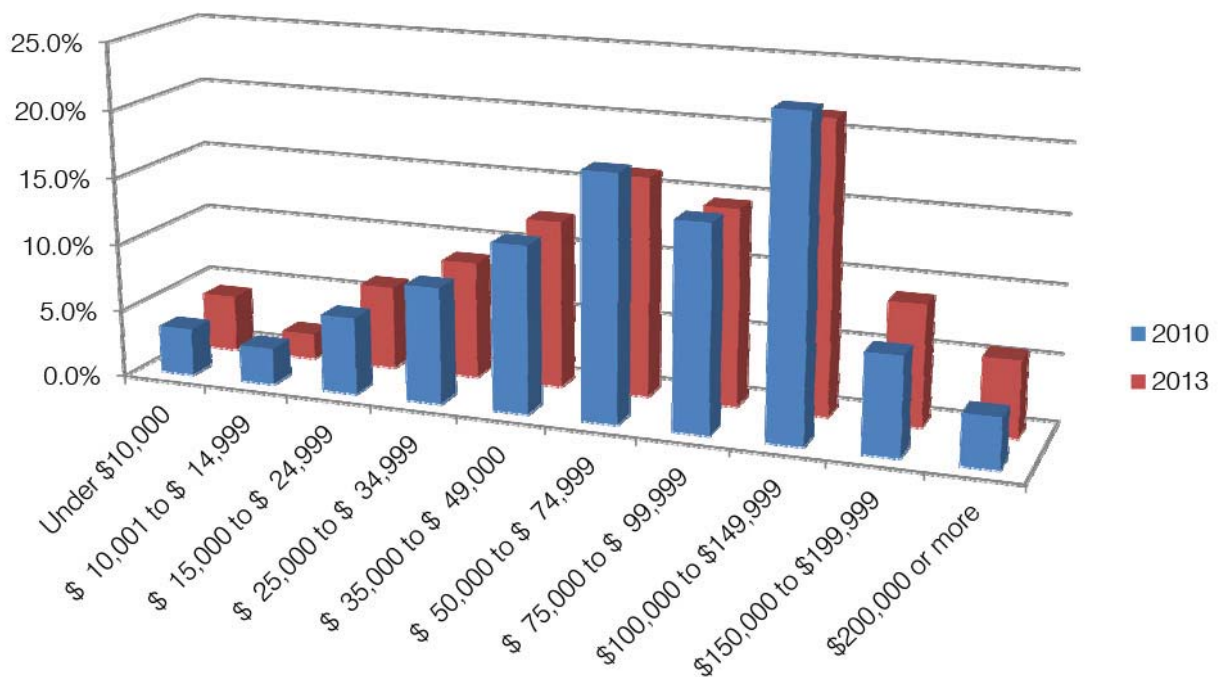
Comparing the City of Deer Park to the City of Houston, Harris County and the State of Texas, leads to the fact that the City of Deer Park has a significantly lower percentage of households less than \$34,999. The data below also reveals that the percentage of Deer Park residents that were making \$75,000 to \$149,999 was greater than that of the County and the State in 2010 and 2013. Finally, the median income for Deer Park higher than that of the City of Houston, Harris County, the state of Texas, and the United States in both 2010 and 2013 by at least 42 percent.



## Household Income



## Deer Park Household Income from 2010 - 2013

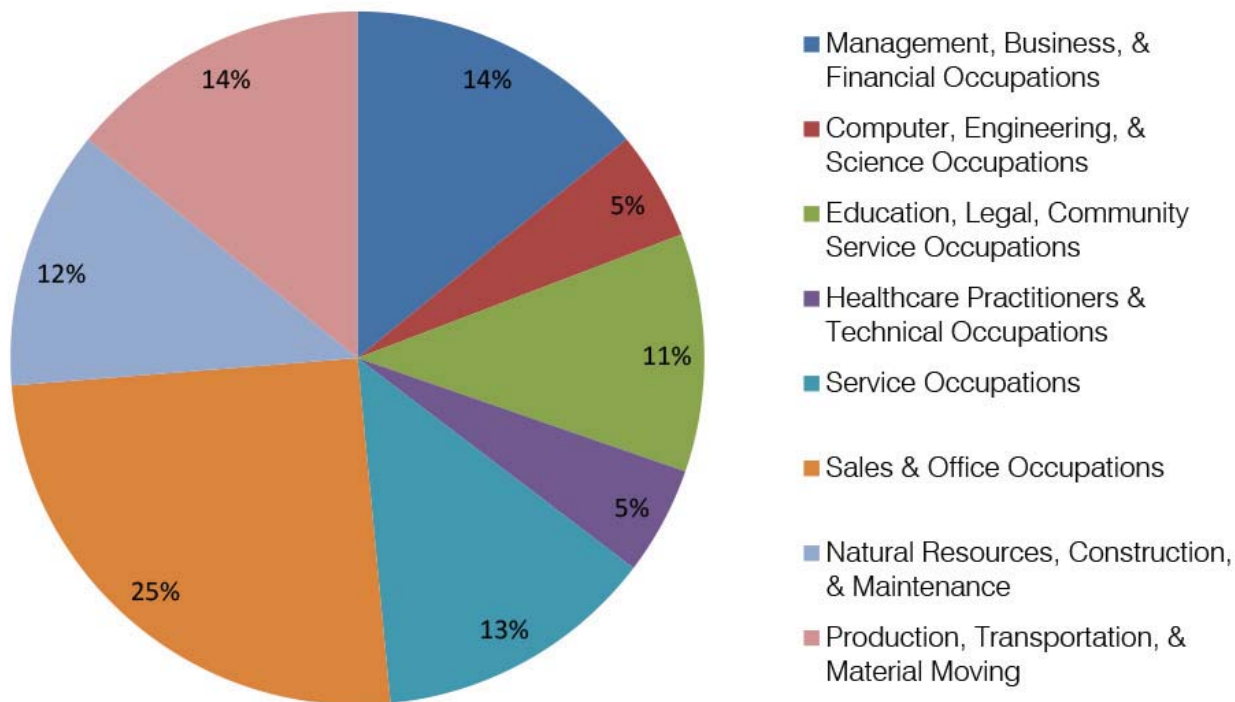


### Population by Occupation

Employment opportunities can affect the growth rate of Deer Park. These opportunities are important because they allow people to settle in Deer Park, establish their home and begin a life; employment makes this possible. If citizens cannot find work in an area, they are forced to move elsewhere, and to take their property and sales tax revenue with them. Cities are generally dependent on businesses to provide employment opportunities that in turn pay the citizens salaries and provide them with the ability to buy and sell goods, pay taxes, etc.

A review of the City's employment numbers by occupational category in the table below is one way of establishing what local employment trends are and on what types of occupations the area's employment is generally based. Together, the occupational categories of "Management, Business and Financial Occupations," "Sales and Office Occupations", and "Production, Transportation, and Material Moving" make up 53.1 percent of the jobs in the City. The "Service Occupations" category experienced the largest growth rate, increasing 2.5 percent from 10.5 percent to 13.1 percent, employing 2,000 people in 2013. All other categories, except "Service Occupations" and "Healthcare Practitioners and Technical Occupations", experienced a decline in their numbers and percentages.

### Occupation for the Employed Population over 16 years of age for Deer Park



Occupation for the Employed Population over 16 years of age for Deer Park								
	2010		2011		2012		2013	
Total employed over 16 years of age	15,449		15,549		15,537		15,404	
Management, Business, & Financial Occupations	2,353	15%	2,204	14%	2,060	13%	2,132	14%
Computer, Engineering, & Science Occupations	896	6%	924	6%	894	6%	703	5%
Education, Legal, Community Service Occupations	1,846	12%	1,870	12%	1,896	12%	1,760	11%
Healthcare Practitioners & Technical Occupations	534	3%	706	5%	720	5%	846	5%
Service Occupations (Fire, police, food prep, etc)	1,628	11%	1,621	10%	1,917	12%	2,013	13%
Sales & Office Occupations	3,999	26%	4,168	27%	3,922	25%	3,925	25%
Natural Resources, Construction, & Maintenance	1,937	13%	1,939	12%	2,088	13%	1,905	12%
Production, Transportation, & Material Moving	2,256	15%	2,117	14%	2,040	13%	2,120	14%

Source: [factfinder.census.gov](http://factfinder.census.gov)

The City's location along State Highway (SH) 225 makes the city ideal for workers in the port and energy sectors, with easy access to jobs in the industrial districts north of SH 225, Baytown and the Port of Houston facilities located both east and west of the city.

The stable population has delivered outstanding amenities for its residents as well, which will support the continued vitality of its housing market demand. Notably, DPISD is among the best in the state. The City of Deer Park owns and hosts a diversity of recreational activities and facilities found normally only in much larger cities—19 city parks, vibrant youth activities, and an active theater and theater community.

Another way to classify and analyze employment is by industry, as shown below, which contains information on industry for Deer Park as well as for Harris County and the State of Texas. The "Education services, Healthcare, Social Assistance" industry employed the largest portion of Deer Park's work force at 22.5 percent or 3,466 people with the "Manufacturing" industry second highest percentage of the workforce at 17.33 percent or 2,659 people. This is significant in that the percentage of people that work in the "Manufacturing" industry is 8 percent more than Houston, 6.6 percent more than Harris County and almost double the State's percentage. "Education services, Healthcare, Social Assistance" is the industry that employed the largest percentage of people in Deer Park, Houston, Harris County, and the State of Texas. It can be assumed therefore that the "Education services, Healthcare, Social Assistance" industry is generally a more important factor for the local and regional economy than for Texas. The third largest industrial category for Deer Park and County is "Professional, Scientific, Management, Administrative, Waste Management Services", while this category was the largest employer for Houston and Harris County.

Employment by Industry (2013 American Fact Finder)								
	Deer Park		Houston		Harris County		Texas	
	#	%	#	%	#	%	#	%
Agriculture, forestry, fishing, hunting, mining	217	1.41%	26,859	2.64%	57,312	2.91%	359,977	3.11%
Construction	1,714	11.13%	103,135	10.14%	188,138	9.55%	914,460	7.90%
Manufacturing	2,659	17.26%	94,333	9.28%	210,610	10.69%	1,083,079	9.36%
Wholesale Trade	541	3.51%	33,578	3.30%	72,971	3.70%	347,982	3.01%
Retail Trade	1,090	7.08%	108,156	10.64%	213,059	10.81%	1,345,939	11.63%
Transportation, warehousing, utilities	797	5.17%	56,291	5.54%	122,317	6.21%	629,548	5.44%
Information	88	0.57%	14,456	1.42%	28,089	1.43%	213,097	1.84%
Finance, insurance, real estate	691	4.49%	59,820	5.88%	114,049	5.79%	769,050	6.65%
Professional, scientific, management, administrative, waste management services	1,755	11.39%	142,287	13.99%	255,619	12.97%	1,251,791	10.82%
Educational services, health care, social assistance	3,466	22.50%	195,206	19.20%	373,783	18.97%	2,514,011	21.73%
Arts, entertainment, recreation, accommodations, food services	966	6.27%	94,301	9.27%	165,027	8.37%	1,001,258	8.65%
Other services – not public administration	940	6.10%	62,899	6.19%	116,439	5.91%	621,998	5.38%
Public Administration	480	3.12%	25,559	2.51%	53,128	2.70%	516,851	4.47%

Source: [factfinder.census.gov](http://factfinder.census.gov)

## Existing Land Use Characteristics

Population growth, housing needs, economic trends and the regulatory environment have resulted in direct changes to Deer Park. An examination of existing land use patterns provides a base for the Future Land Use Plan.

An evaluation of the land uses that presently exist within Deer Park is critical to the formulation of its Comprehensive Plan. It is the type and location of the existing land uses which provides the starting point for the Comprehensive Plan and the basis for the formulation of workable zoning regulations to protect such existing uses. In addition, the identification and examination of the existing land uses and corresponding development of zoning regulations also serves to encourage additional economic expansion within the City through development of future land uses which are compatible with such regulations. Land use should not be confused with zoning.

The Harris County Appraisal District (HCAD) maintains a Geographic Information System (GIS) database for generalized land use in Deer Park and other cities within Harris County. This GIS database is a general representation of how land is being used and is broken down into various land use categories. The database is parcel specific: i.e., each property is assigned one use for the entire area of the property. These categories include: single family residential, multifamily residential, commercial, industrial, office, public/institutional, parks/open space, transportation/utilities, and vacant/underdeveloped land. The location of these categories is illustrated in the Deer Park Land Use 2014 Map and the area of each category is



shown in the table below. The data provided by HCAD assists the community in evaluating the types of land use and the corresponding values. It is also critical to helping to make policy decisions for the local ordinances and changes for zoning designations.

	# of Parcels	D/U	SF	AC	Total Market Value	% of Land	Cost per	Unit
Single Family	9,748	9,748	92,042,280	2,113	\$1,368,862,891	40%	\$140,425	per unit
Multifamily	39	2,521	7,666,560	176	\$ 89,938,704	3%	\$ 35,676	per unit
Commercial	236		16,988,400	390	\$ 162,660,139	7%	\$ 9.57	per SF
Industrial	227		28,662,480	658	\$ 291,893,397	13%	\$ 10.18	per SF
Office	52		4,051,080	93	\$ 39,130,423	2 %	\$ 9.66	per SF
Public/ Institutional	238		37,243,800	855	N/A	16%	N/A	
Vacant/ Underdeveloped	194		15,463,800	355	\$ 32,058,433	7%	\$ 2.07	per SF
Parks/ Open Space	68		12,327,480	283	\$ 17,500,351	5%	\$ 61,839	per AC
Transportation/ Utilities	54		13,764,960	316	\$ 12,699,842	6%	\$ 0.92	per SF
<b>TOTAL</b>	<b>10,856</b>	<b>12,269</b>	<b>228,210,840</b>	<b>5,239</b>	<b>\$2,014,744,180</b>	<b>100%</b>		

Source: HCAD 2014

## *Residential Land Uses*

- Single-Family Residences - One-family dwellings and related accessory buildings
- Two-Family Residences - Duplex/town home dwellings and related accessory buildings
- Multiple-Family Residences - Apartments, rooming houses & related buildings
- Manufactured Homes - A manufactured home located on a lot or parcel and used as a dwelling

## *Commercial and Retail Uses*

Commercial amusements, building materials yards, automobile garages and sales lots, automobile body repair, warehouses, telecommunications and broadcasting towers (and related facilities), wholesale establishments, sale of used merchandise, welding shops. Commercial also includes retail stores, restaurants, shops and personal service establishments, shopping centers, service stations and any associated off-street parking facilities

## *Industrial Land Uses*

Processing, storage, light fabrication, assembly and repairing (operation and storage mainly contained within a structure), manufacturing, or other enterprises with significant external effects (operation and storage may or may not be contained within a structure)

## *Office Land Uses*

Professional and administration offices, including doctors, lawyers, dentists, real estate, architects, accountants, and secretarial service

## *Public/Institutional Land Uses*

Public, Semi-Public schools, churches, cemeteries, hospitals, police, fire, libraries, public buildings, etc.

### *Vacant/Undeveloped Land*

Land that has no readily visible or apparent use

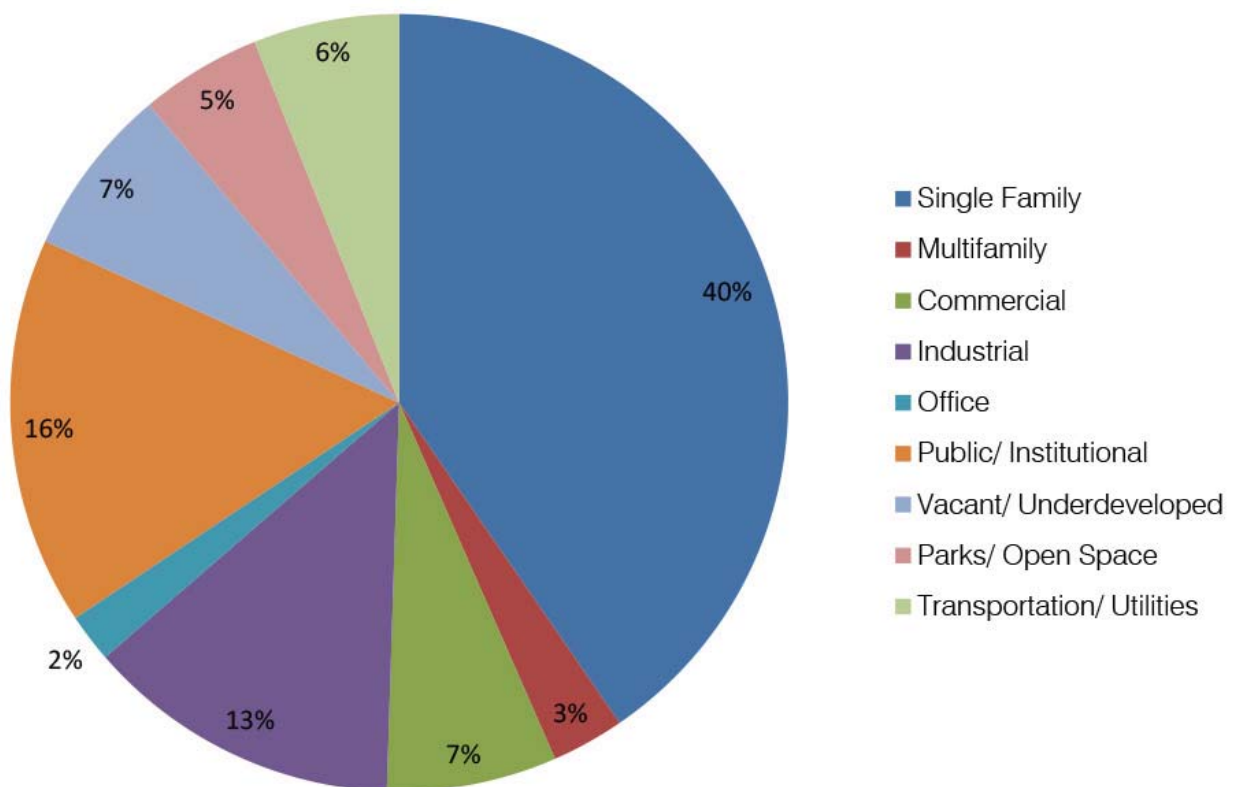
### *Parks & Open Spaces*

Parks, playgrounds and public open space

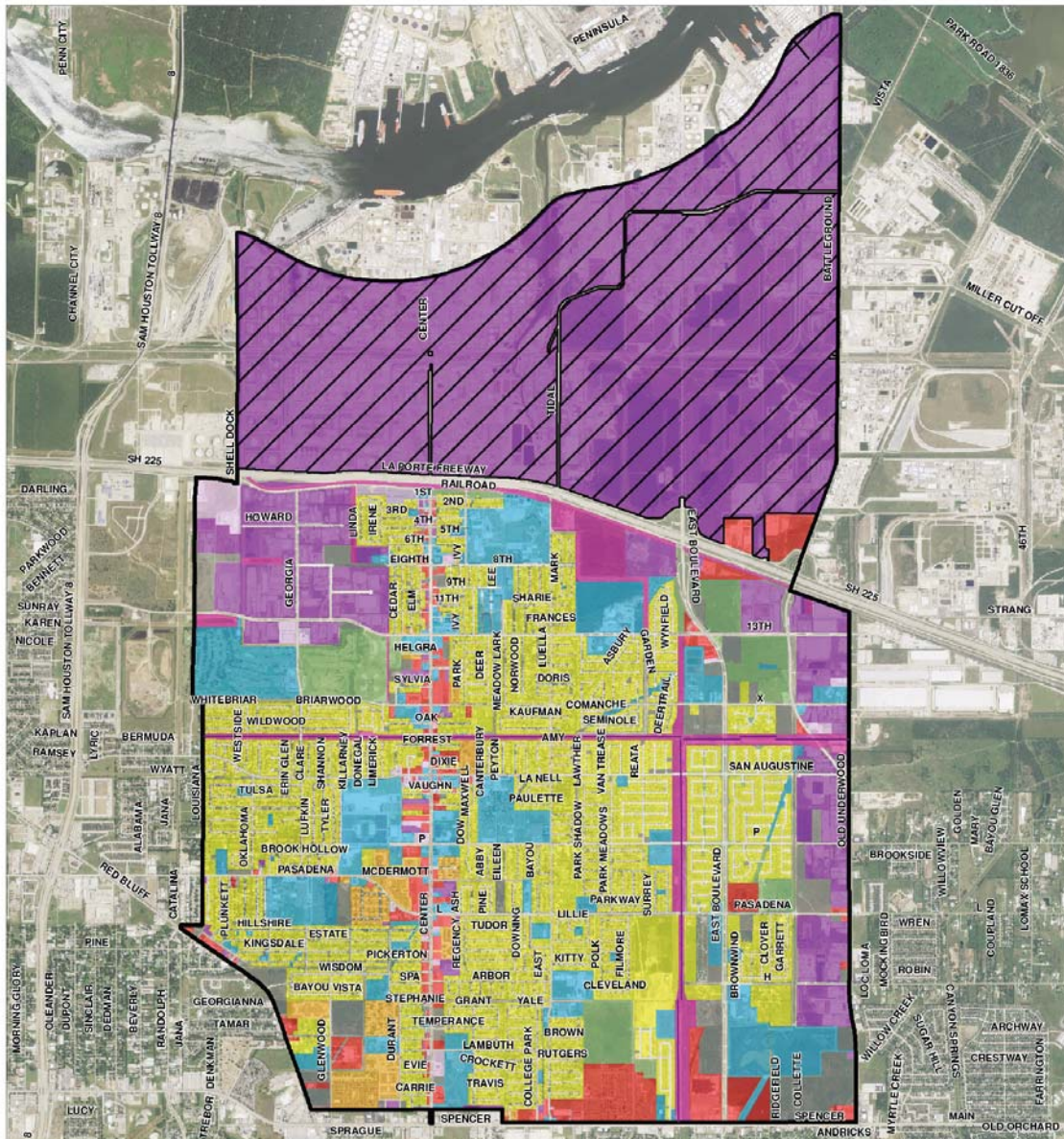
### *Transportation/Utility Land Uses*

Private streets and alleys, land that is dedicated as utility corridors, railroads, detention ponds, etc.

### Land Use Percentage by Type



# CHAPTER 7 - CHARACTERISTICS OF DEER PARK



Land Use	Number of Parcels	Dwellings/Units	% of Total Dwellings	Square Miles	Acres	Average Property Value	Total Market Value
Single Family Residential	9,748	9748	79.45%	3.30	2,113	\$140,425 / dwelling	\$1,368,862,891
Multi-family Residential	39	2521	20.55%	0.27	176	\$35,676 / unit	\$89,938,704
<b>Total</b>		<b>12269</b>	<b>100%</b>	<b>0.00</b>			
Commercial	236			0.61	390	\$9.57 / sq ft	\$162,660,139
Industrial	227			1.03	658	\$10.18 / sq ft	\$291,893,397
Industrial District	146			6.33	4,052	\$13.02 / sq ft	\$2,298,952,350
Office	52			0.15	93	\$9.64 / sq ft	\$39,130,423
Public/Institutional	238			1.34	855	\$0 / sq ft	\$0
Vacant/Underdeveloped	194			0.55	355	\$2.07 / sq ft	\$32,058,433
Parks/Open Space	68			0.44	283	\$61,743 / per acre	\$17,500,351
Transportation/Utilities	54			0.49	316	\$0.92 / sq ft	\$12,699,842
<b>Totals</b>				<b>14.52</b>	<b>9,292</b>		<b>\$4,313,696,530</b>

SOURCES: HCAD, 08-30-2014; H-GAC Staff/May, 2014; NAPP AERIAL, 2012



### Key Characteristics of Deer Park's Existing Land Use

It will be important for Deer Park's Future Land Use Plan to take into account existing land use characteristics. Following are the most notable characteristics of the City's existing land use pattern:

- Single-family is the predominate land use within the City. The majority of the new residential development is occurring in the eastern and southeastern area of Deer Park; more specifically, east of East Boulevard and south of Pasadena Boulevard.
- Medium density land use account for a small percentage of the residential land use in Deer Park.
- Development is most intense along the following roadways: Center Street and Spencer Highway
- The City has a large amount of park and open space land, but the allocation is below the recognized national park standards established by the National Recreation and Park Association (NRPA).

### Existing Housing Characteristics

Housing is an important characteristic in any community. It is a characteristic that influences people's perception of Deer Park, perhaps more than any other. The only exception to this would be the school district those homes are zoned to. One primary concern is the variety of housing stock. It is important that Deer Park continues to provide well-maintained neighborhoods; this reflects lower levels of health, economic, and social problems than those levels found in blighted communities.

There are many factors relating to quality of the existing housing stock that should be considered when estimating future housing requirements. The condition and the age of a structure are two physical characteristics that reflect the present quality of housing and other characteristics such as tenure, length or residency, persons per household, and affordability also indicate the general status of the housing supply.

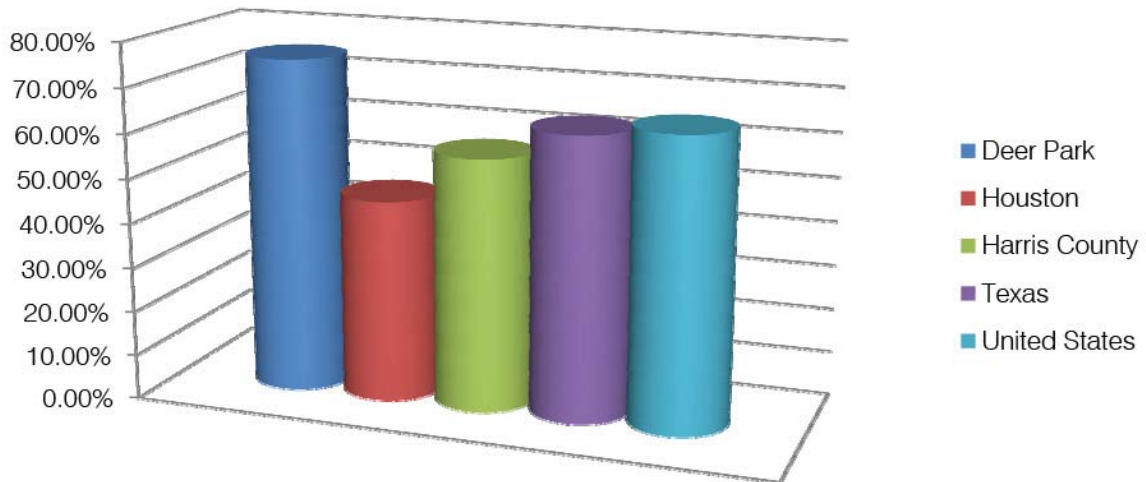
Deer Park has an extremely high percentage of residents that have lived in the same home for over one year. The City has over 85 percent of the residents as long term residents in the same home versus 82 percent for the State of Texas. The homeownership rate is higher than the state average topping out at over 75 percent of home ownership versus 63 percent in the State of Texas. This stable home ownership rate is a reason for the City of Deer Park to evaluate the zoning categories and other options for the growth of new residential options. A significant element of stable housing for any community is the quality of the education provided by the local school district. DPISD has a positive impact on the community in many ways. Job growth is a second element of strong housing. Deer Park is geographically poised to continue to benefit from Ship Channel industries and related plants, both located within Deer Park Special Districts, in East Harris County and Western Chambers County. Job growth and excellence in education options are powerful partners for a community to continue to grow and prosper. Deer Park has both partners and more. The city has developed as primarily as a residential community with both single family and multifamily residents.

Homeownership rate (2009 to 2013)					
	Deer Park	Houston	Harris County	Texas	United States
Homeownership rate	75.3%	45.4%	56.5%	63.2%	64.9%

Source: [www.census.gov](http://www.census.gov)



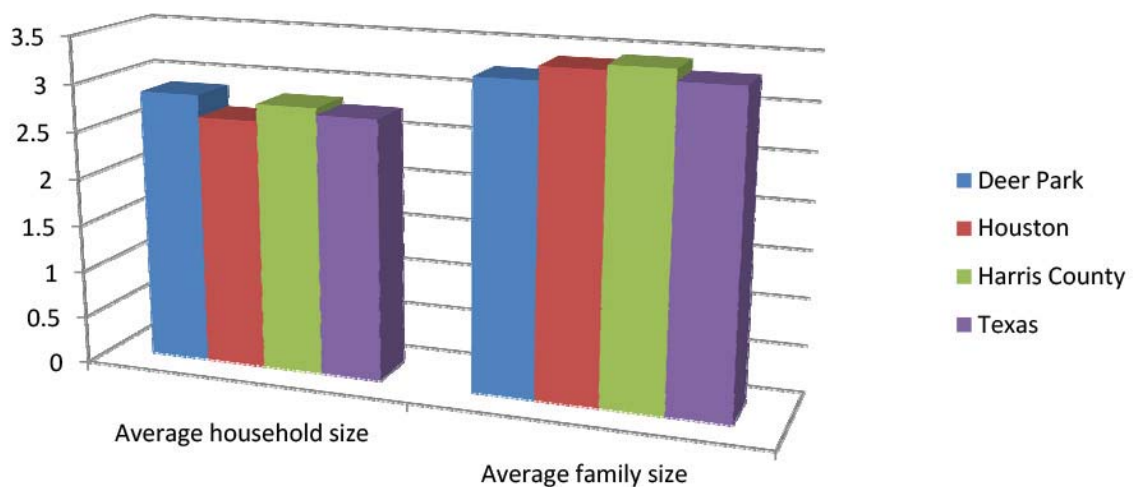
## Homeownership Rate



Size of Families and Households (2010 US Census)					
	Deer Park	Houston	Harris County	Texas	United States
Average household size	2.87	2.64	2.82	2.75	2.58
Average family size	3.24	3.38	3.43	3.31	3.14

Source: [www.census.gov](http://www.census.gov)

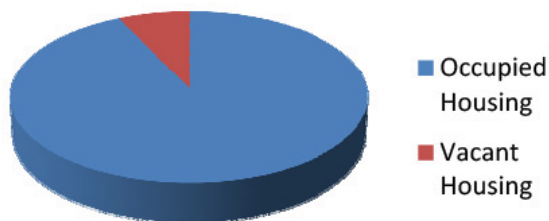
## Size of Families and Households



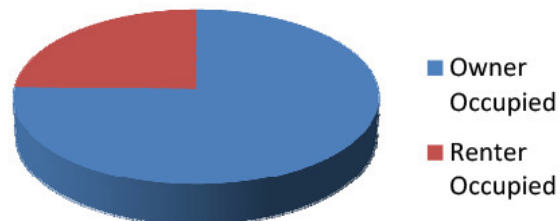
Housing Trends (2013 American Community Survey)				
	Deer Park	Houston	Harris County	Texas
Occupied Housing	92.9%	86.1%	88.7%	88.2%
Vacant Housing	7.1%	13.9%	11.3%	11.8%
Homeowner Vacancy Rate	1.8%	2.4%	2.0%	2.0%
Rental Vacancy Rate	10.4%	12.3%	11.6%	9.2%
Owner Occupied	75.3%	45.4%	56.5%	63.3%
Renter Occupied	24.7%	54.6%	43.5%	36.7%
Median Value Owner Occupied	\$133,400	\$123,900	\$131,400	\$128,900
Median Cost of Rent for all rental property	\$972	\$848	\$880	\$851

Source: [factfinder.census.gov](http://factfinder.census.gov)

### Vacancy of Single Family Housing



### Owner Occupied versus Renter Occupied

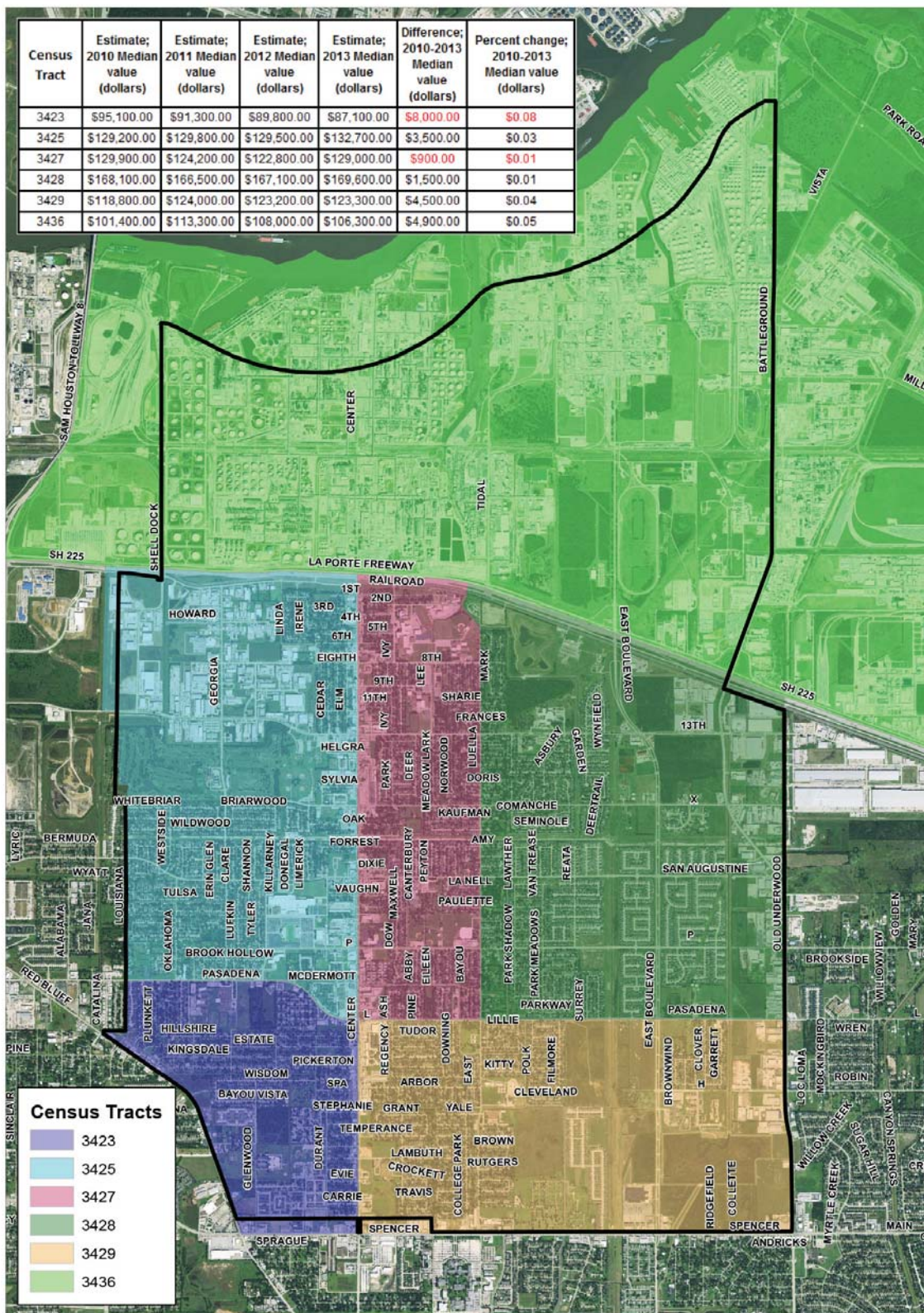


From a planning perspective the difference between the six Census Tracts provides leading housing value information that can inform public policy decisions and ordinances. For the purpose of the Comprehensive Plan, the adjusted 2012 U.S. Census data has been used. Deer Park has 10,883 dwelling units of which 8,192 are owner occupied and 2,691 dwelling units are rental.<sup>22</sup>

As in all community's the single-family housing units are distributed throughout the city limits. The U.S. Census has tracked the housing values by Census Tract since 2010. Older sections of the community have home values of \$129,000 per home and other areas show residential property values over \$167,000. The ability to review the zoning categories and home values by Census Tract will yield data that can be used to inform the Comprehensive Plan goals and objectives as well as appropriate zoning ordinance amendments to achieve those Comprehensive Plan goals.

<sup>22</sup> <http://factfinder.census.gov/>





## Home Value Analysis by Census Tract

Census Tract	Estimate; 2010 Median value (dollars)	Estimate; 2011 Median value (dollars)	Estimate; 2012 Median value (dollars)	Estimate; 2013 Median value (dollars)	Difference; 2010-2013 Median value (dollars)	% change; 2010-2013 Median value (dollars)
3423	\$ 95,100.00	\$ 91,300.00	\$ 89,800.00	\$ 87,100.00	<b>-\$ 8,000.00</b>	<b>-\$ 0.08</b>
3425	\$ 129,200.00	\$ 129,800.00	\$ 129,500.00	\$ 132,700.00	\$ 3,500.00	\$ 0.03
3427	\$ 129,900.00	\$ 124,200.00	\$ 122,800.00	\$ 129,000.00	<b>-\$ 900.00</b>	<b>-\$ 0.01</b>
3428	\$168,100.00	\$ 166,500.00	\$ 167,100.00	\$ 169,600.00	\$ 1,500.00	\$ 0.01
3429	\$ 118,800.00	\$ 124,000.00	\$ 123,200.00	\$ 123,300.00	\$ 4,500.00	\$ 0.04
3436	\$ 101,400.00	\$ 113,300.00	\$ 108,000.00	\$ 106,300.00	\$ 4,900.00	\$ 0.05

Source: [factfinder.census.gov](http://factfinder.census.gov)

The ability for the City of Deer Park to parlay this stable housing into renovated housing as well as new construction options for underdeveloped or vacant land can also be supported by a 2009 National Home Building Association (NHBA) report. NHBA estimates the construction of 100 new homes in a one-year local impact in a typical metro area would yield the following estimated financial benefit; adjusted for Deer Park to only 25 homes with an average value of \$165,000:

- A. \$2.5 million in local income;
- B. \$388,000 million in taxes and other revenue for local governments; and
- C. 39 local jobs

Assumptions for NHBA study were based on home values of \$321,000; this model was adjusted for Deer Park average home values of \$165,000 for new construction of a single-family home in keeping with Census Tract 3428.

These projected regional values for local impacts, representing income and jobs for local residents, and taxes (and other sources of revenue, including permit fees) for all local jurisdictions within the metro area, not just Deer Park. There are also one-year impacts that include both the direct and indirect impact of the construction activity itself, and the impact of local residents who earn money from the construction activity spending part of it within the local area.<sup>23</sup>

There are similar benefits to new multifamily construction or remodeling of existing multifamily dwelling units on a community. According to the adjusted 2012 American Community Survey (ACS), Deer Park has an estimated 2,244 multifamily dwelling units primarily located in approximately 11 apartment communities with an average property value, accordingly to HCAD, of less than \$37,000 per dwelling unit. These 2,244 units include duplex and triplex units primarily located in Zoning Ordinance Article IV, Residential Districts. The average value of \$37,000 per dwelling unit is far below the value of replacement costs per unit and begs the question if upgrading the multifamily housing stock can improve the area as well as improve the property tax collections. In addition, the 2012 data also reports 832 vacant housing units which also become targets of opportunity for renovation and revitalization or analysis for a different zoning designation.

Census Tract 3425 and 3427 have lower residential property values and would be candidates for redevelopment, renovation, or remodeling, thus yielding higher real property tax revenues for the City. Residential remodeling has a similar benefit to the local and regional economy as documented by the NAHB

<sup>23</sup> <http://www.nahb.org>



2009 study for new construction of single-family homes. It is not possible to create a comparison on the potential remodeling values as the NAHB study widely varied between increased home values post renovation that would exceed new construction values for Deer Park. The data does support that the housing inventory within Deer Park in Census Tracts 3425 and 3427 could become ideal candidates for a program of new housing stock or remodeling opportunities for the community in support of the job growth for the Ship Channel industries. These opportunities are further supported by Toni Nelson, Director of Strategic Initiatives for Houston-based Better Home and Gardens Gary Greene Realty, one of the biggest realtors in Houston, who has gone on record to state, “the growth of median home values is driven by home building activity and rehabilitation of existing housing stock for resale”. Deer Park has an extraordinary opportunity to improve local housing stock through revitalization of existing housing stock; both older single-family zoned areas as well as infill new single-family development. In addition, some of the geographic areas currently zoned for residential could become zoned to a higher and better use, such as commercial zone as identified by the Stakeholder Committee for certain properties contiguous to Center Street where homes are primarily rental and not owner occupied allowing the frontage of properties along Center Street to be more developable for contemporary retail uses.

A cursory review of the Census Data by category illustrate that 18.6 percent of the households are over 65 years of age with another 18 percent of the population as single householders. So a total of 36 percent or over one third of the population by households may not need or want a large lot suburban home. The table below summarizes the households by type.

## Households by Type

Subject	Total			
	Estimate	Margin of Error	% of Total Households	Margin of Error
Total Households	10,896	+/- 265		
Family Households (families)	9,010	+/-228	82.7	+/-2.4
With own children under 18 years	4,238	+/-256	38.9	+/-2.4
Married-couple family	6,839	+/-274	62.8	+/-2.8
With own children under 18 years	2,926	+/-260	26.9	+/-2.5
Male householder, no wife present, family	717	+/-234	6.6	+/-2.1
With own children under 18 years	423	+/-187	3.9	+/-1.7
Female householder, no husband present, family	1,454	+/-270	13.3	+/-2.5
With own children under 18 years	889	+/-207	8.2	+/-1.9
Nonfamily households	1,886	+/-284	17.3	+/-2.4
Householder living alone	1,644	+/-270	15.1	+/-2.2
65 years and over	562	+/-146	5.2	+/-1.3
Households with one or more people under 18 years	4,611	+/-248	42.3	+/-2.3
Households with one or more people 65 years and over	2,023	+/-174	18.6	+/-1.5

It is a widely held opinion that growth is not possible in Deer Park as it is land locked and completely built out. According to HCAD, October 2014, the vacant classification of HCAD, there is approximately 355 acres of vacant land, net of Ship Channel District properties. Those designated vacant parcels are not all zoned as residential uses. There is ample areas that could be redeveloped in the City to accommodate additional development or redevelopment which in turn can maintain the tax base for the city.

Of the 355 acres of vacant parcels only 36.51 acres are zoned for residential use. 90.44 acres of vacant land is located in the floodway and not buildable under the Deer Park ordinances. Floodplain designated land is buildable subject to modifications for base flood plain elevation. The net buildable acreage currently zoned for residential land uses is 264.42.

### Existing Zoning Characteristics

The State of Texas has established laws with regard to the way in which cities can ensure the health, safety and welfare of their citizens. State law gives municipalities the power to regulate the use of land, but only if such regulations are based on a plan. Specifically, the law states:

*The governing body of a municipality may adopt a comprehensive plan for the long-range development of the municipality...A municipality may define the relationship between a comprehensive plan and development regulations and may provide standards for determining the consistency required between a plan and development regulations.*<sup>24</sup>

The ability to zone property for certain uses is one of the most significant regulations in terms of land use management that a city has. It is important to document the types of zoning districts that have been established within Deer Park. It is through these zoning districts that the City can not only regulate land uses, but also, it is from this list of districts that the development community must choose when developing property within Deer Park.

### **Residential Districts**

#### *SF-1, Single-Family (Large Lot) District*

- Single-family detached dwellings on large lots
- Minimum lot size of 6,900 square feet
- Includes customary secondary uses

#### *SF-2, Single-Family (Medium Lot) District*

- Single-family detached dwellings on medium lots
- Minimum lot size of 5,000 square feet
- Includes customary secondary uses

#### *SF-3, Single-Family (Small Lot) District*

- Single-family detached dwellings on small lots
- Minimum lot size of 4,000 square feet
- Includes customary secondary uses

#### *TF, Two-Family District*

- One-family dwelling on a minimum lot size of 5,000 square feet
- Two-family dwelling on a minimum lot size of 7,000 square feet
- Includes customary secondary uses

## Current Zoning Districts in Deer Park

District Group Designation	District Symbol	District Name
Predevelopment	PD	Predevelopment District
Residential districts	SF-1	Single-Family District
	SF-2	Single-Family District
	SF-3	Single-Family District
	TF-1	Two-Family District
	MF-1	Multiple-Family Low Density District
	MF-2	Multiple-Family High Density District
	MP	Mobile Home Parks District
	PUD	Planned Unit Development District
Commercial	OP	Office and Professional District
	NS	Neighborhood Shopping District
	CS	Community Service District
	HS	Highway Service District
	GC	General Commercial District
Industrial districts	M-1	Industrial Park District
	M-2	General Industrial District
	M-3	Intensive Industrial District

### *MF-1, Multi-Family (Moderate Density) District*

- Townhouse individual lot minimum lot size of 2,500 square feet
- One-family dwelling on a minimum lot size of 6,000 square feet
- Two-family dwelling on a minimum lot size of 8,000 square feet
- Multi-family structures max height not to exceed one story as the principal building
- Maximum allowable density of a calculation of units x area per unit
- Also allows single-family and two-family dwelling units
- Includes customary secondary uses

### *MF-2, Multi-Family (High Density) Districts*

- Townhouse individual lot minimum lot size of 2,000 square feet
- One-family dwelling on a minimum lot size of 6,000 square feet
- Two-family dwelling on a minimum lot size of 7,000 square feet
- Multi-family structures max height not to exceed 35 feet
- Also allows single-family and two-family dwelling units
- Includes customary secondary uses

### *MP, Mobile Home Parks Districts*

- Mobile home park minimum lot size of 40,000 square feet
- One-family dwelling on a minimum lot size of 6,000 square feet
- Mobile home lot minimum lot size of 4,000 square feet
- Also allows single-family dwelling units
- Includes customary secondary uses

## **Non-Residential Districts**

### *OP, Office and Professional District*

- Professional office uses
- Also allows residential uses with provisions of SF-2
- Includes customary secondary uses
- Excludes retail, wholesale, or other general business uses

### *NS, Neighborhood Shopping District*

- Retail trade, administrative, and professional offices
- Allows for medical and general offices and related offices and/or facilities as well as convenience goods and services
- Max height of 35 feet

### *CS, Community Service District*

- Retail trade, administrative, and professional offices
- Allows for medical and general offices and related offices and/or facilities as well as convenience goods and services
- Service to the general public
- Includes customary secondary uses



### *HS, Highway Service District*

- Allows for motel and transient housing, medical and general offices and related offices and/or facilities
- Allows for convenience goods and services, shopping-type consumer goods, service stations, automobile sales and service, outdoor advertising, and mobile homes and trailers
- Allow for eating places with beer and wine and drive-in restaurants
- Includes customary secondary uses

### *GC, General Commercial District*

- Allows for medical and general offices and related offices and/or facilities
- Allows for convenience goods and services, shopping-type consumer goods, service stations, drive-in restaurants, local consumer services, and automobile sales and service
- Service to the general public
- Light specialized shops by special use permit

### *M-1, Industrial Park District*

- All industrial Group D
- Allows for general offices and related offices and/or facilities
- Allows for service stations, drive-in restaurants, automobile sales and service, and mobile homes and trailers
- Max height 50 feet

### *M-2, General Industrial District*

- All industrial excluding Group D
- Allows for general offices and related offices and/or facilities
- Allows for service stations, automobile sales and service, and major commercial recreation facilities
- Allows for drive-in restaurants and taverns, nightclubs, and semiprivate clubs
- Allows for mobile homes and trailers
- Allows for billboards

### *M-3, Intensive Industrial District*

- All industrial
- Allows for shipping containers and shipping container storage yards and tank truck facilities
- Allows for general offices and related offices and/or facilities
- Allows for service stations, automobile sales and service and major commercial recreation facilities
- Allows for drive-in restaurants and taverns, nightclubs, and semiprivate clubs
- Allows for mobile homes and trailers
- Allows for outdoor advertising

### **PUD, Planned Development District**

- Unified development
- Encourage efficient and aesthetic use of the land
- Encourage the preservation of land
- Encourage the setting aside of land for schools and other public facilities

Deer Park's Zoning Ordinance currently contains many diverse districts from which the development community can choose. Implementation of many aspects of Deer Park's Comprehensive Plan will be dependent on the City's Zoning Ordinance and other regulations.

Some districts need to be combined while other districts should be removed all together. Based off the data collected from the Steering Committee Meetings and the Public Open House, there may be additional Districts added such as:

*TH, Townhome District*

- Town homes consisting of single-family attached or detached dwellings
- Minimum lot size of 2,500 square foot

*PH, Patio Home District*

- Patio homes consisting of single-family detached dwellings
- Zero-lot-line properties

*MX, Mixed-Use District*

- Allows for a mixture of commercial, multi-family, office, and retail in a single structure
- Allows for a reduced parking count

Change in name for two Districts include:

- Highway Services District to Highway District
- Mobile Home Parks District to Manufactured Home Parks District



# CHAPTER 8

## GOALS AND OBJECTIVES

### Community Vision

During 2014 Strategic Plan, a Vision Statement and Mission Statement were developed:

***Vision Statement*** – Deer Park is a vibrant, sustainable community; a safe place to work, play, and live, offering growth and opportunity to all residents and businesses.

***Mission Statement*** – The Mission of the City of Deer Park is to deliver exemplary municipal services that provide the community a high quality of life consistent with our history, culture, and unique character.

### Goals and Objectives

The Goals and Objectives should ensure that all elements of the built environment, including land use, transportation, housing, and infrastructure, work together to provide sustainable, green places for living, working, and recreation, with a high quality of life.

In a broad sense:

**Goals** are general statements concerning an aspect of the City's desired ultimate physical, social and/or economic environment. Goals set the tone for development decisions in terms of the citizens' desired quality of life.

**Objectives** express the kinds of action that are necessary to achieve the stated goals without assigning responsibility to any specific action.

The policies and recommendations related to these goals and objectives are contained within subsequent chapters of this Plan will help to clarify the specific position of the City regarding a particular objective, and will encourage specific courses of action for the community to undertake to achieve the applicable stated objective. The goals and objectives established herein relate to the recommendation chapters of Deer Park's Comprehensive Plan.

### **Historic Preservation**

**Goal:** Provide opportunities for preserving Deer Park's unique history through maintaining and enhancing historic areas.

**Objectives:**

- Establish incentives that would encourage developers to preserve and renovate significant structures that contribute to the historic character of Deer Park.
- Conserve, protect and enhance the cultural, historical, archaeological, and natural resources of the City of Deer Park.

### **Future Land Use**

**Goals:**

- Encourage the most desirable and efficient use of land while enhancing the physical and economic environment of Deer Park.
  - Elevate the community's quality of life to be a vibrant community of choice in which to live, work, and play.
  - Provide a broad range of retail, office, industrial, institutional, and residential uses.
  - Provide for a selected range of commercial facilities to serve the needs of local population.
-

- Maintain and enhance the City's local character and aesthetic value through land use planning.
- Encourage growth, quality development, and redevelopment within the city limits of Deer park in order to utilize existing infrastructure.

## *Objectives:*

- Ensure that the City's land use policies and Zoning Ordinance provisions include requirements for high quality new nonresidential development
- Ensure that land use policies are consistent with the objectives and encourage a balance of land uses such that there are adequate areas for nonresidential uses that will provide the essential tax base needed for the City to support existing and future residents.
- Ensure that the regulatory policies within the City's Zoning Ordinance and related map are consistent with current needs and desires.
- Increase enforcement of municipal codes and regulations pertaining to property maintenance, upkeep and appearance (e.g., mowing high grass and weeds, removal of clutter and inoperative vehicles, etc.).
- Encourage the removal of conflicting or undesirable land uses from residential areas through code enforcement and other means.
- Review, and if necessary revise, the City's Zoning Ordinance to ensure that high standards are required for new development, both residential and nonresidential along major thoroughfares and that there is adequate diversity provided for in terms of single-family density.

## **Housing**

### *Goals:*

- Promote the preservation, rehabilitation, and investment in the City's housing stock and neighborhoods.
- Promote multiple housing options for different types of individuals and families within Deer Park.
- Protect the integrity of existing and future neighborhoods by ensuring that existing neighborhoods are maintained to a high standard and by ensuring that new neighborhoods are initially developed to a high standard.

### *Objectives:*

- Ensure that the City's Zoning Ordinance provides for an adequate range of lot sizes for new development; maintain the majority of the City's current single family zoning districts.
- Review the City's policies related to multi-family housing, including zoning regulations, market need, potential effects on land use compatibility, traffic generation, and aesthetics.
- Ensure that there is adequate variety in terms of housing types within the City that will meet the housing needs of all income and age levels.
  - o Provide housing choice by encouraging housing of different types, size and tenure in suitable locations, at a range of prices within the reach of households of varying financial capacity.



source: [www.loopnet.com](http://www.loopnet.com)



## CHAPTER 8 - GOALS AND OBJECTIVES

- o Provide housing that allows people the opportunity to pursue goals related to family, work, education, creativity, recreation or other pursuits.
- Identify areas within the City that would be appropriate for gated communities and/or communities with zero-lot line residences in order to meet the needs of the local “empty-nester” population should those areas be redeveloped.
- Recognize the importance of existing older neighborhoods to the character of Deer Park by implementing policies, such as proactive code enforcement, that will support their long-term viability, marketability, and attractiveness.



source: senior-mercyridge.com

such as proactive code enforcement, that will support their long-term viability, marketability, and attractiveness.

- Identify specific housing improvement policies and opportunities for residential areas in the northern and western parts of the City.
- Promote incentives and strengthen programs to assist economically distressed owner-occupants in meeting housing code requirements.

### Urban Design

*Goal:* High-quality urban design for all development, both public and private.

#### *Objectives:*

- Create a strong community image by enhancing the character of the built environment including building design and massing, signage, and planting.
- Consider the development of streetscape/urban design guidelines to enhance the community’s visual and aesthetic appeal, including guidelines pertaining to landscaping, signage, building facades, entryway treatments, special streetscape amenities, sidewalks, and screening in the public realm.
- Create gateways at principal entry points into the City of Deer Park, and develop a design theme that is used throughout the community to create a sense of unity, identity, and cohesion for both residents and visitors.
- Provide a transition between areas with different densities within the community.
- Encourage public/private participation and cooperation in beautification efforts. Explore assistance that may be available from private/volunteer groups to contribute to urban design-related projects and to help maintain enhanced public areas (*e.g., street medians, small landscaped areas, etc.*).
- Increase enforcement of municipal codes and regulations pertaining to property maintenance, upkeep and appearance (*e.g., mowing high grass and weeds, removal of clutter and inoperative vehicles, etc.*).



source: Center Street Master Plan

## Infrastructure

### Goals:

- Increase the reliability of the existing wastewater system and continually upgrade the aging facility and system.
- Maintain and update the public infrastructure for existing and future development and redevelopment.

### Objectives:

- Devise a plan to mitigate potential disasters that may jeopardize the reliability of the existing wastewater system.
- Examine potential environmental effects of a major break in the wastewater system and devise a response plan.
- Provide and maintain a high-quality public infrastructure that addresses the needs of the community, visitors, and businesses.
- Utilize professional expertise to develop a long-term infrastructure plan.
- Ensure that there is adequate water and wastewater available to serve future growth areas by studying the capacity of existing systems and the feasibility of expanding those systems.
- Encourage new and redevelopment to occur within areas that are already served by necessary public utility and infrastructure systems (*e.g., water supply, storm drainage, etc.*), or where systems can be realistically expanded.

## Transportation

### Goals:

- Develop and maintain a network of roads that meets the needs of all Deer Park residents and businesses in a safe and convenient manner.
- Provide an efficient, safe and connective transportation system that is coordinated with existing needs and redevelopment.

### Objectives:

- Maintain a grid of continuous and interconnected arterial, collector and local streets and lane-ways facilitating efficient movement by all modes of transportation.
- Develop a pedestrian-friendly, tree-lined, and bicycle-friendly system of streets that is well connected to public facilities, parks, commercial areas and surrounding communities when possible.
- Utilize the federal/state road and highway classification system for classifying existing and future roads in Deer Park.
- Limit points of ingress/egress on major roads by consolidating driveways.
- Work closely with regional transportation planning groups to ensure that regional transportation issues, especially those that directly affect Deer Park (*e.g., frontage roads*), are addressed with City input.





### Economic Development

#### Goals:

- Establish a comprehensive economic development policy and accompanying toolbox that can be used by the City to attract new industries, job creation, and support all related sustainable development including new development and redevelopment of housing, business creation, transportation, as well as parks and recreation improvements.
- Adopt an overall economic development policy for the City that also covers all applicable economic tools to support the Vision and Goals of the City including removal of slum and blight, improve community appearance and improve quality of life. The policy should be updated with each legislative session to remain valid and current. A concerted effort should be employed to obtain County support as well in the economic development partnership arena.

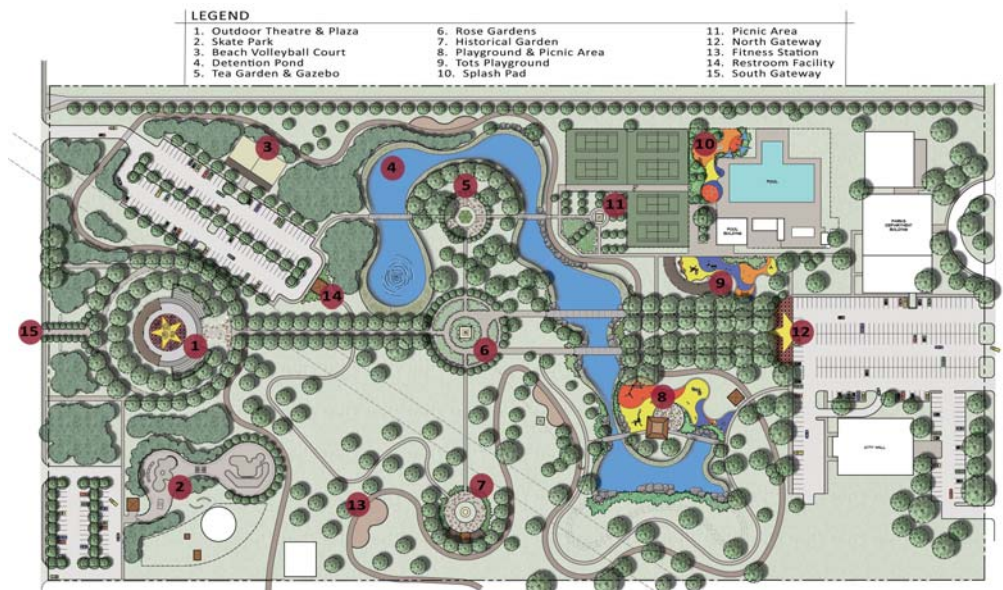
#### Objectives:

- Review Zoning Ordinance to focus hotel development in the northeast corner of Deer Park closer to the plants, and update Subdivision standards to better address issues with lighting, curb cuts, signage and buffering.
- Revisit City Charter guidelines on Economic Development to be more competitive with other Texas cities and determine if revisions are desired.
- Review IDA polices and ordinances to encourage new investment and expansion of the industrial district.
- Work on marketing, promotions, visitor center improvements, and special events to attract new tourism and meeting conventions.
- Review incentives offered under the Enterprise Program ordinance & propose revisions, if appropriate.
- Identify the economic development benefits of, and process necessary to, allow for off-premise beer and wine sale within the City of Deer Park.

### Parks and Open Space

#### Goals:

- Ensure that parks and related facilities are considered an integral part of the infrastructure of a city.
- Maintain, update, and enhance existing park and recreation facilities, providing quality resources for the citizens of the City of Deer Park.
- Ensure that park and recreation facilities are safe and easily accessible for all users.
- Conserve, protect and enhance the cultural, historical, archaeological, and natural resources of the City of Deer Park.
- Develop a comprehensive system of parks, trails, and open spaces that meet the needs of all age groups within Deer Park.

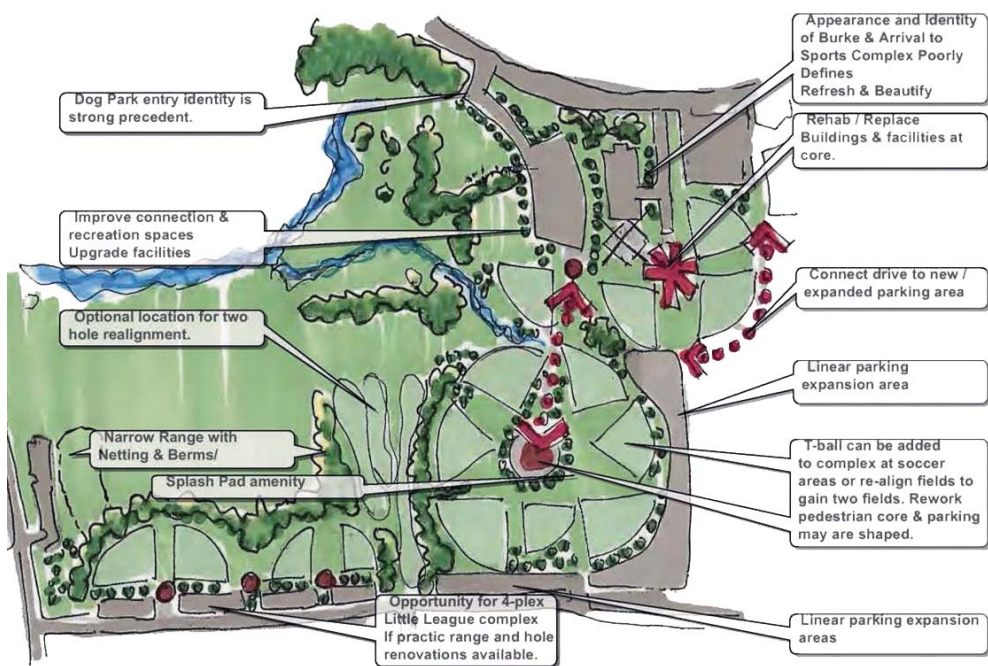


source: Dow Park Master Plan



## Objectives:

- Designate a Citywide trail system that connects parks, neighborhoods, municipal facilities, and schools, thereby creating a more pedestrian-friendly community.
- Require new residential development to incorporate pedestrian access through the new development and to adjacent areas, wherever applicable.
- Continue exploring new recreational and social opportunities for all age groups, especially for the younger age groups within Deer Park.
- Improve existing or create new playing fields that would better serve the needs of local and regional recreational organizations.
- Consider requiring park/open space dedication during the development review process; adopt a Park and Open Space Dedication Ordinance to achieve this.



source: 2013 Parks and Open Space Master Plan

- Work in conjunction with Deer Park ISD on park projects, including land acquisition, playgrounds, and maintenance.
- Create CIP Program to specifically fund the creation and maintenance of parks, trails, and open spaces.
- Maintain, update, and enhance existing park and recreation facilities, providing quality resources for the citizens of the City of Deer Park.
- Plan, develop, and construct diversified and balanced park and recreation facilities and programs based upon the needs of the community and surrounding areas.

## Community Facilities and Services

### Goals:

- Foster a positive, interactive relationship with the public, and encourage citizen involvement.
- Ensure that public services and facilities will adequately serve the needs of residents and businesses within the City of Deer Park, and that such services and facilities are adaptable to future growth.

### Objectives:

- Recognize that the quality of Deer Park ISD is related to economic development opportunities and the ability of the City to provide a positive employment base for its citizenry on an on-going basis.

- Ensure that there is sufficient police and fire protection for current residents, and ensure that the City remains aware of necessary increases in staff and/or related resources (e.g., police cars, fire engines, etc.) to enable such protection for future residents.
- Define standards for adequate response/service levels for public services and facilities, such as the following:
  - o Municipal government
  - o Police and fire protection
  - o Recreational opportunities
  - o Utilities/infrastructure and solid waste management
- Consider alternative staffing opportunities for fire crews to supplement the existing volunteers.

### **Intergovernmental Cooperation**

*Goal:* To development and address inter-local and cooperative agreements between the City, surrounding cities and organizations.

#### *Objectives:*

- Continue to foster & develop inter-local & cooperative agreements and inform City Council on all legislative issues pertaining to the City.
  - o Identify current inter-local agreements (industry, County, EMS, area Police agencies, school districts, non-profits, TML Intergovernmental Employee Benefits Pool (*TML IEBP*), Coastal Barrier, neighboring cities), and current outreach efforts (Mayor's east end meetings, clergy at Council meetings, annual meeting with school district).
- Establish plan for Public Relations / Marketing Specialist.
- Foster a relationship and coordinate applicable City activities with Deer Park ISD.

### **Implementation**

*Goal:* Implement the recently completed Master Plans and further develop planning for long-range financial stability.

#### *Objectives:*

- Review the Comprehensive Plan before any new policies, variances and/or zoning changes are approved and adopted for consistency.
- Plan to hold elections that require municipal approval at the appropriate time to save time and resources.
- Develop long-range multi-year CIP to correspond to the five year budget plan.
- Update annually as part of debt issuance of the long term debt plan.
- Develop street maintenance / replacement program to be funded by sales tax.
- Evaluate stormwater fee as part of annual budget.



# CHAPTER 9

## FUTURE LAND USE

## CHAPTER 9 - FUTURE LAND USE

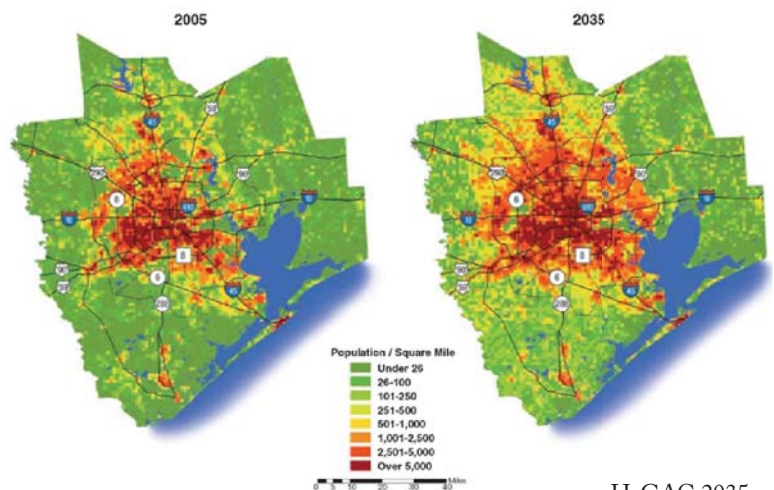
Land use defines a community's physical form and function and provides a framework for all infrastructure related decisions, including transportation, economic development, public utilities, community facilities, parks, and environmental protection. The Future Land Use Chapter of the Comprehensive Plan provides the critical foundation upon which all other elements are based. It includes a Future Land Use Map and related policies and actions to guide growth and development in a more compact and efficient pattern over the next 10 to 15 years. This chapter also includes a summary of existing land uses and zoning, future growth projections and development capacity.

The Future Land Use Map combines analysis and vision to shape and direct future growth of the community. A good Future Land Use Map will address existing issues and concerns while anticipating the challenges of tomorrow. The Future Land Use Map reflects the future of Deer Park with consideration given to the vision, themes, and goals identified during Steering Committee Meetings and Public Meetings. The right of a municipality to manage and regulate land use is rooted in its need to protect the health, safety and welfare of local citizens. The first step in establishing the guidelines for such management and regulation is the Comprehensive Plan. Although it is one component of the Comprehensive Plan, the significance of the Future Land Use Map text and map cannot be overstated. Similar to the way in which a map serves as a guide to a particular destination, the Future Land Use Map should serve the City of Deer Park as a guide to its particular, unique vision for the future. Each mile driven that is represented on a map can also be compared to each individual decision that the City makes with regard to land use and zoning; these individual decisions can either lead to or detract from the City attaining its vision. In order to provide the most complete map possible, the Future Land Use Map establishes an overall framework for the preferred pattern based principally on balanced, compatible, and diversified land uses. The Future Land Use Map should ultimately be reflected through the City's policy and development decisions. It is important to note that the Future Land Use Map is not a Zoning Map, which legally regulates specific development requirements on individual parcels. The Zoning Map should, however, be guided by the Future Land Use Map.

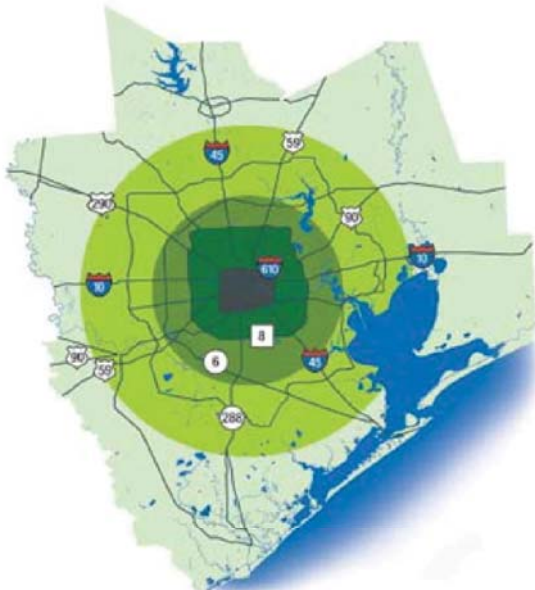
Deer Park encompasses an area of 10.4 square miles in the incorporated area, with an additional 6.38 square miles located in its extraterritorial jurisdiction (ETJ). The City is compact and includes a land use pattern of single family subdivisions with corridors of commercial and industrial land uses. Due to the age of some of the subdivisions and the changing New Urbanist planning theories, the time is now for Deer Park to evaluate redevelopment opportunities that will continue to preserve and sustain the high-earner, stable ownership population, but also provide land use designations that could support senior housing as well as housing for young professionals that may not be able to afford the larger lot subdivision homes. In addition, some of the commercial land uses should be updated to allow a more urban land use pattern in support of the employment centers within and adjacent to the City such as mixed use centers.

### Projections

Estimates from the Houston-Galveston Area Council (H-GAC) indicate that the growth being experienced in Texas, and in particular within the Houston region, is expected to impact Deer Park as well. H-GAC estimates for the Regional Analysis Zone (RAZ) that includes Deer Park show dramatic increases in population and job growth. The graphic above illustrates the forecasted patterns of the regional growth. Deer Park recorded a population of 32,517 in 2013.







source: H-GAC 2035

The RAZ includes portions of Pasadena and La Porte, as well as unincorporated Harris County; however, Deer Park makes up more than half the area of the RAZ, and with more amenities than some of the surrounding areas, can be expected to absorb more than half of the growth.

H-GAC population estimates for Deer Park as released May 2014 is 33,237, an increase of 1,227 people since the 2000 Census. The current population reveals that family households total over 9,000 and fewer than 50 percent of those households, 4,238 households, have children less than 18 years of age. This type of data implies a young population with families; this data not only impacts the housing stock options but also park and recreation planning needs for the City. Job growth was estimated to grow by 73 percent. Much of this growth in the Deer Park area is expected because of shipping and oil production related jobs. The Port of Houston Authority expects its related industries will require upwards of 100,000 new workers in the next decade.

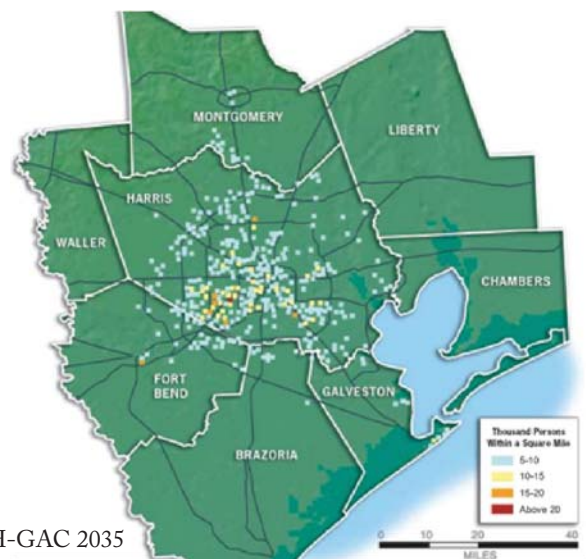
Deer Park is located in Zone 4 for population growth as illustrated in lime green to above. The region is literally growing concentrically off the loop major corridors outward from Houston. Deer Park is located adjacent to Zone 4 near the Sam Houston Parkway and extends from 20 to 35 miles from the Beltway. Projected population growth for Zone 4 is at 44 percent by 2035.

The exhibit below illustrates the high density population centers of 5,000 to 10,000 people in the vicinity of SH 225 and Deer Park in 2035. These growth projections provide opportunities for the City to evaluate the Zoning designations for various land uses to attract the type of growth potentially available to the City given its proximity to employment centers such as the Ship Channel industries and major thoroughfare corridors.

The ability to grow in population will be directly related to the creation of the Future Land Use Map for the Comprehensive Plan and the corresponding Zoning Map. If zoning categories and land use changes that could yield more residential growth. The current Zoning Ordinance has eight categories of residential land use options.

The shifting demographic and aging population suggests that other housing options should be explored for the community. The aging housing stock is not holding its value according to HCAD records and revitalization is one of the only options available to the City to stabilize property values as well as meet population projections.

For purposes of this chapter, the ETJ is not included in the discussion of Future Land Use Map. The Industrial District Contracts will in all likelihood be approved and those land uses within the boundaries of the contracts will be governed under the Agreement's terms.



source: H-GAC 2035

### The Balance of Land Uses – Location and Need

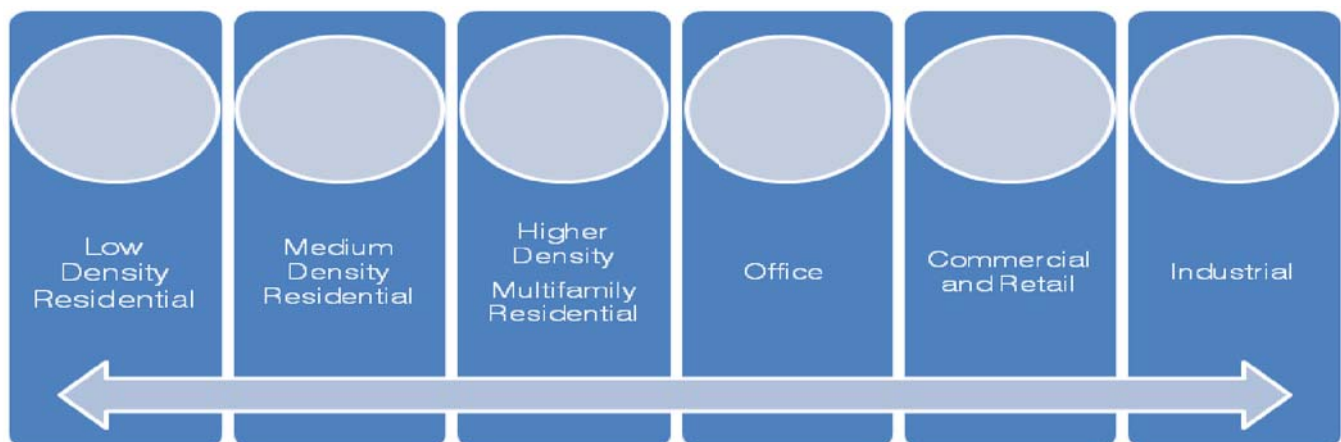
The various types of land use have different needs in terms of location. For example, residential areas should be designed to have minimal impact from major roadways, thereby preserving the integrity of local neighborhoods and ensuring the safety of local residents. In contrast, nonresidential uses should generally be located along major thoroughfares and at major intersections in order to allow them the highest visibility possible. The exception to this may be heavy commercial and industrial uses, which often have open storage areas and large warehouses that would not make a positive contribution to the way in which Deer Park is viewed from its major thoroughfares, such as SH 225, Center Street, and Spencer Highway.

Retail and some commercial land uses require locations that provide visibility, because these types of land uses often depend on “walk-in business” for success. Consequently, land along two of Deer Park’s major thoroughfares, Center Street and Spencer Highway, has been designated for and should be preserved for retail and limited commercial land uses. This is particularly recommended for retail and commercial land uses that are designed such that they are aesthetically pleasing. Conversely, most heavy commercial and industrial uses are not designed in such a way that are aesthetically pleasing, and therefore, these types of uses should not be located in areas visible from major thoroughfares. It is recommended these types of land uses remain in the Industrial District north of SH 225 and along Underwood Street.

The existing pattern generally supports these concepts of residential and nonresidential locations; the City has not historically had a policy on aesthetics for such uses. Nonresidential development is extremely important to the economic support of Deer Park; this importance will only increase with the increased needs of additional population.

### The Compatibility of Land Uses

Compatibility of land uses has long been an important consideration. In fact, zoning was originally recognized as a public, health, safety, welfare issue due to the need to separate incompatible land uses. An important consideration of the Future Land Use Map is to guide the allocation of land uses in a pattern that is intended to produce greater compatibility between the different types of land use. Office uses and small (*neighborhood*) retail establishments adjacent to residential uses create positive relationships in terms of compatibility; these are considered lower intensity land uses. There are many techniques, including buffering, screening, and landscaping, that can be implemented through zoning and subdivision regulation that would help increase compatibility between different land uses.



## Residential Land Uses

Residential is the predominate use within the City and is recommended within the Future Land Use Map to remain as is. It should be noted that low density residential land uses can be buffered from nonresidential uses with medium and high density residential land uses. The following sections discuss specific aspects of the recommended residential land uses within Deer Park.

### Low-Density Residential Land Use

This use is representative of traditional, single-family detached dwelling units. Of the residential categories, it is recommended that low density residential continue to account for the largest percentage. The areas designated for low density residential land use are generally not adjacent to major thoroughfares or incompatible land uses, and are in proximity to existing single-family residential land use. Although all single family areas have been labeled “low density”, the City should strive for a range of lot sizes to develop, and should reinforce this by providing a choice of several single-family zoning districts with various lot sizes in the Zoning Ordinance.

### Medium Density Residential Land Use

This category applies to some of the city’s older single family residential neighborhoods, along with newer small lot single family subdivisions and patio home developments. Medium density land uses often provide areas for “empty nesters” who may not want the maintenance of a large-lot single-family home, and for young families who may find a patio home or detached town home more affordable than a single-family home. It is anticipated that new areas for medium density land use will be developed in the future. The City should consider each proposed medium density development on its own merit, but also generally on the following:



- Patio homes and detached townhouses provide a buffer between single family land uses and higher intensity land uses, such as multifamily or nonresidential.
- Patio homes and detached townhouses provide a buffer between lower density single family land uses and major thoroughfares or collectors.
- Land proposed for development of patio homes and detached townhouses should be located along an arterial or collector roadway to handle the increase in traffic from lower density single family residential.

### Higher Density Residential Land Uses

This category applies to garden apartments, attached townhouses, condominiums, and suburban style apartment complexes. It would also apply to older neighborhoods with a mix of single-family and multi-family housing. There are very few higher density residential areas within Deer Park, and future areas that have been recommended for higher density are generally



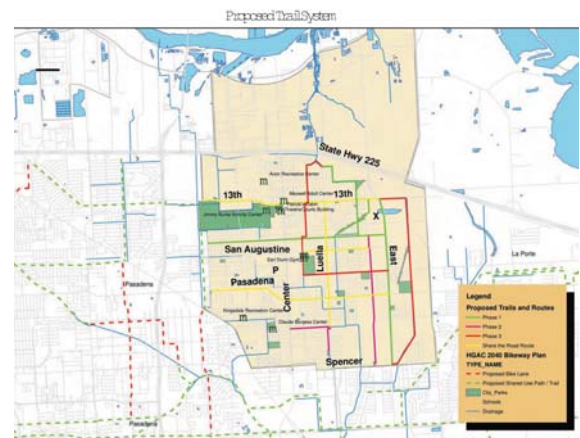
close to those existing areas. It should also be noted that medium density uses should also be permitted in any area designated for higher density use.

In order to ensure that multiple-family areas are designed to a high standard wherever they develop in the future, the City should consider incorporating the following guidelines into the Zoning Ordinance:

- The proposed multi-family tract should be adjacent to an arterial roadway to handle increased vehicular trips.
- All siding must be cement-based board, “Hardi-plank” or comparable cement fiber board products. No hardboard, vinyl or metal siding is allowed.
- If the tract is adjacent to single-family residential dwellings, transition areas (*greenspace, buffer areas, medium density development, etc.*) should be incorporated into the project.
- Based upon the density of the complex, an appropriate amount of usable open space should be required.

### Park & Open Space Land Uses

This land use designation is provided to identify all public parks and open spaces within Deer Park. A community’s park system is key to a high quality of life. The City has recognized this not only through its allocation of significant park areas, but also by the fact that a Parks, Recreation, and Open Space Master Plan for Deer Park has been approved and adopted by City Council and is incorporated as part of this Comprehensive Plan.



### Public/Institutional Land Uses

source: 2013 Parks and Open Space Master Plan

This land use designation is representative of uses that are educational, governmental or institutional in nature. Public/Institutional uses are generally permitted within any area; therefore, the areas shown on the Future Land Use Map include the related uses that are currently in existence. It is anticipated that there will be a need for additional public uses with future population growth. The City should remain aware of necessary increases in police and fire protection based on population growth and of potential needed increases in space and personnel for City administration. The Community Facilities and Services Chapter will address Deer Park’s current facilities and address public facilities needs based on the population projections.

### Non-Residential Land Uses

Generally, residents of a community should be able to live, work, and recreate all within the community itself; the existence of nonresidential uses allows this to occur. Not only is that a positive element of a community for residents, it is also a positive element for the community itself because of the tax base and revenue that is provided by nonresidential uses. Residents of Deer Park should not have to travel to the Clear Lake Area, Houston, Sugar Land and/or The Woodlands in order to meet their needs for employment, goods, or services; those needs should be met within the City. Therefore, there are several areas in the City that have been recommended for various types of nonresidential use, primarily depending on the area’s location and proximity to other types of land use. The following sections discuss specific aspects of the recommended nonresidential land uses within Deer Park’s city limits.



## Office Land Uses

This category should be applied primarily to frontage lots along major streets. Principal uses are office parks, free-standing office buildings or corporate headquarters, research and development uses, hotels, and ancillary service businesses and retail uses that support the office economy where housing is not considered an appropriate future land use. This category can also apply in appropriate locations to office-industrial hybrids such as light fabrication and assembly ancillary to an research and development use and office-distribution combinations.



source: martin-lide-architect.com

## Commercial and Retail Land Uses

Commercial uses often locate along major thoroughfares not because they need the visibility, as retail uses generally do, but because they need the accessibility. The challenge lies in the fact that commercial uses generally have a greater need for outside storage areas, and these areas tend to lessen the visual quality of major thoroughfares.

For areas in which commercial uses have been recommended and that are along Center Street, increased design related guidelines should be applied to future commercial development within close proximity. This could be done with an overlay district, and would help to ensure that these commercial uses do not detract from the positive aesthetic quality of Deer Park along this high-traffic thoroughfare. These guidelines should, at a minimum, require 1) open storage areas to be buffered and/or screened from public view, and 2) building facades to be of masonry material. The Urban Design Plan will further address these concepts for increased aesthetics. It should be noted that within recommended commercial areas, office uses and retail uses should be permitted as well. Commercial uses should be permitted within industrial areas, provided that they are buffered from less-intense uses properly and they follow the guidelines previously recommended.

Retail land uses areas are intended to provide for a variety of retail trade, personal, and business services and establishments.

Retail establishments generally require greater visibility than do other types of nonresidential land use such as office, and commercial. In response to this need, retail land uses have been designated in the higher traffic areas of Deer Park.



source: bizjournals.com

Center Street should serve as a commercial and retail corridor. Center Street has several small lots. This corridor is intended to support smaller retail establishments. This type of retail, which could be termed local retail, will primarily serve the needs of local residents. Generally, local retail uses draw from a service area radius of approximately three miles.

## CHAPTER 9 - FUTURE LAND USE

Examples of local retail uses include those described below within the neighborhood retail nodes discussion as well as the following:

- Shopping centers, which typically could include video stores, electronic stores, dry cleaners, beauty and nail salons, etc.
- Local grocery/food stores
- Financial institutions
- Drive-through and dine-in restaurants
- Convenience stores
- Local hardware stores
- Coffee shops
- Day care centers
- Small grocery/pharmacy stores, such as CVS or Walgreen's



As with the office land uses that are in close proximity to residential areas, the retail uses within these nodes should be designed in a manner that is compatible with residential land uses; this will allow them to buffer adjacent recommended lower density residential areas from major thoroughfares. Similar to office land uses, retail uses are generally appropriate in areas designated for higher-intensity nonresidential land use areas.

It should be noted that development along Deer Park's major roadways will become increasingly important in terms of tax revenue for the City. Therefore, the City should protect the optimal locations for commercial or retail development; a piece of property should not be developed as another type of land use, such as residential or multifamily, when it has all the characteristics of a prime commercial or retail location.

source: [www.esconstruction.net](http://www.esconstruction.net)



### Industrial Land Uses

The industrial land use designation is applied to areas intended for a range of heavy commercial, assembly, warehousing, and manufacturing uses. Large tracts of land with easy access to roadway, rail, and water transportation are becoming increasingly hard to find for the industrial business community. Areas within Deer Park and its ETJ, all with proximity to railroad lines, have been recommended for industrial land use as they are today. Locations and reasoning are as follows:

- North of SH 225 in the Industrial District
- South of SH 225 along Underwood Road

The recommendations contained herein should guide Deer Park's future land use planning and related policies. It is important to note that the Future Land Use Map is not the City's official Zoning Map. Rather, it is a guide to decision making in the context of the City's future land use patterns. The Future Land Use Map should be used consistently and updated as needed, as coordinated, quality development continues in Deer Park over time. The boundaries of land use categories as depicted on the official map should be used to determine the appropriate land use category for areas that are not clearly delineated on the smaller-scale Future Land Use Map contained within this Comprehensive Plan document.

### Future Land Use Recommendations

- Land along Deer Park's major thoroughfares should generally be preserved for commercial and retail as it is designated on the Future Land Use Map. Ideally such uses should be designed such that they are aesthetically pleasing.
- In terms of compatibility between residential and nonresidential development, offices and small (*neighborhood*) retail establishments should be adjacent to residential uses.
- Lower density residential land uses (*single-family homes*) should be buffered from nonresidential uses with medium and higher density residential land uses and should not be adjacent to major thoroughfares or incompatible land uses whenever possible.
- Local retail land uses, which primarily serve the needs of local residents, should be developed along major thoroughfares specifically Center Street, Spencer Highway, Pasadena Boulevard, and East Boulevard.
- Retail nodes should be developed at key intersections such as East Boulevard and Spencer Highway and Pasadena Boulevard and Center Street to serve the needs of adjacent neighborhood areas.
- If a mixed use development (*combining residential and nonresidential uses*) is proposed, the City should consider it based principally on
  - 1) how the various types of land use relate to one another within the development, and
  - 2) how the overall development relates to the existing land uses surrounding it.
- To ensure that future multiple-family areas are designed to a high standard, the City should consider incorporating guidelines into the Zoning Ordinance.

### Evaluating Zoning Proposals and Consistency with the Comprehensive Plan

The Future Land Use Map is based on the policies and assumptions contained in the Comprehensive Plan and the forecast growth for the City and region. The Future Land Use Map shows the general land use recommended and includes a range of potentially appropriate land uses and intensities within each land use category.

While the Future Land Use Map will influence future zoning, it does not alter current zoning or affect the right of property owners to use the land for its purpose as zoned at the time of this Plan's adoption. The Future Land Use Map will not be referenced as part of the review of development plans, including site plans and subdivisions.

The designation of an area with a particular land use category does not mean that the most intense zoning district described in the land use categories is automatically recommended. A range of densities and intensities applies within each category, and the use of different zoning districts within each category should reinforce this range and be based on infrastructure capacity, community character, protection of common open space, and prevailing density and lot size in the surrounding area.

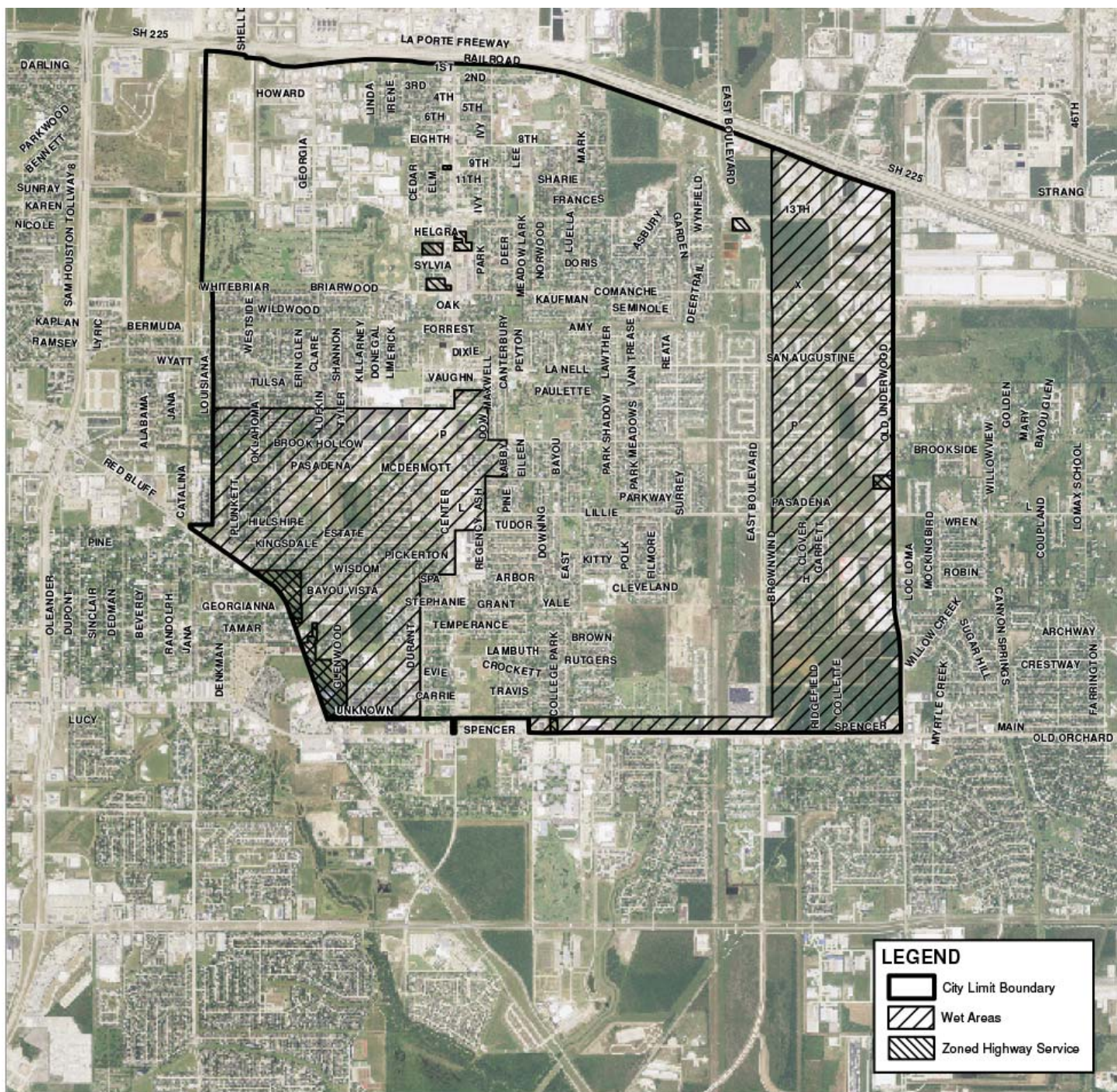
The Future Land Use Map documents the general recommended future use for each designated area. However, other types of uses may be compatible with the designated use and deemed to be consistent with the Comprehensive Plan. For example, a school or duplex-style home could be found to be in conformance with the plan designation of Low-Density Residential.

The future land use categories should not be interpreted to support nor preclude developments without consideration of the policies and intent of the Comprehensive Plan.

Site considerations relating to topography, soils, or hydrology are also important in establishing the specific use and intensity of a particular parcel on the Future Land Use Map. Similarly, the presence of adequate streets, schools, parks, and other community facilities should be assured before a development is approved that would otherwise be in conformance with the Future Land Use Map. Determination of the conformance of a proposed use or zone with the Comprehensive Plan should include consideration of the following questions:

- Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- Will community facilities and streets be available at City standards to serve the use proposed for the property?





SOURCES: City of Deer Park Zoning, 2014; H-GAC Star Map, 2014; NAIP AERIAL, 2012



## DEER PARK MAP

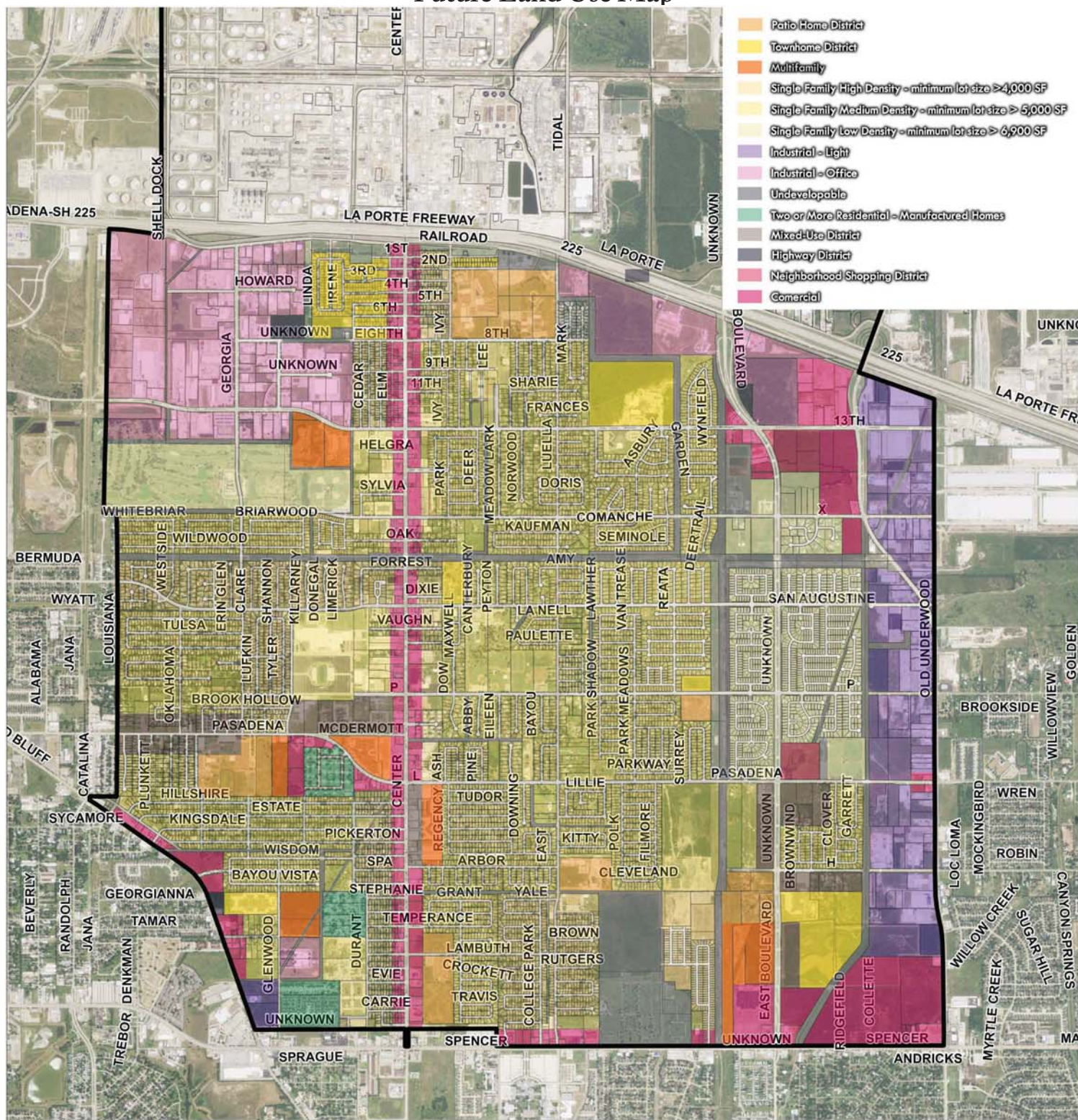
DATE: MARCH 22, 2016

0 2,000 4,000 6,000 8,000 Feet





## Future Land Use Map



SOURCES: HCAD, 08-30-2014; NAIP AERIAL, 2012



## DEER PARK STUDY AREA

DATE: NOVEMBER 4, 2015







# CHAPTER 10

## HOUSING



Without a mix of appropriate and affordable housing, communities cannot accommodate the range of people needed to maintain social cohesion, support the functioning of the local economy, or sustain local services and businesses. Without a suitable range of housing, some households or whole segments of the community may be forced to move elsewhere if their needs or financial position change.

### Generation Trends<sup>24</sup>

Generation trends are the characteristics of a whole generation. They highlight the deep desires, needs, fears and pleasures of a certain age group, on which many choices in life are based.

Generation trends can last from fifteen years up to a whole lifetime. They are based on key (*disruptive*) generational events and the so-called formative years of a generation: the time frame during which the members of the generation were between 12 and 24 years old.

#### Baby Boomers – born between 1945 - 1965

Everybody knows the Baby boomers. They are the biggest generation cohort with the greatest wealth of any generation. In contrast to the generations before them, they like to spend their money. They are very active and open to new experiences.

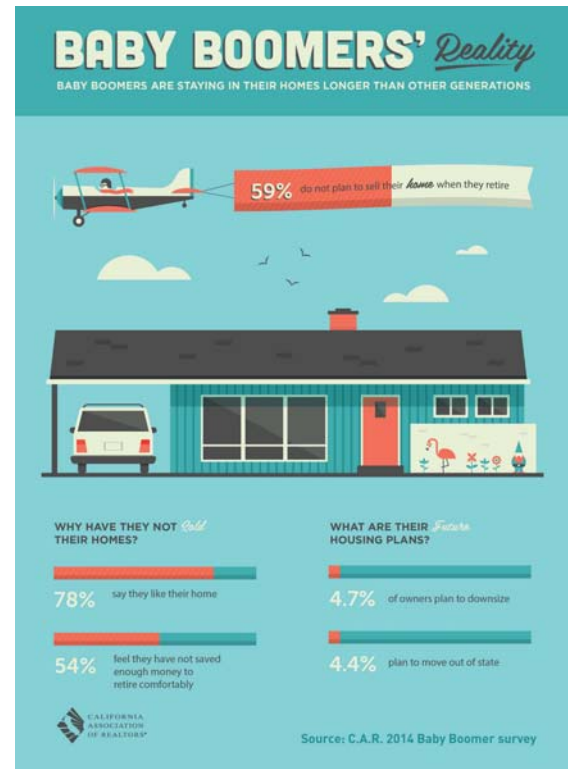
Many Boomer families will simply downsize. Other soon-to-be retirees will go straight to some flavor of retirement living. Baby boomers have fueled the housing market for the past 10-15 years as their kids moved out and a strong economy allowed them to buy or build a bigger house. As retirement draws near, many of these boomers find they no longer need as much house or are possibly looking to move. The multi-level homes with the sprawling lawns in the driving-dependent suburbs that are popular with baby boomers may not work so well for them as they age.

#### Generation X – Born between 1965 - 1980

This overlooked generation currently ranges in age from 34 to 49, which may be one reason they're so often missing from stories about demographic, social and political change. Gen Xers are bookended by two much larger generations – the Baby Boomers ahead and the Millennials behind – that are strikingly different from one another.

Due partly to their parents' relatively low fertility rates, there are fewer Xers (65 million) than Boomers (77 million) or Millennials (an estimated 83 million assuming a roughly 20-year age span and including those who have yet to reach adulthood).

source: wordcloud



source: acrealestatenews.com

<sup>24</sup> www.trendsactive.com

Xers don't like the fact that their parents spent so many hours working. Xers are highly educated, active, balanced, happy and family oriented. They promise to do better with their children, being more accessible and providing a more stable home life.

Since many of them will marry later when they are more mature, the divorce rate will finally begin to dip. Many don't have children at all because they've delayed marriage and family life. Xers don't need as much room as their parents did.

Most Xers favor single-family suburban neighborhood. Less than half of the Gen Xers (45 percent) said they wanted public transportation options; 92 percent said they commute by car. Gen Xers were the least likely to value being close to friends and family, medical care, shopping and entertainment. 54 percent indicated a preference for a shorter commute with a smaller home. 43 percent preferred a longer commute with a larger home.

#### Generation Y / Millennials – Born between 1980 - 1995

Most Millennials (*adults ages 18 to 32*) are still not setting out on their own. As of March 2013, only about one-in-three Millennials (34 percent) headed of their own household. This rate is unchanged from March 2012 and even lower than the level observed in the depths of the Great Recession.

source: wordcloud



In 2013, 34 percent of Millennials lived in their parents' home. Among 18- to 24-year-olds not enrolled in college, 50 percent lived with their mom and/or dad in 2013. One of the contributing factors influencing household formation among young adults is the vigor of the job market. Millennials with jobs are substantially more likely to establish independent households than

Millennials lacking jobs. 40 percent of employed Millennials were the head of their own households, in comparison to 25 percent of Millennials who were not employed. Although job holding among Millennials have increased from 2012 (64 percent) to 2013 (65 percent), it remains below 2009 levels (66 percent) and far below pre-recession levels. In 2007, before the recession began, 71 percent of 18- to 32-year-olds were employed.

In 2012 only 25 percent of Millennials were married Today's unmarried Millennials are much more likely than married Millennials to be living with their parents (47 percent versus 3 percent).

Those that are on their own prefer compact, urban, rental apartments with easy access to walkable neighborhoods and public transportation. Many younger adults likely are renting out of necessity rather than preference. Of survey respondents in that age range, 59 percent said they prefer their neighborhood to have a variety of housing types; 62 percent favor mixed-use developments with shops, restaurants and offices; and 52 percent like pedestrian-friendly neighborhoods. 55 percent of Gen Y respondents said close proximity of their home to public transportation is important. The survey found that Gen Y is more likely than older generations to live in apartments and in downtowns, with 54 percent favoring renting and 39 percent favoring city living.

#### Generation Z – Born between 1996 - 2009

Gen Z renters will expect a world of information to be easily available online. The Internet becomes even more significant as more and more TV and video programming is taking place in non-traditional formats.<sup>25</sup> Analysts say the group could be a new paradigm for the real estate market – "a generation whose entire world and self-views are crafted by technology, immediacy, and access," says Sherry Chris, president and CEO of Better Homes and Gardens Real Estate LLC.

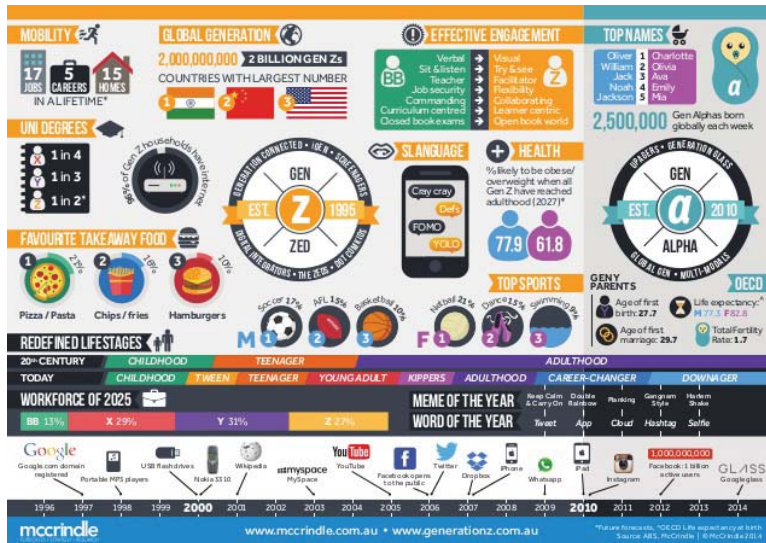
<sup>25</sup> [www.multihousingnews.com](http://www.multihousingnews.com)

## CHAPTER 10 - HOUSING

97 percent of about 1,000 Gen Z teens surveyed believe they will own a home in their lifetime. Four out of five say that home ownership is the most important factor in achieving the American dream, according to the Better Homes and Gardens survey.

"They recognize that home ownership is a sound investment and believe that it is more secure than the stock market," says Jamie Gutfreund, CMO at Deep Focus, a global marketing agency that has also studied Gen Z consumer trends and behaviors.

But before they will be ready to purchase their first home, Gen Z teens say they plan to reach certain milestones in life first, like earning an advanced college degree (60%), getting married (59%), owning a pet (58%), and having children (21%).



source: [www.slideshare.com](http://www.slideshare.com)

travel the world." The Gen Z imperative is more complex: cultivating and encouraging conservative financial values embodied in future consumers who have known nothing but technology innovation in every area of their lives."<sup>26</sup>

### Housing Trend Examples

Examples of housing trends that could meet these generations include Active Senior Living, Age Restricted Communities, Townhouses, Garden Apartments, Garden/Patio Homes, and Suburban Mixed-Use.

#### Active Senior Living

Independent living communities are designed for the active and healthy senior who is able to live on their own. You can live in a home, condo, townhouse, apartment complex, motor home or mobile home.

They are the same as a traditional neighborhood but with age restrictions—usually 55 and older. And they provide amenities like clubhouses, gyms, yard maintenance, housekeeping and security. Most communities also typically offer transportation, laundry service, group meals, and social and cultural activities.<sup>27</sup>

<sup>26</sup> [www.realtormag.realtor.org](http://www.realtormag.realtor.org)

<sup>27</sup> [www.seniorliving.org](http://www.seniorliving.org)



### Age-Restricted Communities

An age-restricted community is a housing area, often gated, that typically limits 80 percent of the residency to individuals who are over a set age. Often the minimum age for at least one of the residents is 50 years, but it could be 55 or even 60.

These communities are set up to accommodate older individuals who would like to live in an area without the perceived problems of having children around. In most cases a younger spouse or significant other is permitted to live in the community as long as one member meets the minimum age requirement.

Age-qualified communities, also known as 55+ communities, active adult communities, lifestyle communities or retirement communities, are often planned communities that offer homes and community features that are attractive to 55+ adults. These might include a clubhouse or lifestyle center with a good many activities, sometimes with indoor and outdoor swimming pools, exercise facilities, craft rooms, demonstration kitchens, decks and patios for gathering.<sup>28</sup>

### Townhouses

There are two different types of townhouses, attached and detached. A townhouse can share one or two walls with an adjacent neighbor. Most townhouses are built more narrowly than traditional detached homes and are usually two- to three-stories tall. There are typically small yards with little to no yard maintenance.



### Garden Apartments

A garden apartment complex consists of low-rise apartment buildings built with landscaped grounds surrounding them. The apartment buildings are often arranged around courtyards that are open at one end. Some garden apartment buildings place a one-car garage under each apartment. The interior grounds are often landscaped. Many garden apartment complexes offer premium features like exercise rooms, conference rooms and other recreational facilities like swimming pools and saunas.



### Patio Homes

Patio homes, also referred to as patio homes, are slightly different than your average single family dwelling. Designed to make more efficient use of land space, these homes are often built on smaller lots resulting in less maintenance for the home owner. The lack of a sprawling yard means you can plant a small garden or keep it grassy without having to face endless hours of mowing and landscape maintenance, which many people find to be an attractive quality with these homes.<sup>29</sup>

<sup>28</sup> wikipedia

<sup>29</sup> www.gardensatgreystone.com

### Suburban Mixed-Use (commercial / office / residential)

Mixed-use development is any suburban village development, or even a single building, that blends a combination of residential, commercial, cultural, institutional, or industrial uses, where those functions are physically and functionally integrated, and that provides pedestrian connections. Benefits of mixed-use development include:

- Greater housing variety and density, more affordable housing (*smaller units*), life-cycle housing (*starter homes to larger homes to senior housing*).
- Reduced distances between housing, workplaces, retail businesses, and other amenities and destinations.
- Better access to fresh, healthy foods (*as food retail and farmers markets can be accessed on foot or bike*).
- More compact development, land-use synergy (*e.g. residents provide customers for retail which provide amenities for residents*).
- Stronger neighborhood character, sense of place.
- Walkable, bike-able neighborhoods, increased accessibility via transit, both resulting in reduced transportation costs.<sup>30</sup>



Mixing uses horizontally, in separate buildings, allows more flexibility than stacking different uses vertically in the same building. Retail has high bay space and is configured to engage and enliven the public environment. Upper-level residential space is designed to be livable with appropriate privacy and amenities. Residents are not forced to mingle with shoppers. Office components have a clear address. Hotel uses have required visitor drop-offs that do not interrupt the continuity or

source: www.theeagle.com



character of the pedestrian environment. Other strategies for successfully integrating retail space include collecting tenants in one part of the project so there is a clear, walkable path through the retail area; giving each tenant high visibility so customers can find them easily and each tenant can showcase its individual identity; and creating a streamlined relationship between parking and stores so shoppers can easily park, see where they are going, find their way there, and return to their cars with their purchases.<sup>31</sup>

<sup>30</sup> wikipedia

<sup>31</sup> urbanland.uli.org



## Recommendations

- Encourage development of a wider range of housing options to attract and retain residents of all ages and walks of life; especially starter housing, senior housing, and accessible housing.
  - Provide opportunities for those seeking rentals and homeownership.
- Provide a variety of mixed-income areas to avoid blight and still have affordable and workforce housing.
- Look at redeveloping areas that are not as successful as others.
  - Look at different types of non-traditional neighborhoods.





# CHAPTER 11

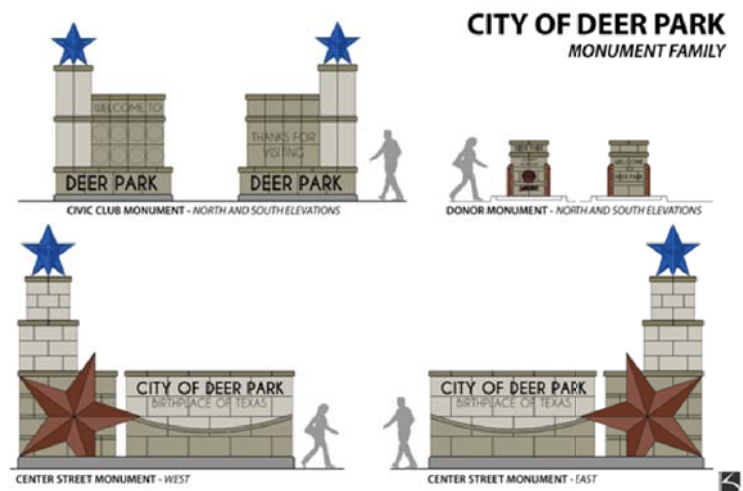
## URBAN DESIGN



The purpose of an Urban Design Plan is to define a visual framework for public and private improvement as Deer Park redevelops. In contrast to architecture, which focuses on the design of individual buildings, urban design deals with the larger scale of groups of buildings, streets and public spaces, whole neighborhoods and districts, and entire cities, with the goal of making urban areas functional, attractive, and sustainable. Urban design is an inter-disciplinary subject that utilizes elements of many built environment professions, including landscape architecture, urban planning, architecture, civil and municipal engineering. It also provides a basis for discussing and assessing the design quality of vehicular corridors, pedestrian corridors, and proposed developments within the various land use districts of Deer Park. Both public and private actions will contribute to an enhanced overall form, scale, and visual character that will define Deer Park's identity within the region and preserve its unique qualities of place. The historic nature of the City can also be expressed in the Urban Design Plan, zoning and subdivision ordinances as well as city policies for economic development. Urban design encompasses the preparation of design guidelines and regulatory frameworks, or even legislation to control development, advertising, etc. and in this sense overlaps with urban planning. It encompasses the design of particular spaces and structures and in this sense overlaps with architecture, landscape architecture, highway engineering and industrial design. It also deals with 'place management' to guide and assist the use and maintenance of urban areas and public spaces. Public spaces are frequently subject to overlapping management responsibilities of multiple public agencies or authorities and the interests of nearby property owners, as well as the requirements of multiple and sometimes competing users. The design, construction and management of public spaces therefore typically demands consultation and negotiation across a variety of spheres.

### Use of an Urban Design Plan

The Urban Design Plan can be used as a "guide" in the review of project proposals and submitted site plans (*related to those proposals*) within various districts of Deer Park. The Urban Design Plan complements the Future Land Use Map and Zoning Ordinance by providing a more specific depiction of desired community, project, and building attributes. The corridor portion of the Urban Design Plan is intended to guide the review of project proposals and site plans related to proposals within the corridor conditions of any land use. Where the recommendations of the Urban Design Plan element are in conflict with specific standards of other ordinances or codes, those ordinances or codes shall apply. However, prevailing conflicts suggest that such ordinances or codes may merit review as to their compatibility with the goals and objectives of the citizens of Deer Park.



### Vehicular Corridors

Much of one's image of a City is created by the visual impressions gathered from the street experience. Vehicular Corridors are an essential urban design consideration. The cognitive language of place is understood through the street experience. This language includes recognition of landmarks, themes, edges, nodes, districts, portals, sequences, and transitions. Through the recognition of these attributes, one identifies place, community, and neighborhood and resolves one's individual need for orientation. The street experience sets an appropriate context for the built expression of land use (*where commercial development is generally associated with more heavily traveled streets and residential development is associated with more local, less traveled*

streets). Street design and visual enhancement that becomes the language of place is communicated and is the substance of this portion of an Urban Design Plan. The following text describes the various vehicular corridors looking at the location of each, its function, and its visual qualities, both public and private.

### Major Vehicular Corridors

The main access to Deer Park from SH 225 is Center Street and thus, Center Street becomes the “main street” for Deer Park. It is important that all vehicular corridor elements communicate that sense of arrival. The new gateway being installed at



Center Street and SH 225 will announce that arrival to Deer Park, but more is needed to provide that sense of community, history and quality of life as expressed in the various plans the city has completed. Other arrival corridors should use the family of Deer Park gateways to announce the arrival to the city and can be incorporated in future CIP's.

As recommended by the San Jacinto Historic Guidelines, streetscapes for arrival corridors should include a uniform streetscape canopy tree planted in sidewalk tree wells with tree grates, consistent use of a thematic street light standard (*equipped with banner arms*), thematic traffic signal poles, pedestrian lights that have

a visual relationship to the street light standard, trash receptacles at enhanced corners, pavement enhancements defining crosswalks, or sidewalks for traffic management and traffic regulatory signs.

### Pedestrian Connections

Pedestrian connections are the non-vehicular connective fabric of a city. They join people to places, by linking points of origin, such as a neighborhood, with points of destination, including parks, shopping areas, and employment centers. Connectivity is a goal of the residents of Deer Park, and in order to foster maximum non-vehicular linkages and legibility, a system of non-vehicular connections is recommended for the City. The types of connections recommended for Deer Park are as follows:

- **Paved Multi-Use Trails:** a hard surfaced trail that permits pedestrians, bicycles, and in-line skaters to share the space. Shared trails of this type are appropriate in areas where the path will not have extremely high volumes of users. Painted lines and/or signage are often utilized to demark lanes for users moving at different speeds. According to the American Association of State Highway and Transportation Officials (*AASHTO*), paved two directional multi-use trails should be 10 feet wide with a two foot graded buffer on either side.
- **Bicycle Routes:** the paved shoulders of roadways that display signage to indicate that the road is a bicycle route. Such designation is appropriate on lower volume traffic roadways. *AASHTO* recommends that the shoulder be at least five feet wide in low traffic areas, but it is desirable to increase the width of shoulders where higher bicycle usage is expected, if motor vehicle speeds exceed 50 mph, or if the percentage of trucks, buses, and recreational vehicles is high on the right side of the roadway.

- **Dedicated Bicycle Lanes:** the portion of a paved roadway that is separated from vehicular lanes of traffic by either a painted line or a planted median. These are appropriate on high volume traffic roads with minimal on-street parking, curb cuts, or other obstacles. AASHTO suggests that the dedicated bicycle lane be no less than five feet wide.
- **Sidewalks:** cement or other hard surface trail separated by either a curb, on-street parking lane, and/or planted median from an immediately adjacent roadway. These are primarily designed for pedestrians. AASHTO states that sidewalks along an arterial class street should be at least seven feet wide, while sidewalks along a collector or local class street should be at least five feet wide.

### Historic Corridor

The City of Deer Park should consider adopting the San Jacinto Texas Historic District Corridor Standards for landscape architecture and historic preservation as an ordinance and design requirement for redevelopment and new construction. Deer Park is located in the heart of the San Jacinto Texas Historic District and there has been nominal success with businesses using the guidelines previously without conditions. If the Corridor Standards are adopted and linked to tax abatement the appearance and use of the guidelines could drive the beautification goals of the current Parks, Recreation, and Open Space Master Plan.



# CHAPTER 12

## INFRASTRUCTURE



Infrastructure is one of the key elements that will impact future growth in Deer Park. Quality of life and economic opportunity are dependent on an efficient and functional infrastructure of roadways and utilities. In order to understand the role of infrastructure in Deer Park's comprehensive planning process, a review of the existing water and sewer systems will need to be performed. This review considers water provision, sewer provision, and the City's existing Capital Improvement Plan (CIP). It is recommended that the City embark on a multi-year CIP that can cover all public works projects across the spectrum. The ability for the city to sell debt and plan five to ten years in advance is critical to handle public needs. The use of a CIP is one of the foundations of the implementation tools of the Comprehensive Plan. Ideally, it would be prudent to set up a rolling five year CIP supported by a bond issue that allows the city to anticipate the projects. The idea of a rolling CIP allows a better management tool for implementing large projects. Often it takes one year to design and one year to construct which allows better management of resources.

### Water Supply, Well Sites, and Water Storage

This section provides a general overview of the current infrastructure programs for the City. The water supply for Deer Park is provided by the City of Houston. The water treatment plant is located at 2117 East X Street. The City of Deer Park has operated the water treatment plant since 1989. Deer Park's water treatment plant is the State certified water bacteriology laboratory operated by City Staff in the Public Works department. Deer Park is one of few small cities in Texas to operate such a facility.

- Avon Street at 8th Street tank was put in service around 1971. This tank was last painted in 1999. The elevated tank is a 0.5 million gallon tank and stands approximately 141 feet and holds 0.5 million gallons.
- Pasadena Boulevard tanks were put in service in 1975. The tanks were last painted in 1999. The elevated tank is a 0.5 million gallon tank and stands approximately 140 feet. The ground storage tank is a one million gallon tank. There is a 470kW generator for backup power. There are three 750 gallon per minute 50hp booster pumps. The water well has a screen depth of 1,289 feet and a pump depth of 520 feet. 2,210 gallons per minute are pumped from this well.
- Coy Street tanks were put in service in 1968. The tanks were last painted in 2004. The elevated tank is a 0.5 million gallon tank and stands approximately 138 feet. The ground storage tank is a one million gallon tank. There is not a generator for backup power. There are two 750 gallon per minute 50hp booster pumps. The water well has a screen depth of 1,450 feet and a pump depth of 550 feet. 750 gallons per minute are pumped from this well.
- P Street tank was put in service in 1958. A new well was drilled around 1983. The tank was last painted in 1999. The ground storage tank is a one million gallon tank. There is no generator for backup power. There are two 750 gallon per minute 50hp booster pumps. The water well has a screen depth of 700 feet and a pump depth of 250 feet. 600 gallons per minute are pumped from this well.

All the equipment is original with the exception of the SCADA System that was added in 1989 when the Water Plant was constructed.



### Capital Improvement Plan (Program)

A CIP is a short-range plan, usually four to ten years, which identifies capital projects and equipment purchases, provides a planning schedule and identifies options for financing the plan. Essentially, the plan provides a link between a municipality, school district, parks and recreation department and/or other local government entity and a comprehensive and strategic plan and the entity's annual budget.

The CIP typically includes the following information:

- A listing of the capital projects or equipment to be purchased.
- The projects ranked in order of preference.
- The plan for financing the projects.
- A timetable for the construction or completion of the project.
- Justification for the project.
- Explanation of expenses for the project.

#### Specific Steps

- Establish a Capital Planning Committee with Bylaws
- Take Inventory of Existing Capital Assets
- Evaluate Previously Approved, Unimplemented or Incomplete Projects
- Assess Financial Capacity
- Solicit, Compile and Evaluate New Project Requests
- Prioritize Projects
- Develop a Financing Plan
- Adopt a Capital Improvements Program
- Monitor and Manage Approved Projects within the CIP
- Update Existing/Ongoing Capital Programs

#### Recommendations

- Work with public and private sector leaders to define critical infrastructure issues.
- Coordinate with water/sewer, broadband/fiber optic, or other types of infrastructure projects to more efficiently use resources.
- Strategically invest funds to optimize all infrastructure performance and connect infrastructure decisions with economic development strategies.
- Develop and implement strategies for right-sizing infrastructure where there is significantly more capacity than needed for the foreseeable future.
- Implement the use of green infrastructure to meet traditional infrastructure needs and as a mechanism to reuse underused parcels.





# CHAPTER 13

## TRANSPORTATION

Deer Park has within its city boundaries a well-established roadway grid system.

Center Street has an estimated 35,000 to 36,000 vehicles per day during weekdays. In the last 25 years the area between SH 225 and 13th St. has evolved from a retail oriented land use to a diverse collection of businesses. These include:

- Banks and credit unions
- Professional offices (Chamber of Commerce, Edward Jones Investments)
- Automobile repair businesses
- Specialty retail (western wear, safety wear, gothic apparel and gifts)
- Manufacturing

These uses have evolved to present not only a chaotic image, but a challenging traffic pattern with multiply driveways and curb cuts. The image of Center Street is directly related to the highway orientation of the paving section. Rather than attracting land uses that can serve as destinations Center Street serves more as a connector between SH 225 and major thoroughfares south of the study area, such as Spencer Highway.

Community streets should be designed and operated with all users in mind from motorists, pedestrians, and bicyclists. The street network should be safe and convenient connecting schools, parks, neighborhoods, shopping and employment areas. Streets should be designed to allow for trails/sidewalks, and multimodal safe passages between land uses.

### Major Thoroughfare Plan

The Major Thoroughfare Plan delineates both long and short range plans for future thoroughfare projects. The Comprehensive Plan includes a recommended transportation Major Thoroughfare Plan as design features for future roadway improvements.

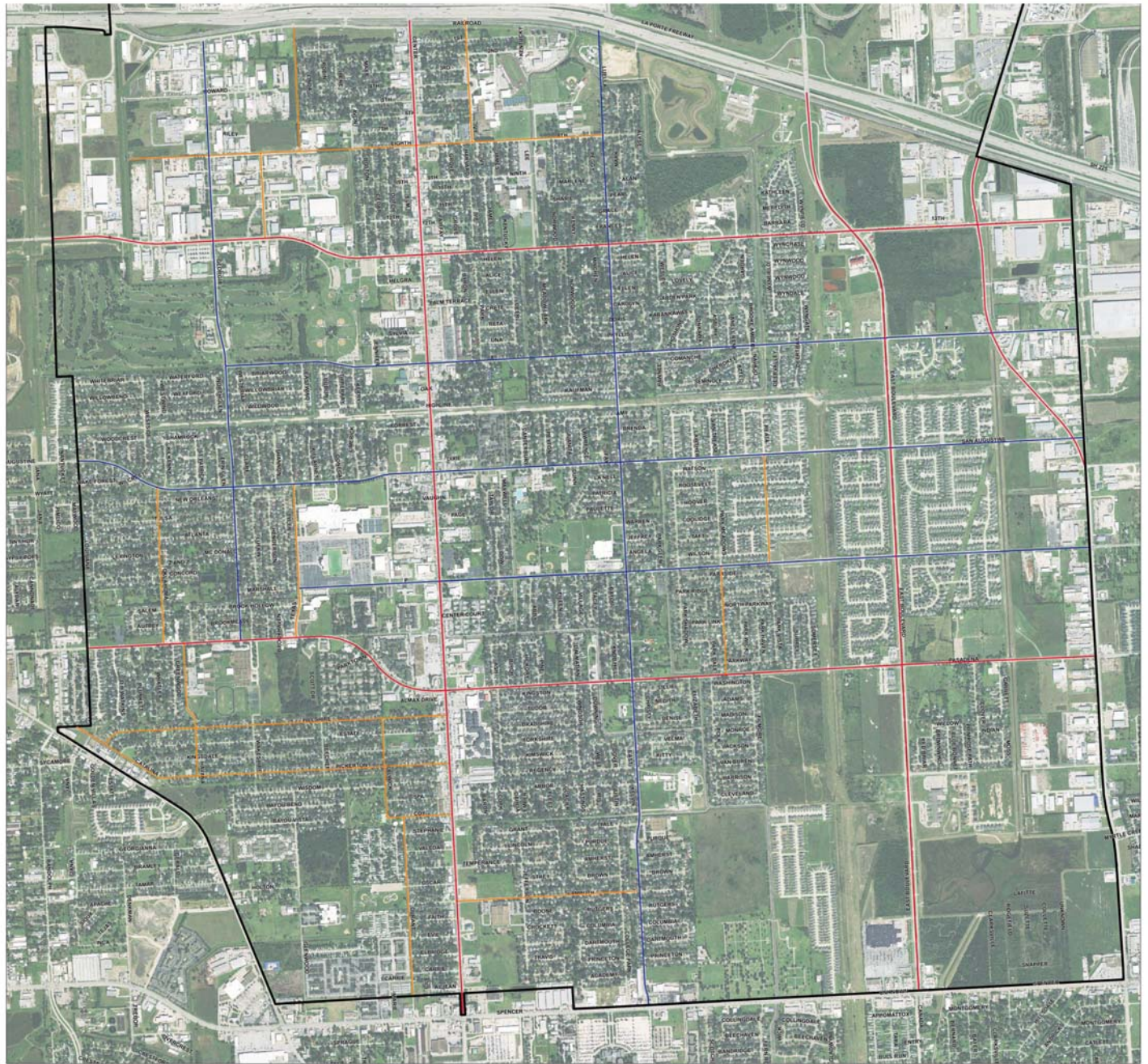
### Recommendations

Maintain and enhance the safety, efficiency, condition, and resiliency of Deer Park by investing in transportation needs.

- Invest in transportation infrastructure improvements to facilitate development.
- Identify potential job and business growth opportunities resulting from transportation infrastructure improvements.
- Expand opportunities for public-private partnerships to provide more options for constructing critical transportation needs.
- Improve and increase accessibility to recreational amenities, employment area, and residential neighborhoods by enhancing the physical condition of roads, sidewalks, and multi-use trails.
- Incorporate complete streets and green streets concepts, where appropriate, to create a more desirable community and manage stormwater runoff.



# Thoroughfare Map



CITY OF DEER PARK

DATE: FEBRUARY 16, 2011

- Major Thoroughfare
- Major Collector
- Minor Collector





# CHAPTER 14

## ECONOMIC DEVELOPMENT



Government plays a major role in creating an environment that is conducive to growing business and creating jobs. Deer Park needs stable revenue sources that generate sufficient funds to provide high-priority services and needed infrastructure essential for business and talent attraction. Appropriately balancing these needs creates a business-friendly environment that increases Deer Park's competitiveness for business attraction, retention, and expansion, while maintaining vital public services and infrastructure. The economic development of the City of Deer Park is integral to the quality of life and prosperity of its residents. The City of Deer Park is well positioned to optimize the economic energy generated by the Houston metropolitan area. The creation of specific policies and programs that outline the breadth of the programs that the City will consider can provide the tools to drive implementation of many of the goals and objectives of the Comprehensive Plan.

## Purpose of Economic Development Strategies for Texas Cities

Texas has provided a host of tools that can be used to help the City of Deer Park achieve the goals of the Comprehensive Plan. The three primary methods are to adopt local ordinances, finance through budgets or to establish policies that are specifically created to effectuate a desired outcome. As a home rule city, Deer Park may establish additional criteria to help the community with additional goals of the Comprehensive Plan. For example, Deer Park has passed Ordinance 3537, a Tax Abatement Ordinance that meets the minimum standards for compliance with the State Law that governs Tax Abatement. However, the legislation does not preclude a city from creating additional criteria to help achieve multiple goals of the Comprehensive Plan.

Deer Park has done a great job in achieving economic development wins for the community. According to historical growth patterns:

- Deer Park has grown 12 percent since the 2000 Census.
- Existing median home costs are recorded at approximately \$149,200, with new sections of the community in the \$160,000 range.
- 53 single-family permits for new home construction were issued in 2012, 63 single-family permits issued in 2013 and 59 single-family permits issued in 2014.
- Unemployment is under 6 percent even with the recent changes in oil prices. The future growth for east Harris County remains strong.
- Deer Park welcomed 148 new businesses, including 3 corporate headquarters, bringing 900 new employees to the city.
- The Census data reveals 19,755 primary jobs are located in Deer Park.
- There were 15 permits issued for new commercial buildings in Deer Park in 2012, 26 permits issued for new commercial buildings in Deer Park in 2013, and 15 permits issued for new commercial buildings in Deer Park in 2014.

Deer Park has been recognized nationally<sup>32</sup>:

- Named #10 Most Affordable Town in the U.S. by CNN Money in 2011
- Named "Best Affordable Suburb in Texas for 2010" by Bloomberg Businessweek
- Contender spot on the CNN's list of "100 Best Places to Live" for 2009 and 2011
- DPISD encompasses 38 square miles and enrolls 12,500 students
- DPISD received a Recognized rating for academic achievement 10 times in the past 12 years
- Out of DPISD's 11 eligible campuses, 7 received an Exemplary rating, the State's highest

These success levels should be protected or enhanced over the next 20 years and the Comprehensive Plan and corresponding ordinances can be the triggers to achieve the Vision.

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<sup>32</sup> [www.insidedp.com](http://www.insidedp.com)

### Relationship of Economic Development and Land Use

The one common opinion of the stakeholders has been that Deer Park is landlocked and it is surrounded by other cities. Deer Park is not able to expand through annexation. Therefore, this Plan looks at creative ideas, policies, ordinances and budget concepts for a stable community that can keep taxes reasonable, provide adequate services, improve urban design standards, preserve the history as the birthplace of Texas, create jobs, and continue to build on relationships with existing public partners such as DPISD, Harris County, and the Port of Houston, and existing private partners.

One example of how the City could use existing economic policies such as tax abatement to help implement various Chapters of the Comprehensive Plan would be to examine their draft tax abatement policies and percentages currently being used.

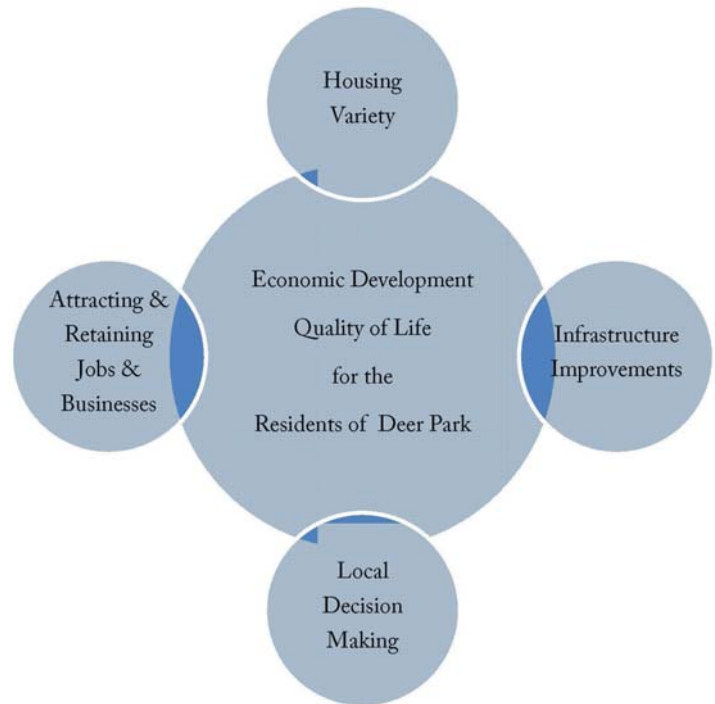
- Do you want to drive economic incentives for a specific land use or for specific types industries?
- Do you want to drive the physical appearance of the development and campuses that are constructed within the community?

Other examples linking incentives to outcomes could be to request tax abatement approval subject to on and off-site beautification standards such as completing wider sidewalks to the nearest intersecting public streets to complete or arrest inadequate sidewalk systems. Also, additional criteria may include requiring street trees to be planted within the public ROW as a part of the beautification goal of the City in compliance with the Park and Recreation Chapter of the Comprehensive Plan. The use of building materials on building frontages visible from the public street could be used to improve the character of a streetscape. The use of wrought iron fencing versus chain link fencing to improve street appeal and the addition of landscaping for parking lots and general lot site plans could be used to improve streetscapes. Within reason and related to the terms of the tax abatement, most businesses are willing to make these type of enhancements as a part of the tax abatement approval if there is a reasonable budget for the improvements. Past experience has proven that adjacent businesses may also begin making additional enhancements to their property in keeping with the new changes on the street so that the entire area may experience new revitalization as long as the criteria are reasonable.

Businesses may apply for a variety of incentives offered by the City of Deer Park, Harris County and the State of Texas. A business is usually required to meet a particular threshold for capital investment and/or job creation in order to be considered for the incentives.

### Tax Abatement – City of Deer Park

A Tax Abatement is only allowed in a reinvestment zone. Each case is considered by City Council and variances may be requested.





- The designation of such a zone by ordinance shall constitute an affirmative finding by the City Council that the improvements sought to be constructed or repairs to be made within the zone are feasible and practical and would be of benefit to the land to be included within a zone and to the City.
- In determining whether an area qualifies as a reinvestment zone for the property tax abatement program, the City Council shall use any one or more of the following criteria as guidelines:
  - o The area substantially impairs or arrests the sound growth of the City; retards the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present conditions and use by reasons of the presence of substantial number of substandard, slum, deteriorated, or deteriorating structures, predominance of defective or inadequate sidewalks or street layout; faulty lot layout in relation to size, accessibility, or usefulness, unsanitary or unsafe conditions:
  - o Deterioration of site or other improvements; tax or special assessment delinquency exceeds the fair value of the land; defective or unusual conditions of title; the existence of conditions that endanger life or property by fire or other cause; or any combination of these factors or conditions.
  - o The area is predominantly open and, because of obsolete platting or deterioration of structures or site improvements or other factors, substantially impairs or arrests the sound growth of the City.
  - o The area has been designated a local or state-federal enterprise zone under the Texas
  - o A facility may be eligible for economic development abatement if it is a manufacturing facility, regional distribution facility, regional service facility, research facility, research and development facility or other basic industry facility, a regional entertainment facility, retail facility or restaurant facility.

Abatement may only be granted for the additional value of eligible property improvements made subsequent to and listed in an abatement agreement between the City and the property owner and lessee (*if required*), subject to such limitations as the City Council may require.

Abatement may be granted for new facilities or the expansion of existing facilities. Improvements to existing facilities for purposes of modernization may receive abatement if proven to be essential to the entity's economic survival.

Abatement may be extended to the value of buildings, structures, fixed machinery and equipment, site improvements, plus that office space and related fixed improvements necessary to the operation and administration of the facility, or tangible personal property when in conjunction with leased facilities.

The following types of property shall be ineligible for abatement land; inventory; supplies; tools; vehicles; vessels; aircraft; housing; hotel accommodations; tangible personal property when not in conjunction with leased facilities; deferred maintenance investments; property to be rented or leased except as provided in subsection (f) of this section; improvements for the generation or transmission of electrical energy not wholly consumed by a new facility or expansion; any improvements, including those to produce, store or distribute natural gas, fluids or gases, that are not integral to the operation of the facility; property owned or used by the state or its political subdivisions or by an organization owned, operated or directed by a political subdivision of the state; and property that is owned or leased by a member of City Council or by a member of the City Planning and Zoning Commission.

If an authorized facility- located on leased real property is granted abatement, the abatement agreement shall be executed by the City, the lessor and the lessee. If the real property is leased from a municipal corporation, the municipality shall not be required to execute the agreement in its capacity as a lessor.

## CHAPTER 13 - ECONOMIC DEVELOPMENT

Abatement shall be granted effective upon the January 1 valuation date immediately following the effective date of the agreement. Projects (*other than modernizations*) which meet these guidelines and criteria are eligible for abatement on the value of the new properties on a sliding scale as follows:

### Basic Industry

New Value Minimum: \$5,000,000

Job Creation Minimum: 50 Employees

Facility Type	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Manufacturing, Regional Distribution, Regional Service, Research, Research & Development, Other Basic Industry	100%	100%	50%	25%	25%	0%	0%	0%	0%	0%

### Retail/Entertainment

New Value Minimum: \$5,000,000

Job Creation Minimum: TBD

Facility Type	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Retail & Regional Entertainment >80,000SF	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD

\*abatement TBD by City Council based on the economic impact of the proposed project

### Retail/Entertainment

New Value Minimum: \$5,000,000

Job Creation Minimum: 20 Employees

Facility Type	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Retail & Regional Entertainment 50,000SF – 80,000SF	50%	35%	30%	25%	20%	0%	0%	0%	0%	0%

### Retail/Entertainment

New Value Minimum: \$5,000,000

Job Creation Minimum: 50 Employees

Facility Type	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Retail & Regional Entertainment 5,000SF – 50,000SF	25%	20%	15%	10%	5%	0%	0%	0%	0%	0%

### Basic Industry

New Value Minimum: \$5,000,000

Job Creation Minimum: 50 Employees

Facility Type	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Restaurants 5,000SF – 50,000SF	20%	20%	15%	10%	5%	0%	0%	0%	0%	0%

Provided, however that no abatement shall be given in the year when the facility fails to meet the employment minimum set forth in subsection 102-125(h)(4), except where the jurisdiction has determined that employment falls below minimum due to accident, casualty, fire, explosion, or natural disaster.

- If the period of construction exceeds two years, the facility shall be considered complete for purposes of abatement and in no case shall the period of abatement inclusive of construction and completion exceed five years.
- If a modernization project includes facility replacement, the value upon which abatement shall be determined shall be the value of the new unit less the value of the old unit. Modernization projects are eligible for abatement according to the above formula with the exception that abatement shall not exceed 80 percent in any year.

To be eligible for tax abatement, the planned improvement:

- Should provide an economic benefit to the City, taking all relevant factors into consideration, including (i) size of the abatement, (ii) income from sales tax and franchise fees generated by the planned improvement, and (iii) any additional expense to the in providing city services as a result of the improvement; and
- Must be necessary because capacity cannot be provided efficiently utilizing existing improved property when reasonable allowance is made for necessary improvements; and
- Must be reasonably expected to increase the value of the property in the amount of 5,000,000.00 upon completion of construction for manufacturing, regional distribution, regional service, research, research and development, other basic industry, retail, and regional entertainment facilities; or \$2,000,000.00 for restaurants.
- Must be expected to create permanent employment for at least 50 people on a permanent basis in the designated zone for manufacturing, regional distribution, regional service, research, research and development and other basic industry. Retail and regional entertainment facilities 80,000 square feet or larger will have their minimum job creation thresholds determined by City Council based on the economic impact of the proposed project. Retail, regional entertainment and restaurant facilities under 80,000 square feet are expected to create permanent employment for at least 20 people on a permanent basis in the designated zone., This employment qualification shall take effect three years after the effective date of abatement and continue through the remaining term of the agreement; or
- An abatement may be granted for a maximum investment of \$500,000.00 per job created or retained.

From the date of execution of the abatement agreement to the end of the abatement period, taxes shall be payable as follows:

- The value of ineligible property as provided in section 102- 125(e) of this section shall be fully taxable;
- The base year value of existing eligible property as determined each year shall be fully taxable; and
- The additional value of new eligible property shall be taxable in the manner described in subsection 102-125(g) of this section; except as provided in subsection 102- 125(h)(5) of this section.

## Tax Abatement – Harris County

Harris County projects that may qualify for reinvestment zone and property tax abatement include the following types of facilities: manufacturing, research, regional distribution, regional service, regional entertainment, research and development or other basic industry. Abatements may be granted for new facilities, expansion of existing facilities, or the improvement to existing facilities having the effect of improving current economic conditions.

Eligible property may be extended to the value of buildings, structures, fixed machinery and equipment, site improvements plus the office space and related fixed improvements necessary to the operation and administration of the facility.

Projects may be eligible for abatement of new value subject to an abatement cap: to be calculated as \$1,000,000 per job created/retained times the number of such jobs. Such a cap shall not exceed the increased value requirement as set out in the abatement agreement, and will adjust annually.

The abatement amount each year is determined by the adjusted cap being multiplied by 50 percent in each year up to a total period of ten years and five years for research and development projects. Minimum investment is \$1,000,000 in new increased value upon completion of the contractually defined “construction period”.

Criteria for jobs: the project must be shown to directly create or prevent the loss of permanent full-time employment for at least 25 people (5 people for research development projects) within the reinvestment zone upon completion of the contractually-defined “employment period”.

The project must also be competitively sited and must be shown not to solely or primarily have the effect of transferring employment from one part of Harris County to another. Additionally, company history with compliance with state and federal environmental laws and worker safety laws are taken into consideration.<sup>33</sup>

### Chapter 380 / Municipal Grant Program

The City Council of Deer Park may, on a case-by-case basis, give consideration to providing grants or lending of personnel and/or services to stimulate or promote economic development projects and commercial activity within the city limits of Deer Park.

Eligible projects may contract with the City to receive sales tax rebates or grants, water or sewer line extensions or connections, drainage improvements, building permit fee waivers, public road extensions or grants for capital recovery fees. Eligible projects must foster development or redevelopment projects that enhance the City’s economic base, diversity and/or expand job opportunities, or promote and encourage projects that create additional revenue for the City without substantially increasing the demand on City services or infrastructure.<sup>34</sup>



source: semcog.org

### Industrial District Agreement (IDA)

The City of Deer Park operates an Industrial District that covers its ETJ. Within this Industrial District, the City has established tax incentives to encourage economic growth and expansion of existing facilities. The IDA is between the City and the specific company, and in accordance with state law, provides that the ETJ area cannot be annexed during its term, and provides certain benefits to and obligations on both parties.

<sup>33</sup> www.deerparktx.gov



## Terms

According to terms of the City's current 12-year IDA, the Company renders to the City an amount "in lieu of taxes" on Company's land, improvements and tangible personal property equal to a certain percentage of the amount of ad valorem taxes payable if the Company's land, improvements and tangible personal property had been located within the City.<sup>35</sup> Those percentages are as follows:

- 63 percent for years 2015-2018
- 64 percent for years 2019-2022
- 65 percent for years 2023-2026

## New Construction Incentives

For substantial increases in value due to new improvements that are less than 5 percent of the total appraised value or at least \$5,000,000, an amount equal to those shown below would be payable if the Company's land and improvements were located within the City during the remaining term of the agreement.

- 10 percent 1st Year after operations being
- 20 percent 2nd Year after operations begin
- 30 percent 3rd Year after operations begin
- 40 percent 4th Year after operations begin
- 50 percent 5th Year after operations begin
- Contract Rate 6th Year after operations begin

A substantial increase in value of new improvements exceeding \$100,000,000 allows the City and Company to enter into negotiations to determine new construction progressive rates.<sup>36</sup>

## Benefits

In return, the City agrees that the Company's land covered by an IDA:

- Will not be annexed within the term of agreement (*renewable*)
- Shall have no right to City services
- Shall not be subject to City ordinances governing plats and subdivision of land
- The company will not have to meet building, electrical, plumbing or inspection codes
- The City will not attempt to exercise in any manner control over the conduct of the business.

## **Recommendations**

- Incentivize owners of blighted properties to clean up or sell for redevelopment.
- Develop incentives and policies to encourage business and residential activities in appropriate locations.
- Increase the ease and speed of conducting business with Deer Park while continuing to place a priority on maintaining community values.
- Maintain business-friendly, predictable tax structure that supports public services desired by businesses and residents.
- Evaluate and determine the most effective approach for employing financial tools to help underwrite redevelopment initiatives.
- Design and manage tax incentives, with the flexibility and appropriate return-on-investment/safeguards, to attract and retain businesses and increase competitiveness.

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<sup>35</sup> [www.deerparktx.gov](http://www.deerparktx.gov)

<sup>36</sup> [www.deerparktx.gov](http://www.deerparktx.gov)

Texas Economic Development Toolbox

Action	Authority	Jurisdiction	Fiscal Tools	Project Type	Requirements	PROs	CONs
Improvement Finance and Oversight of Public Programs	CH 372.113	County	Local Government Corporations	May facilitate public ownership; not subject to public bidding requirements	Especially helpful in assembling real property	Flexible within the scope of their charter	Does not provide additional sources of revenue
Improvement Finance and Business Development	CH 211/375	Municipality	Management Districts	Public improvements in a specifically designated district	Created by Legislature, additional taxing authority, appointment of a Board	Districts ordinarily can do anything that a general law city may do within its geographic boundaries	Creation and administrative costs significant, overlapping debt
Improvement Finance	CH 311	Municipality	Tax Increment Reinvestment Zone (TIRZ)	Public improvements to promote new or re-development of specifically designated zones	An ordinance, a Project & Financing Plan, appointment of a Board, increment only available	Works best with an active developer and catalyst project, County may participate	Limited to the increment, works best with an active developer and catalyst project
Improvement Finance	CH 211	Municipality	Municipal Utility Districts	TCEQ or Legislature created taxing authority for water, sewer, drainage and park improvements	TCEQ or special legislation, 100 ac+ w/residential	Eligible costs fully reimbursed	Overlapping debt on local jurisdiction, expensive to establish
Improvement Finance	CH 372.002/103	Municipality/County	Public Improvement Districts	Public improvements in a specifically designated district	<b>Assessments</b> for specific purposes in addition to property taxes	Fund non-municipal improvements	Assessments
Business Development and Supplemental Improvement Finance	CH 372.127	Municipality/County	4B Sales Tax (subject to election)	Projects promoting commercial development and quality of life	Revenues generated by up to 1/2 cent sales tax and requires an election, appointment of Board	Provide \$ to leverage TxDOT or CDBG funding	May funds wide variety of economic development projects
Business Development and Supplemental Improvement Finance	CH 380 & CH 381	Municipality/County	Economic Development Grants and Loans	Programs to promote business development; commercial activity to promote local economic development	Developer Agreements pursuant to Sec. 380 of the Local Government Code (Sec 381 for Counties)	Ordinarily limited to "public" improvements	Does not provide additional sources of revenue
Business Development	CH 372.129	County	Hotel Occupancy Taxes	Programs or projects to promote tourism and hotel and convention industries	Revenues taxed on room rental, limited to tourism promotion	Funding for advertising or promotional materials for redevelopment	Limited uses
Business Development	CH 372.125	Municipality	Tax Abatement	New Business generation and retention	Requirements for investment and job creation established by the City, granted to individual business interest	Relatively simple to administer	Targets individual business, not area
Business Development	CH 378.001	Municipality	Neighborhood Empowerment Zones	Revitalization, relocation, job creation and retention, affordable housing	Much like a TIRZ or development agreement and may include tax abatement	Limited to 10 year term	May funds wide variety of economic development projects





# CHAPTER 15

## PARKS AND OPEN SPACE

## CHAPTER 15 - PARKS AND OPEN SPACE

The Parks, Recreation, and Open Space Master Plan was prepared for, and adopted by, the City of Deer Park in January 2013.<sup>37</sup> The goals of that plan have been incorporated in the recommended goals for the Comprehensive Plan. The Parks, Recreation and Open Space Master Plan is found in the Appendix of the Comprehensive Plan and on the City of Deer Park website;

<http://www.deerparktx.gov/index.aspx?NID=1011>

A well planned, funded, and operated parks and recreation system will serve to enhance the health and quality of life of all citizens, and enrich the environment.

Below is a list of parks within Deer Park

Name	Address	Size in acres (AC)
Bayou Bend Park	4200 Kalwick Dr.	8.00
Big Bend Park	1600 Big Bend Lane	2.03
Brookhollow Playlot	3117 Brookhollow Dr.	0.69
Brownwind Playlot	3901 Brownwind Trail	2.54
College Playlot	4615 College Park Dr.	1.00
Deer Meadows Playlot	Oklahoma St. & New Orleans St.	2.18
Destiny Park	Chandler Lane	1.53
Dow Park	610 E. San Augustine	40.0
East Meadows Park	5000 E. Meadows Dr	0.79
Ella and Friends Dog Park	500 W. 13th Street	1.46
Monroe Playlot	1560 Monroe St.	1.60
Nedith Playlot	3717 Nedith St.	1.20
P Street Detention Pond	1800 E. P Street	7.94
P Street right-of-way	2600 E. P Street	7.00
Park Green Subdivision	Wynfield Dr.	5.10
Park Meadows Park	1414 S. Parkway	5.00
Parkside Place Park	3400 Surrey Lane	0.72
Parkview Playlot	1109 Brookhollow Dr.	0.61
Running Brook	1400 Comanche St.	3.00
Skate Park within Dow Park	610 E. San Augustine	NA
Terrace Park	126 W. 3rd St.	1.10
Tiffany Amber Park	1800 Brookamber Circle	1.10
Wynfield Estates	1610 Wyngate Dr.	3.00
<b>Total Acreage</b>		<b>97.59</b>

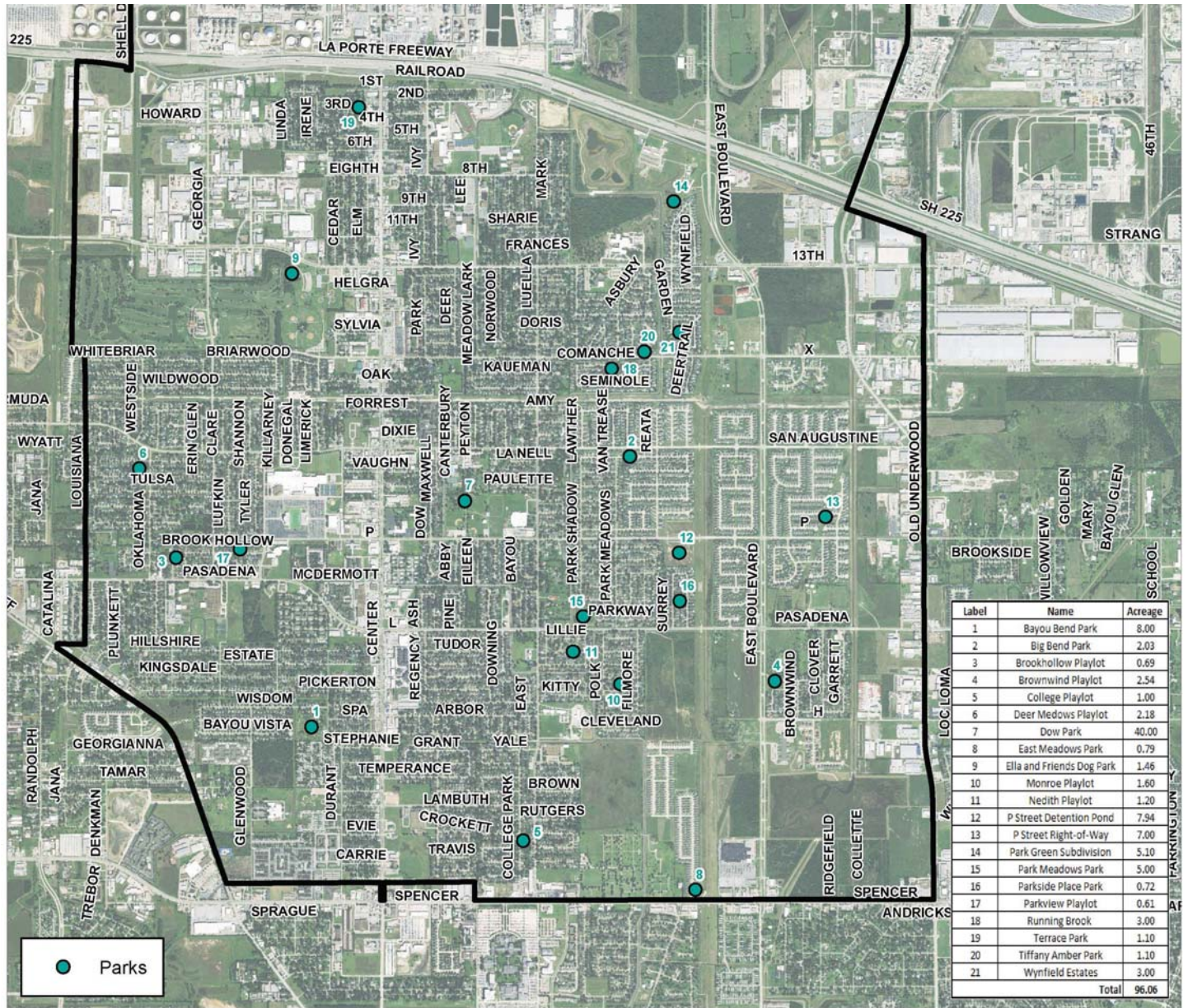
While most cities have recognized the standard of one acre of recreation land per 100 residents, there has been much diversity of opinion concerning total open space requirements. Attempts have been made to establish the percentage of recreation space needed in relation to the area of the city. It has been stated that at least one-tenth of the city's acreage should be used

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<sup>37</sup> Burditt Consultants



for recreation. This type of standard cannot be completely satisfactory, however, since it does not take into consideration the population density. No rigid formula can be prescribed; all specific standards and recommendations are subject to variations, conditions, and peculiarities of the area surrounding the recreational facility.<sup>38</sup> For Deer Park, this recognized standard would result in a need for a total 325.17 acres for a city the size of Deer Park.



SOURCES: H-GAC StarMap, 2014; NAIP AERIAL, 2014



## DEER PARK PARKS (2014)

DATE: JANUARY 20, 2015

0 2,000 4,000 6,000 8,000 Feet



<sup>38</sup> [www.planning.org](http://www.planning.org)

- Natural or unforeseeable change to the development environment. Should such events occur, such as natural or man-made disasters (hurricanes, tornadoes, petrochemical); a Plan Update should be performed.

The following process should be implemented when the City is preparing for a Comprehensive Plan Update:

- **Selection Committee:** The City Council should appoint members to a Selection Committee, which will be responsible for coordinating the process of selecting the team to update the Plan.
- **Request for Qualifications/Request for Proposal (RFQ/RFP):** City staff should prepare the RFQ/RFP in accordance with the City Charter and/or ordinances for content of such an update, as well as for notification, evaluation, and consultant selection process for City-funded projects.
- **Resource Allocation for the Comprehensive Plan Update:** The City Manager, under the oversight of the City Council and Mayor, should allocate sufficient City resources for long range planning for Deer Park. Just as it would be appropriate to allocate resources sufficient for various planning projects, it is recommended that the Deer Park Comprehensive Plan be retained as an item in the annual budget, to permit accrual of such funds necessary for constructing and/or updating the Comprehensive Plan.

### Amendments

Occasionally it may be necessary to amend the Comprehensive Plan. Other than grammatical or typographical corrections, each and every amendment to the Comprehensive Plan, including the Vision Plan, Plan Elements, or the Implementation Strategy should require:

- **Recommendation:** The Long Range Planning Committee should present its recommendation at a Planning and Zoning (P&Z) Commission (public) meeting regarding the particular amendment.
- **Opinion:** City staff should present its opinion at a P&Z Commission (public) meeting. This may be an additional P&Z meeting or the same meeting at which the Long Range Planning Committee makes its recommendation.
- **P&Z Meeting:** At minimum, one additional P&Z (public) meeting should take place, during which meeting the P&Z Commission makes its recommendation to City Council.
- **City Council Meeting:** The City Council should hold at least one council hearing regarding the proposed amendment.

### **Recommendations**

- Require screening of refuse containers, outdoor storage, including automobiles undergoing repair, and roof-mounted air handling systems to improve the visual effect and to promote pedestrian retail.
  - Prohibit head-in parking along major thoroughfares and incorporate design standards, including landscaping, for surface parking. Allow shared parking where appropriate. Loading docks should not face major thoroughfares and should be screened.
  - Consider regulations encouraging monument signs (as distinguished from “pole” signs) and require immediate removal of obsolete signs, and the repair of signs in poor condition.
  - Require landscaping and the comprehensive planting of street trees for all new and redevelopment.
  - Require utility service to individual properties to be placed underground when feasible.
  - Establish minimum sidewalk width standards.
  - Develop housing and other support facilities and programs necessary to ensure that Deer Park remains a place of opportunity for individuals and families with a variety of income and personal resources.
  - Maintain and enhance Center Street as the predominant community center for government, employment, health care, educational, cultural, entertainment activities, and as a vibrant urban residential community characterized by diverse and engaging neighborhoods.
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# CHAPTER 16

## IMPLEMENTATION

This Section explains how the Comprehensive Plan document will be used by the City to make decisions, grant variances, approve budgets, and approve ordinances. The Comprehensive Plan sets out the goals and vision for the City in order to ensure effective and efficient implementation.

To ensure effective plan implementation, boards and commissions of the City should check for consistency with the vision and policies of the Comprehensive Plan in the contexts listed below as examples (though this list should not be considered as exhaustive or limiting to the advisory capacity of the Committee).

- **CIP:** The Comprehensive Plan provides guidance for where Deer Park should direct future growth in order to close the tax gap and ensure a high level of service for its citizens. The Plan should assist in determining criteria for the provision of future infrastructure projects in Deer Park, including location, timing, and implementation.
- **Subdivision/Development Code:** The ordinances that relate to development as they are updated individually or if they are collectively gathered and expanded into a Deer Park Development Code. The character and location of future development should be guided by City codes that are consistent with the Comprehensive Plan.
- **Parks, Recreation, and Open Space Plan:** Decisions regarding open space in Deer Park should expand from a system-based approach, as outlined in the Parks, Recreation, and Open Space Plan element. Meaningful public spaces should form a network, and recommendations for sites of block parks, neighborhood parks, and community parks are each illustrated on maps included in the Parks, Recreation, and Open Space Plan. Much like the Public Facilities and other items, decisions about open space should be made in reference to benchmarks that are denominated in units of future population and service ratios.
- **Public Facilities Plan:** The Facilities Plan element offers benchmarks to guide Deer Park in order to ensure that provision of fire and police services expands as the City grows. Ratios of staff to residents at current population levels, 2030 levels, and build out levels in comparison to exemplary cities provide staffing guidance for the Long Range Planning Committee and the City. Maps of service zones should also serve the Committee in decisions about locations of future emergency response stations.
- **Taxes, Annual Municipal Budget:** The Tax Gap Analysis in the Assessments element and the Revised Tax Gap Analysis address Deer Park's financial vitality based on the City's tax rate, population, and cost of government per capita (level of service). In order to support the City's population through an adequate level of provision of City services and attract growth, the city must seek to create sustainable property values that result in stable property tax revenues to provide revenues to pay for necessary services. The Strategic Plan outlines operational considerations that have been adopted and will be complementary to the Comprehensive Plan Vision.
- **Zoning Ordinance:** The goals of the Comprehensive Plan outline the vision and will guide the development of implementation standards for the both Zoning Ordinance and Subdivision Ordinance. The goals to be business friendly.

## Comprehensive Plan Updates and Amendments

### Updates

The Deer Park Comprehensive Plan should be updated regularly to address the changes to the City's context as growth continues and to ensure continued movement toward reaching long range goals. The following benchmarks are advisable for determining need for update of the Comprehensive Plan:

- **Time following adoption.** It is recommended that the Plan be updated at least every five years.
- **Attainment of population benchmarks.** If population growth fluctuates significantly, causing attainment of the 2030 projection or build-out projection prematurely, it is recommended that the City perform a Plan Update.
- **Change in economic conditions.** Should the economic base for the community change, due to significant growth in a new market sector or significant change in the employment base, a Plan Update should be performed.





## Legislation Details (With Text)

**File #:** ORD 16-119    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Agenda Ready  
**File created:** 11/29/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** Consideration of and action on an ordinance amending the Subdivision Ordinance (2nd reading).  
**Sponsors:** City Manager's Office  
**Indexes:**  
**Code sections:**  
**Attachments:** [Amend 98 Subdivision-11-2016](#)  
[Chapter 98 - Subdivision Division and Land Development FINAL.101916](#)  
[Subdivision Ordinance Summary FINAL.101916](#)

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Consideration of and action on an ordinance amending the Subdivision Ordinance (2<sup>nd</sup> reading).

### Summary:

The process to update the City's Comprehensive Plan and Subdivision and Zoning Ordinances began in 2014. Knudson LP was hired as the consultant to assist the City in developing the update of the three documents. A public involvement plan was developed and a Steering Committee was appointed. A number of meetings and workshops were held to include the Steering Committee, Planning and Zoning Commission, City Council and City Staff. Final drafts of the Comprehensive Plan Update and the Subdivision Ordinance amendments were presented at a Joint Workshop of the City Council, Planning and Zoning Commission, and Steering Committee on October 25, 2016. Public hearings on the Comprehensive Plan Update and Subdivision Ordinance amendment were held on November 22, 2016 at 5:30 pm. Also, on November 22, 2016 City Council approved the first reading of the ordinances to adopt the Comprehensive Plan Update and Subdivision Ordinance amendment. Additional readings of these ordinances will be scheduled at the December 6<sup>th</sup> and December 20, 2016 Council Meetings. A Joint Workshop of the City Council, Planning and Zoning Commission, and Steering Committee was held on November 28, 2016. Subsequent to this joint workshop, three readings of the ordinance amending the Zoning Ordinance will be scheduled. The full schedule is below:

- Joint workshop with Council, P&Z and Steering Committee on Comprehensive Plan and Subdivision Ordinance **(October 25) - 6:00 pm @ Deer Park Community Center, Room 6.**
- Council calls Public Hearing on Comprehensive Plan **(November 1, 2016)**
- Council calls Public Hearing on Subdivision Ordinance **(November 1, 2016)**
- Council holds Public Hearing on Comprehensive Plan **(November 22, 2016)** (Special Meeting)
- Council holds Public Hearing on Subdivision Ordinance **(November 22, 2016)** (Special Meeting)
- Council votes on first reading of Comprehensive Plan **(November 22, 2016)** (Special Meeting)
- Council votes on first reading of Subdivision Ordinance **(November 22, 2016)** (Special Meeting)
- Joint workshop with Council, P&Z and Steering Committee on Zoning Ordinance **(November 28, 2016) - 6:00 pm @ Deer Park Public Library, Meeting Room**

- P&Z calls preliminary hearing on Zoning Ordinance **(December 5, 2016)**
- Council votes on second reading of Comprehensive Plan **(December 6, 2016)**
- Council votes on second reading of Subdivision Ordinance **(December 6, 2016)**
- Council votes on third reading of Comprehensive Plan **(December 20, 2016)**
- Council votes on third reading of Subdivision Ordinance **(December 20, 2016)**
- P&Z conducts preliminary hearing on Zoning Ordinance **(January 9, 2017)**
- Council calls Joint Public Hearing with P&Z on Zoning Ordinance **(January 17, 2017)**
- Council holds Joint Public Hearing with P&Z on Zoning Ordinance **(February 21, 2017)**
- Council votes on first reading of Zoning Ordinance **(February 21, 2017)**
- Council votes on second reading of Zoning Ordinance **(March 7, 2017)**
- Council votes on third reading of Zoning Ordinance **(March 21, 2017)**

Fiscal/Budgetary Impact:

Approve the ordinance amending the Subdivision Ordinance (2<sup>nd</sup> of 3 readings).

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 98 SUBDIVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF DEER PARK, TEXAS; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR SEVERABILITY.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER PARK:**

1. The City Council of the City of Deer Park, Texas, after a public hearing on November 22, 2016, as required by Section 212.002 of the Local Government Code of the State of Texas does hereby amend Chapter 98 Subdivisions, in its entirety, with the subdivision development requirements attached hereto as Exhibit "A".

2. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

3. It is officially found and determined that the meeting at which this Ordinance was adopted was open to the public; and that public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Government Code of the State of Texas.

In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Deer Park, Texas, **passed and approved** on this the \_\_\_\_ day of \_\_\_\_\_, 2016 by a vote of \_\_\_\_\_ "Ayes" and \_\_\_\_\_ "Noes" this Ordinance having been read in full prior to such vote.

\_\_\_\_\_  
**MAYOR**, City of Deer Park, Texas

**ATTEST:**

\_\_\_\_\_  
City Secretary

**PASSED AND APPROVED** on the second reading, the \_\_\_\_ day of \_\_\_\_\_,  
2016 by a vote of \_\_\_\_\_ “Ayes” and \_\_\_\_\_ “Noes” this Ordinance having been read in full  
prior to such vote.

\_\_\_\_\_  
**MAYOR**, City of Deer Park, Texas

**ATTEST:**

\_\_\_\_\_  
City Secretary

**PASSED, APPROVED AND ADOPTED** on the third and final reading, this the \_\_\_\_ day of  
\_\_\_\_\_, 2016 by a vote of \_\_\_\_\_ “Ayes” and \_\_\_\_\_ “Noes” this  
Ordinance having been read in full prior to such vote.

\_\_\_\_\_  
**MAYOR**, City of Deer Park, Texas

**ATTEST:**

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
City Attorney

**Chapter 98 SUBDIVISION OF LAND AND LAND DEVELOPMENT** [11](#)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF DEER PARK, TEXAS, PROVIDING RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND AND LAND DEVELOPMENT WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING DEFINITIONS; ESTABLISHING PROCEDURES AND REQUISITES FOR THE SUBMISSION AND APPROVAL OF PLATS; CONTAINING REQUIREMENTS AND MINIMUM DESIGN AND CONSTRUCTION STANDARDS FOR STREETS, UTILITIES, AND OTHER PUBLIC IMPROVEMENTS; CONTAINING OTHER MATTERS RELATED TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY**

\* \* \* \* \*

**WHEREAS**, Chapter 212, Texas Local Government Code, authorizes cities to promulgate rules and regulations governing plats and the subdivision of land within their corporate limits and their extraterritorial jurisdictions; and

**WHEREAS**, subdivision regulations are authorized in order to protect and promote the health, safety and general welfare of the community; and

**WHEREAS**, the City Council of the City of Deer Park, Texas, hereby finds and determines that establishing rules and regulations governing plats and the subdivision of land is necessary to ensure the safe, orderly and healthful development of the community; and

**WHEREAS**, a Public Hearing before the City Council was held on the \_\_\_\_ day of \_\_\_\_\_, 2016, at which Hearing all persons desiring to be heard were heard concerning adoption of the rules and regulations governing plats and the subdivision of land as contained herein; now, therefore,

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**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS:**

**Section 1.** The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** That the Code of Ordinances of the City of Deer Park, Texas is amended by deleting the existing Chapter 98, Subdivisions, in its entirety and adopting a new Chapter 98, Subdivision and Land Development, as follows:

<b>DIVISION I. GENERAL .....</b>	<b>3</b>
<b>DIVISION II. AUTHORITY OF DECISION-MAKERS .....</b>	<b>5</b>
<b>DIVISION III. APPLICATION SUBMITTAL AND PROCESSING PROCEDURES.....</b>	<b>11</b>
<b>DIVISION IV. SUBDIVISION PLAT PROCEDURES .....</b>	<b>17</b>
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FOOTNOTE(S):

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**Charter reference**— Subdivision, § 8.02. [\(Back\)](#)

**State Law reference**— Extraterritorial jurisdiction of municipalities, V.T.C.A., Local Government Code § 42.001 et seq.; municipal regulation of subdivisions, V.T.C.A., Local Government Code § 212.001 et seq.; recording of subdivision plats, V.T.C.A., Property Code § 12.002. [\(Back\)](#)



PART II - CODE OF ORDINANCES  
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DIVISION I. GENERAL

## **DIVISION I. GENERAL**

Sec. 98-1. Purpose.

Sec. 98-2. Applicability.

Sec. 98-3. Plat Approval Required.

Sec. 98-4. Exemptions

Secs. 98-5 - 98-25. Reserved.

### **Sec. 98-1. Purpose.**

The City of Deer Park adopts these subdivision regulations to provide for the clear recordation of ownership of land within the City limits and the City's extraterritorial jurisdiction, by requiring subdivision or development plats for the division or development of land and to provide for the orderly, safe and healthful development of land within the City limits or within the City's extraterritorial jurisdiction, except for those areas controlled pursuant to industrial development agreements, as provided for in State Law, specifically including Chapter 42, Chapter 51, and Chapter 212 of the Texas Local Government Code, and for the following additional purposes:

1. To preserve and protect the public health, safety, and general welfare, and to preserve and protect property values and quality of life within the City's jurisdiction.
2. To ensure that adequate public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed development.
3. To provide for adequate light, air and privacy, to secure safety from fire, flood, and other dangers, and to prevent overcrowding of the land and undue congestion of population.
4. To protect the character and the social and economic stability of all parts of the municipality and to encourage the orderly and beneficial development of the community through appropriate growth management techniques, to assure proper open space separation of urban areas, to protect environmentally critical areas and areas premature for urban development.
5. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewer, schools, parks, playgrounds, recreation, and other public requirements and facilities.
6. To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land.

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DIVISION I. GENERAL

7. To preserve the natural beauty and topography of the municipality and extra territorial jurisdiction and to ensure appropriate development with regard to these natural features.

**Sec. 98-2. Applicability.**

This Ordinance shall apply to all subdivisions of land into two or more lots, tracts, or parcels; to the merger of two or more previously divided lots, tracts, or parcels; and to the development of land that is previously unplatted, even if only a single lot, tract or parcel, within the City limits and its extraterritorial jurisdiction (ETJ), unless specifically excepted.

**Sec. 98-3. Plat Approval Required.**

It shall be unlawful for any person to subdivide any tract, lot, or parcel of land within the City or within the ETJ of the City, unless and until a Final Plat of the subdivision, or a development plat of a single unplatted lot has been approved in accordance with the terms of this chapter. Unless and until a preliminary and a Final Plat, plan or Replat of a subdivision is approved by Planning and Zoning Commission, it shall be unlawful for any person to construct or cause to be constructed any street, utility facility, building, structure, or other improvement upon any lot, tract, or parcel of land that is required to have a plat recorded in the Harris County Clerk's Office. In addition, it shall be unlawful for any official of the City to issue any permit for such improvements, or any aspect thereof, or to serve or connect said land, or any part thereof, with any public utility that may be owned, controlled, or distributed by the City. Provided, further, it shall be unlawful for any person to serve or connect any lot, tract, or parcel of land within any such subdivision with any utility service or facility, unless and until a Final Plat of such subdivision has been approved by Planning and Zoning Commission in accordance herewith.

**Sec. 98-4. Exemptions.**

The following types of subdivisions are exempted from the requirements of this ordinance:

Land to be developed or used for agricultural purposes. Prima facie evidence of agricultural use shall be determined by the tax designation applied to the property by the Harris Central Appraisal District.

**Secs. 98-5 - 98-25. Reserved.**

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DIVISION II. AUTHORITY OF DECISION-MAKERS

## **DIVISION II. AUTHORITY OF DECISION-MAKERS**

Sec. 98-26. General Provisions.

Sec. 98-27. Responsible Official Assigned.

Sec. 98-28. Director of Public Works.

Sec. 98-29. Director of Public Works.

Sec. 98-30. Director of Parks and Recreation.

Sec. 98-31. City Manager and Other Officials.

Sec. 98-32. Planning and Zoning Commission.

Sec. 98-33. City Council.

Secs. 98-34 - 98-54. Reserved.

### **Sec. 98-26. General Provisions.**

1. Source of Authority. Authority under this Subdivision Ordinance shall be vested in and delegated to the officials and decision-makers designated in this Section 98-26 through 98-241 and under the City's Charter, the constitution and laws of the State of Texas, and the Municipal Code. This authority shall be deemed supplemental to any other authority lawfully conferred upon the officials and decision-makers. The omission of a citation in this Subdivision Ordinance to any authority conferred upon the officials and decision-makers under the City's charter, the constitution or laws of the State of Texas, or the Municipal Code, or the failure to identify in this article authority conferred by other provisions of this Subdivision Ordinance, shall not be construed as limiting the actions of such officials and decision-makers taken in accordance with and in reliance upon such authority.
2. Implied Authority. The Officials and decision-makers shall have all implied authority necessary to carry out the duties and responsibilities expressly delegated by Chapter 212 of the Texas Local Government Code and this Subdivision Ordinance, to the extent that the implied authority is not in conflict with the expressly delegated authority.
3. Limitation on Authority.
  - a. City Policy. It is the policy of the City that the standards and procedures applicable to development of property within the city limits and within the City's ETJ are as stated in this Subdivision Ordinance, notwithstanding any representation by any City Official summarizing, paraphrasing or otherwise interpreting such standards to the contrary, whether generally or as applied to development of specific property.
  - b. Representations. The Applicant shall not rely on any representation made by an employee of the City, a member of an appointed board or commission, or a member of the City Council concerning the likelihood of an outcome of that Official's decision or the decision of an appointed board or commission or the City Council, on any application that has yet

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DIVISION II. AUTHORITY OF DECISION-MAKERS

to be filed or is pending before the City. An official may, however, convey information concerning that official's position on a pending application in accordance with his/her role as the responsible official (Sec. 98-27) for such application or as the City staff contact person.

- c. Effect of Comprehensive Plan, Ordinance or Development Standard on Liability Claims. The City's approval of an application under the standards and procedures of this Subdivision Ordinance does not guarantee or ensure that development of the property in accordance with the standards will prevent, minimize or mitigate harm to adjoining property. A person who undertakes development activities shall not rely on the City's approval of an application as ensuring that the development activities will not result in harm to adjoining property. The regulations contained in this Subdivision Ordinance constitute an exercise of the City's governmental authority, and approval of an application shall not give rise to any liability on the part of the City or its Officers, Agents and Employees, nor will an approval release the Applicant from any liability for harm arising out of development of the property under applicable law.
  - d. No Waivers. Except as expressly provided for in this Subdivision Ordinance, no Official, Board, or Commission of the City, or the City Council, shall have authority to waive any requirement or standard for an application. Any attempted waiver of a requirement or standard for an application in contravention of this Section shall hereby be deemed null and void, and, upon discovery, shall be grounds for revocation of a permit or approved application.
4. Conflict in Authority. If any of the provisions of this Subdivision Ordinance are in apparent conflict, the Director of Public Works or other designee shall, after due consideration as to the purpose and intent of each conflicting provision, make a determination as to which provision shall apply. The Director of Public Works or other designee shall make every effort to be fair and consistent in such interpretations, and his/her decision may be appealed to the City Manager (see Sec. 98-31), unless otherwise noted within.

**Sec. 98-27. Responsible Official Assigned.**

- 1. Responsible Official. The responsible official shall be the Director of a designated city department who is assigned responsibility under this Subdivision Ordinance for taking the following actions with regard to a particular type of application authorized under this Subdivision Ordinance:
  - a. Accepting the application for filing, and processing the application;
  - b. Reviewing and making recommendations concerning the application;
  - c. Seeking advice of other City Departments and coordinating any recommendations from such departments concerning the application;
  - d. Determining a request for exemption;
  - e. Preparing reports to and advising any Board, Commission, or the City Council that has responsibility for making recommendations on or deciding the application;

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DIVISION II. AUTHORITY OF DECISION-MAKERS

- f. Promulgating additional or modified policies, standards and administrative rules for adoption by the City Council that apply to the application;
  - g. Initiating enforcement actions concerning compliance with the standards applicable to the application and the conditions imposed thereon; and
  - h. Taking all other actions necessary for administration of the provisions of this Subdivision Ordinance with respect to the application or petition.
- 2. **Delegation.** The responsible official may delegate the official's authority under this Subdivision Ordinance to subordinate officials, who shall thereupon be deemed the responsible official for purposes of carrying out the delegated duties.

**Sec. 98-28. Director of Public Works.**

- 1. **Responsible Official.** The Director of Public Works or other designee is the responsible official for the following types of applications, waivers and petitions:
  - a. Review and approval for any type of plat;
  - b. Extension of a plat approval;
  - c. Major and Minor Waivers related to an application;
  - d. Appeal of a decision on any application for which the Director of Public Works or other designee is the responsible official;
  - e. Appeal of a decision on any application for which the Planning and Zoning Commission is the initial decision- making body; and
  - f. Vested rights petition for any application when the Director of Public Works or other designee is the responsible official.
- 2. **Initial Decision-Maker.** The Director of Public Works or other designee is the initial decision-maker for the following types of applications (*subject to any appeal*):
  - a. Minor Plat, as outlined in Sec. 98-94;
  - b. Amending Plat, as outlined in Sec. 98-97;
  - c. Extension for a Preliminary Plat approval, as outlined in Sec. 98-103; and
  - d. Vested rights petition for an application for which the Director of Public Works or other designee is the initial decision-maker.

**Sec. 98-29. Director of Public Works / City Engineer.**

- 1. **Responsible Official.** The Director of Public Works / City Engineer or other designee is the responsible official for the following types of applications:
  - a. Review of Construction Plans, including all engineering plans and related construction tasks, including approval of contracts for public improvements;
  - b. Building Permit;
  - c. Certificate of Occupancy;
  - d. Extension for Construction Plans;

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DIVISION II. AUTHORITY OF DECISION-MAKERS

- e. Construction Release;
  - f. Improvement Agreement;
  - g. Appeal related to an application for which the Director of Public Works / City Engineer or other designee is the responsible official;
  - h. Vested rights petition for an application for which the Director of Public Works / City Engineer or other designee is the responsible official; and
  - i. Petition for a proportionality appeal;
2. Initial Decision-Maker. The Director of Public Works / City Engineer or other designee is the initial decision-maker for the following types of applications (*subject to any appeal*):
- a. Approval of Construction Plans, including all engineering plans and related construction management tasks, including approval of contracts for public improvements;
  - b. Construction Release;
  - c. Extension for Construction Plans approval; and
  - d. Vested rights petition for an application for which the Director of Public Works / City Engineer or other designee is the initial decision-maker.

**Sec. 98-30. Director of Parks and Recreation.**

1. Responsible Official and Initial Decision-Maker. The Director of Parks and Recreation is the responsible official for the review and recommendation to the Parks and Recreation Board, and for carrying out the Parks and Recreation Board's decisions, on the following types of applications:
- a. Acceptance of fees in lieu of parkland dedication;
  - b. The portion of an application showing where park land, including trails, is to be dedicated, and whether such dedication is acceptable;
  - c. Any other portions of applications showing items required by Sec. 98-126 through Sec. 98-155.

**Sec. 98-31. City Manager and Other Officials.**

1. City Manager.
- a. Appeals. The City Manager is the appellate decision-maker for any appeal for which a City staff person is the initial decision-maker, subject to further appeal as may be provided for in any subsequent sections of this Subdivision Ordinance.
2. Fire Chief. No provision contained in this Subdivision Ordinance shall be deemed or interpreted as a limitation on the Fire Chief's exclusive authority as set forth in the International Fire Code (IFC).
3. Other City Officials. The City Attorney and any other official delegated responsibilities under this Subdivision Ordinance or other provisions of the Municipal Code are authorized to take all actions necessary to carry out their responsibilities in accordance with the requirements and limitations prescribed herein.



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DIVISION II. AUTHORITY OF DECISION-MAKERS

**Sec. 98-32. Planning and Zoning Commission.**

1. Organization, Powers and Duties. The Planning and Zoning Commission (*also referred to as Commission*) shall hold meetings and have the powers and duties as authorized by Chapter 211 or 212 of the Texas Local Government Code. Such powers and duties shall include exercising all the authority and control conferred by law relating to platting.
2. Duties of the Director of Public Works. The Director of Public Works or other designee shall act as the staff liaison to the Commission, and shall abide by the City's usual record-keeping and retention policies for boards and Commissions, as amended, in maintaining records of the Commission's meetings and actions.
3. Authority for Deciding Applications. The Commission shall have the authority to act on the following types of applications:
  - a. Preliminary Plat;
  - b. Final Plat;
  - c. All other types of plats, with the exception of Minor Plats and Amending Plats (*which may be decided by the Director of Public Works or other designee unless deferred to the Commission*).

**Sec. 98-33. City Council.**

Authority for Deciding Applications and Appeals. The City Council shall hear and decide appeals from decisions made by the Commission when such appeals are authorized by this Ordinance.

**Secs. 98-34 – 98-54. Reserved.**

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DIVISION II. AUTHORITY OF DECISION-MAKERS

**Table 2-1: Authority of Decision-Makers**

	<b>Responsible Official</b>	<b>Initial Decision-Maker</b>	<b>Appellate Decision-Maker</b>
<b>Extension of Approval Sec.</b>	Director of Public Works	Director of Public Works	Planning and Zoning Commission
<b>Preliminary Plat Sec</b>	Director of Public Works	Planning and Zoning Commission	City Council
<b>Final Plat Sec</b>	Director of Public Works	Planning and Zoning Commission	City Council
<b>Conveyance Plat Sec</b>	Director of Public Works	Planning and Zoning Commission	City Council
<b>Minor Plat Sec</b>	Director of Public Works	Director of Public Works	Planning and Zoning Commission
<b>Replat Sec</b>	Director of Public Works	Planning and Zoning Commission	City Council
<b>Amending Plan Sec</b>	Director of Public Works	Director of Public Works	Planning and Zoning Commission
<b>Plat Vacation Sec</b>	Director of Public Works	City Council	n/a
<b>Construction Plans Sec</b>	Director of Public Works	Director of Public Works	n/a
<b>Extension of Construction Plans Sec</b>	Director of Public Works	Director of Public Works	n/a
<b>Construction Release Sec</b>	Director of Public Works	Director of Public Works	n/a
<b>Improvement Agreement Sec</b>	Director of Public Works	Director of Public Works	City Council

**PART II - CODE OF ORDINANCES**  
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**DIVISION III. APPLICATION SUBMITTAL AND PROCESSING PROCEDURES**

## **DIVISION III. APPLICATION SUBMITTAL AND PROCESSING PROCEDURES.**

Sec. 98-55. Pre-Submittal Meeting.

Sec. 98-56. General Application Content.

Sec. 98-57. Initiation, Complete Application, and Expiration.

Sec. 98-58. Application Processing, Action, and Notification Following Decision.

Sec. 98-59. Public Hearings.

Sec. 98-60. Amendments and Expiration.

Sec. 98-61. Expiration for Projects Approved Prior to September 1, 2005.

Secs. 98-62 - 98-82. Reserved.

### **Sec. 98-55. Pre-Submittal Meeting.**

1. Option to Meet With City Staff. Prior to the official submission of an application for review and consideration, the Applicant(s) has the option to request and attend a pre-submittal meeting with City Staff.
2. Meeting Request. To schedule a pre-submittal meeting, the Applicant shall make a request for a Pre-Submittal Meeting with Public Works or other designated city department, and such request shall describe the type of development desired and/or the type of application that the Applicant intends to submit. The Applicant shall then be notified by Public Works or other designated city department of the meeting time and place for the requested meeting.
3. Vested Rights. There shall be no vested rights based on a pre-submittal meeting.
4. Effect. Following the Pre-Submittal Meeting, the Applicant may proceed with the submittal of an application.

### **Sec. 98-56. General Application Content.**

1. Application Contents Generally. All applications shall be submitted on a form supplied by Public Works or other designated city department with the required information as stated on the application form. Incomplete applications shall not be accepted for filing and shall not be considered officially filed.
  - a. Application Timing.
    - i. Public Works or other designated city department shall establish submittal deadlines for all applications decided by the Director of Public Works or other designee and by the Commission.

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**DIVISION III. APPLICATION SUBMITTAL AND PROCESSING PROCEDURES**

- ii. An application must be considered complete and officially filed in accordance with Sec. 98-57 of this Subdivision Ordinance prior to being processed for review and consideration.
    - b. Fees Required. Every application shall be accompanied by the prescribed fees set forth in the City's fee schedule, as approved by City Council and as may be amended from time to time. The prescribed fee is not refundable.
    - c. Delinquent City Taxes on Property. An application shall not be deemed complete, nor shall it be approved, if there are delinquent City taxes on the subject property.
2. Modification of Applications Prior to Approval. The Applicant may modify any complete application following its filing and prior to the expiration of the period during which the City is required to act on the application.
  - a. Modifications Requested by the City. If the modification is for revisions requested by the City, and the modification is received at least eleven (11) calendar days prior to the time scheduled for decision on the application, the application shall be decided within the original period for decision (*from the original official filing date*) prescribed by this Subdivision Ordinance.
  - b. Other Modifications. In all other instances (e.g., *when the Applicant chooses to submit a revised application on his own accord because of a change in development decisions*), submittal of a modified application shall be accompanied by a properly executed Waiver of Right to 30-Day Action (see Sec. 98-57(5)) in order to allow City Staff adequate time to review the new information and modifications, and shall extend the time for deciding the application for a period equal to the time specified in this Subdivision Ordinance to decide the original application, commencing on the official filing date of the modified application.

**Sec. 98-57. Initiation, Complete Application and Expiration.**

1. Initiation by Owner. An application required under this Subdivision Ordinance may be initiated only by the Owner of the land subject to the application, or by the Owner's Duly Authorized Representative. If the Applicant is a representative of the Property Owner, the application shall include a written and notarized statement from the Property Owner, such as a duly executed "Power of Attorney", authorizing the representative to file the application on the Owner's behalf.
2. Applicability. The procedures within this Division III shall apply to all applications that are required by the City and submitted in accordance with this Subdivision Ordinance.
3. Determination of Completeness. Every application shall be subject to a determination of completeness by the responsible official for processing the application. An application must be complete in order to be accepted for review by the City.
  - a. The application shall only be accepted by the responsible official for processing when it is accompanied by all documents required by, and prepared in accordance with, the

**PART II - CODE OF ORDINANCES**  
**Chapter 98 - SUBDIVISION OF LAND AND LAND DEVELOPMENT**

**DIVISION III. APPLICATION SUBMITTAL AND PROCESSING PROCEDURES**

- requirements of this Subdivision Ordinance. A typographical error shall not, by itself, constitute an incomplete application.
- b. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Subdivision Ordinance.
  - c. A determination of completeness of an application shall be conducted in accordance with the following procedures:
    - i. The Applicant shall be notified in writing within ten (10) business days if the submitted application is incomplete. Such notice shall be served by depositing it in the U.S. Postal Service, or by electronic mail transmission, before the tenth (10<sup>th</sup>) business day following submission of the application.
    - ii. If the application is determined to be incomplete, the notification shall specify the documents or other information needed to complete the application, and shall state the date the application will expire (see Sec. 98-57(6)) if the documents or other information are not provided to the City.
    - iii. An application shall be deemed complete on the eleventh (11<sup>th</sup>) business day after the application has been received if notice is not served in accordance with Sec. 98-57(3)(c)(i).
    - iv. If the application is determined to be complete, the application shall be processed as prescribed by this Subdivision Ordinance.
  - d. It is not guaranteed that an accepted, complete application will be approved, if after the application is deemed complete it is determined that the application does not comply with this Subdivision Ordinance.
4. Re-Submittal after Notification of Incompleteness. If the application is re-submitted after a notification of incompleteness, the application shall be processed upon receipt of the re-submittal. An additional determination of completeness shall be made thereafter as described in Sec. 98-57(3). The statutory 30-day time frame for plat approvals shall begin when the City deems the application is complete (see Sec. 98-57(7)).
5. Waiver of Right to 30-Day Action. The Director of Public Works or other designee shall be the responsible official for a Waiver of Right to 30-Day Action.
- a. Request. An Applicant may submit in writing a Waiver of Right to 30-Day Action in relation to the decision time for plats of 30 days, as mandated by State Law.
  - b. Received. If the Applicant is requesting Waiver of Right to 30-Day Action, such Waiver of Right to 30-Day Action must be received by the Director of Public Works or other designee on or before the seventh (7<sup>th</sup>) calendar day prior to the Commission Meeting at which action would have to be taken (*based on the 30-day requirement in State Law*) on the application. Waiver requests that are not received by that day shall not be considered properly submitted, and action shall be taken on the application at such meeting as scheduled.
  - c. Requirements Maintained. Submission of a Waiver of Right to 30-Day Action, and acceptance of such Waiver by the City as part of an application, shall not be deemed in any way a Waiver to any requirement within this Subdivision Ordinance. A Waiver from requirements herein is a separate and distinct process.

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6. Expiration of Application.
  - a. The application shall automatically expire at the close of business on the 45<sup>th</sup> calendar day after the date the application is received, and it will be returned to the Applicant together with any accompanying documents and materials, if:
    - i. The City provides to the Applicant, not later than the 10<sup>th</sup> business day after the date the application is filed, written notice that specifies the necessary documents or other information, and the date the application will expire if the documents or other information is not provided; and
    - ii. The Applicant fails to provide the specified documents or other information necessary to comply with the City's requirements relating to the application within the time provided in the notification.
  - b. An accepted application for which there has been no action taken by an Applicant for ninety (90) calendar days shall be deemed expired and closed on the City's initiative.
    - i. If the application is of a type that can be administratively approved or denied, the responsible official shall notify the Applicant in writing that the application is officially denied due to inaction.
    - ii. If the application is of a type that must be acted upon by the Commission, the responsible official shall coordinate the application being placed on the agenda of the Commission, as applicable, and the application shall then be formally denied by an official action of the Commission, as applicable. The responsible official shall notify the Applicant in writing that the application has been officially denied by the Commission due to inaction.
7. Official Filing Date. The 30-day time period established by State Law, and by this Subdivision Ordinance, for processing and deciding an application shall commence on the official filing date. The official filing date shall be defined as the date the application is deemed complete by the responsible Official in the manner prescribed by Sec. 98-57(3).

**Sec. 98-58. Application Processing, Action, and Notification Following Decision.**

1. Action by Responsible Official. The responsible official for an application shall initiate internal review and assessment of the application following the City's development review procedures. The responsible official shall also, to the extent possible, work with the Applicant by advising on and communicating revisions that may be necessary to bring the application into compliance with City regulations in preparation for consideration by the appropriate decision-maker.
2. Decision. The decision-maker for the application shall approve, approve with conditions, or deny the application within the time period prescribed by this Subdivision Ordinance.
3. Conditions Attached. The decision-maker may attach such conditions to the approval of an application as are reasonably necessary to ensure compliance with all applicable requirements of this Subdivision Ordinance.



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4. Notification of Decision. The City shall send written notice within 14 calendar days following the date of a decision on an application.
5. Notification of Appeal. Whenever appeal is taken from a final decision on an application following a Public Hearing, or whenever the City is to consider revocation of an application which was obtained following a Public Hearing, personal notice of the appeal or revocation proceeding shall be provided to the Applicant.

**Sec. 98-59. Public Hearings.**

1. Setting the Hearing. When the responsible official determines that an application is complete and that a Public Hearing is required by this Subdivision Ordinance (see Sec 98-96(2) and 98-98(3)) or by State Law, the official shall cause notice of such Hearing to be prepared and made in accordance with State Law. The time set for the Hearing shall conform to the time periods required by Sec. 98-96(2) and 98-98(3) in this Subdivision Ordinance and by State Law.
2. Conduct of the Hearing. The Public Hearing shall be conducted in accordance with State Law. Any person may appear at the Public Hearing and submit evidence, either individually or as a representative of an organization. Each person who appears at a Public Hearing shall state his or her name and address, and if appearing on behalf of an organization, state the name of the organization for the record.
3. Record of Proceedings. The Board and/or Commission conducting the Hearing shall record the proceedings using standard municipal record-keeping procedures.

**Sec. 98-60. Amendments and Expiration.**

1. Amendments/Revisions to an Approved Application. Unless another method is expressly provided by this Subdivision Ordinance, any request to amend or revise an approved application shall be considered a new application, which must be decided in accordance with the procedures governing the original application and the standards in effect at the time such new application is filed with the City.
2. Time of Expiration.
  - a. Unless otherwise expressly provided by this Subdivision Ordinance, an approved application shall automatically expire two (2) years following the approval date of the application, and shall become null and void, and all activities under the application thereafter shall be deemed in violation of this Subdivision Ordinance, if:
    - i. The Applicant fails to satisfy any condition that was imposed by this Subdivision Ordinance or as part of the approval of the application or that was made under

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- the terms of any Development Agreement, within the time limits established for satisfaction of such condition or term; or
- ii. The Applicant fails to submit a subsequent complete application required by this Subdivision Ordinance within the time so required.
- b. If no time limit for satisfaction of conditions is specified in the decision on the application, the time shall be presumed to be two (2) years following the date the application was approved, except as provided in Sec. 98-61.
- c. Except as provided in Sec. 98-61, or upon a different date being determined pursuant to a vested rights petition, an application approved prior to the effective date of this Subdivision Ordinance shall expire in accordance with the terms of the regulations in effect at the time the application was filed.
3. Effect of Expiration. Upon the expiration of an approved application, all previously approved applications for the same land shall also expire on the expiration date if the filing of an application was required to avoid expiration for the previously approved application(s), except as provided in Sec. 98-61. Thereafter, a new application must be submitted for consideration and approval subject to regulations in effect at the time the new application is filed.

**Sec. 98-61. Expiration for Projects Approved Prior to September 1, 2005.**

1. Two-Year Expiration Established. Notwithstanding any other provision of this Subdivision Ordinance, for any approved application for which no expiration date was in effect on September 1, 2005, an expiration date of two (2) years following the date of approval of the application shall apply, unless the Applicant files a written petition before such date for a vested rights determination alleging that progress has been made toward completion of the project for which the application subject to expiration was filed. If a vested rights petition is timely filed and subsequently approved, the City Council shall determine the expiration date of the application in deciding the petition.
2. Five-Year Expiration Established. Notwithstanding any other provision of this Subdivision Ordinance, once an application has expired under Sec. 98-61(1), all previously approved applications for the same land also shall expire no later than five (5) years following the date of filing of the first application for the project for which the expired application was filed, unless the Applicant files a written petition before such date for a vested rights determination. If a vested rights petition is timely filed and subsequently approved, the City Council shall determine the expiration date of the previously approved applications in deciding the petition.

**Secs. 98-62 – 98-82. Reserved.**

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Secs. 98-105 - 98-125. Reserved.

### **Sec. 98-83. General Subdivision and Platting Procedures.**

1. Types of Plats Required. A Final Plat or a Minor Plat shall be approved prior to any land division that is subject to these regulations and prior to commencement of any new development or construction project.
2. Replat. A Replat in accordance with State Law and the provisions of Sec. 98-95 and 98-96 shall be required any time a platted, recorded lot is further divided or expanded, thereby changing the boundary and dimensions of the property. In the case of minor revisions to recorded plats or

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lots, a Minor Plat or Amending Plat may also be utilized if allowed by State Law and if in accordance with Sec. 98-94, Sec. 98-95, and Sec. 98-97, respectively.

3. Exemptions. The following land divisions are exempt from the requirements of this Subdivision Ordinance that apply to plats:
  - a. Use of existing cemeteries complying with all State and local laws and regulations; and
  - b. A division of land created by order of a court of competent jurisdiction, provided however, that prior to construction of improvements, a plat meeting the requirements of this Ordinance shall be approved and recorded prior to the issuance of permits.
4. Zoning. Inside the city limits of the City, the following shall apply:
  - a. Conformance with Existing Zoning. All applications shall be in conformance with the existing zoning on the property.
  - b. Request to Rezone First. If an Applicant seeks to amend the zoning for the property, the request to rezone the land shall be submitted and approved prior to acceptance of an application for filing unless as otherwise provided below.
    - i. The Applicant may request approval from the Director of Public Works or other designee to submit an application simultaneous with the zoning change request, in which case the application for the zoning amendment shall be acted upon first, and provided that the application is accompanied by a properly executed Waiver of Right to 30-Day Action (*due to the more lengthy time frame necessary to advertise and process zoning applications*).
    - ii. In the event that the requested zoning amendment is denied, the application shall also be rejected or denied.
  - c. Site Plan Approval. Where Site Plan approval is required by the Zoning Ordinance prior to development, no application for a Final Plat approval shall be accepted for filing until a Preliminary Site Plan has been approved for the land subject to the proposed plat.
5. General Stages of Plat Approval and Staff Review.
  - a. Two-Stage Process. The platting process typically involves two approval stages: Submission and approval of a Preliminary Plat (*refer to Sec. 98-88*), and subsequent submission and approval of a Final Plat (*refer to Sec. 98-91*). However:
    - i. An Applicant may proceed with a Final Plat without an approved Preliminary Plat whenever:
      - A Minor Plat (Sec. 98-94) is submitted; or
      - A Preliminary Site Plan for a multi-family, single-family attached or nonresidential development is submitted and approved in accordance with the Zoning Ordinance.
  - b. Staff Review. Unless otherwise specified under the regulations for a specific type of plat:
    - i. The Director of Public Works or other designee shall be the responsible official for a plat, and shall be responsible for the initial review of a plat for conformance with this Subdivision Ordinance and any other applicable ordinances of the City.

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- ii. The Director of Public Works or other designee and/or other City Staff at the direction of the Director of Public Works or other designee, shall review all applications for completeness based on a checklist supplied by Public Works.
- iii. The Director of Public Works or other designee, and/or other City Staff at the direction of the Director of Public Works or other designee, shall then review all applications that are deemed complete for conformance with this Subdivision Ordinance and with other applicable City regulations.

**Sec. 98-84. Subdivision Plat Required.**

Except as provided in Section 98-85 of this Code, any subdivision of property in the City and its extraterritorial jurisdiction shall require a subdivision plat approved pursuant to this article. Prior to the subdivision of any property within the City, the Owner of the property proposed to be subdivided, or the Owner's authorized agent, shall obtain approval from the Commission or the Director of Public Works or other designee, as applicable, of a subdivision plat of the subdivision submitted pursuant to the requirements of this chapter. All property in the City that is subdivided shall be laid out under the direction of the Commission, and the City will recognize no other subdivisions.

The requirement to file and obtain approval of a subdivision plat may be met by filing either a Minor Plat or a Major Plat, as applicable to the property proposed to be subdivided.

**Sec. 98-85. Exceptions to Subdivision Platting Requirements.**

A subdivision plat shall not be required for the dedication of a public street if the dedication is accomplished through a transfer of fee title by deed and accompanied by a plat with a metes and bounds description approved by the Commission pursuant to this article.

**Sec. 98-86. Procedure for Submission of General Plan.**

1. When property is proposed to be subdivided in sections, a general plan illustrating all contiguous property under one ownership, legal interest or common control shall be submitted prior to or simultaneously with the application for the subdivision plat for the first section.
2. The general plan shall show:
  - a. The alignment of any major thoroughfares within or adjacent to the property in accordance with the major thoroughfare and freeway plan and all collector streets that are necessary to demonstrate an overall circulation system for the property that will meet the requirements of article III of this chapter;
  - b. Recorded easements; and
  - c. At the option of the Applicant, one or more local streets, which shall extend into and connect with existing local streets and be consistent with local streets shown on any general plans for abutting property.

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3. The general plan also may identify the number of sections anticipated to be platted pursuant to the general plan and proposed land uses including single-family residential, multi-family residential, restricted and unrestricted reserves, utility plant sites, drainage and detention facilities and proposed easements affecting the subdivision of the property.
4. Planning and Zoning Commission approval of a general plan shall be noted on the face of the plan and shall be applicable only to the major thoroughfare, collector street pattern and any local street shown on the general plan.
5. The general plan may be amended in the same manner required for approval of the initial general plan.
6. A general plan shall remain in effect for four (4) years from the date of the Planning and Zoning Commission Meeting approval, subject to extension as provided herein. Any amendment of the general plan shall not result in an extension of the effective period. Recordation of a subdivision plat for a section within the general plan during the effective period of the general plan shall renew the general plan for an additional four (4) years from the expiration date of the general plan if the recorded subdivision plat meets the following requirements:
  - a. The subdivision plat is consistent with the general plan; and
  - b. The subdivision plat represents the lesser of 20 percent of the total acreage in the general plan or 25 acres.

Recordation of a street dedication plat shall not extend the effective period of a general plan; provided, however, that a street dedication plat that dedicates a major thoroughfare or a collector to its points of connection with adjacent properties as shown on the general plan shall extend the general plan for four (4) years. Nothing shall prohibit an Applicant from filing an application for a general plan for the same property that was included in an expired general plan.

7. As long as the general plan remains in effect, the street system approved in the general plan shall form the basis for street system extensions into adjacent properties to be platted, unless the Subdivider of such properties demonstrates that the requirements of article III of this chapter can be met without the street extensions.

**Sec. 98-87. General Plans Submittal Requirements.**

An application for the approval of a general plan shall be filed with the Director of Public Works or designee, and shall:

- Be made on an application form provided by the department;
- Provide all required materials, in the quantity and manner prescribed by the Director of Public Works or designee, on paper, on a computer disc or on electronic media;
- Be accompanied by an affidavit of the Owner, or the Owner's authorized agent with duty to inquire, identifying all encumbrances on the property inside the general plan boundary;



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- State the proposed name of the general plan, which shall not be a duplicate of any subdivision or development of record within the City;
- Provide the legal description of the property in the general plan, including the name of the county, survey and abstract number and a reference to the nearest corner or street ROW intersection in the general area;
- Show the location of all collector streets and major thoroughfares, and at the option of the Applicant, all local streets, within the general plan boundaries;
- State the total acreage within the general plan;
- Identify the Owner of the property; if the Owner of the property is not a natural person, state the name of the entity along with the individual authorized to execute the general plan on behalf of the entity;
- Identify the person or firm who prepared the general plan;
- Indicate the date on which the general plan was drawn;
- Provide a north arrow;
- Orient the layout of the general plan with north to the top of the drawing;
- Provide a numeric and graphic scale, which shall be a minimum of 1" = 600' and no greater than 1" = 100';
- Orient the general plan within the larger area by providing a vicinity map;
- Have boundaries drawn with heavy lines to indicate the area included in the general plan;
- Identify adjacent areas outside the general plan boundaries, indicating the name of the adjacent subdivisions, and show the location and approximate width of existing and proposed water courses, ravines, drainage easements, streets and pipelines within and adjacent to the general plan boundaries;
- Provide survey dimensions and bearings for the boundaries of the general plan, with lines outside the general plan boundaries, if any, drawn as dashed lines; and
- Be accompanied by the applicable filing fee.

**Sec. 98-88. Preliminary Plats**

1. Purpose. The purpose of a Preliminary Plat shall be to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of this Subdivision Ordinance.
2. Exceptions.
  - a. A Preliminary Plat is not required when a Minor Plat is submitted (refer to Sec. 98-94).
3. Accompanying Applications.
  - a. An application for a Preliminary Plat shall be accompanied by a Preliminary Drainage Plan, a Preliminary Utility Plan, and other plans if deemed necessary for thorough review by the Director of Public Works or designee.
  - b. The Applicant shall furnish with the application to the City a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership,

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identifying all persons having an ownership interest in the property subject to the Preliminary Plat.

4. Review by Director of Public Works or designee. The Director of Public Works or designee shall:
  - a. Initiate review of the plat and materials submitted (*including any Preliminary Drainage Plan and Preliminary Utility Plan*).
  - b. Request written comments from other City Departments, such as Fire Department, Parks and Recreation, and Public Works if deemed necessary.
  - c. Make available plats and reports to the Commission for review.
  - d. Upon determination that the application is ready to be acted upon, schedule the Preliminary Plat for consideration on the agenda of the next available meeting of the Commission.
5. Action by Planning and Zoning Commission. The Commission shall:
  - a. Review the Preliminary Plat application, the findings of the Director of Public Works or designee, and any other information available. From all such information, the Commission shall determine whether the Preliminary Plat conforms to the regulations of this Subdivision Ordinance.
  - b. Act within thirty (30) calendar days following the official filing date of the Preliminary Plat application (*unless the Applicant submits a Waiver of Right to 30-Day Action as outlined in Sec. 98-57(5)*). If no decision is rendered by the Commission within the thirty (30) day period described above or such longer period as may have been agreed upon, the Preliminary Plat, as submitted, shall be deemed to be approved.
  - c. Take one of the following actions:
    - i. Approve the Preliminary Plat;
    - ii. Approve the Preliminary Plat with conditions, which shall mean that the Preliminary Plat shall be considered to have been approved once such conditions are fulfilled;  
or
    - iii. Deny the Preliminary Plat.
6. Criteria for Approval. The following criteria shall be used by the Commission to determine whether the application for a Preliminary Plat shall be approved, approved with conditions, or denied:
  - a. The Preliminary Plat is consistent with all zoning requirements for the property, including any applicable Planned Development (PD) zoning standards, and with any approved Improvement Agreement if applicable; The proposed provision and configuration of public improvements including, but not limited to, roads, water, wastewater, storm drainage, park facilities, open spaces, habitat restoration, easements, and ROW are adequate to serve the development, meet applicable standards of this Subdivision Ordinance, and conform to the City's adopted master plans for those facilities;
  - b. The Preliminary Plat has been duly reviewed by applicable City Staff;
  - c. The Preliminary Plat conforms to design requirements and construction standards as set forth by the City; and
  - d. The Preliminary Plat is consistent with the Comprehensive Plan.

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- e. The proposed development represented on the Preliminary Plat does not endanger public health, safety, or welfare.
- 7. Effect of Approval. The approval of a Preliminary Plat shall allow the Applicant to proceed with the development and platting process by a Final Plat (Sec. 98-97). Approval of the Preliminary Plat shall be deemed general approval of the subdivision's layout only, and shall not constitute approval or acceptance of Construction Plans or a Final Plat.
- 8. Appeal of the Decision on a Preliminary Plat Application.
  - a. Initiation of an Appeal. The Applicant or no less than four (4) voting members of City Council may appeal the decision of the Commission by submitting a written notice of appeal to the Director of Public Works or other designee within 14 calendar days following the date of the Commission's decision.
    - i. For a City Council-initiated appeal, the Council shall consider and act on whether it will appeal the Commission's decision at its first regular meeting (*for which there is time to include such appeal on its posted agenda, as required by State Law*) that occurs after the Commission meeting at which the decision was made.
    - ii. Written notice of the City Council's vote to appeal shall be submitted to the Director of Public Works or designee within seven (7) calendar days following the City Council's vote to appeal the decision.
    - iii. For an Applicant-initiated appeal, a letter stating the reasons for the appeal, citing the specific applicable section(s) of the Subdivision Ordinance, shall be submitted by the Applicant.
    - iv. The Director of Public Works or designee may, on his/her own initiative, appeal the decision of the Commission by scheduling an appeal on the City Council's next regular meeting (*for which there is time to include such appeal on its posted agenda as required by State Law*) that occurs after the Commission meeting at which the decision was made.
  - b. Council Decision. The City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the Director of Public Works or designee. The City Council may affirm, modify or reverse the decision of the Commission by simple majority vote. The decision of the City Council is final.
- 9. Expiration.
  - a. Two-Year Validity. The approval of a Preliminary Plat shall remain in effect for a period of two (2) years following the date of approval, during which period the Applicant shall submit and receive approval for a Final Plat for the land area shown on the Preliminary Plat. If a Final Plat application has not been approved within the two (2)-year period, the Preliminary Plat shall expire.
  - b. Action on Final Plat. Should a Final Plat application be submitted within the two (2)-year period, but not be acted upon by the Commission within the two (2)-year period, the Preliminary Plat shall expire unless an extension is granted as provided in Sec. 98-88(10).

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- c. Void If Not Extended. If the Preliminary Plat is not extended as provided in Sec 98-88(10), it shall expire and shall become null and void.
- 10. Extension. A Preliminary Plat may be extended for a period not to exceed one (1) year beyond the Preliminary Plat's expiration date. A request for extension shall be submitted to Public Works in writing at least 30 calendar days prior to expiration of the Preliminary Plat, and shall include reasons why the Plat should be extended.
  - a. Decision by the Director of Public Works or designee.
    - i. The Director of Public Works or designee will review the extension request and shall approve it, approve it with conditions, or deny the extension request within 30 calendar days following the official filing date of the request.
    - ii. Should the Director of Public Works or designee fail to act on an extension request within 30 calendar days, the extension shall be deemed to be approved.
  - b. Considerations. In considering an extension, the Director of Public Works or designee shall consider whether the following conditions exist:
    - i. A Final Plat has been submitted and/or approved for any portion of the property shown on the Preliminary Plat;
    - ii. Construction is occurring on the subject property;
    - iii. The Preliminary Plat complies with new ordinances that impact the health, safety and general welfare of the community; and/or e. If there is a need for a park, school or other public facility or improvement on the property.
  - c. Conditions. In granting an extension, the decision-maker may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served. Any extension may be predicated upon compliance with new development regulations and/or the Applicant waiving any vested rights.
  - d. Appeal of Denial for Extension.
    - i. Appeal of the Director's Decision. The denial of an extension by the Director of Public Works or designee may be appealed to the Commission. A written request for such appeal shall be received by Public Works within 14 calendar days following the denial. The Commission shall hear and consider such an appeal within 30 calendar days following Development Services' receipt of the appeal request.
    - ii. Appeal of the Commission's Decision. The denial of an extension by the Commission may be appealed to the City Council. A written request for such appeal shall be received by the Director of Public Works or designee within 14 calendar days following the denial. The City Council shall hear and consider such an appeal within 30 calendar days following Development Services' receipt of the appeal request. The decision of the City Council is final.
- 11. Amendments to Preliminary Plat Following Approval.
  - a. Minor Amendments. Minor amendments to the design of the subdivision subject to an approved Preliminary Plat may be incorporated in an application for approval of a Final Plat without the necessity of filing a new application for re-approval of a Preliminary Plat. Minor amendments may only include minor adjustments in street or alley alignments,

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lengths and paving details, and minor adjustments to lot lines that do not result in creation of additional lots or any non-conforming lots (*such as to Zoning standards*), provided that such amendments are consistent with applicable approved prior applications.

- b. Major Amendments. All other proposed changes to the design of the subdivision subject to an approved Preliminary Plat shall be deemed major amendments that require submittal and approval of a new application for approval of a Preliminary Plat (*including new fees, new reviews, new official filing date, etc.*) before approval of Construction Plans and/or a Final Plat.
- c. Determination. The Director of Public Works or designee shall make a determination of whether proposed amendments are deemed to be minor or major, thereby requiring new submittal of a Preliminary Plat.

**Sec. 98-89. Procedure for Submission of Preliminary Plats.**

1. Preliminary Conference. Prior to the official filing of a Preliminary Plat, the Subdivider may consult with City Staff for comments and advice on the procedures, specifications, and standards required by the City as conditions for subdivision plat approval.
2. Application for Preliminary Plat Approval. Any person desiring approval of a Preliminary Plat shall first file, in triplicate, an Application for Preliminary Plat approval. Application forms will be kept on file with the City Secretary and will be in a form approved by the Director of Public Works or designee. Consideration of a Preliminary Plat shall not occur unless a fully completed and executed application, with all required documents and fees, has been filed in accordance with this chapter. If the form of the application or plat submitted therewith does not conform with or meet the minimum requirements of this chapter, any application for Preliminary Plat approval shall be denied.
  - a. Submittal Date and Time. All plats, maps, reproductions, fees, applications, and related materials shall be submitted to the Director of Public Works or designee in accordance with the department's schedule for review prior to placing the application on the next regular Commission Meeting. Materials received after the prescribed time shall automatically be placed on the agenda of the subsequent Planning and Zoning Commission Meeting.
  - b. Copies Required. The Applicant shall provide *two (2) paper copies and an electronic file* of the plat drawings and related information. The plat drawings shall be 24 inch by 36 inch paper prints from the original drawing of the plat, reproduced on white paper with black lines, each of which shall be folded to 8 ½ inches by 14 inches.
  - c. Filing Fees. An application for Preliminary Plat approval shall be accompanied by a nonrefundable application fee, in the current amount required by City Council.
  - d. Encumbrances Information. Initial plat submittals shall be accompanied with a title opinion or a statement or certificates, either in separate writing or on the plat, executed by the Applicant or the person who prepared the plat, which certifies that all existing encumbrances other than liens, such as various types of easements, fee strips, or significant topographical features on the land being platted, are fully shown and accurately

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identified on the face of the plat and, further, stating whether the plat being submitted includes all of the contiguous land that the Subdivider owns directly or indirectly, or has a legal or beneficial interest in, or whether the Subdivider owns or has a legal interest in any adjacent property. If the Subdivider owns or has a legal interest in any adjacent property, the extent of such ownership and a boundary description of the land involved shall also be provided.

- e. Notice to Utilities. Evidence of notice to all utility companies that provide service to the area encompassed by the proposed subdivision, whether public or private, shall accompany each application for Preliminary Plat approval. Such notice shall contain a statement of the intent to subdivide, the intended use of the property within the subdivision, and shall have attached to such notice a copy of the Preliminary Plat that is filed within the City.
- f. Environmental Assessment. The Owner and/or Developer may obtain a Phase I environmental assessment to determine that there are no hazardous materials on the area to be developed, and may be required to be submitted to staff, if determined to be necessary as a requirement for development. If hazardous materials are found, appropriate remediation shall be performed in accordance with Texas Commission on Environmental Quality (TCEQ) standards, and evidence of compliance shall be submitted with the application.
- g. Special Studies. The Owner and/or Developer shall comply with all federal and State Laws pertaining to archeological, geological, wetlands, and endangered species applicable to the property, and submit all information with the application.

**Sec. 98-90. Preliminary Plats Submittal Requirements.**

All Preliminary Plats submitted to the City shall conform to the following, and contain all the information and language required:

- The proposed name of the subdivision or development, which shall not be a duplicate of any subdivision or development of record within Harris County, Texas;
- The legal description of the property proposed to be subdivided, including the name of the county, survey, and abstract number, together with reference to at least one established corner of a nearby recorded subdivision or the nearest public street ROW intersection;
- The total acreage, and total number of lots, blocks, and reserves;
  - Proposed use of land;
  - Setbacks;
  - Green or open space;
  - Easements and rights of way; and
  - Pipelines, including setbacks, and available information on the content and what the pipeline is engineered for.
- The name(s) and addresses of the Owner(s) of the property. If the Owner is other than a natural person, the names and addresses of the principal officer, or Owner, of the entity that owns such property,
- The name and address of the person or firm who prepared the plat;



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- The date on which the plat was drawn;
- The north point. The drawing of the subdivision shall be oriented with north to the top of the drawing;
- The scale shall be drawn numerically and a graphic scale shall be provided. The scale acceptable for a Preliminary Plat shall be one (1) inch equals 100 feet (1":100'), or for projects less than ten (10) acres the scale acceptable for a Preliminary Plat shall be one (1) inch equals 50 feet (1":50').
- A scale vicinity map, shall be provided and made a part of the plat indicating the general location of the subdivision and its relationship with well-known streets, railroads, water courses, and similar features in all directions from the subdivision to a distance not less than one-half (½) mile. The scale of the vicinity map shall be to legible scale and shall be oriented with north to the top of the drawing that shall also be the same direction as the detailed subdivision drawing;
- The plat boundaries shall be drawn with heavy lines to indicate the subdivided area with overall survey dimensions and bearings. Lines outside the plat boundary shall be drawn as dashed lines;
- The immediately contiguous areas outside the plat boundaries shall be identified indicating the name of contiguous subdivisions (*including recording information*), the names of the recorded Owners of adjacent parcels of land, churches, schools, parks, bayous, and drainage ways, acreage, and all existing streets, easements, pipelines, and other restricted uses;
- The location and approximate width of existing and proposed water courses, ravines, and drainage easements, topographical elevations; and the designated flood zones, as provided in the latest edition of the Federal Insurance Rate Map as published by the Federal Emergency Management Agency. All such information required herein shall be certified by a Registered Professional Land Surveyor (RPLS) and/or a Registered Professional Engineer (P.E.) authorized to do business in the State of Texas;
- Contours with intervals of five-tenths ( $\frac{5}{10}$ ; 0.5) foot, referred to sea level (*U.S. Coast and Geodetic Survey*) datum, as required to show at least two (2) contours within and adjacent to the subdivision. If the change in elevation throughout the property to be subdivided is less than one (1) foot, then the plat is to clearly show the outfall drainage plan and identify basis of control and temporary benchmark set within the subdivision;
- The location and identification of all tracts not designated as lots within the boundaries of the plat. Such tracts, if not restricted for specific uses, shall be identified as "Unrestricted Reserve." "Restricted Reserves" shall be indicated on the plat and shall be designated as single-family residential, utility, church, park, recreational, school, or other specific use;
- The location, widths, and names, of all existing or proposed streets, roads, alleys, and easements, within the plat boundaries or immediately adjacent thereto, the location of all existing permanent buildings within the plat boundaries, and all existing easements and other important features, such as section lines, political subdivision, or corporate limit lines, on all sides for a distance of not less than 200 feet. The department may also require that the Developer complete a Traffic Impact Analysis (TIA), on recommendation by the Director of Public Works to assure that adequate public facilities for the transportation impacts of the proposed development are being provided.
- The names of all existing and proposed streets located within the plat boundaries or immediately adjacent thereto;
- The location of all lots, blocks, building setback lines, and other features, within the plat boundaries, with approximate dimensions;

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- Existing sewers, water and gas mains, culverts, bridges, pipelines, structures, or public utilities within the tract and immediately adjacent thereto with pipe sizes, grades, and locations indicated;
- The proposed layout of the subdivision, showing streets, blocks, lots, alleys, easements, building lines, and parks, with principal dimensions; and
- A letter certifying that adequate water and sewer service is available to the subdivision, and that such services will be provided from the appropriate utility provider.

**Sec. 98-91. Final Plats.**

1. Purpose. The purpose of a Final Plat is to ensure that the proposed subdivision and development of the land is consistent with all standards of this Subdivision Ordinance pertaining to the adequacy of public facilities, that public improvements to serve the subdivision or development have been installed and accepted by the City or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded.
2. Exceptions. A Final Plat is not required when a Minor Plat is submitted (*refer to Sec. 98-95*).
3. Ownership.
  - a. The Applicant shall furnish with the application to the City a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the Final Plat.
  - b. The Final Plat shall be signed by each Owner, or by the representative of the Owners authorized to sign legal documents for the Owners, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the Final Plat. Such consent shall be subject to review and approval by the City Attorney, and the Applicant shall reimburse the City for all related legal costs for review. This reimbursement shall be paid in full prior to filing of the Final Plat.
4. Prior Approved Preliminary Plat. The Final Plat and all accompanying data shall conform to the Preliminary Plat as approved by the Commission, or as the Preliminary Plat may have been amended subsequently (Sec 98-88(11)), if applicable, incorporating all conditions imposed or required by the Commission, if applicable.
5. Review by Director of Public Works or other designee. The Director of Public Works or other designee shall:
  - a. Initiate review of the plat and materials submitted.
  - b. Request written comments from other City Departments, such as Fire Department, Parks and Recreation, and Public Works, if deemed necessary.
  - c. Make available plats and reports to the Commission for review.

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- d. Upon determination that the application is ready to be acted upon, schedule the Final Plat for consideration on the agenda of the next available meeting of the Commission.
- 6. Action by Planning and Zoning Commission. The Commission shall:
  - a. Review the Final Plat application, the findings of the Director of Public Works or other designee, and any other information available. From all such information, the Commission shall determine whether the Final Plat conforms with the regulations of this Subdivision Ordinance.
  - b. Act within 30 calendar days following the official filing date of Final Plat (*unless the Applicant submits a Waiver of Right to 30-Day Action as outlined in Sec. 98-57(5)*). If no decision is rendered by the Commission within the 30 day period described above or such longer period as may have been agreed upon, the Final Plat, as submitted, shall be deemed to be approved.
  - c. Take one of the following actions:
    - i. Approve the Final Plat;
    - ii. Approve the Final Plat with conditions, which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled; or
    - iii. Deny the Final Plat.
- 7. Criteria for Approval. The following criteria shall be used by the Commission to determine whether the application for a Final Plat shall be approved, approved with conditions, or denied:
  - a. Prior Approved Preliminary Plat.
    - i. The Final Plat conforms to the approved Preliminary Plat except for minor amendments that are authorized under Sec. 98-88(11) and that may be approved without the necessity of revising the approved Preliminary Plat;
    - ii. All conditions imposed at the time of approval of the Preliminary Plat, as applicable, have been satisfied;
    - iii. Where public improvements have been installed, the improvements conform to the approved Construction Plans and have been approved for acceptance by the Director of Public Works;
    - iv. Where the Director of Public Works has authorized public improvements to be deferred, an Improvement Agreement has been executed and submitted by the Property Owner in conformity with City Standards;
    - v. The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this Ordinance;
    - vi. The plat conforms to design requirements and construction standards of the City; and
    - vii. The plat conforms to the Public Works' or other designated department subdivision application checklists.
  - b. No Prior Approved Preliminary Plat.
    - i. The Final Plat conforms to all criteria for approval of a Preliminary Plat;
    - ii. The Construction Plans conform to the requirements of the City and have been approved by the Director of Public Works;

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- iii. An Improvement Agreement or surety for installation of public improvements have been prepared and executed by the Property Owner in conformance with City Standards;
  - iv. The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this Ordinance; and
  - v. The Final Plat conforms to the Public Works' or other designated department application checklist.
8. Procedures for Recordation Upon Approval. The Applicant shall supply to Public Works or other designated department the required number of signed and executed copies of the Final Plat that will be needed to file the Plat, upon approval, at the applicable County (*in the County's required format*) at least seven (7) calendar days prior to the Commission Meeting at which it will be considered for approval.
- a. General.
    - i. Signatures. After approval of the Final Plat, the Director of Public Works or other designee shall procure the appropriate city signatures on the Final Plat.
    - ii. Recording Upon Performance. The Final Plat shall be recorded after:
      - The Final Plat is approved by the City;
      - All required public improvements have been completed and accepted by the City; and
      - All County filing requirements are met.
  - b. Submittal of Final Plat Where Improvements Installed. Where all required public improvements have been installed prior to recording of the Final Plat, the Applicant shall meet all requirements in accordance with the City Standards.
  - c. Submittal of Final Plat Where Improvements Have Not Been Installed. Where some of or all required public improvements are not yet completed in connection with an approved Final Plat, the Applicant shall submit the Final Plat as approved by the Commission, revised to reflect any conditions imposed by the Commission as part of approval.
  - d. Update of Proof of Ownership. If there has been any change in ownership since the time of the Proof of Ownership provided under Sec. 98-91(3), the Applicant shall submit a new consent agreement executed by each Owner consenting to the platting of the property and the dedications and covenants contained in the plat. The title commitment or title opinion letter and consent agreement shall be subject to review and approval by the City Attorney, and the Applicant shall reimburse the City for all related legal costs for review. This reimbursement shall be paid in full prior to filing of the Final Plat.
9. Effect of Approval. The approval of a Final Plat:
- a. Supersedes any prior approved Preliminary Plat for the same land.
10. Appeal of Decision of Final Plat Application. Appeal of a decision on a Final Plat application shall be as outlined in Sec. 98-88(8).
11. Revisions Following Recording/Recordation. Revisions may only be processed and approved as a Replat or Amending Plat, as applicable.

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**Sec. 98-92. Procedure for Final Plat Approval.**

Any person desiring approval of a Final Plat shall first file an application for Final Plat approval. Forms for such applications shall be kept on file with the department. Consideration of a Final Plat by the Director of Public Works shall not occur unless a fully completed and executed application has been filed in accordance with this Ordinance. The Director of Public Works is hereby authorized to deny, on behalf of the Director of Public Works, any application for Final Plat approval that is not fully completed and executed in accordance with this Ordinance.

1. Time for Filing. All plats, maps, reproductions, fees, applications, and related materials shall be submitted to the Director of Public Works in accordance with the department's schedule for review prior to placing the application on the next regular Commission Meeting. Materials received after the prescribed time shall automatically be placed on the agenda of the subsequent Commission Meeting.
2. Copies Required. The Applicant shall provide two (2) paper copies and an electronic file of all information; plat drawings shall be submitted on 24 inch by 36 inch paper prints from the original drawing of the plat reproduced on white paper with black lines, each of which shall be folded to 8 ½ inches by 14 inches. All materials shall also be submitted in electronic format acceptable to the City and Harris County.
3. Filing Fees. An application for Final Plat approval must be accompanied by a nonrefundable application fee in the current amount as established by City Council.
4. Certificates of Availability of Utilities. Each Final Plat shall be accompanied by a written certification from each entity, whether public or private, from which utility services are to be received, certifying the availability of same, and that such entity agrees to provide its respective utility service to the subdivision.

**Sec. 98-93. Final Plat Submittal Requirements.**

All Final Plats shall incorporate all of the provisions relating to Preliminary Plats as provided in Sec. 98-88, and reflect any conditions and requirements of final approval previously imposed by the Commission, together with the following additional requirements:

- The Final Plat shall be drawn on material suitable for direct positive prints and reproductions;
- Scale for a Final Plat drawing shall meet the same requirements as specified in Sec. 98-90 for Preliminary Plat.
- All engineering and surveying data shall be shown on the Final Plat sufficient to locate all of the features of the plat on the ground. This data shall include, but not be limited to, full dimensions along all boundaries of the plat; street and alley ROW; easements; drainage ways, gullies, creeks, bayous, together with the location of the high bank of such drainage ways and water

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courses; lots; blocks; reserves; out tracts, or any other tracts designated separately within the plat boundaries; fee strips, or any other physical or topographical features necessary to be accurately located by surveying methods. Such information shall include line dimensions, bearings of deflecting angles, radii, central angles and degree of curvature, length of curves and tangent distances, all of which are to be shown in feet and decimal fractions thereof;

- The name of the current Owner and their address. If the record Owner is a company or corporation, the name of the responsible individual, such as the president or vice president;
- The name, address and seal of the RPLS for preparing the plat;
- The date of submittal or the date of submittal of each subsequent revision;
- All streets and alleys with street names, or other rights of way, widths measured at right angles or radially (*where curved*), complete curve data (*R.L.P.C., P.R.C., and P.T.*) length and bearing all tangents between curves;
- Building lines and easements shall be shown and shall be defined by dimension. All principal lines shall have the bearing given and deviation from the norm indicated. The plat must provide a note stating that all existing pipelines or pipeline easements through the subdivision have been shown or that there are no existing pipeline easements within the limits of the subdivision;
- All field surveys shall be accurate to, and performed in accordance with the appropriate provisions of the current edition of the Manual of Practice Standards for Surveying in Texas, as periodically published by the Texas Society of Professional Surveyors. Linear dimensions shall be expressed in feet and decimal fractions thereof of a foot; angular dimensions may be shown by bearings in degrees, minutes, and seconds. Curved boundaries shall be fully described and all essential information given. Circular curves shall be defined by actual length of radius and not by degree of curve;
- The intended use of all lots within the subdivision shall be identified on the plat; and
- All dedication statements and certificates shall be made a part of the Final Plat drawing and shall conform in form and content to the form of statements and certificates required by the City.

**Sec. 98-94. Minor Plats.**

1. Purpose. The purpose of a Minor Plat is to simplify divisions of land under certain circumstances outlined in State Law.
2. Applicability. An application for approval of a Minor Plat may be filed only in accordance with State Law, when all of the following circumstances apply:
  - a. The proposed division results in four (4) or fewer lots;
  - b. All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this Subdivision Ordinance; and
  - c. Except for ROW widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.
3. Application Requirements. The requirements for the submittal of a Minor Plat shall be the same as the requirements for a Final Plat, as outlined in Sec. 98-91.



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4. Review by Director of Public Works or other designee. The Director of Public Works or other designee shall:
  - a. Initiate review of the plat and materials submitted.
  - b. Request written comments from other City Departments, such as Fire Department, Public Works, and Parks and Recreation, if deemed necessary.
5. Action by Director of Public Works or other designee. The Director of Public Works or other designee shall:
  - a. Determine whether the Minor Plat meets the regulations of this Subdivision Ordinance.
  - b. Act within 30 calendar days following the official filing date of a completed application for a Minor Plat (unless the Applicant submits a Waiver of Right to 30-Day Action as outlined in Sec. 98-57(5)). If no decision is rendered by the Director of Public Works or other designee, or if the Director has not deferred the application to the Commission for decision, within the 30 day period described above or such longer period as may have been agreed upon, the Minor Plat, as submitted, shall be deemed to be approved.
  - c. Take one of the following actions:
    - i. Approve the Minor Plat;
    - ii. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled; or
    - iii. Defer the Minor Plat to the Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted in accordance with Sec. 98-57(5).
6. Criteria for Approval. The following criteria shall be used by the Director of Public Works or other designee to determine whether the application for a Minor Plat shall be approved, approved with conditions, or denied:
  - a. The Minor Plat is consistent with all zoning requirements for the property, any approved Improvement Agreement (*if applicable*), and all other requirements of this Subdivision Ordinance that apply to the plat;
  - b. All lots to be created by the plat already are adequately served by improved public street access and by all required City utilities and services and by alleys, if applicable;
  - c. The ownership, maintenance and allowed uses of all designated easements have been stated on the Minor Plat; and
  - d. Except for ROW widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.
7. Procedures for Recordation Following Approval. The procedures for recordation of a Minor Plat shall be the same as the procedures for recordation of a Final Plat, as outlined in Sec. 98-91.
8. Appeal of Decision on Minor Plat Application.
  - a. Commission Decision. If the Director of Public Works or other designee defers the Minor Plat application to the Commission, the Commission shall consider the application at a regular meeting no later than 30 calendar days after the date on which the Director of

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Public Works or other designee deferred the application to the Commission. The Commission shall, upon simple majority vote, take one of the following actions:

- i. Approve the Minor Plat;
    - ii. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled; or
    - iii. Deny the Minor Plat.
  - b. Appeal. The decision of the Commission may be appealed to the City Council in accordance with the procedures for an appeal on a Final Plat decision, which are outlined in Sec. 98-91. The City Council decision is final.
9. Revisions Following Approval. Revisions may only be processed and approved as a Replat or Amending Plat, as applicable.

**Sec. 98-95. Replats and Amending Plats – General Requirements.**

1. Applicability and Terminology.
  - a. The procedures outlined in this Section and in subsequent Sections 98-96 through 98-98 shall apply only if a Property Owner seeks to change any portion of a plat that has been filed of record with Harris County.
  - b. The term “Replat” includes changes to a recorded Final Plat, whether the change is effected by replatting without vacation (Sec. 98-98), replatting by vacating the recorded plat and approving a new application (Sec. 98-98), or approving an Amending Plat (Sec. 98-97).
2. City Action Required. Unless otherwise specified, any change to a recorded plat shall be subject to approval by the Commission.
3. Application and Approval Procedures. Unless otherwise specified, application and all related procedures and approvals, including recordation, for a Replat or Amending Plat shall be the same as specified for a Final Plat, as outlined in Sec. 98-91.

**Sec. 98-96. Replats.**

1. Purpose and Applicability. A Replat of all or a portion of a recorded plat may be approved in accordance with State Law without vacation of the recorded plat, if the Replat:
  - a. Is signed and acknowledged by only the Owners of the property being replatted;
  - b. Is approved after a Public Hearing; and
  - c. Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat.

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2. General Notice and Hearing Requirements. Published notice of the Public Hearing on the Replat application shall be given in accordance with Sec. 98-59 and State Law. The Public Hearing shall be conducted by the Commission.
3. Partial Replat Application. If a Replat is submitted for only a portion of a previously platted subdivision, the Replat must reference the previous subdivision name and recording information, and must state on the Replat the specific lots which are being changed along with a detailed "Purpose for Replat" statement.
4. Special Replat Requirements.
  - a. Applicability. A Replat without vacation of the preceding plat, in accordance with State Law, must conform to the requirements of this Sec. 98-97(4) if:
    - i. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
    - ii. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.
  - b. Exception. The requirements of this Sec. 98-97(4) shall not apply to any approval of a Replat application for a portion of a recorded plat if all of the proposed area sought to be Replatted was designated or reserved for usage other than for single- or duplex-family residential usage. Such designation must be noted on the recorded plat or in the legally recorded restriction applicable to such plat.
  - c. Notice and Hearing. Notice of the required Public Hearing shall be given before the 15<sup>th</sup> calendar day before the date of the Hearing by:
    - i. Publication in an official newspaper or a newspaper of general circulation in the applicable City or unincorporated area (*as applicable*) in which the proposed Replat property is located; and
    - ii. By written notice, with a copy of Section 212.015(c) of the Texas Local Government Code, forwarded by the City to the Owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the ETJ, the most recently approved applicable county tax roll of the property upon which the Replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City.
  - d. Protest. If the Replat application is accompanied by a waiver petition and is protested in accordance with this Sec. 98-97(4)(d), approval of the Replat shall require the affirmative vote of at least three-fourths ( $\frac{3}{4}$ ) of the voting members of the Commission present at the meeting. For a legal protest, written instruments signed by the Owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the Replat application and extending 200 feet from that area, but within the original subdivision, must be filed with the Commission prior to the close of the Public Hearing. The area of streets and alleys shall be included in the area computations.

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5. Review and Consideration. The review and approval processes for a Replat shall be the same as the review and approval processes for a Final Plat *(except for the Public Hearing and notice requirements described in Sec. 98-97(4)(c))*, which are outlined in Sec. 98-91. The Director of Public Works or other designee shall be the responsible official and the Commission shall be the initial decision-maker for a Replat application. Procedures to appeal a decision on a Replat shall also be processed and considered the same as a Final Plat (Sec. 98-91).
6. Effect. Upon approval and recording of the Replat, it is controlling over the previously recorded plat for the portion replatted.

**Sec. 98-97. Amending Plats.**

1. Purpose. The purpose of an Amending Plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent with provisions of State Law.
2. Applicability. The procedures for an Amending Plat shall apply only if the sole purpose of the Amending Plat is to achieve one or more of the following:
  - a. Correct an error in a course or distance shown on the preceding plat;
  - b. Add a course or distance that was omitted on the preceding plat;
  - c. Correct an error in a real property description shown on the preceding plat;
  - d. Indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor responsible for setting monuments;
  - e. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
  - f. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
  - g. Correct an error in courses and distances of lot lines between two adjacent lots if:
    - i. Both lot Owners join in the application for amending the plat;
    - ii. Neither lot is abolished;
    - iii. The amendment does not attempt to remove recorded covenants or restrictions; and
    - iv. The amendment does not have a material adverse effect on the property rights of the other Owners in the plat;
  - h. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
  - i. Relocate one or more lot lines between one or more adjacent lots if:
    - i. The Owners of all those lots join in the application for amending the plat;
    - ii. The amendment does not attempt to remove recorded covenants or restrictions; and
    - iii. The amendment does not increase the number of lots;
  - j. Make necessary changes to the preceding plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

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- i. The changes do not affect applicable zoning and other regulations of the municipality;
    - ii. The changes do not attempt to amend or remove any covenants or restrictions; and
    - iii. The area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a Public Hearing, as a residential improvement area; or
  - k. Replat one or more lots fronting on an existing street if:
    - i. The Owners of all those lots join in the application for amending the plat;
    - ii. The amendment does not attempt to remove recorded covenants or restrictions;
    - iii. The amendment does not increase the number of lots; and
    - iv. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
3. Certificates of Correction. Certificates of Correction are prohibited.
4. Notice. In accordance with State Law, the approval and issuance of an Amending Plat shall not require notice, Hearing or approval of other lot Owners.
5. Review by Director of Public Works or other designee. The Director of Public Works or other designee shall:
- a. Initiate review of the plat and materials submitted.
  - b. Request written comments from other City Departments, such as Fire Department, Public Works, and Parks and Recreation, if deemed necessary.
6. Action by Director of Public Works or other designee. The Director of Public Works or other designee shall:
- a. Determine whether the Amending Plat meets the regulations of this Subdivision Ordinance.
  - b. Act within 30 calendar days after the application is deemed complete per Sec. 98-57(7)
  - c. Take one of the following actions:
    - i. Approve the Amending Plat;
    - ii. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled; or
    - iii. Defer the Amending Plat to the Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted in accordance with Sec. 98-57(5).
7. Procedures for Recordation Following Approval. The procedures for recordation of an Amending Plat shall be the same as the procedures for recordation of a Final Plat, as outlined in Sec. 98-91.
8. Effect. Upon approval, an Amending Plat shall be recorded and is controlling over the previously recorded plat without vacation of that plat.

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9. Appeal of Decision on Amending Plat Application.

- a. Commission Decision. If the Director of Public Works or other designee defers the Amending Plat application to the Commission, the Commission shall consider the application at a regular meeting no later than 30 calendar days after the date on which the Director of Public Works or other designee deferred the application to the Commission. The Commission shall, upon simple majority vote, take one of the following actions:
  - i. Approve the Amending Plat;
  - ii. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled; or
  - iii. Deny the Amending Plat.
- b. Appeal. The decision of the Commission may be appealed to the City Council in accordance with the procedures for an appeal on a Final Plat decision, which are outlined in Sec. 98-91. The City Council decision is final.

**Sec. 98-98. Plat Vacation.**

- 1. Purpose. The purpose of a Plat Vacation is to provide an expeditious means of vacating a recorded plat in its entirety, consistent with provisions of State Law.
- 2. Initiation of a Plat Vacation.
  - a. By Property Owner. The Property Owner of the tract covered by a plat may submit an application to vacate the plat at any time before any lot in the plat is sold.
  - b. By All Lot Owners. If lots in the plat have been sold, an application to vacate the plat must be submitted by all the Owners of lots in the plat.
  - c. City Council. If the City Council, on its own motion, determines that the plat should be vacated in the interest of and to protect the public's health, safety and welfare; and:
    - i. No lots within the approved plat have been sold within five (5) years following the date that the Final Plat was approved by the City; or
    - ii. The Property Owner has breached an Improvement Agreement, and the City is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by the Property Owner or its successor; or
    - iii. The plat has been of record for more than five (5) years, and the City Council determines that the further sale of lots within the subdivision or addition presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the Property Owner or its successors.
- 3. Notice. Published notice of the Public Hearing on the Plat Vacation application shall be given in accordance with Sec. 98-59 and State Law. The Hearing shall be conducted by the City Council.



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4. Review by Director of Public Works or other designee. The Director of Public Works or other designee shall:
  - a. Initiate review of the Plat Vacation application and materials submitted.
  - b. Request written comments from other City Departments, such as Fire Department, Public Works, and Parks and Recreation, if deemed necessary.
5. Action by the City Council. The City Council shall:
  - a. Review the Plat Vacation application, the findings of the Director of Public Works or other designee, and any other information available. From all such information, the City Council shall make a finding as to whether or not the plat should be vacated. The City Council's decision on a Plat Vacation shall be final.
  - b. Take one of the following actions:
    - i. Approve the Plat Vacation;
    - ii. Approve the Plat Vacation with conditions, which shall mean that the Plat Vacation shall be considered to have been approved once such conditions are fulfilled; or
    - iii. Deny the Plat Vacation.
6. Procedures for Recordation Following Approval. If the City Council adopts a resolution vacating a plat in whole, it shall record a copy of the resolution in the County Clerk's Office. If the City Council adopts a resolution vacating a plat in part, it shall cause a revised Final Plat to be recorded along with the resolution which shows that portion of the original plat that has been vacated and that portion that has not been vacated.
7. Effect.
  - a. On the execution and recording of the vacating instrument, the previously filed plat shall have no effect. Regardless of the City Council's action on the petition, the Property Owner(s) or developer will have no right to a refund of any monies, fees or charges paid to the City nor to the return of any property or consideration dedicated or delivered to the City except as may have previously been agreed to by the City Council.
  - b. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
  - c. The City Council, at its discretion, shall have the right to retain all or specific portions of road ROW or easements shown on the plat being considered for vacation. However, the City Council shall consider plat vacation upon satisfactory conveyance of easements and/or ROW in a separate legal document using forms provided by the City Attorney's office.

**Sec. 98-99. Plat Drawing, Reproductions, and Filing.**

The original plat drawing for an approved Final Plat shall be submitted to the City on a suitable material that the Director of Public Works or other designee shall, by written rule and from time to time, designate, with lettering, signatures, and images in reproducible black ink. The names of all persons signing any such plat shall also be lettered under the signature line. Two (2) paper prints from the original plat drawing

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(white paper with black lines) and one (1) positive vellum or film transparency shall also be provided. Filing of such Final Plats with the County Clerk of Harris County, Texas, for recording, shall be made by the City.

Final Plats shall not be filed by the City until:

1. Completion by the Developer of all improvements required as a condition of plat approval and acceptance of such improvements by the Director of Public Works and City Council and,
2. The filing of sufficient guarantees as required by this chapter.

**Sec. 98-100. Title Report.**

A current title report, statement or opinion, title policy or certificate or letter from a title company authorized to do business in the State of Texas, or an attorney licensed as such in the State of Texas, shall be provided certifying that, within 30 days prior to the date the Final Plat is dated and filed with the Director of Public Works or other designee, a search of the appropriate records was performed covering the land proposed to be platted and providing the following information concerning the title to said land:

1. The date of the examination of the records;
2. A legal description of the property lying within the proposed subdivision, including a metes and bounds description of the boundaries of said land;
3. The name of the record Owner of fee simple title as of the date of the examination of the records, together with the recording information of the instruments whereby such Owner acquired fee simple title;
4. The names of all lien holders, together with the recording information and date of the instruments by which such lien holders acquired their interests;
5. A description of the type and boundaries of all easements and fee strips not owned by the Subdivider of the property in question, together with certified copies of the instruments whereby the Owner of such easements or fee strips acquired their title, and the recording information for each such instrument; and
6. A tax certificate from each city, county, school district, utility district, or other governmental entity in which the land being platted is located showing that no delinquent taxes are due such entity for the property being platted.

**Sec. 98-101. Commission Action.**

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The Director of Public Works or other designee shall review each plat submitted to it for completeness and submission to the Commission. Upon the receipt of a plat application, the Commission shall consider and act upon Preliminary Plats within a reasonable time, but, must review and act on Final Plats within 30 days from the date of application. Within these time constraints, the Commission may take the following actions:

Grant preliminary approval;

1. Defer preliminary action until the next regular meeting, provided the Subdivider agrees in writing to waive the 30 day approval period;
2. Grant final approval, if in conformance with the conditions of preliminary approval; or
3. Disapprove any plat, either preliminary or final, if the plat fails to comply with the policies, standards, or requirements contained in this chapter, State Law, or other rules or regulations adopted by the City Council relating to land development.

**Sec. 98-102. Effect of Denial of Plat.**

Should the Commission deny a plat, the Applicant may withdraw the plat application from consideration in order to correct any deficiencies, and may resubmit the plat application to Director of Public Works or other designee for further processing in accordance with this chapter. If the plat application is not withdrawn, the Applicant may request the Director of Public Works or other designee to prepare a certificate of denial, identifying the regulatory deficiencies in the plat application.

**Sec. 98-103. Expiration of Plat Approval.**

1. All plat approvals will be valid for a period of 12 months from the date approval was granted.
2. Extension of approvals. The Commission may, after receiving a written request from the Subdivider or his authorized agent, submitted prior to the expiration date of a preliminary or Final Plat approval, extend the term of approval for any time period not to exceed an additional 12 months. The maximum term for approval of any preliminary or Final Plat that has not been recorded shall not exceed a total of 24 months from the date on which the City Council granted preliminary or Final Plat approval.

**Sec. 98-104. Additional Requirements for Recordation of Subdivision Plats.**

After approval of a minor or major subdivision plat, the Applicant shall present the following to the department for recordation of the subdivision plat:

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1. The original subdivision plat drawing prepared on any suitable permanent translucent material of positive photographic film with lines, lettering and signatures in black ink or image, and the names of all individuals signing the subdivision plat lettered under the respective signature. The original subdivision plat drawing shall evidence compliance with all conditions of Final Plat approval;
2. A current update of the previously submitted title report that reflects any change in any of the conditions or information required in the title report since the date of the last title report, including that there has been no change, if applicable;
3. An executed recorded map return agreement;
4. Certification that all current city, county, school district, and utility district (*if applicable*) taxes have been paid and that there are no delinquent taxes on the property, which may be provided as part of the title report or in the form of a certificate from the City, if applicable, and from the County and the school district in which the land being subdivided is located.
5. For a vacating plat, the original vacation instrument.

**Secs. 98-105 - 98-125. Reserved.**

DIVISION V. RECREATIONAL DEDICATION

## **DIVISION V. RECREATIONAL DEDICATION**

Sec. 98-126. Purpose.

Sec. 98-127. Classification of Parks.

Sec. 98-128. General Requirements for Recreational Dedication.

Sec. 98-129. Financial Donation in Lieu of Land Dedication for Recreation.

Sec. 98-130. Private Neighborhood Recreational Land in Lieu of Public Recreational Land.

Sec. 98-131. Contribution for Regional Parks.

Sec. 98-132. Special Funds, Right to Refund.

Sec. 98-133. Additional Requirements.

Sec. 98-134. Landscape Plan.

Secs. 98-135 - 98-155. Reserved.

### **Sec. 98-126. Purpose.**

The purpose of this section is to implement the City of Deer Park's 2013-2023 Parks, Recreation, and Open Space Master Plan, Center Street Revitalization Plan, San Jacinto Texas Historic District Corridor Standards, and Dow Park Master Plan, and to provide recreational amenities, including parks and trail systems linking public areas and subdivisions, as a function of subdivision development within the City. Recreational areas in the form of neighborhood parks and trail systems are necessary to protect the public health and welfare, provide for the public health by encouraging outdoor activity and exercise, and the most effective procedure to provide for these facilities is by integrating them into planning and developing property and subdivisions within the City. The primary cost of additional parks and recreation facilities attributable to the future residents of new residential development will be borne by the Developer of the residential uses, and will further enhance the quality of life provided in those developments. The City of Deer Park's 2013-2023 Parks, Recreation, and Open Space Master Plan reflects these purposes and provides the basis for this division.

### **Sec. 98-127. Classification of Parks.**

Parks classification and zones are included in the 2013-2023 Parks, Recreation, and Open Space Master Plan. The Parks and Recreation Department Director will, in accordance with the 2013-2023 Parks, Recreation, and Open Space Master Plan, refine and identify park zones.

1. Neighborhood parks provide a variety of outdoor recreational opportunities and are located within convenient distances from residential development.

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2. Regional parks are those parks not primarily serving a specific neighborhood, but which are designed to serve the entire City with facilities like ballparks and soccer field complexes, and trail systems that connect various neighborhoods.
3. Parks dedicated to any municipal utility district shall be considered public parks.

**Sec. 98-128. General Requirement for Recreation Dedication.**

1. When a Preliminary Plat application for residential development is filed, it shall identify the location of an area of land to be dedicated to the City for regional trail purposes. This area shall equal one (1) acre for each 100 proposed dwelling units.
2. A Final Plat application shall show the area proposed to be dedicated under this division, and shall contain dedicatory language for that purpose. The City shall not issue any permits for construction within the subdivision, except permits to construct public improvements, until such time as the requirements of this Section are submitted to and accepted by the City.
3. The Developer may be required to dedicate land for the trail system, or if no trails are required, may make payment in lieu of dedication as provided in this division.

**Sec. 98-129. Financial Donation in Lieu of Recreational Dedication for Neighborhood Parks.**

1. In some instances, the Parks and Recreation Department Director may require the Developer to pay fees in lieu of dedicating land. In making this determination, the Parks and Recreation Department Director shall consider the following factors:
  - a. Whether sufficient parkland and open space exists in the area of the proposed development; and
  - b. Whether recreation potential for an area would be better served by expanding or improving existing parks, by adding land or additional recreational amenities.
2. The Parks and Recreation Department Director shall notify the Developer in writing of the Parks and Recreation Department Director's decision to require a fee in lieu of dedication and the reason for the decision. The Developer shall be entitled to appeal the Parks and Recreation Department Director's decision to the Commission.
3. The dedication requirement shall be met by a payment in lieu of land dedication at a specified dollar amount per dwelling unit determined annually pursuant to this section. Cash payments may be used only for acquisition or improvement of park land and facilities located within the same park sector as the development. Fees may be applied to any type of park site or improvement within the sector in accordance with park department prioritization.

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4. The initial fee in lieu of dedication shall be \$700.00 per dwelling unit. Each year following certification of the city's tax roll, the Parks and Recreation Department Director shall report to the commission on the amount of fees in lieu of dedication received, expended or encumbered during the preceding 12 months. The report shall also include an analysis of changes in the taxable value of land within the city as certified by each respective county appraisal district. The director and the parks director may recommend an increase in the fee in lieu of dedication based on increases in appraised value. The Commission shall review the report, conduct a Public Hearing on any recommended increase in the fee in lieu of dedication, and issue a final report. The Commission shall file its report, which shall advise of any need to increase the fee in lieu of dedication, with the City Council. The fee in lieu of dedication shall thereafter, upon approval by the City Council, be the amount stated for this provision in the City fee schedule.
5. Any plat for new construction or development shall be required to pay a fee in lieu of dedication of land for parks. A Developer responsible for dedication of neighborhood recreational land under this section will meet the requirements of this division by a cash payment in lieu of dedication, in an amount equal to the value of raw land, based on an estimate as if the land were to be purchased by the City. Such payment in lieu of land shall be made at or prior to the time of site plan approval.
6. The City may, from time to time, decide to purchase land for parks and recreation in or near the area of actual or potential development. If the City does purchase land for parks or trails, subsequent dedications for that zone shall be in cash only, and calculated to reimburse the City's actual cost of acquisition and development of such land for parks. The cash amount shall be equal to the sum of
  - a. The average price per acre of such land, and
  - b. The actual cost of adjacent streets and on-site utilities, or an estimate of such actual cost provided by the Director of Public Works. Once the City has been reimbursed entirely for all such recreational land within a park zone, the dedication requirements will again be applicable within that park zone.

**Sec. 98-130. Private Neighborhood Recreational Land in Lieu of Public Recreational Land.**

1. A Developer responsible for dedication under this section may elect to meet up to 50 percent of the requirements for recreational facilities by providing private neighborhood recreation land and recreation facilities. Credit for private recreational land will be governed by the following criteria:
  - a. The park and recreation facilities must be open and accessible to all residents of the platted subdivision. Land or facilities that are excluded to a portion of the subdivision residents will not be considered as private neighborhood recreational land.
  - b. Land which is unencumbered by easements, detention areas, lake and drainage channel borders, or other similar characteristics will qualify for private neighborhood recreational land at full credit. Land that has recreation facilities on it such as tennis courts, swimming



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pools, playing fields, recreation buildings, or similar facilities will also qualify for full credit.

- c. Land which is encumbered by easements, detention areas, lake and drainage channel borders, or other similar characteristics shall not qualify for credit as usable park or trail space, unless it meets the following:
  - i. Pipeline or utility easements, or areas along lake borders and drainage ditches shall have:
    - Hike/bike all-weather paths, landscaping and sodding installed according to the construction standards of the City. Paths must also be connected to recreational areas as part of an open space system;
    - An average minimum width of 30 feet and a minimum width of 20 feet; and
    - Side slopes shall not to exceed a three to one (3:1) ratio.
2. All development and maintenance responsibilities for areas offered as private neighborhood park and recreation facilities must be identified at the time of submission of a Preliminary Plat.
3. Land offered for private neighborhood recreational land credit, which is less than three (3) acres in size, is generally discouraged unless it is an integral part of the private park and open space amenities of the subdivision. A list of landscaping and other improvements of special uses planned for areas of land less than one-half (1/2) acre in size shall be submitted with the Preliminary Plat.

**Sec. 98-131. Contributions for Regional Parks.**

Residents need both neighborhood parks and recreation facilities, and regional facilities. In addition to the provisions for neighborhood recreational land by dedication of land or the payment of fees in lieu thereof as described above, a Developer shall contribute an additional amount based on the value of raw land per dwelling unit for the development of regional parks.

**Sec. 98-132. Special Funds, Right to Refund.**

1. The City shall establish an accounting fund for the deposit of all sums paid in lieu of land dedication under this section, which funds shall be known as the "Recreational Land Dedication Fund" and the "Regional Recreational Fund." Additional sub-funds may be established as appropriate to track funds for different zones, if established, or different regional recreational areas.
2. The City shall account for all sums paid in lieu of land dedication under this division with reference to the individual plats involved. The City must expend the funds within five (5) years from the date received for acquisition or development of neighborhood recreation land, or ten (10) years for a regional park, or other recreational facilities, unless the Developer agrees to an extension of this time. The funds will be considered to be spent on a first in, first out basis for each park zone. If not

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so expended, then on the last day of such period, the then current Owners of the property for which money was paid in lieu of land dedication shall be entitled to a pro rata refund of such sum, computed on a square footage of area basis. The Owners of such property must request such refund within one (1) year of entitlement, in writing, or such right shall be barred.

**Sec. 98-133. Additional Requirements.**

1. Any land dedicated to the City or provided as private neighborhood recreational land under this section must be appropriate for recreation purposes. The Parks and Recreation Department reserves the right to reject any land that it determines is unsuitable for such purposes.
2. Drainage areas may be accepted as part of a park if the channel is constructed in accordance with City construction standards, the land is appropriate for recreational use, and if no significant area of a park is cut off from access by such channel.
3. Each recreational area must have access to a public street.

**Sec. 98-134. Landscape Plan.**

1. Landscape Plan. A Landscape Plan for landscaping that will be installed for the development, including landscaping for common and amenity areas, entryways and thoroughfare screening, shall be submitted with the Construction Plans and shall be approved by the Director of Public Works or other designee prior to approval of the Construction Plans.
2. Standards. Landscape materials and installation shall be in accordance with Landscape Requirements in the Zoning Ordinance.
3. Timing of Installation and Inspection. Upon installation of all landscaping, including that required for thoroughfare screening, the developer shall request a final inspection of landscaping elements by the Director of Public Works or other designee. All required landscaping shall be installed prior to the City's issuance of a Letter of Final Acceptance and Certificates of Occupancy for homes, excluding model homes which may be released early.
4. Surety Provided for Delay. The developer may delay the installation of landscaping by providing surety to guarantee the installation of required landscaping. Such surety shall be in an amount and format that is approved by the Director of Public Works or other designee and by the Director of Public Works. Required landscaping shall be installed within six (6) months following the date of issuance of the Letter of Final Acceptance.

**Secs. 98-135 - 98-155. Reserved.**

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## **DIVISION VI. DESIGN STANDARDS FOR IMPROVEMENTS**

Sec. 98-156. Design Standards.

Sec. 98-157. Compliance with Design Standards.

Sec. 98-158. Compliance with Other Regulations.

Sec. 98-159. Public Streets – General Arrangement and Layout.

Sec. 98-160. Streets: Specific Standards and Policies.

Sec. 98-161. Street Names.

Sec. 98-162. One-Foot Reserves.

Sec. 98-163. Lots; General Provisions.

Sec. 98-164. Easements.

Sec. 98-165. Federal Flood Insurance Program.

Sec. 98-166. Utilities.

Sec. 98-167. Drainage.

Sec. 98-168. Monuments and Markers.

Secs. 98-169—98-189. Reserved.

### **Sec. 98-156. Design Standards.**

The City of Deer Park Design Standards are promulgated and maintained by the Public Works and Engineering Department. Where the Design Standards or this chapter is silent, the Design and Construction Standards of Harris County shall apply. Where there is a conflict between any two such standards, the more stringent requirement shall apply.

### **Sec. 98-157. Compliance with Design Standards.**

No plat shall be approved and no permit shall be issued for the construction of any improvement intended for public use, or for the use of purchasers or Owners of lots fronting or adjacent to any improvement, and no improvement intended for public use shall be accepted by the City, unless the improvement complies with the City's Design Standards.

### **Sec. 98-158. Compliance with Other Regulations.**

All improvements required by this chapter shall conform to the comprehensive plan, this chapter, and any other ordinance or applicable regulation. All improvements shall further conform to all regulations

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established by any other governmental entity having jurisdiction over development of land within Harris County.

**Sec. 98-159. Public Streets – General Arrangement and Layout.**

The public street system pattern proposed within any subdivision shall comply with design standards of this section and shall:

1. Provide for adequate vehicular access to all properties within the subdivision plat boundaries;
2. Provide adequate street connections to adjacent properties to ensure adequate traffic circulation within the general area;
3. Provide a local street system serving properties to be developed for residential purposes which discourages through traffic while maintaining sufficient access and traffic movement for convenient circulation within the subdivision and access by fire, police and other emergency services personnel; and
4. Provide a sufficient number of continuous streets to accommodate the traffic demands generated by new development.
5. Stub Streets. Connections are required to adjacent vacant properties at locations as approved by the Director of Public Works.
  - a. A note shall be clearly placed on the Final Plat indicating that the stub street will be extended with future development.
  - b. All stub streets shall have a sign prominently posted at the terminus of the street to indicate that the street will be extended in the future.
    - i. The sign shall comply with standards established by the Director of Public Works; and
    - ii. Installation and cost of the sign shall be the responsibility of the Developer.
6. Street Connectivity.
  - a. New developments shall provide street connections to adjacent developments, as determined by the Director of Public Works, allowing access between developments for neighborhood traffic and to enhance pedestrian and bicycle connectivity as recommended in the Comprehensive Plan.
  - b. The use of cul-de-sac streets shall be limited within new developments to the greatest extent possible. The Fire Chief and the Director of Public Works shall have the authority to determine whether or not the use of cul-de-sacs in a development meets the intent of this Section during City review and consideration of the Preliminary Plat.

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7. Private Streets. Private streets within the City may be allowed in accordance with the Zoning Ordinance. Private streets shall be designed and constructed to the City's standards for public streets, in accordance with the City's Standards.
8. City Council Action Required. Dedicated streets and ROW shall not be designated or used as private streets and such use is prohibited, except where specific approval is given by action of the City Council and upon approval of a Specific Use Permit for properties within the City limits. The City Council may add any conditions as deemed appropriate as part of the approval of a Private Street Development.
9. Conversion of Private Streets to Public. The City may, but is in no way obligated to, accept private streets for public access and maintenance. Requests to convert Private Streets to Public Streets shall be subject to the following provisions:
  - a. The homeowners' association (HOA) shall submit a petition signed by at least 67 percent of its members/lot Owners (or a greater number of signatures, if required by the HOA documents or Declaration).
  - b. All of the infrastructure shall be in a condition that is acceptable to the Director of Public Works.
  - c. All security stations and other structures not consistent with a public street development shall be removed by the HOA, at its cost, prior to acceptance of the streets and appurtenances by the City.
  - d. All monies in the reserve fund for private street maintenance shall be delivered to the City. Money in the reserve fund in excess of what is needed to bring the streets and appurtenances up to City standards will be refunded to the HOA. Private Street developments that exist as of the adoption of this ordinance are not required to deliver a reserve fund balance to the City.
  - e. The HOA shall prepare and submit a Replat to the Public Works Department for review. Upon approval, the HOA shall file the Replat to dedicate the streets and appurtenances to the City.
  - f. The HOA shall modify and re-file, at its cost, the HOA documents to remove requirements specific to Private Street developments. The City Attorney shall review the modified HOA documents prior to their filing. The HOA shall be responsible for the cost of review by the City Attorney.

**Sec. 98-160. Streets: Specific Standards and Policies.**

1. Street Improvements. In platting a new development, the Property Owner shall provide additional ROW needed for existing or future streets as required by the City's Engineering Standards and as shown on the Comprehensive Plan.
2. Improvement of Existing Substandard Streets.
  - a. When a proposed residential or nonresidential development abuts one or both sides of an existing substandard street, the developer shall be required to improve the substandard

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street and its appurtenances (*such as curbs and gutters, sidewalks, barrier-free ramps, street trees, etc.*) to bring the same to City standards, or to replace it with a standard City street, at no cost to the City other than as may be provided in the City's cost-sharing policies that are in effect at the time of Final Plat approval.

- b. If the proposed development is located along only one side of a substandard street, and if the City makes a determination that it is not feasible to improve the full width of said substandard street at that time the City may require the developer to pay into escrow funds for the future improvement of the street as a condition of Final Plat approval for the development.
    - c. The Developer may request a Major Waiver or may file a proportionality appeal if the requirements for improving an existing substandard street imposed would result in unnecessary hardship or would be disproportional to the impacts generated by the development on the City's street system.
3. New Perimeter Streets. When a proposed residential or nonresidential development is developed abutting an existing or planned major thoroughfare, minor thoroughfare or collector street (*as shown on the Comprehensive Plan*), the developer shall construct a portion of the abutting street and its appurtenances (*such as curbs and gutters, sidewalks, barrier-free ramps, street trees, etc.*) to the City's design standards for that type of street. If the Director of Public Works makes a determination that it is not feasible to construct the abutting street and its appurtenances at that time, the City may require the developer to pay into escrow funds for the future construction of the street as a condition of Final Plat approval for the development.
4. New Internal Streets.
  - a. All new streets and their appurtenances internal to a proposed residential or nonresidential development shall, at a minimum, be built to a width and design which will adequately serve that development, and shall conform to the City's design standards. If oversizing of an internal street is deemed necessary by the Director of Public Works for traffic safety or efficiency (*such as adjacent to a school or park site*), then the City and/or the applicable Independent School District may participate in such oversizing costs as part of a Development Agreement with the developer.
  - b. Streets which temporarily dead end at power lines, railroads or similar ROW shall be constructed for at least one-half the distance across these ROW or provision shall be made to place the construction cost for said improvements in escrow with the City.
  - c. When, in the Director of Public Works' judgment, it is not feasible to construct an internal street or appurtenances to an internal street at the time of development of the subdivision, the City may require the developer to pay into escrow funds for the future construction of the street or its appurtenances as a condition of Final Plat approval for the development.
5. Application of Requirements. Street design requirements are subject to the provisions included in the City's Standards, and Planned Development Ordinance (*if applicable to the subject property*) as well as the regulations contained within this Subdivision Ordinance.

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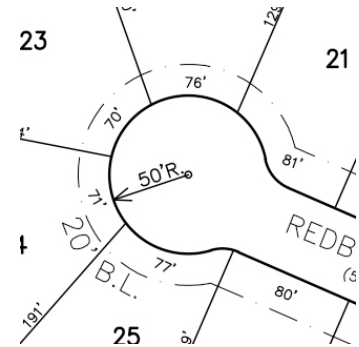
6. Conformity to the Comprehensive Plan. The general location of streets shall conform to the Comprehensive Plan. For streets that are not shown on the Comprehensive Plan, such as local residential streets, the arrangement of such streets shall:
  - a. Provide for the continuation or appropriate projection of existing streets or street stubs from or into surrounding area;
  - b. Conform to any plan for the neighborhood approved or adopted by the City to address a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical; and
  - c. Not conflict with existing or proposed streets or driveway openings, including those on the opposite side of an existing or planned thoroughfare, as described within the City Standards. New streets shall align with opposite streets and driveway openings such that median openings can be shared.
7. Public or Private Ownership. The location and alignment of streets proposed to be constructed within a subdivision or development shall be designed in conformance with the construction standards adopted by the City, whether such streets are to be dedicated to the public or retained in private ownership and control. Private streets shall be allowed only upon explicit approval by the City Council.
8. ROW Width, Widening. The width of the ROW to be dedicated for any street shall be at least 60 feet. In those instances where a subdivision plat is located adjacent to an existing public street with a ROW width less than 60 feet, sufficient additional ROW shall be dedicated within the subdivision plat boundary to accommodate the development of the street to a total ROW width of not less than 60 feet. Notwithstanding the foregoing, the Director of Public Works may, on written application, and at its discretion authorize a street ROW width of not less than 50 feet where such street cannot reasonably be made to continue or extend onto an existing, approved, proposed, or possible future street, is so located that logically it could not be extended to connect with an existing, approved, or proposed street, there is not a likelihood that it would inhibit the ability of the City to provide emergency services from fire, police, medical, or other rescue personnel.
9. Lots Required to Front on Street. All lots shown on the plat shall abut a public street, or a private street that shall meet all requirements herein for public streets. All lots shown on the plat shall have indicated thereon the front of the lot for subsequent construction of a building. Adequate off-street parking shall be provided for each lot.
10. Curves and Intersections. Curves along streets shall have a center line radius of not less than 40 feet, except that the center line radius on a reserve curve shall not be less than 300 feet. Reserve curves should be separated by a tangent distance of not less than 50 feet. The angle of street intersections shall not vary more than ten degrees ( $10^{\circ}$ ) from the perpendicular. Where acute angle intersections are approved a radius of at least 25 feet in the ROW line at the acute corner shall be provided.



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- a. At the request of an Applicant, the Planning and Zoning Commission shall approve a lesser curve radius upon certification by the Director of Public Works that the lesser radius meets nationally accepted standards set forth in either the "Guidelines for Urban Major Streets Design" of the Institute of Transportation Engineers or "A Policy on Geometric Design of Highways and Streets" of the American Association of State Highway and Transportation Officials.

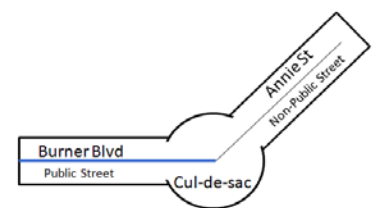


11. Cul-de-Sac ROW Radii. The radii of the ROW at the end of local streets terminated with a circular cul-de-sac turnaround shall be not less than fifty feet (50').
12. Dead-end Streets. Dead-end streets shall not be approved, except in instances where the street is terminated by a temporary circular cul-de-sac turnaround, or where the street is designated to be extended into adjacent property.
- a. The Developer shall be responsible for the installation of all required street signs and traffic control devices of the type approved by the City.
- b. At least one (1) ingress and egress point shall be provided for each 150 dwelling units, or fraction thereof, or for each 2,500 square feet of commercial floor space. For purposes of this ordinance, "ingress and egress point" shall include future planned roadways, so that if a street is provided to end at the boundary of the subdivision, such shall count for ingress and egress even though the actual road is not constructed.

**Sec. 98-161. Street Names.**

All streets dedicated by plat shall be named, and so identified on such plat, in conformance with the following:

1. New Streets. New street names shall not duplicate existing street names located within the City of Deer Park, Texas other than extensions of existing streets;
2. Street Names. New streets shall be named so as to provide name continuity with existing streets, and so as to prevent conflict or "sound-alike" confusion with similar street names. All street names shall be approved by the Director of Public Works prior to any Plat approval, and prior to approval of the Construction Plans.
- a. Streets shall be named in conformance with the following parameters:
- i. Extensions of Existing Streets. Existing street names shall be used in those instances where a new street is a direct extension of an existing street or a logical extension (when the streets in



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*question are not and cannot be physically continuous) thereof, except in those instances where the existing street name is a duplicate street name;*

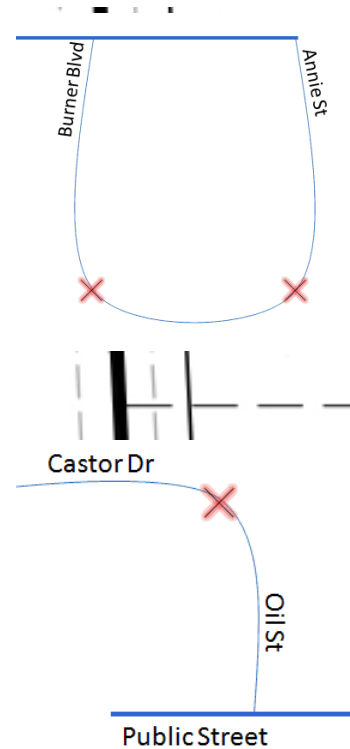
- ii. A non-public street that is a direct extension of a public street or a cul-de-sac shall not have the same name as the public street.
3. A directional prefix or directional suffix may be used to clarify the general location of a street, provided that the use of the directional prefix or directional suffix is consistent with existing naming and numbering patterns within the area in which the street is located.
4. Street name suffixes shall be limited to the following uses:
  - a. 'Circle,' 'Court' and 'Loop' shall be used only to designate streets that terminate at a cul-de-sac or are configured as a loop street.
  - b. 'Boulevard,' 'Crossing,' 'Crossroad,' 'Expressway,' 'Motorway,' 'Parkway,' 'Speedway' and 'Throughway' shall be used only to designate major thoroughfares, major collector streets, collector streets or other streets designed to handle traffic volumes in excess of normal neighborhood traffic generation or that are divided streets with at least two lanes of traffic in each direction separated by a median.
  - c. 'Bypass,' 'Expressway,' 'Freeway' and 'Highway' shall be used only to designate highways or freeways subject to the jurisdiction of the state department of transportation.
  - d. 'Avenue,' 'Drive,' 'Road' and 'Street' shall be used only to designate major thoroughfares, major collector streets, collector streets, or local streets.
  - e. 'Bridge,' 'Fork,' 'Lane,' 'Oval,' 'Passage,' 'Path,' 'Place,' 'Trail' and 'Way' shall be used only to designate collector streets or local streets.
  - f. A street name suffix shall not be used as part of the street name.
  - g. The abbreviation of a street name suffix shall be consistent with United States Postal Service postal addressing standards.
5. A street name shall not include any typographic characters or symbols.
6. An alphabetical or numerical street name shall not be used to name a new street unless the street is a direct extension of an existing street with an alphabetical or numerical name that is not duplicative of an existing street name.
7. A street shall not intersect with another street more than one time without an intervening name change.



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8. When a street changes direction by approximately 90 degrees, the street name shall change.
9. The proper name of a deceased national figure may be used as a street name for a major thoroughfare, a major collector street, a collector street or a local street.
10. The proper name of a deceased locally elected figure may be used as a street name for a major collector street, a collector street or a local street.
11. If a street is served by a local or inter-local 9-1-1 emergency dispatch system, the director may deny use of a proposed street name if the street name:
  - a. Is currently in use; or
  - b. Is duplicative of or so similar in name or sound to an existing street name that the use could be misleading to emergency communicators or responders.



12. Prefixes. Street name prefixes such as North, South, East, and West may be used to clarify the general location of the street; however, such prefixes shall be consistent with the existing and established street naming and address numbering system of the general area in which the street is located; and
13. Alphabetical and numerical street names shall not be designated, except in those instances where such street is a direct extension of an existing street with such a name and is not a duplicate street name.
14. Street Name Change. No street name, once designated on a plat, may be changed except by City Ordinance.
15. Cost of Signs. The cost of street name signs and traffic control signs shall be paid for, and the signs shall be installed, by the Developer.
16. City Standards. All street name signs and traffic control signs shall conform to the City's details for street name sign design and the latest edition of the Texas "Manual of Uniform Traffic Control Devices".

**Sec. 98-162. One-Foot Reserves.**

In those instances where a public street is dedicated by a plat submitted to the City and the public street forms a stub street onto adjacent unplatted acreage, or where such street lies along and parallel with a

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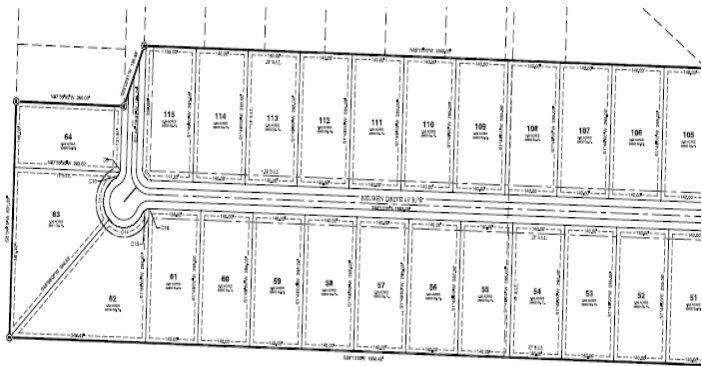
subdivision boundary and is adjacent to unplatted acreage, a one-foot wide reserve shall be established within the street ROW at its "dead-end" terminus, or along the ROW adjacent to such unplatted acreage, to form a buffer strip, dedicated to the public, between the public street ROW and the adjacent unplatted acreage, to prevent access to such public street from the adjacent unsubdivided acreage, unless and until the City has reviewed the development proposals for such adjacent acreage, and a plat of the adjacent property is duly recorded. The conditions associated with the establishment of a one-foot reserve on a plat are contained in the following notation that shall be placed upon the face of any plat where a one-foot reserve is to be established:

"One-foot reserve dedicated to the City in fee as a buffer separation between the side or end of streets where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided pursuant to a recorded plat, the one-foot reserve shall thereupon become vested in the public for street ROW purposes."

**Sec. 98-163. Lots; General Provisions.**

The purpose of this section is to provide general guidelines for the establishment of individual lots within a subdivision.

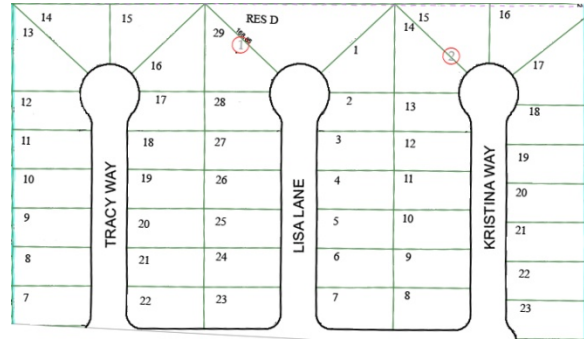
1. General Lot Design, Arrangement, and Layout. The general lot design within any subdivision shall be based upon the concept that such lots are created and established as undivided tracts of land and that purchasers of such lots can be assured that these tracts of land will be appropriate for their intended use, by meeting the following basic criteria:
  - a. The lot is of sufficient size and shape to accommodate easements for all public and private utility services and facilities to adequately serve any improvements constructed thereon;
  - b. The lot is of sufficient size and shape and is so located that direct vehicular access is provided from a public street or through an approved private street and that the required number of off-street parking spaces can be provided on the lot without encroachment within any adjacent public or private street ROW; and
  - c. The lot is of sufficient size and shape to accommodate all required improvements.
2. Lot Shapes. Lots shall be designed, so far as possible, with side lot lines being at right angles or radial to any adjacent street ROW line. Where all lots are either perpendicular and at right angles or radial to adjacent street ROW, a suitable notation shall be placed upon the plat in lieu of lot line bearings.



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3. Street Access Limitations. Rear and side vehicular driveway access from lots to adjacent streets designated as major thoroughfares or any other public street which carries a traffic volume where additional vehicular driveways would create a traffic hazard or impede the flow of traffic, shall not be approved and such access restriction shall be noted directly upon the plat and adjacent to the lots in question.
4. Lot and Block Identification. All blocks shall be designated by consecutive numbering within the plat. Lots established within all blocks shall also be consecutively numbered. Lot numbering shall be cumulative throughout the subdivision in a uniform manner.



**Sec. 98-164. Easements.**

The type, size and location of easements shall be determined by the Director of Public Works. All existing and proposed easements shall be shown on the Preliminary and Final Plats. All easements shall be labeled on the Final Plat and dedicated for the specific purpose intended (e.g., "Utility Easement", "Drainage Easement", "HL&P Easement", "AT&T Aerial Easement, etc.).

Off-site easements that are necessary to fulfill City requirements or are required by the City shall be dedicated to the City by separate instrument (unless the abutting property is platted) and shall be approved by the Director of Public Works. If the abutting property is platted, then a Replat of that property shall be required to establish the off-site easement.

1. Utility Easements. Utility easements, both above and below grade, are those easements established by plat or separate instrument, which are designed to accommodate facilities necessary to provide various types of utility services to the individual properties within the plat boundaries. Utility easements may be used for, but not be limited to, facilities necessary to provide water, electrical power, natural gas, telephone, telegraph, cable television, and sanitary sewer services. In most cases, utility easements shall be below grade, except where the requirements of the utility providers require their major transmission lines to be located above grade. All easement locations and their placement above or below grade shall be resolved with the utility companies prior to Preliminary Plat approval.
  - a. Location. Utility easements, excluding special use utilities such as gas, telephone, electric, and cable, shall be provided along the front of all lots, except when the Director of Public Works determines that such location is not feasible for the orderly development of the



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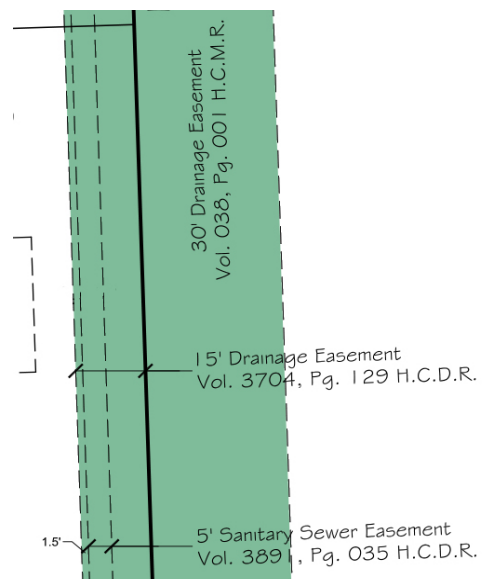
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subdivision, or where the ROW is not wide enough to allow for the proper placement and maintenance of all utilities. Utility easements located along the outer boundaries of a subdivision shall contain the full width required for such easement, except in those instances where the adjacent property is within a portion of a previously approved and platted subdivision and under the same ownership as the property being platted, or where additional easement width is dedicated by separate instrument by the Owner of said adjacent tract. In such cases, one-half ( $\frac{1}{2}$ ) of the required easement width shall be dedicated within the platted boundary with the other one-half ( $\frac{1}{2}$ ) provided outside the platted boundary by separate instrument, or through notation on the plat certifying the ownership and dedication of said easement.

- b. Widths. All utility easements, including special use utilities such as gas, telephone, electric, and cable, established within any subdivision plat shall not be less than a total of ten feet (10') in width, which width may be split between adjacent lots, provided however, that a lesser amount shall be allowed where less width is required by the utility service provider.
  - c. Limitations. All utility easements shall be limited to surface and below grade easements. Aerial easements over utility easements shall be limited to that necessary for transformers, amplifiers, and other similar devices that cannot be placed below grade, it being the express purpose and intent hereof to require all utilities, to the extent reasonably possible, to be placed below ground level.
2. Drainage Easements. All drainage easements shall be located and dedicated to accommodate the drainage requirements necessary for the proper development of the property within the subdivision boundaries and within its natural watershed and in conformance with the Harris County Flood Control District, its regulations governing storm drainage or flood control, and the requirements of other governmental agencies having jurisdiction over storm drainage or flood control within the area in which the subdivision is located. A suitable note on the plat shall restrict all properties within the subdivision to ensure that drainage easements within the plat boundaries shall be kept clear of fences, buildings, obstructive vegetation, and other obstructions to the operation and maintenance of the drainage facilities therein.

3. Private Easements, Fee Strips.

- a. Existing Easements, Fee Strips. All easements or fee strips created prior to the subdivision of any tract of land shall be shown on the subdivision plat of said land with appropriate notations indicating the name of the holder of such easement or fee strip, the purpose of the easement and generally the facilities contained therein, the dimensions of the easement or fee strip tied to all adjacent lot lines, street ROW and plat boundary lines, and the recording reference of the instruments creating and establishing said easement or fee



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strip. In those instances where easements have not been defined by accurate survey dimensions such as "over and across" type easements, the Subdivider shall request the holder of such easement to accurately define the limits and location of such easement through the property within the plat boundaries. If the holder of such undefined easement does not define the easement involved and will not certify his refusal to define such easement to the Director of Public Works, the subdivision plat shall provide accurate information as to the center line location of all existing pipelines or other utility facilities placed in conformance with the easement holder's rights, and building setback lines shall be established fifteen feet (15') from and parallel to both sides of the centerline of all underground pipelines or pole lines involved.

- b. Establishment of Special Use Utility or Drainage Easements. A special use utility or drainage easement may be established by subdivision plat when such easement is for the purpose of accommodating a utility or drainage facility owned, operated, and maintained by a unit of government and is restricted to either water mains, sanitary sewers, storm sewers, or other drainage purposes and where it has been determined by the Director of Public Works that these facilities cannot or should not be accommodated within a general purpose public utility or drainage easement or public street ROW. Easements proposed to be established for any privately-owned utility company or private organization providing utility services and restricted for their exclusive use shall not be created by a subdivision plat; however, such private utility facilities may be accommodated and placed within the general purpose utility easements and public streets established within the plat boundary. Nothing contained herein, however, may prevent such private companies or the Subdivider from granting and establishing special or exclusive use easements by separate instrument if such arrangements are deemed necessary to properly serve the properties within the plat boundaries.

**Sec. 98-165. Federal Flood Insurance Program.**

No subdivision of land shall be approved unless it complies in all respects with Harris County's and the City's Flood Damage Prevention regulations. Each Final Plat shall depict the boundaries of all flood zones as provided in the latest edition of the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRM).

**Sec. 98-166. Utilities.**

Adequate provision for all utilities and easements shall be provided to the entire subdivision. All distribution and service lines of electrical, telephone, television, and other wire-carrier type utilities shall be underground, except where above-ground placement is required by the public utility provider. Transformers, amplifiers, or similar devices associated with the underground lines may be located upon the ground or below ground level. Where the underground placement of such facilities is not a standard practice of the utility involved, the Subdivider or Developer shall make arrangements with the applicable



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utility for payment of all costs associated with the non-standard installation. All utility installations shall comply with the standards required by each utility provider.

**Sec. 98-167. Drainage.**

Drainage facilities shall be designed and constructed in accordance with the City's drainage standards.

1. This plan shall show the watershed affecting the development and how the runoff from the fully-developed watershed will be conveyed to, through, and from the development. It must comply with the standards outlined in this Ordinance and the drainage design criteria found in the City's Standards. The preliminary drainage plan is a guide for the detailed drainage design. The review of the preliminary drainage plan does not constitute final drainage plan approval or authorize a waiver to this Subdivision Ordinance.
2. For any property involved in the development process, a preliminary drainage plan shall be provided, at the developer's expense, for the area proposed for development. For property with a previously accepted preliminary drainage plan, the accepted preliminary drainage plan may be submitted and enforced unless a revised preliminary drainage plan is required by the City due to lot reconfiguration or other conditions created by the new plat. The Director of Public Works may waive the requirement for a preliminary drainage plan if the submitted plat is not anticipated to cause any significant change in runoff characteristics from a previously accepted drainage study or for single residential properties where no drainage problems are anticipated. If the Applicant requests a waiver in writing, a copy of any previous drainage plan shall be provided.
3. Three (3) paper copies of the preliminary drainage plan shall be submitted with the submittal of a Preliminary Plat, Replat, or minor plat for review and acceptance. The plan shall be labeled as "Preliminary." The plan shall be stamped by and dated by the engineer.

**Sec. 98-168. Monuments and Markers.**

1. Iron rods, five-eighths ( $\frac{5}{8}$ ) inches in diameter and 30 inches long, shall be placed on all boundary corners, block corners, curve points, and angle points. The monuments shall be set at such an elevation that they will not be disturbed during construction, and the top of the monument shall not be less than 12 inches below the finished ground level.
2. Lot markers shall be one-half ( $\frac{1}{2}$ ) inch or greater reinforcing bar, 24 inches long, or approved equal, and shall be placed at all lot corners flush with the ground, or below ground if necessary in order to avoid being disturbed.



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3. Where no bench mark is established or can be found within 300 feet of the boundary of the subdivision, such bench mark shall be established to the latest edition of the U.S. Coast and Geodetic Survey datum. The bench mark shall be established upon a permanent structure, or may be set as a monument and shall be readily accessible and identifiable on the ground.

**Secs. 98-169 - 98-189. Reserve.**

DIVISION VII. TRAFFIC IMPACT ANALYSIS

## **DIVISION VII. TRAFFIC IMPACT ANALYSIS**

Sec. 98-190. Traffic Impact Analysis and Mitigation.

Sec. 98-191. Criteria for Determining Traffic Impact Analysis Requirements.

Sec. 98-192. City Evaluation and Action.

Sec. 98-193. Requirements for TIA Updates.

Sec. 98-194. Responsibility of TIA Preparation and Review.

Sec. 98-195. TIA Standards.

Sec. 98-196. TIA Report Format.

Sec. 98-197. Administration of the TIA.

Secs. 98-198—98-218. Reserved.

### **Sec. 98-190. Traffic Impact Analysis and Mitigation.**

Purpose. The purpose of a TIA is to assess the effects of specific development activity on the existing and planned thoroughfare system. Development activity may include but is not limited to rezoning, preliminary site plans, site plans, Preliminary Plats, driveway permits, certificates of occupancy, and Thoroughfare Plan amendments.

### **Sec. 98-191. Criteria for Determining Traffic Impact Analysis Requirements.**

1. Pre-submission Meeting. Prior to the commencement of a TIA, an initial or pre-submission meeting with City Staff is required to establish a base of communication between the City and the Applicant. This meeting will define the requirements and scope relative to conducting a TIA and ensure that any questions by the Applicant are addressed.
2. Scope. The scope of a TIA is an analysis of the area surrounding the development that will be impacted by the development to determine the range of area that must be included in the TIA. The scope of the TIA shall be based on the peak hour trips projected to be generated by the proposed development, as set forth in the following table. Additionally, a scoping meeting shall be coordinated with the City Manager or designee in order to determine the study intersections within the scope of the TIA.

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**Table 7-1: Criteria for Determining Traffic Impact Analysis**

Peak Hour Trips	TIA Analysis Period	TIA Scope
99 or less	1. n/a	Not Required
100—500	1. Existing	The frontage of the property, all access points (including common access), and all intersections within a ½ mile radius of the proposed development.
	2. Opening year	
	3. Full build-out year	
501—1000	1. Existing	The frontage of the property, all access points (including common access), and all intersections within a 1 mile radius of the proposed development.
	2. Opening year	
	3. Full build-out year	
	4. 5 years after opening year	
1,000 or more	1. Existing	The frontage of the property, all access points (including common access), and all intersections within a 1 1/2 mile radius of the proposed development.
	2. Opening year	
	3. Full build-out year	
	4. 5 years after opening year	
	5. 10 years after opening year	
		<b>NOTE:</b> All measurements shall be made from property boundaries.

**Sec. 98-192. City Evaluation and Action.**

Criteria.

1. The City Manager or designee shall evaluate the adequacy of the TIA prepared by the Applicant. Based upon such evaluation, the City Manager, or designee shall make recommendations concerning:
  - a. Whether the application may be approved in the absence of dedication of row or construction of improvements to each affected thoroughfare; and
  - b. The extent of the Applicant's obligations to make such dedications or improvements.

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2. The City Manager, or designee may recommend, and the decision-maker on the application may attach, conditions to the approval of the development application, based on one or more of the following performances by the Applicant:
- a. Delay or phasing of development until thoroughfares with adequate capacity or intersection improvements are constructed;
  - b. A reduction in the density or intensity of the proposed development sufficient to assure that the road network has adequate capacity to accommodate the additional traffic to be generated by the development;
  - c. The dedication or construction of thoroughfares or traffic control improvements needed to mitigate the traffic impacts generated by the proposed development; or
  - d. Any combination of techniques that assures that the traffic impacts of the development will be mitigated.

Deferral of Obligation.

1. Upon request of the Applicant or Property Owner, the obligation to dedicate or improve thoroughfare ROW or to make intersection improvements imposed on a development application may be deferred until the City's action on a subordinate (*i.e., subsequent*) development application. As a condition of deferring the obligation to dedicate ROW for or to improve thoroughfares, the deferral shall be at the sole discretion of the City. The City shall require the Developer to execute a subdivision improvement agreement acceptable to the City Attorney specifying the amount and timing of the ROW dedication or improvements to thoroughfares.

**Table 7-2: Criteria for Determining TIA Study Requirements**

Analysis Category	Site Trips Generated at Full Build-Out	TIA Analysis Periods <sup>(1)</sup>	Minimum Study Area <sup>(3)</sup>
I	>50 peak hour driveway trips; or 100-500 total peak hour trips	Existing year Opening year <sup>(2)</sup> 5 years after opening	All site access drives All signalized intersections and/or major unsignalized intersections within 0.5 mile to 1 mile of site boundary
II	>500 total peak hour trips	Existing year Opening year of each phase 5 years after initial opening 10 years after final opening with full build-out	All site access drives All signalized intersections and/or major unsignalized intersections within 1.5 miles of site boundary

1) Analysis periods shall include build and no-build scenarios. Assume full occupancy when each phase opens.

2) Assume full build-out.

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- 3) For certain projects, the City may require an enlarged study area. Land uses within the study area should include recently approved or pending development adjacent to the site.

**Sec. 98-193. Requirements for TIA Updates.**

A TIA shall be updated when time or circumstances of the original study fall within the parameters presented in **Table 7-3**. The Applicant is responsible for preparation and submittal of appropriate documentation in order for City Staff to process the zoning or development application. A TIA for site development requests must be updated if two years have passed since the original submittal, or if existing or assumed conditions have changed within the defined study area. The Director of Public Works shall make the final determination as to the extent of a TIA update.

**Table 7-3: Criteria for Determining TIA Update Requirements**

Original TIA Report was based on:	Changes to the Originally Proposed Development:	
	<del>Access Changed</del> (1) or Trip Generation Increased by more than 10%	Access Not Changed and Trip Generation Increased by less than 10%
Zoning; or Preliminary Site Plan or Site Plan that is less than 2 years old	Letter Amendment Required: Identify and report only analysis conditions that have changed	Letter Documenting Change (No analysis is required)
Preliminary Site Plan or Site Plan that is more than 2 years old	Prepare New Study. Must meet all current TIA requirements	Prepare New Study. Must meet all current TIA requirements.

- 1) Changed access includes proposed new access or refinement of general access locations not specifically addressed in original proposed development.

**Sec. 98-194. Responsibility of TIA Preparation and Review.**

1. A TIA shall be prepared in accordance with all of the guidelines in this section and submitted in accordance with the Development Review Schedule set by the City. The responsibility for TIA preparation shall rest with the Applicant and must be performed by a P.E. licensed in the State of Texas with experience in traffic and transportation engineering. The final TIA report must be signed and sealed by the P.E. responsible for the analysis to be considered for review by the City. Application and review fees are due at the time of each submittal. City Staff shall serve primarily in a review and advisory capacity and will only provide data to the Applicant when available.

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2. It shall be the responsibility of the Applicant to submit three (3) draft TIA reports and executive summaries with the zoning and/or development request submission. The proper number of reports, the timing for submission, and the review of these reports shall be based on standard City development review procedures. Incomplete TIAs or failure to submit a TIA with the submission shall delay consideration of zoning and development requests. Should it be determined during the review of any zoning and/or development plans that a TIA is required; consideration shall be deferred until the Applicant submits a completed TIA and the City has reviewed the assessment.
3. The City shall review the TIA and provide comments to the Applicant. It shall be the responsibility of the Applicant to submit three (3) finalized TIA reports and executive summaries once all review comments have been addressed.

**Sec. 98-195. TIA Standards.**

1. Design Level of Service. The minimum acceptable level of service (LOS) within the City shall be defined as LOS "D" in the peak hour for all critical movements and links. All development impacts on both thoroughfare and intersection operations must be measured against this standard.
2. Trip Generation Resources. The City's standard for trip generation rates for various land use categories shall be those found in the latest edition of *Trip Generation* published by the Institute of Transportation Engineers (ITE) or other published or recognized sources applicable to the region. Alternate trip generation rates may be accepted on a case-by-case basis if the Applicant can provide current supporting data substantiating that their development significantly differs from the ITE rates. The Director of Public Works must approve alternative trip generation rates in writing in advance of the TIA submission.
3. Trip Reductions. Trip reductions for passer-by trips and mixed-use developments will be permitted, subject to analytical support provided by the Applicant and approval by the Director of Public Works on a case-by-case basis. Assumptions relative to automobile occupancy, transit mode share, or percentage of daily traffic to occur in the peak hour must be documented and will be considered subject to analytical support provided by the Applicant.

**Sec. 98-196. TIA Report Format.**

1. The TIA report must be prepared on 8½ inch by 11 inch sheets of paper. However, it may contain figures on larger sheets, provided they are folded to this size. All text and map products shall be computer-based and provided in both published format and computer file format (PDF). In addition, all electronic files used as part of the traffic analysis (i.e., *Synchro*, *HCS*, *Passer II/III*, *CORSIM*, *VISSIM*, etc.) shall be provided.
2. The sections of the TIA report should be categorized according to the outline shown below:
  - Executive Summary



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- Introduction
  - Purpose
  - Methodology
  - Existing And Proposed Land Use
  - Site Location/Study Area
  - Existing Zoning
  - Existing Development
  - Proposed Zoning (*if applicable*)
  - Existing And Proposed Transportation System
  - Thoroughfare System
  - Existing Traffic Volumes
  - Projected Traffic Volumes
  - Site Traffic Characteristics
  - Existing Site Trip Generation (*if applicable*)
  - Proposed Site Trip Generation
  - Net Change in Trip Generation (*if applicable*)
  - Trip Distribution and Traffic Assignment
  - Traffic Analysis
  - Level of Service Evaluations
  - Traffic Signal Evaluations
  - Mitigation
  - Conclusions
  - Recommendations Appendices
  - Traffic Impact Mitigation
3. Mitigation of traffic impacts shall be required if the proposed development would cause a facility or traffic movement to exceed LOS D, or where it already exceeds LOS D and the development would contribute five (5) percent or more of the total traffic during any projected horizon year. If mitigation is required, the Applicant must only mitigate the impact of the proposed development, and would not be responsible for alleviating any deficiencies in the thoroughfare system that may occur without the proposed development.
4. Acceptable mitigation measures shall include:
- a. Staging of development in order to relate site development to the construction of the required thoroughfare system;
  - b. Staging of development so that the site contributes less than five (5) percent of the total traffic to the affected facility or traffic movement during the projected horizon year;
  - c. Off-site improvements, including the provision of ROW and/or the participation in funding for needed thoroughfare and intersection improvement projects (*including, but not limited to, through lanes, turn lanes, or traffic signals*); and
  - d. On-site improvements, including access controls and site circulation adjustments.

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5. Mitigation is not required if it can be shown that the traffic impacts of the project are fully mitigated ten (10) years after the final opening with any improvements that are already programmed to be implemented within five (5) years of the initial opening.

**Sec. 98-197. Administration of the TIA.**

Based on the results of the TIA and actions recommended by the Director of Public Works, the Planning and Zoning Commission and/or the City Council, as appropriate, shall take one or more of the following actions:

1. Approve the zoning or development request, if the project has been determined to have no significant impact or where the impacts can be adequately mitigated;
2. Approve the development request, subject to a phasing plan;
3. Recommend study of the City Thoroughfare Plan to determine amendments required to increase capacity;
4. Recommend amendment of the Capital Improvement Program (CIP) to expedite construction of needed improvements; or
5. Deny the zoning or development request, where the impacts cannot be adequately mitigated.

**Secs. 98-198 - 98-218. Reserve.**

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## **DIVISION VIII. DEFINITIONS**

Sec. 98-219. Usage and Interpretation.

Sec. 98-220. Definitions.

Secs. 98-221 - 98-241. Reserved.

### **Sec. 98-219. Usage and Interpretation.**

Usage. The definitions within this Division IX are intended to provide descriptions for words and terms used within this Subdivision Ordinance. Absent any conflict, words and terms used in this Subdivision

Ordinance shall have the meanings ascribed thereto in this Division IX.

Conflicts. When words and terms are defined herein, and are also defined in other ordinance(s) of the City, they shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this Section 10 shall control.

Present and Past Tenses. Words used in the present tense include the future; words in the singular number include the plural number, and words used in the plural number include the singular number.

Usage of Shall and May. The word shall is mandatory and not directory. The word may is directory and not mandatory.

Words Not Defined. For any definition not listed in this Section 10, the definition found within the latest edition of Webster's Dictionary shall be used.

Certain Terms and Words. Certain terms and words are to be used and interpreted as described and/or defined within the sections of this Subdivision Ordinance wherein they apply to certain regulations.

### **Sec. 98-220. Definitions.**

For the purposes of this chapter, the following terms, phrases and words shall have the listed meanings. When consistent with the context, words used in the present tense shall include the future tense; words used in the singular number shall include the plural number; and words used in the plural number shall include the singular number. Terms, phrases, or words not expressly defined herein are to be considered in accordance with customary usage.

*100-Year Floodplain* refer to FEMA definitions based on the latest National Flood Insurance Program.

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*Abutting* means adjacent, adjoining and contiguous to. It may also mean having a lot line in common with a ROW or easement, or with a physical improvement such as a street, waterline, park, or open space.

*Access* shall mean a means of approaching or entering a property, or the ability to traverse a property (such as in the use of the phrase *pedestrian access easement*).

*Addition* shall mean one (1) lot, tract or parcel of land lying within the corporate boundaries of the city which is intended for the purpose of development.

*Amended Plat* shall mean a revised plat correcting errors or making minor changes to the original recorded Final Plat.

*Amenity* shall mean an improvement to be dedicated to the public or the common ownership of the lot Owners of the subdivision and providing an aesthetic, recreational or other benefit, other than those prescribed by this ordinance.

*Appeal* shall mean a request for review of and relief from any decision applying a provision of this Ordinance.

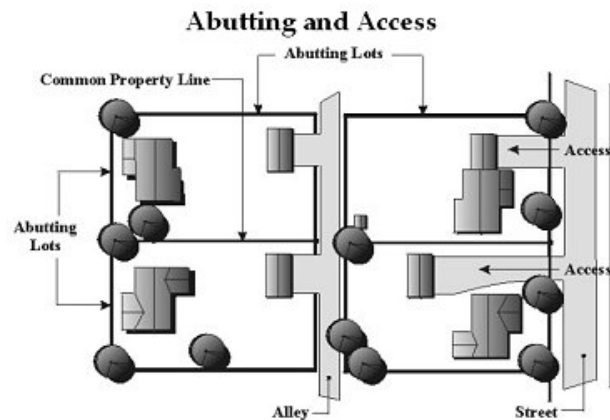
*Applicant* shall mean the person or entity responsible for the submission of an application. The Applicant must be the actual Owner of the property for which an application is submitted or shall be a duly authorized representative of the Property Owner.

*Application (also Development Application, Plat Application)* shall mean the package of materials, including but not limited to an Application Form, a Plat, completed checklist, Tax Certificate, Construction Plans, special drawings or studies, and other informational materials, that is required by the City to initiate City review and approval of a development project.

*Application Form* shall mean the written form (as provided by and as may be amended by the City) that is filled out and executed by the Applicant and submitted to the City along with other required materials as a part of an application.

*Approval* shall mean a determination by the Official, Board, Commission, or City Council responsible for such determination that the application is in compliance with the minimum provisions of this Subdivision Ordinance.

*Base Flood* as defined by FEMA



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*Block* shall mean a grouping of residential lots that are partially or fully surrounded by one or more streets. A block consists of one or two tiers of lots.

*Buffer* shall mean an area of permanent native vegetation that is adjacent to a water course and/or wetland that is managed to maintain the integrity of the water course and/or wetland to reduce the impact of upland sources by:

- Trapping, filtering and converting pollutants;
- Reducing sediment loads;
- Reducing runoff velocity;
- Stabilize stream banks and wetland edges;
- Reduce water temperatures; and
- Provide habitat for urban wildlife.

*Building* shall mean any structure intended for shelter, occupancy, housing or enclosure for persons, animals or property. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

*Building Line* shall mean a line parallel, or approximately parallel, to any front lot line at a specific distance therefrom, marking the minimum distance from the front lot line that a building may be erected.

*Building Permit* shall mean an official certificate issued by the City through the Chief Building Official that indicates conformance with or approved conditional waiver from City regulations and authorizes construction of buildings or other described construction on the premises for which it is issued.

*City* shall mean the City of Deer Park, Texas.

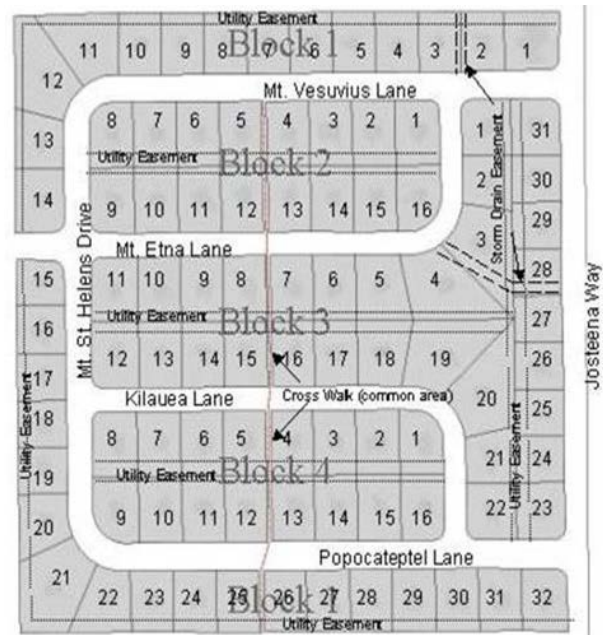
*City Attorney* is the person(s) so designated by the City Council to provide oversight for and have legal responsibility for the City. This term shall also include any designee of the City Attorney.

*City Council* is the elected body that governs the City under State Law and City Charter and that is duly authorized to operate in the manner prescribed by City ordinances and resolutions. The term City Council as used within this Subdivision Ordinance shall mean the City Council of the City of Deer Park.

*City Engineer* shall mean the official with responsibility to review and release plans for construction projects, or his designee.

*City Manager* is the person(s) so designated by the City Council, or the City Manager's designee.

*Comprehensive Plan* shall mean The City of Deer Park Comprehensive Plan Update, a general plan for growth and development of the City and its environs, including any and all applicable elements of such



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plan, such as a land use plan, utilities plan, drainage plan, infrastructure master plan, parks plan, and others.

*Construction Plans* shall mean the drawings and technical specifications that conform to this Ordinance and all other applicable ordinances of the City. Construction Plans, including bid documents, contract conditions, and escrow agreements, where applicable, provide a graphic and written description of the character and scope of the work to be performed in construction of a development.

*Construction Release* shall mean an official authorization by the City, through the Director of Public Works, that indicates conformance with City regulations and authorizes construction of improvements or other described construction, in conformance with approved Construction Plans, on the premises for which it is given.

*County* shall mean Harris County, Texas.

*Certificate of Occupancy* shall mean an official certificate issued by the City through the Chief Building Official that indicates conformance with or approved conditional waiver from City regulations and authorizes legal use of the premises for which it is issued; may be referred to as an Occupancy Permit.

*Chief Building Official* shall mean the person(s) so designated by the Director of Public Works or other designee to provide oversight for and have responsibility of the Building Inspections Division of the Development Services Department; such official issues Building Permits and Certificates of Occupancy and enforces the Zoning Ordinance, Building Code, and any applicable provisions of this Subdivision Ordinance. This term shall also include any designee of the Chief Building Official.

*Commission* shall mean the Planning and Zoning Commission of the City of Deer Park.

*Complete Application* shall mean an application that meets the standards of this Subdivision Ordinance and has been deemed complete by the City in accordance with Sec. 98-57 of this Ordinance and the Texas Local Government Code, Chapter 245, or successor statute.

*Cul-de-sac* shall mean a street having only one vehicular access to another street and terminated by a vehicular turn-around.



*Developer* shall mean a person or entity, limited to the Property Owner or duly authorized representative thereof, who proposes to undertake or undertakes the division or improvement of land and/or other activities covered by this Subdivision Ordinance so as to constitute a subdivision, including the preparation of a plat showing the layout of the land and the public improvements involved therein.

*Dead End Street* shall mean a street, other than a cul-de-sac, with only one outlet.

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*Deed Restriction* shall mean a limitation on the use of land set forth or referred to in the title deed of such land. Such limitations run with the land and are binding upon present and subsequent Owners of the land. Deed restrictions are not enforced by the City.

*Development* shall mean any activities related to the platting or physical subdivision of land including the construction, reconstruction, conversion, or enlargement of buildings or structures; the construction of impervious surfaces (e.g., *parking lots*); the installation of utilities, roadways, drainage facilities or other infrastructure; or any disturbance of the surface or subsurface of the land in preparation for such construction activities, including grading, drainage, storage, paving, clearing, filling, and/or removal of vegetation or soil, and any mining, dredging, excavation or drilling operations.

*Development Agreement* shall mean an agreement authorized and in accordance with Section 212.172 of the Texas Local Government Code between the City and a Property Owner within the City.

*Development Application* shall mean an application for any type of plat or construction plan/drawing authorized or addressed by this Subdivision Ordinance. Also may be referred to as a permit within the Texas Local Government Code, Chapter 245.

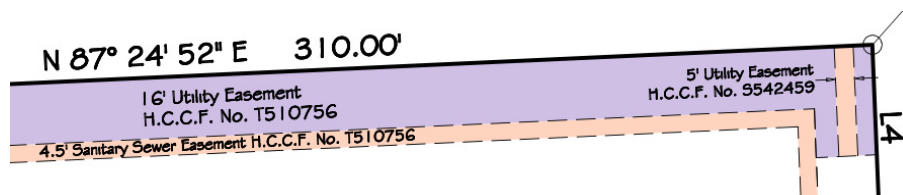
*Director of Parks and Recreation* is the person(s) so designated by the City Manager to provide oversight for and have responsibility of the Parks and Recreation Department; as used for responsibility and review purposes within this Subdivision Ordinance, this term shall also include any designee of the Director of Parks and Recreation.

*Director of Public Works* is the person(s) so designated by the City Manager to provide oversight for and have responsibility of the Public Works Department; as used for responsibility and review purposes within this Subdivision Ordinance, this term shall also include any designee of the Director of Public Works.

*Driveway* shall mean a paved entranceway serving primarily vehicles that allows for access to a lot or facility, and is intended for vehicular movements between the roadway and any portion outside the street ROW.

*Easement* shall mean an area dedicated for restricted use on private property upon which a person or public or private entity has the right to

remove and keep removed all or part of any building, fence, tree, shrub, or other improvement or growth that in any way endangers or interferes with the construction, maintenance, or operation of any of the respective utility, drainage, access, or other authorized systems or facilities located within any such easement.





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*Engineer* is a person who has been duly licensed by the Texas Board of Professional Engineers to engage in the practice of engineering in the State of Texas. (Also known as *Professional Engineer, Registered Engineer, Registered Professional Engineer, or Licensed Engineer*)

*Engineering Standards* shall mean a document adopted by City Council by resolution or ordinance, which is intended to establish standards for the design and construction of public facilities.

*Extraterritorial Jurisdiction (ETJ)* shall mean that area of land located outside the municipal boundaries of the City over which the City has regulatory authority, as defined in Chapter 42 of the Texas Local Government Code.

*Facilities Agreement* shall mean a contract entered into by the City and a Developer or Subdivider of property, where the Developer is constructing oversized public improvements designed to serve the Owner of adjacent property whose Owner(s) will be required to make pro rata reimbursements.

*Final Plat* shall mean a complete and exact subdivision plan prepared in conformity with the provisions of this chapter and in a manner suitable for recording with the County Clerk of Harris County, Texas.

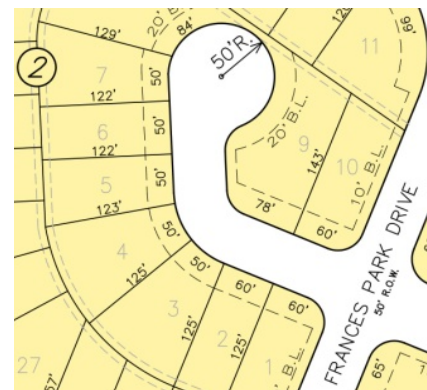
*Fire Chief* is the person(s) so designated by the City Manager to provide oversight for and have responsibility of the Fire Department; as used for responsibility and review purposes within this Subdivision Ordinance, this term shall also include any designee of the Fire Chief.

*Homeowners' Association (HOA)* shall mean a community association which is organized within a development in which individual Owners share common interests and responsibilities for open space, landscaping, amenities or facilities, and which operates under recorded land agreements. This term also includes Property Owners' Associations (POAs) and Property Management Corporations (PMCs) which are more typically formed for multi-family and nonresidential developments.

*Improvement* shall mean any man-made fixed item which becomes part of or placed upon real property.

*Improvement Agreement* shall mean a legally binding document that is required whenever public improvements to serve a development are deferred until after Final Plat approval and recordation. Such document outlines the developer's acknowledged responsibility to complete and warranty improvements and to provide financial security for such improvements.

*Lot* shall mean a physically undivided tract or parcel of land having frontage on a public street or approved private street, which has been platted to meet current City specifications and which is, or in the future may be, offered for sale, conveyance, transfer, lease, development, or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol on an approved, recorded plat.



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*Lot, Corner* shall mean a lot which has at least two adjacent sides abutting for their full lengths on a street.

*Lot Depth* is the horizontal distance measured perpendicularly between two points on the front lot line and two points on the rear lot line which creates an area that meets (or exceeds) the zoning district's minimum width and depth requirements. Lot depth shall not include easements which are located behind the front building line that impair the use of the lot surface as a yard.

*Lot, Double Frontage* shall mean a lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

*Lot, Interior* shall mean a lot other than a corner lot.

*Lot Frontage* is the dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

*Lot Line, Front* is the narrower side of the lot abutting a street. Where two (2) lot lines abutting streets are of equal length, the Owner shall have a choice in designating which shall be designated as the Front Lot Line, and therefore the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines.

*Lot Line, Rear* is the lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero.

*Lot Line, Side* shall mean any lot line not the front or rear lot line.

*Lot Lines* are the lines bounding a lot as defined herein. May also be referred to as a Property Line.

*Lot Width* is the horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line that is closest to the front lot line.

*Local Street* shall mean a street that is intended to provide a high level of access to adjacent developments and, generally, a low level of mobility.

*Major Thoroughfare Plan* shall mean the street layout plan or any amendments or changes thereto approved and adopted by the City Council.

*Maximum* for the purposes of this Ordinance, "the maximum" is the amount that is required by this ordinance of a developer but a developer may choose to construct or provide less than the maximum, unless otherwise specified.

*Metes and Bound* is a method of describing the boundaries of land by directions and distances from a known point of reference.

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*Minimum* for the purposes of this Ordinance, “the minimum” is the amount that is required of a developer but a developer may choose to construct or provide additionally above the minimum required, unless otherwise specified.

*Off-Site* shall mean any premises not located within the area of the property to be subdivided, whether or not in common ownership with the Applicant submitting an application.

*Official Filing Date* shall mean the date an application is deemed complete by the responsible official in the manner prescribed by Sec. 98-57(7) of this Subdivision Ordinance.

*Open Space* shall mean any land parcel or natural area that is set aside, dedicated, designated or reserved for public use and enjoyment, or for private use and enjoyment of Owners and occupants of the land adjoining or neighboring such open space area. Open Space shall have no dimension less than 50 feet in any direction, and shall not include remnant property unless it is noted for thoroughfare screening or natural areas where the topography is not impacted, in which case it may be less than 50 feet in width.

*Ordinance* refers to this Subdivision Ordinance of the City of Deer Park, as may be amended in the future.

*2013-2023 Parks, Recreation and Open Space Master Plan* is the City’s officially adopted Plan which includes policies in graphic and text form; such policies govern the future development of the City’s parks, recreation and open space system.

*Pedestrian Access* shall mean a specifically designated place, path, means, or way by which pedestrians shall be provided safe, adequate, and usable circulation through the interior of a property or development.



*Permit* is a license, certificate, approval, registration, consent, permit, contract or other agreement for the construction or provision of service from a utility owned, operated, or controlled by the City, or other form of authorization required by law, rule, regulation, order, or ordinance, which has been approved by the City, that a person or entity must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought, and for which the application for the permit or information required to be submitted for consideration provides notice of the project to the City.

*Planning and Zoning Commission* is the decision-making body appointed by the City Council which is responsible for subdivision approval, as permitted by State Law, and which has any other authority conferred upon it by the City Charter, this Ordinance, or other regulation of the City.

*Plat* shall mean a plan which shows the exact layout and proposed construction of a proposed development into one or more lots, blocks, streets, parks, school sites, easements, alleys and/or any other elements as required by this Ordinance, including any engineering or construction standards for related

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improvements, and which conforms to all requirements of this Ordinance and any other applicable City ordinance, and which is subject to approval by the Commission, unless otherwise specified.

*Plat, Amending* shall mean a plat with minor changes to a recorded subdivision as itemized and authorized in Sec. 98-97 of this Ordinance.

*Plat, Final* shall mean a plat which conforms to Sec. 98-91 of this Subdivision Ordinance and is submitted to the City for consideration for final approval by the Commission. The plat illustrates that the subdivision of land is consistent with all standards of this Subdivision Ordinance pertaining to the adequacy of public facilities and the installation of or provision for public improvements. Once approved, such plat is submitted to the County Clerk of Harris County, as applicable, for recording.

*Plat, Minor* shall mean a plat dividing land into no more than four (4) lots that meets the submission and approval requirements of Sec. 98-94 of this Ordinance. Such plat may be approved by the Director of Public Works or other designee.

*Plat, Preliminary* shall mean a plat which conforms to Sec. 98-88 of this Subdivision Ordinance and is submitted to the City for consideration for initial approval by the Commission. Such plat is not to be recorded, but illustrates the general layout of a proposed subdivision, the adequacy of public facilities needed to serve the proposed subdivision, and the overall compliance of the applicable requirements of this Ordinance. Such plat is reviewed and decided prior to approval of a Final Plat.

*Progress (Towards Completion)* shall have the same meaning set forth in Section 245.005(c) of the Texas Local Government Code, as it exists or may be amended, unless another meaning is specified.

*Project* shall mean an endeavor over which the City exerts its jurisdiction and for which more than one permit is required to initiate, continue, or complete the endeavor.

*Property Owner* shall mean the legally recognized proprietor of the land for which an application is being submitted. Also see Developer.

*Proportionality/Proportional Share* shall mean the developer's portion of the costs of an exaction or public improvement as determined and in accordance with Texas Local Government Code 212.904 and considered to be the "roughly proportional share" of such exaction or public improvement that is created by a proposed development or subdivision.

*Private Street* shall mean a privately owned and maintained thoroughfare, which provides vehicular access to adjacent land.

*Public Improvement* shall mean any drainage way, roadway, parkway, sidewalk, utility, pedestrian way, off-street parking area, lot improvement, open space, or other facility for which the city or other governmental entity will ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

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*Public Street* shall mean a thoroughfare or ROW that is dedicated to the public, and accepted for maintenance by the City or county, and which provides vehicular access and other easements for development on adjacent land.

*Replat* shall mean the re-subdivision of any or part or all of any block or blocks of a previously platted subdivision, addition, lot or tract, that is beyond the definition of an Amending Plat and which does not require the vacation of the entire preceding plat. Such plat also conforms to Sec. 98-96 of this Subdivision Ordinance. A Replat can function as a Final Plat for a property.

*Right-of-Way (ROW)* shall mean a parcel of land occupied or intended to be occupied by a street or alley; where appropriate ROW may include other facilities and utilities, such as sidewalks, railroad crossings, electrical, communication, oil or gas, water or sanitary or storm sewer facilities, or for any other special use. The use of ROW shall also include parkways and medians outside of pavement. The usage of the term "ROW" for land platting purposes shall mean that every ROW hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such ROW and not included within the dimensions or areas of such lots or parcels.



*Responsible Official* shall mean the City staff person who has been designated by the City Manager to perform one (1) or more of the following tasks (*this term also includes designees*):

- Accept an application for filing;
- Review and make recommendations concerning such application;
- Where authorized, to initially decide such applications;
- Initiate enforcement actions; and/or
- Take all other actions necessary for administration of the provisions of this Subdivision Ordinance with respect to such application.

*Street* shall mean an access way for vehicular traffic and other public uses, whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated. An alley is not considered a street.

*Street, Improved* shall mean a street that has been constructed or reconstructed to meet the City's minimum standards regarding ROW width, pavement width, and/or pavement type, as defined in the Engineering Standards.

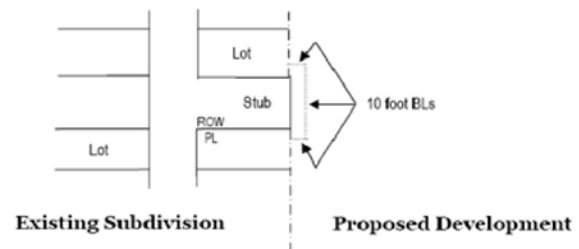
*Street, Private* shall mean a privately owned street within a subdivision for which the private Owners assume full responsibility for maintenance and control and which has not been dedicated to the use of the public. This term is inclusive of related alleys.

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*Street, Stub* shall mean a street that has been designed to allow for the future extension of the street through subsequent subdivisions.

*Street, Substandard* shall mean an existing street that does not meet the current minimum street standards of the City.



*Street, Unimproved* shall mean a street that does not meet the City's minimum standards regarding right-of-way width, pavement width, and/or pavement type, as defined in the Engineering Standards. Most unimproved streets are former country roads that were built before an area was annexed into the City limits and/or before the City implemented thoroughfare design standards.

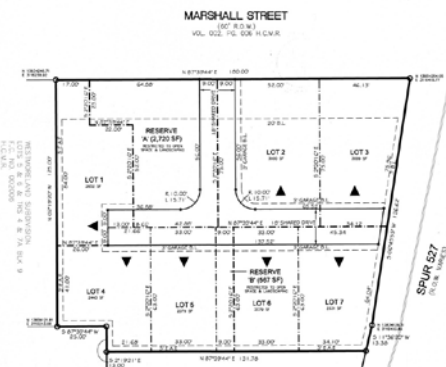
*Subdivide* is the following when done for the purpose of sale, conveyance, or development:

- The division of any tract of land into two (2) or more tracts or lots; or
- The assembly of two (2) or more tracts of land into one tract or lot.
- Is the following with regard to changes to a recorded subdivision plat:
  - A resubdivision of all or part of the subdivision;
  - Any change of lot size or lot lines; or
  - The relocation of any street.

*Subdivider or Developer* shall be synonymous for the purposes herein, and shall include any Owner, or authorized agent thereof, proposing to divide any lot, tract, or parcel of land so as to constitute a subdivision according to the terms and provisions of this chapter.

*Subdivision* shall mean:

1. The division of any lot, tract or parcel of land, by plat, map, survey or legal description, into two (2) or more parts, lots or sites for the purpose, whether immediate or future, of sale, rental or lease, or division of ownership;
2. The dedication and the laying out or realignment of new streets, or other public or private access ways, with or without the creation of lots, shall constitute a subdivision;
3. The resubdivision, merger, and Replatting of land or lots that are part of a previously recorded subdivision; and
4. When appropriate to the context, the process of subdividing or to the land subdivided.



*Submission* shall mean the date an Applicant delivers an application or petition under this Ordinance to the Director of the applicable City Department, or the date on which an Applicant deposits an application or petition with the United States Postal Service by certified mail addressed to the Director of the applicable City Department, along with all required fees and documents.

*Substandard* is a condition of a road or other public improvement that does not meet the City's current ROW, design, capacity or construction standard(s).

PART II - CODE OF ORDINANCES  
Chapter 98 - SUBDIVISION OF LAND AND LAND DEVELOPMENT

DIVISION IX. DEFINITIONS

*Surety* is a bond, letter of credit, or letter of financial guarantee from a financial institution.

*TCEQ* is the acronym for the Texas Commission on Environmental Quality.

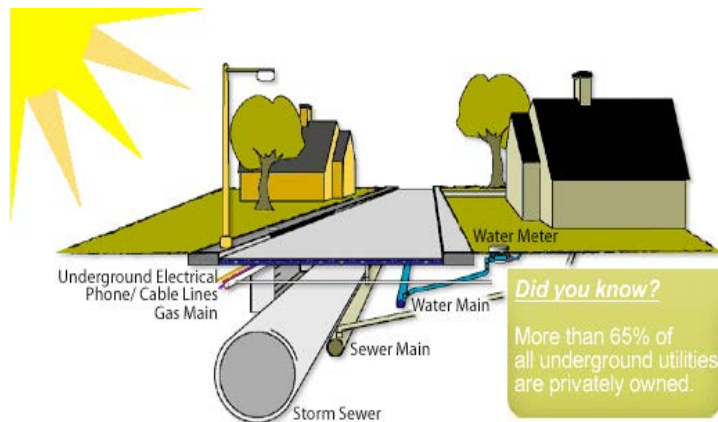
*Title certificate* shall mean a certificate prepared and executed by a title company authorized to do business within the State of Texas, or an attorney licensed with the State of Texas, describing all encumbrances of record that affect the property, together with all recorded deeds. A title certificate shall include a description of all property included within the platted area, and shall not have been executed more than thirty (30) days prior to submission of same to the Director of Public Works.

*Thoroughfare Plan Map* is a component of the Comprehensive Plan that generally represents the proposed grid-system of major and minor thoroughfares that will support the Future Land Use Plan. The exact locations of future roadways cannot be determined without engineering and environmental analysis, but the Map should be used as a guide as development occurs in terms of how connections should be made and by what type of thoroughfare. The Thoroughfare Plan Map also shows existing railroads and proposed transit rail stations.

*TxDOT* is the acronym for the Texas Department of Transportation.

*Utility, Private* shall mean services and any related facilities (e.g., *distribution lines*), not customarily provided by the City or public entities; such services generally include electricity, natural gas, and telecommunications.

*Utility, Public* shall mean services and any related facilities (e.g., *distribution lines*), typically provided by the City of Deer Park, Harris County, or publicly owned entity; such services include potable water distribution, wastewater collection, and storm water management.



*Vested Right* is a right of an Applicant in accordance with Chapter 245 of the Texas Local Government Code, as amended, requiring the City to review and decide the application under standards in effect prior to the effective date of the standards of this Chapter and/or of any subsequent amendments.

*Vested Rights Petition* is a request for relief from any standard or requirement of this Subdivision Ordinance based on an assertion that the Applicant (*petitioner for relief*) has acquired a vested right.

*Violation* shall mean any failure to fully comply with this Subdivision Ordinance.



PART II - CODE OF ORDINANCES  
Chapter 98 - SUBDIVISION OF LAND AND LAND DEVELOPMENT

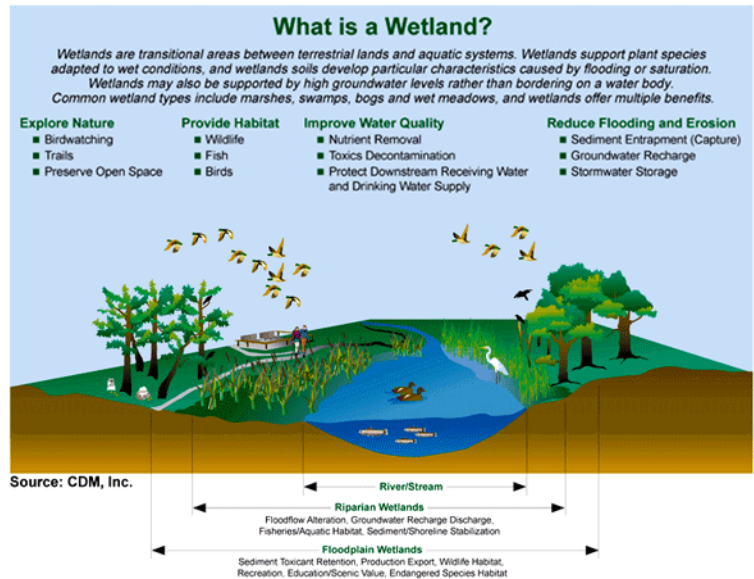
DIVISION IX. DEFINITIONS

*Waiver, Major (Major Waiver)* shall mean a significant change to both the standards and intent of this Subdivision Ordinance, which involves Commission approval.

*Waiver, Minor (Minor Waiver)* shall mean a minor change to the standards, but not the intent, of this Subdivision Ordinance, which involves Director of Public Works or other designee or Director of Public Works (as applicable) approval unless otherwise noted.

*Wetland* is an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

*Wetland Delineation Study* is a study in which the main purposes are to determine jurisdictional wetlands and to ensure compliance with Section 404 of the Clean Water Act and other applicable regulations of the U.S. Army Corps of Engineers.



*Zoning Ordinance* shall mean The City of Deer Park Zoning Ordinance.

**Secs. 98-221 - 98-241. Reserve.**

## Executive Summary of Subdivision Ordinance Draft

As discussed during that meeting, the changes made are largely organizational, and bring the ordinance up to date with changes in state law. This is a summary of major changes.

Organization. We re-organized into a format that we think provides a more logical approach, e.g., it's set up to be a step-by-step process, and an applicant only has to go as far as his particular application needs to.

### **Div. 1—General –**

- Purpose Applicability

- Plat Approval Required

- Federal Flood Insurance Program** *moved from 98-48 (Streets)*

- Exemptions Definitions

### **Div. 2 – Authority of Decision Makers   \*\*new\*\* – This division explains the roles and responsibilities of each official**

- General Provisions

- Responsible Official Assigned

- Director of Public Works

- Director of Parks and Recreation

- City Manager

- Planning and Zoning Commission

- City Council

### **Div 3 – Application Submittal and Processing Procedures – This division reviews the requirements for submittal, timeline of subdivision plats, and when public hearings are required.**

- Pre-submittal Meeting **\*\*new\*\*** - this allows a developer to meeting with Public Works to go over proposed development

- General Application Content

- Initiation, Complete Application, and Expiration

- Application Processing, Action, and Notification Following Decisions

- Public Hearings

- Amendments and Expiration

### **Div 4 – Subdivision Plat Procedures**

- General Procedures

- Subdivision Plat Required – identifies when a subdivision plat is required on a tract of land

- Exceptions to Subdivision Platting Requirements – follows up on the previous section

- Procedure and Submittal Requirements for General Plans

- Preliminary Plats (Procedure and Requirements) – identifies purpose, procedure and surveying requirements

- Final Plats (Procedure and Requirements) – identifies purpose, procedure and surveying requirements

Procedure for Minor Plats\*\*new\*\* – identifies procedure and when a minor plat is allowed  
Replats and Amending Plats (Procedure and Requirements) – identifies purpose, procedure and surveying requirements  
Plat Vacation (Procedure and Requirements) – identifies purpose, procedure and surveying requirements  
Plat Drawings, Reproduction, and Filing – explains how plats should be submitted  
Title Report – explains what and when a title report is required and how old it can be  
Commission Action – explains the amount of time allowed for the Commission to act  
Effect of Denial of Plat – identifies any and all reasons a plat can be denied  
Expiration of Plat Approval – explains how long a plat is valid  
Additional Requirements for Recordation

**Div 5 – Recreational Dedication \*\*new\*\* - This division has been revised slightly as described below**

Purpose  
Classification of Parks  
General Requirements  
Financial Donation in lieu of dedication \*\*new\*\* – a fee of \$700 per unit has been decided on. This fee will be used to improve parks within the area of the new development.  
Private neighborhood park in lieu of public parkland Fees in lieu of parkland – this allows a developer to create a park maintained by the HOA versus the City  
Use of fees, refunds

**Div 6 – Design Standards for Improvements –**

Design standards  
Compliance with Design Standards and Other Regulations  
Public Streets—General Arrangement and layout Streets—specific standards  
Street Names – naming conventions  
One foot reserves Easements  
Reserve tracts (parcels, not ROW) Lots—General provisions  
Easements – types of easements  
Federal Insurance Program  
Utilities  
Drainage – required drainage for individual parcels and developments  
Monuments and Markers - requirements

**Div 7 – Traffic Impact Analysis \*\*new\*\* – This division requires a TIA if an increase in traffic for the proposed development is over a certain amount of trips**

Analysis and Mitigation  
Criteria for Determining when a TIA is required  
Requirements for information within a TIA

**Div 8 – Definitions – This division was moved to the end of the ordinance.**

Usage & Interpretation  
Definitions

Minor Plats is a new provision. State law provides that a city council may delegate certain plat approvals to staff. Since this becomes an administrative process, the applicant/landowner saves time. It is limited to plats involving four or fewer lots, where no public improvements are dedicated. The rationale behind the latter limitation is that cities take on the costs of maintenance for a public improvement, and thus Commission or Council should approve the improvement.

Rough Proportionality. State law requires, where City's impose dedication requirements on subdividers, that the City has completed an assessment to make sure they are not "over- charging" the property owner and requiring excess capacity. This is generally done through the engineering calculations that result in standard requirements for roadways, utility line sizes, and so forth. However, this law is in reaction to some Cities that required oversizing or off-site improvements that may or may not have been related to the development. The general concept is simple: development should pay for its own costs—that is, put in the infrastructure that development needs—but it should only pay for that, not for excess capacity to serve another property owner.

We have provided a methodology to undertake this process in the event it is questioned beyond the design standards. Additionally, there may be instances where developers do, in fact, dedicate additional right of way or oversize utility lines, and the city would, in those cases, enter a cost-sharing or pro-rata sharing agreement with them.

Parkland Dedication. The city presently requires parkland dedication. We have revised this section to provide a greater role for the Parks Director to approve preferred dedications. This section is under current revision. The Committee agreed that fees should not be charged to commercial uses. The amount of fees is \$700 per unit, and we prepared language for use of the Parks and Open Space Master Plan as an additional tool to achieve the comprehensive plan goals of greening the city.

Combined preliminary/final plat application process. This has been added and clarified so that applicants who may not fit within the minor plat process, but who have a fairly simple plat may shorten the process into one application and approval step.

We have made the City's Design Standards, vesting information, and the plat dedicatory language into appendices outside of the ordinance so that they may be amended more easily.



## Legislation Details (With Text)

**File #:** ORD 16-117    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Agenda Ready  
**File created:** 11/28/2016    **In control:** City Council  
**On agenda:** 12/6/2016    **Final action:**  
**Title:** Consideration of and action on an ordinance re-affirming the Tax Abatement Policy.  
**Sponsors:** City Manager's Office  
**Indexes:**  
**Code sections:**  
**Attachments:** [Ord. 3687 120614](#)  
[120214 - New Tax Abatement Threshold Spreadsheet](#)  
[Reaffirm Ord 3687-Sec 102-Tax Abatement and Reinvestment Zone-11-2016](#)

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council		

Consideration of and action on an ordinance re-affirming the Tax Abatement Policy.

### Summary:

Background: Chapter 312 (Property Redevelopment and Tax Abatement Act) of the Texas Tax Code provides authority for cities to establish guidelines and criteria for property tax abatement. Tax abatement guidelines are effective for a period of two (2) years. Also, during the 2 year period after approval or reaffirmation, the guidelines and criteria may only be amended or repealed by a 3/4th vote of the members of the governing body.

Tax Abatement Policy History: The City's Tax Abatement program was established by ordinance in 1998, amended in 2000, and reaffirmed in November of 2008. Ordinance No. 3381 was adopted in December of 2010, which amended the Tax Abatement Program to include new categories allowing qualifying restaurants and retail establishments that achieve certain thresholds for minimum investment (\$2 million for restaurants and \$5 million for retail) and number of employees. Also, Ordinance 3381 revised the minimum qualifying threshold for "basic industry" (manufacturing, regional distribution, research & development, etc.) from a minimum of \$10 million to \$7 million. Ordinance No. 3537, was passed on Nov. 20, 2012, reaffirmed the Tax Abatement Program under Ordinance No. 3381. On December 6, 2014, Ordinance No. 3687 was passed which reaffirmed the majority of the existing Tax Abatement program, but included the changes summarized below:

- The minimum qualifying threshold for "basic industry" (manufacturing, regional distribution, research & development, etc.) was reduced from a minimum of \$7 million to \$5 million. Previous comparisons with other cities have shown that the \$7 million minimum threshold for this category is relatively high.
- Revision of the criteria to attract large retail to allow Council to determine the percentage and length of tax abatement as well as the required number of employees depending on the magnitude of the economic impact projected by the proposed development.

The tax abatement guidelines & criteria are only effective for a two year period so it is now time to review this program and decide whether to reaffirm the current provisions or make amendments. Staff proposes no changes to the current Tax

Abatement Policy, and that the existing policy be re-affirmed by ordinance.

Fiscal/Budgetary Impact:

None

Approve the ordinance reaffirming the Tax Abatement Policy. This was previously discussed at the November 1, 2016 Workshop.

ORDINANCE NO. 3687

**REAFFIRMING AND AMENDING THE REINVESTMENT ZONES AND TAX ABATEMENT PROGRAM PASSED BY ORDINANCE 3537 OF THE CODE OF ORDINANCES OF THE CITY OF DEER PARK; AND DECLARING AN EMERGENCY.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER PARK:**

**I.**

Reaffirming and amending Ordinance 3537 regarding the Reinvestment Zones and Tax Abatement Program of the Code of Ordinances of the City of Deer Park are hereby amended by replacing the entire section as follows:

**Section 102-121: Reinvestment zones.**

- (a) Tax abatement shall only be allowed in a reinvestment zone.
- (b) Reinvestment zones in the City for this purpose will be considered for designation by City Council upon the recommendation of the City Manager. The City Council may approve the creation of these reinvestment zones on a zone-by-zone basis after a public hearing before the City Council. Following the public hearing the City Council may consider the ordinance creating a new reinvestment zone in the proposed area.
- (c) The City Council may not adopt an ordinance designating a reinvestment zone until it has held a public hearing at which interested persons are entitled to speak and present evidence for or against the designation. Notice of the hearing shall be given at least seven days prior to the hearing. The presiding officers of eligible jurisdictions shall be notified in writing at least seven days prior to the hearing. A notice of the public hearing shall be given to other affected taxing jurisdictions published in the legal classified section of the official city newspaper and posted in other places as deemed appropriate, at least seven days prior to the hearing. The notice shall contain the location, time and place of the public hearing and a description of the proposed boundaries of the reinvestment zone.



- (d) The designation of such a zone by ordinance shall constitute an affirmative finding by the City Council that the improvements sought to be constructed or repairs to be made within the zone are feasible and practical and would be of benefit to the land to be included within a zone and to the City.
- (e) In determining whether an area qualifies as a reinvestment zone for the property tax abatement program, the City Council shall use any one or more of the following criteria as guidelines:
- (1) The area substantially impairs or arrests the sound growth of the City; retards the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present conditions and use by reasons of the presence of substantial number of substandard, slum, deteriorated, or deteriorating structures, predominance of defective or inadequate sidewalks or street layout; faulty lot layout in relation to size, accessibility, or usefulness, unsanitary or unsafe conditions;
  - (2) deterioration of site or other improvements; tax or special assessment delinquency exceeds the fair value of the land; defective or unusual conditions of title; the existence of conditions that endanger life or property by fire or other cause; or any combination of these factors or conditions.
  - (3) The area is predominantly open and, because of obsolete platting or deterioration of structures or site improvements or other factors, substantially impairs or arrests the sound growth of the City.
  - (4) The area has been designated a local or state-federal enterprise zone under the Texas Enterprise Zone Act.
  - (5) The area is located wholly within an eligible blighted area, as identified from time to time by City Council.

- (6) There has been a demonstration of community interest and there is evidence that substantial number of owners of taxable real property in the reinvestment zone will participate in such a program.
- (7) Be reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City.
- (f) The goals and objectives expressed above and the standards and restrictions expressed in V.T.C.A., Tax Code § 312.001 et seq., are not exhaustive and shall be supplemented by such further and additional goals, objectives, rules, standards and restrictions as the City Council may from time to time impose.
- (g) The designation of a reinvestment zone hereunder shall expire five years after the date of its designation and may be renewed for periods not to exceed five years.

**Section 102-122: Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abatement* means the full or partial exemption from ad valorem taxes of certain real and/or personal property in a reinvestment zone designated for economic development purposes.

*Agreement* means a contractual agreement between a property owner and/or lessee and an eligible jurisdiction for the purpose of tax abatement.

*Base year value* means the assessed value of eligible property January 1, preceding the execution of the agreement plus the agreed upon value of eligible property improvements made after January 1, but before the execution of the agreement.

*Competitively-sited project* means a project where the applicant has studied competing locations for expansion, relocation, or new operations to evaluate operating cost differentials and incentives available.

*Contract employee* means a person who is not an employee of the abatement recipient, but who works for the abatement recipient in the reinvestment zone on a contract basis, either on a full-or part-time basis.

*Deferred maintenance* means improvements necessary for continued operations which do not improve productivity or alter the process technology.

*Economic life* means the number of years a property improvement is expected to be in service in a facility.

*Eligible jurisdiction* means any county, municipality, school district or college district, that levies ad valorem taxes upon and provides services to property located within the proposed or existing reinvestment zone.

*Expansion* means the addition of buildings, structures, fixed machinery or equipment for purposes of increasing production capacity.

*Facility* means property improvements completed or in the process of construction which together comprise an integral whole.

*Full-time equivalent job* means a job that is equal to 1,750 hours of work annually performed in the reinvestment zone by contract employees or part-time employees.

*Manufacturing facility* means buildings and structures, including fixed machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.

*Modernization* means the replacement and upgrading of existing facilities which increases the productive input or output, updates the technology or substantially lowers the unit cost of the operation. Modernization may result from the construction, alteration, or installation of buildings, structures, or

fixed machinery or equipment. It shall not be for the purpose of reconditioning, refurbishing, or repairing to meet local, state, or federal regulations.

*New facility* means improvements on a property previously undeveloped which is placed into service by means other than or in conjunction with expansion or modernization.

*Other basic industry facility* means buildings and structures, including fixed machinery and equipment not elsewhere described, used or to be used for the production of products or services which primarily serve a market outside the Houston Consolidated Metropolitan Statistical Area and resulting in the creation of new permanent jobs and additional investment.

*Part-time employee* means a person, who works for, and is an employee of, the abatement recipient in the reinvestment zone, but is not a permanent employee. Permanent employee means a person who works for, and is an employee of, the abatement recipient and works a minimum of 35 hours in a seven-day period, and reports to work in the reinvestment zone. A permanent employee does not include a contract employee, seasonal employee, or part-time employee.

*Regional distribution center facility* means buildings or structures, including fixed machinery and equipment, used or to be used primarily to receive, store, service or distribute goods or materials owned by the facility operator where a majority of the goods or services are distributed to points at least 100 miles from any part of the county, unless there is no facility in the county that receives, services, or distributes such goods and services to businesses and residents of the county.

*Regional entertainment facility* means buildings and structures, including fixed machinery and equipment, used or to be used to provide entertainment through the admission of the general public where the majority of users reside at least 100 miles from any part of the county, unless there is no facility providing the same or similar entertainment in the county.

*Regional service facility* means buildings and structures, including fixed machinery and equipment, used or to be used to service goods where a majority of the goods being serviced originate at

least 100 miles from any part of the county, unless there is no facility in the county where businesses and residents of the county can obtain such service.

*Research and development facility* means buildings and structures, including machinery and equipment, used or to be used primarily for research or experimentation to improve or develop current technology in bio-medicine, electronics or pre-commercial emerging industries.

*Research facility* means buildings and structures, including fixed machinery and equipment, used or to be used primarily for research or experimentation to improve or develop the production processes thereto.

*Restaurant facility* means a business establishment that primarily (defined as 51% or greater) in total food sales.

*Retail facility* means buildings and structures used or to be used for the conducting and management of business, including the storing and selling of goods directly to the customer.

**Section 102-123:        Application.**

- (a) Any present or potential owner of taxable property in the City may request tax abatement by filing a written request with the City Manager or the City Manager's designee.
- (b) The application shall consist of a completed application form accompanied by: a general description of the new improvements to be undertaken; a descriptive list of the improvements for which abatement is requested; a list of the kind, number and location of all proposed improvements of the property; a map and legal description of the property; a time schedule for undertaking and completing the proposed improvements. The application shall also include a certification of the current number of permanent, part-time and contract employees of the applicant, by category, at the time of the application, and information regarding the project's competitive siting. In the event the project is to be located in a leased facility, the applicant shall provide with the application the name and address of the lessor and, if executed, a copy of the lease. In the case of modernization, the application shall include a

- statement of the assessed value of the existing facility for the tax year immediately proceeding the application year, separately stated for real and personal property. The application form may require such financial and other information as the City deems appropriate for evaluating the financial capacity and other factors of the applicant.
- (c) Upon receipt of the completed application, the City Manager shall notify in writing and provide a copy of the application to the presiding officer of the governing body of each eligible jurisdiction.
  - (d) After receipt of an application for abatement, the City shall prepare a cost/benefit impact analysis setting out the impact of the proposed tax abatement. The cost/benefit impact shall include but not be limited to an estimate of the economic effect of the abatement of taxes and the benefit to the City and the property to be included in the zone, and any other pertinent measures of the project's overall impact on the City's revenue stream both during and after the abatement period.
  - (e) The City shall not enter into an abatement agreement if it finds that the request for the abatement was filed after the commencement of construction, alteration, or installations of improvements related to a proposed modernization, expansion or new facility. An applicant is ineligible for abatement if a decision to commence a modernization, expansion or new facility in the City has been formally announced on or before an application for abatement has been filed with the City.
  - (f) Variance. Requests for a variance from the provision of subsections 102-125(a), (b), (e), (g) and (h) shall be made in writing to the City Manager; provided however, the total duration of an abatement authorized shall in no instance exceed five years. Such request shall include a complete description of the circumstances explaining why the applicant should be granted a variance and how the grant of abatement will lead to the creation or retention of job

opportunities and new investment in the zone. Approval of a request for variance requires a majority vote of the City Council Members present.

**Section 102-124: Public hearing and approval.**

- (a) Prior to entering into a tax abatement agreement the City Council may, at its option, hold a public hearing at which interested persons shall be entitled to speak and present written materials for or against the approval of the tax abatement agreement. Notice of the public hearing shall be published in the official city newspaper not later than the seventh day before the date of the hearing. Notice of the public hearing may be given, posted or published in other places or by other means as the director deems appropriate.
- (b) In order to enter into a tax abatement agreement, the City Council must find that the terms of the proposed agreement meet these guidelines and criteria and that:
  - (1) There will be no substantial potential adverse impact on the provision of city services or tax base; and
  - (2) The planned use of the property will not constitute a hazard to public safety, health or morals.

**Section 102-125: Economic development abatement authorized.**

- (a) *Authorized facility.* A facility may be eligible for economic development abatement if it is a manufacturing facility, regional distribution facility, regional service facility, research facility, research and development facility or other basic industry facility, a regional entertainment facility, retail facility or restaurant facility.
- (b) *Creation of new value.* Abatement may only be granted for the additional value of eligible property improvements made subsequent to and listed in an abatement agreement between the City and the property owner and lessee (if required), subject to such limitations as the City Council may require.



- (c) *New and existing facilities.* Abatement may be granted for new facilities or the expansion of existing facilities. Improvements to existing facilities for purposes of modernization may receive abatement if proven to be essential to the entity's economic survival.
- (d) *Eligible property.* Abatement may be extended to the value of buildings, structures, fixed machinery and equipment, site improvements, plus that office space and related fixed improvements necessary to the operation and administration of the facility, or tangible personal property when in conjunction with leased facilities.
- (e) *Ineligible property.* The following types of property shall be ineligible for abatement land; inventory; supplies; tools; vehicles; vessels; aircraft; housing; hotel accommodations; tangible personal property when not in conjunction with leased facilities; deferred maintenance investments; property to be rented or leased except as provided in subsection (f) of this section; improvements for the generation or transmission of electrical energy not wholly consumed by a new facility or expansion; any improvements, including those to produce, store or distribute natural gas, fluids or gases, that are not integral to the operation of the facility; property owned or used by the state or its political subdivisions or by an organization owned, operated or directed by a political subdivision of the state; and property that is owned or leased by a member of City Council or by a member of the City Planning Commission.
- (f) *Owned and leased facilities.* If an authorized facility located on leased real property is granted abatement, the abatement agreement shall be executed by the City, the lessor and the lessee. If the real property is leased from a municipal corporation, the municipality shall not be required to execute the agreement in its capacity as a lessor.
- (g) *Value and term of the abatement.* Abatement shall be granted effective upon the January 1 valuation date immediately following the effective date of the agreement. Projects (other

than modernizations) which meet these guidelines and criteria are eligible for abatement on the value of the new properties on a sliding scale as follows:

#### Basic Industry

**New Value Minimum: \$5,000,000**

**Job Creation Minimum: 50 Employees**

FACILITY TYPE	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Manufacturing, Regional Distribution, Regional Service, Research, Research & Development, Other Basic Industry	100%	100%	50%	25%	25%	0%	0%	0%	0%	0%

#### Retail/Entertainment

**New Value Minimum: \$5,000,000**

**Job Creation To be determined by City Council on the economic impact of proposed project**

FACILITY TYPE	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Retail and Regional Entertainment SIZE: 80,000 square feet or larger	TBD*	TBD*	TBD*	TBD*	TBD*	TBD*	TBD*	TBD*	TBD*	TBD*

**\*abatement to be determined by City Council based on the economic impact of proposed project**

#### Retail/Entertainment

**New Value Minimum: \$5,000,000**

**Job Creation Minimum: 20 Employees**

FACILITY TYPE	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Retail and Regional Entertainment SIZE: 50,000 sf - 80,000 sf	50%	35%	30%	25%	20%	0%	0%	0%	0%	0%

#### Retail/Entertainment

**New Value Minimum: \$5,000,000**

**Job Creation Minimum: 20 Employees**

FACILITY TYPE	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Retail and Regional Entertainment SIZE: 5,000 sf - 50,000 sf	25%	20%	15%	10%	5%	0%	0%	0%	0%	0%

#### Restaurants Only

**New Value Minimum: \$2,000,000**

**Job Creation Minimum: 20 Employees**

FACILITY TYPE	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Restaurants SIZE: 5,000 sf - 550,000 sf	20%	20%	15%	10%	5%	0%	0%	0%	0%	0%

Provided, however that no abatement shall be given in the year when the facility fails to meet the employment minimum set forth in subsection 102-125(h)(4), except where the jurisdiction has determined that employment falls below minimum due to accident, casualty, fire, explosion, or natural disaster.

- (1) If the period of construction exceeds two years, the facility shall be considered complete for purposes of abatement and in no case shall the period of abatement inclusive of construction and completion exceed five years.

- (2) If a modernization project includes facility replacement, the value upon which abatement shall be determined shall be the value of the new unit less the value of the old unit. Modernization projects are eligible for abatement according to the above formula with the exception that abatement shall not exceed 80 percent in any year.

(h) *Economic qualifications.* To be eligible for tax abatement, the planned improvement:

- (1) Should provide an economic benefit to the City, taking all relevant factors into consideration, including (i) size of the abatement, (ii) income from sales tax and franchise fees generated by the planned improvement, and (iii) any additional expense to the City in providing city services as a result of the improvement; and
- (2) Must be necessary because capacity cannot be provided efficiently utilizing existing improved property when reasonable allowance is made for necessary improvements; and
- (3) Must be reasonably expected to increase the value of the property in the amount of \$5,000,000.00 upon completion of construction for manufacturing, regional distribution, regional service, research, research and development, other basic industry, retail, and regional entertainment facilities; or \$2,000,000.00 for restaurants.
- (4) Must be expected to create permanent employment for at least 50 people on a permanent basis in the designated zone for manufacturing, regional distribution, regional service, research, research and development and other basic industry. Retail and regional entertainment facilities 80,000 square feet or larger will have their minimum job creation thresholds determined by City Council based on the economic impact of the proposed project. Retail, regional entertainment and restaurant facilities under 80,000 square feet are expected to create permanent employment for at least 20 people on a permanent basis in the designated zone.. This employment qualification shall take effect three years after the effective date of abatement and continue through the remaining term of the agreement; or

(5) An abatement may be granted for a maximum investment of \$500,000.00 per job created or retained.

(i) *Taxability.* From the date of execution of the abatement agreement to the end of the abatement period, taxes shall be payable as follows:

- (1) The value of ineligible property as provided in section 102-125(e) of this section shall be fully taxable;
- (2) The base year value of existing eligible property as determined each year shall be fully taxable; and
- (3) The additional value of new eligible property shall be taxable in the manner described in subsection 102-125(g) of this section, except as provided in subsection 102-125(h)(5) of this section.

**Section 102-126: Agreement for economic development abatement.**

After approval, the City shall enter into an agreement with the owner of the facility and lessee (as required), which agreement shall include:

- (1) Estimated value to be abated and the base year value;
- (2) Percent of value to be abated each year as provided in this article;
- (3) The commencement date and the termination date of abatement;
- (4) The proposed use of the facility; nature of construction, time schedule, map, property description and improvement list as provided in this article;
- (5) Contractual obligations in the event of default, violation of terms or conditions, delinquent taxes, recapture, administration, and assignment as provided in this article and other provisions that may be required for uniformity or by state law;
- (6) Amount of investment and total permanent employees to be retained or created and total full-time equivalent jobs to be retained or created;

- (7) A requirement that the company, on or before February 1 of each year the tax abatement agreement is in effect, provide the City Manager a sworn statement that includes a delineation of the number of permanent employees, contract employees and part-time employees of the applicant company as of the immediately preceding January 1, who report to work in the reinvestment zone at each site covered by the agreement;
- (8) A requirement that the company annually file the form 11.28 with the appropriate county appraisal district to qualify for the abatement;
- (9) A provision that contract employees and part-time employees may be used to comply with the company's contractual obligation to create/retain jobs on a full-time equivalency basis for any number of jobs; provided that full-time equivalents shall only be used to satisfy the company's contractual obligation if the company maintains a minimum of 25 permanent employees who work on the project within the reinvestment zone; restaurant facilities must maintain a minimum of 15 permanent employees who work on the project within the reinvestment zone.
- (10) A requirement that property in a reinvestment zone that is owned or leased by a member of the City Council or by a member of the City Planning Commission is excluded from tax abatement.

**Section 102-127: Recapture.**

- (a) If the facility is completed and begins producing the product or service delineated in the agreement, but subsequently discontinues producing the product or service for any reason excepting fire, explosion, or other casualty or accident or natural disaster for a period of one year during the abatement period, then the agreement shall be terminated and the abatement of taxes for the calendar year during which the facility no longer produces the product or service also shall be terminated. The taxes otherwise abated for the calendar year in which

the facility discontinued production or services specified in the agreement shall be paid to the City within 60 days from the date of the termination of the agreement.

- (b) Should the City determine that the company or individual is in default according to the terms and conditions of the agreement, the City shall notify the company or individual in writing at the address stated in the agreement, and if such condition of default is not cured within the 60 days from the date of such notice ("cure period"), then the agreement may be terminated.
- (c) The company or individual shall be in default of the agreement in the event the company or individual:
  - (1) Allows its ad valorem taxes owed the City to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or
  - (2) Violates any of the terms and conditions of the abatement agreement and fails to cure during the cure period.

In the event of default, the agreement may be terminated and upon the termination all or a pro rata portion of the taxes previously abated by virtue of the agreement shall be recaptured and paid within 60 days of the termination. The pro rata recapture of abated taxes shall be based on the number of years that the company was out of compliance and the degree to which the company was out of compliance, with equal weight being given to job creation and investment.

- (d) If the company defaults on any of the terms and conditions of the agreement, the company shall notify the City within 90 days of such default.
- (e) Notwithstanding the foregoing, the City Manager and the City Attorney are hereby authorized to negotiate and recommend to the City Council amendments to tax abatement agreements subject to termination under this section in lieu of termination.

**Section 102-128: Administration.**

- (a) The chief appraiser of the county appraisal district shall annually determine the value of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving abatement shall furnish the City with such additional information applicable to the tax abatement as may be necessary for the administration of the abatement. Once the value of the real and personal property has been established, the chief appraiser shall notify the affected jurisdiction which levies taxes of the amount of the assessment.
- (b) The agreement shall stipulate that employees and/or designated representatives of the City will have access to the reinvestment zone during the term of the abatement to inspect the facility and all company records related to the abatement agreement and the project to determine if the company is in compliance with the agreement. All inspections will be made only after the giving of 24 hours notice and will only be conducted in such a manner as to not unreasonably interfere with the construction and/or operation of the facility. All inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.
- (c) Upon completion of construction, the City shall annually evaluate each facility receiving abatement to ensure compliance with the agreement and report possible violations to the contract and agreement.

**Section 102-129:       Assignment.**

The abatement agreements may be assigned to a new owner or lessee of the facility with the written consent of the City Council, which consent shall not be unreasonably withheld. Any assignment shall provide that the assignee shall irrevocably and unconditionally assume all the duties and obligations of the assignor upon the same terms and conditions as set out in the agreement. Any assignment of a tax abatement agreement shall be to an entity that contemplates the same improvements or repairs to the property, except to the extent such improvements or repairs have been completed. No assignment shall be approved if the assignor or the assignee is indebted to the City for ad valorem taxes or other obligations.



## **II.**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Government Code of the State of Texas.

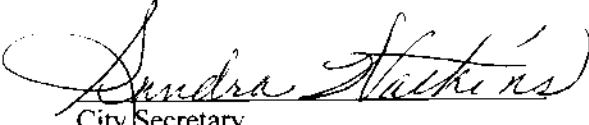
## **III.**

The City Council finds that this Ordinance relates to the immediate preservation of the public peace, health, safety and welfare, in that it is necessary that the Tax Abatement Program be reaffirmed and corrected in its final form so that new business and jobs may be attracted to Deer Park, raising additional revenue for the City, thereby creating an emergency, for which the Charter requirement providing for the reading of Ordinances on three (3) several days should be dispensed with, and this Ordinance be passed finally on its introduction; and, accordingly such requirement is dispensed with, and this Ordinance shall take effect upon its passage and approval by the Mayor.

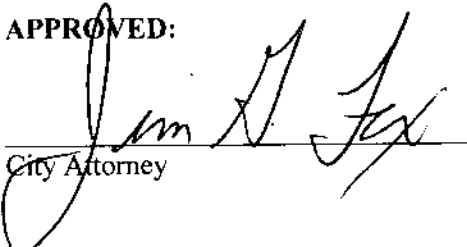
In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Deer Park, Texas, passed, approved and adopted on this the 2 day of December, 2012 by a vote of 6 "Ayes" and 0 "Noes".

  
\_\_\_\_\_  
MAYOR, City of Deer Park, Texas

**ATTEST:**

  
\_\_\_\_\_  
City Secretary

**APPROVED:**

  
\_\_\_\_\_  
City Attorney

**Adopted: December 6, 2014**

## TAX ABATEMENT POLICY DEER PARK, TEXAS

### 1. *Basic Industry*

New Value Minimum: **\$5,000,000**

Job Creation Minimum: 50 employees

FACILITY TYPE	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
<b>Manufacturing, Regional Distribution, Regional Service, Research, Research &amp; Development, Other Basic Industry</b>	<b>100%</b>	<b>100%</b>	<b>50%</b>	<b>25%</b>	<b>25%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>

### 2. *Retail/Entertainment*

New Value Minimum: \$5,000,000

Job Creation Minimum: **To be determined by City Council based on the economic impact of proposed project**

FACILITY TYPE	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
<b>Retail and Regional Entertainment SIZE: 80,000 square feet or larger</b>	<b>TBD%*</b>	<b>TBD%*</b>	<b>TBD%*</b>	<b>TBD%*</b>	<b>TBD%*</b>	<b>TBD%*</b>	<b>TBD%*</b>	<b>TBD%*</b>	<b>TBD%*</b>	<b>TBD%*</b>

**\*abatement to be determined by City Council based on the economic impact of proposed project**

### 3. *Retail/Entertainment*

New Value Minimum: \$5,000,000

Job Creation Minimum: 20 employees

FACILITY TYPE	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
<b>Retail and Regional Entertainment SIZE: 50,000 sf - 80,000 sf</b>	<b>50%</b>	<b>35%</b>	<b>30%</b>	<b>25%</b>	<b>20%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>

### 4. *Retail/ Entertainment*

New Value Minimum: \$5,000,000

Job Creation Minimum: 20 employees

FACILITY TYPE	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
<b>Retail and Regional Entertainment SIZE: 5,000 sf - 50,000 sf</b>	<b>25%</b>	<b>20%</b>	<b>15%</b>	<b>10%</b>	<b>5%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>

### 5. *Restaurants Only*

New Value Minimum: \$2,000,000

Job Creation Minimum: 20 employees

FACILITY TYPE	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
<b>Restaurants SIZE: 5,000 sf - 50,000 sf</b>	<b>20%</b>	<b>20%</b>	<b>15%</b>	<b>10%</b>	<b>5%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>

**Adopted: December 6, 2014**

## TAX ABATEMENT POLICY DEER PARK, TEXAS

### 1. *Basic Industry*

New Value Minimum: **\$5,000,000**

Job Creation Minimum: 50 employees

FACILITY TYPE	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
<b>Manufacturing, Regional Distribution, Regional Service, Research, Research &amp; Development, Other Basic Industry</b>	<b>100%</b>	<b>100%</b>	<b>50%</b>	<b>25%</b>	<b>25%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>

### 2. *Retail/Entertainment*

New Value Minimum: \$5,000,000

Job Creation Minimum: **To be determined by City Council based on the economic impact of proposed project**

FACILITY TYPE	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
<b>Retail and Regional Entertainment SIZE: 80,000 square feet or larger</b>	<b>TBD%*</b>	<b>TBD%*</b>	<b>TBD%*</b>	<b>TBD%*</b>	<b>TBD%*</b>	<b>TBD%*</b>	<b>TBD%*</b>	<b>TBD%*</b>	<b>TBD%*</b>	<b>TBD%*</b>

**\*abatement to be determined by City Council based on the economic impact of proposed project**

### 3. *Retail/Entertainment*

New Value Minimum: \$5,000,000

Job Creation Minimum: 20 employees

FACILITY TYPE	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
<b>Retail and Regional Entertainment SIZE: 50,000 sf - 80,000 sf</b>	<b>50%</b>	<b>35%</b>	<b>30%</b>	<b>25%</b>	<b>20%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>

### 4. *Retail/ Entertainment*

New Value Minimum: \$5,000,000

Job Creation Minimum: 20 employees

FACILITY TYPE	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
<b>Retail and Regional Entertainment SIZE: 5,000 sf - 50,000 sf</b>	<b>25%</b>	<b>20%</b>	<b>15%</b>	<b>10%</b>	<b>5%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>

### 5. *Restaurants Only*

New Value Minimum: \$2,000,000

Job Creation Minimum: 20 employees

FACILITY TYPE	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
<b>Restaurants SIZE: 5,000 sf - 50,000 sf</b>	<b>20%</b>	<b>20%</b>	<b>15%</b>	<b>10%</b>	<b>5%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>

**ORDINANCE NO. \_\_\_\_\_**

**REAFFIRMING THE REINVESTMENT ZONES AND TAX ABATEMENT PROGRAM  
PASSED BY ORDINANCE 3687 OF THE CODE OF ORDINANCES OF THE CITY OF DEER  
PARK; AND DECLARING AN EMERGENCY.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER PARK:**

**I.**

Reaffirming Ordinance 3687 regarding the Reinvestment Zones and Tax Abatement Program of the Code Of Ordinances of the City of Deer Park are hereby reaffirmed as follows:

**Section 102-121: Reinvestment zones.**

- (a) Tax abatement shall only be allowed in a reinvestment zone.
- (b) Reinvestment zones in the City for this purpose will be considered for designation by City Council upon the recommendation of the City Manager. The City Council may approve the creation of these reinvestment zones on a zone-by-zone basis after a public hearing before the City Council. Following the public hearing the City Council may consider the ordinance creating a new reinvestment zone in the proposed area.
- (c) The City Council may not adopt an ordinance designating a reinvestment zone until it has held a public hearing at which interested persons are entitled to speak and present evidence for or against the designation. Notice of the hearing shall be given at least seven days prior to the hearing. The presiding officers of eligible jurisdictions shall be notified in writing at least seven days prior to the hearing. A notice of the public hearing shall be given to other affected taxing jurisdictions published in the legal classified section of the official city newspaper and posted in other places as deemed appropriate, at least seven days prior to the hearing. The notice shall contain the location, time and place of the public hearing and a description of the proposed boundaries of the reinvestment zone.
- (d) The designation of such a zone by ordinance shall constitute an affirmative finding by the City Council that the improvements sought to be constructed or repairs to be made within the

zone are feasible and practical and would be of benefit to the land to be included within a zone and to the City.

(e) In determining whether an area qualifies as a reinvestment zone for the property tax abatement program, the City Council shall use any one or more of the following criteria as guidelines:

- (1) The area substantially impairs or arrests the sound growth of the City; retards the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present conditions and use by reasons of the presence of substantial number of substandard, slum, deteriorated, or deteriorating structures, predominance of defective or inadequate sidewalks or street layout; faulty lot layout in relation to size, accessibility, or usefulness, unsanitary or unsafe conditions;
- (2) deterioration of site or other improvements; tax or special assessment delinquency exceeds the fair value of the land; defective or unusual conditions of title; the existence of conditions that endanger life or property by fire or other cause; or any combination of these factors or conditions.
- (3) The area is predominantly open and, because of obsolete platting or deterioration of structures or site improvements or other factors, substantially impairs or arrests the sound growth of the City.
- (4) The area has been designated a local or state-federal enterprise zone under the Texas Enterprise Zone Act.
- (5) The area is located wholly within an eligible blighted area, as identified from time to time by City Council.
- (6) There has been a demonstration of community interest and there is evidence that substantial number of owners of taxable real property in the reinvestment zone will participate in such a program.

- (7) Be reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City.
- (f) The goals and objectives expressed above and the standards and restrictions expressed in V.T.C.A., Tax Code § 312.001 et seq., are not exhaustive and shall be supplemented by such further and additional goals, objectives, rules, standards and restrictions as the City Council may from time to time impose.
- (g) The designation of a reinvestment zone hereunder shall expire five years after the date of its designation and may be renewed for periods not to exceed five years.

**Section 102-122: Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abatement* means the full or partial exemption from ad valorem taxes of certain real and/or personal property in a reinvestment zone designated for economic development purposes.

*Agreement* means a contractual agreement between a property owner and/or lessee and an eligible jurisdiction for the purpose of tax abatement.

*Base year value* means the assessed value of eligible property January 1, preceding the execution of the agreement plus the agreed upon value of eligible property improvements made after January 1, but before the execution of the agreement.

*Competitively-sited project* means a project where the applicant has studied competing locations for expansion, relocation, or new operations to evaluate operating cost differentials and incentives available.

*Contract employee* means a person who is not an employee of the abatement recipient, but who works for the abatement recipient in the reinvestment zone on a contract basis, either on a full-or part-time basis.



*Deferred maintenance* means improvements necessary for continued operations which do not improve productivity or alter the process technology.

*Economic life* means the number of years a property improvement is expected to be in service in a facility.

*Eligible jurisdiction* means any county, municipality, school district or college district, that levies ad valorem taxes upon and provides services to property located within the proposed or existing reinvestment zone.

*Expansion* means the addition of buildings, structures, fixed machinery or equipment for purposes of increasing production capacity.

*Facility* means property improvements completed or in the process of construction which together comprise an integral whole.

*Full-time equivalent job* means a job that is equal to 1,750 hours of work annually performed in the reinvestment zone by contract employees or part-time employees.

*Manufacturing facility* means buildings and structures, including fixed machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.

*Modernization* means the replacement and upgrading of existing facilities which increases the productive input or output, updates the technology or substantially lowers the unit cost of the operation. Modernization may result from the construction, alteration, or installation of buildings, structures, or fixed machinery or equipment. It shall not be for the purpose of reconditioning, refurbishing, or repairing to meet local, state, or federal regulations.

*New facility* means improvements on a property previously undeveloped which is placed into service by means other than or in conjunction with expansion or modernization.

*Other basic industry facility* means buildings and structures, including fixed machinery and equipment not elsewhere described, used or to be used for the production of products or services which

primarily serve a market outside the Houston Consolidated Metropolitan Statistical Area and resulting in the creation of new permanent jobs and additional investment.

*Part-time employee* means a person, who works for, and is an employee of, the abatement recipient in the reinvestment zone, but is not a permanent employee. Permanent employee means a person who works for, and is an employee of, the abatement recipient and works a minimum of 35 hours in a seven-day period, and reports to work in the reinvestment zone. A permanent employee does not include a contract employee, seasonal employee, or part-time employee.

*Regional distribution center facility* means buildings or structures, including fixed machinery and equipment, used or to be used primarily to receive, store, service or distribute goods or materials owned by the facility operator where a majority of the goods or services are distributed to points at least 100 miles from any part of the county, unless there is no facility in the county that receives, services, or distributes such goods and services to businesses and residents of the county.

*Regional entertainment facility* means buildings and structures, including fixed machinery and equipment, used or to be used to provide entertainment through the admission of the general public where the majority of users reside at least 100 miles from any part of the county, unless there is no facility providing the same or similar entertainment in the county.

*Regional service facility* means buildings and structures, including fixed machinery and equipment, used or to be used to service goods where a majority of the goods being serviced originate at least 100 miles from any part of the county, unless there is no facility in the county where businesses and residents of the county can obtain such service.

*Research and development facility* means buildings and structures, including machinery and equipment, used or to be used primarily for research or experimentation to improve or develop current technology in bio-medicine, electronics or pre-commercial emerging industries.

*Research facility* means buildings and structures, including fixed machinery and equipment, used or to be used primarily for research or experimentation to improve or develop the production processes thereto.

*Restaurant facility* means a business establishment that primarily (defined as 51% or greater) in total food sales.

*Retail facility* means buildings and structures used or to be used for the conducting and management of business, including the storing and selling of goods directly to the customer.

**Section 102-123:      Application.**

- (a) Any present or potential owner of taxable property in the City may request tax abatement by filing a written request with the City Manager or the City Manager's designee.
- (b) The application shall consist of a completed application form accompanied by: a general description of the new improvements to be undertaken; a descriptive list of the improvements for which abatement is requested; a list of the kind, number and location of all proposed improvements of the property; a map and legal description of the property; a time schedule for undertaking and completing the proposed improvements. The application shall also include a certification of the current number of permanent, part-time and contract employees of the applicant, by category, at the time of the application, and information regarding the project's competitive siting. In the event the project is to be located in a leased facility, the applicant shall provide with the application the name and address of the lessor and, if executed, a copy of the lease. In the case of modernization, the application shall include a statement of the assessed value of the existing facility for the tax year immediately proceeding the application year, separately stated for real and personal property. The application form may require such financial and other information as the City deems appropriate for evaluating the financial capacity and other factors of the applicant.
- (c) Upon receipt of the completed application, the City Manager shall notify in writing and provide a copy of the application to the presiding officer of the governing body of each eligible jurisdiction.
- (d) After receipt of an application for abatement, the City shall prepare a cost/benefit impact analysis setting out the impact of the proposed tax abatement. The cost/benefit impact shall

include but not be limited to an estimate of the economic effect of the abatement of taxes and the benefit to the City and the property to be included in the zone, and any other pertinent measures of the project's overall impact on the City's revenue stream both during and after the abatement period.

- (e) The City shall not enter into an abatement agreement if it finds that the request for the abatement was filed after the commencement of construction, alteration, or installations of improvements related to a proposed modernization, expansion or new facility. An applicant is ineligible for abatement if a decision to commence a modernization, expansion or new facility in the City has been formally announced on or before an application for abatement has been filed with the City.
- (f) Variance. Requests for a variance from the provision of subsections 102-125(a), (b), (e), (g) and (h) shall be made in writing to the City Manager; provided however, the total duration of an abatement authorized shall in no instance exceed five years. Such request shall include a complete description of the circumstances explaining why the applicant should be granted a variance and how the grant of abatement will lead to the creation or retention of job opportunities and new investment in the zone. Approval of a request for variance requires a majority vote of the City Council Members present.

**Section 102-124: Public hearing and approval.**

- (a) Prior to entering into a tax abatement agreement the City Council may, at its option, hold a public hearing at which interested persons shall be entitled to speak and present written materials for or against the approval of the tax abatement agreement. Notice of the public hearing shall be published in the official city newspaper not later than the seventh day before the date of the hearing. Notice of the public hearing may be given, posted or published in other places or by other means as the director deems appropriate.
- (b) In order to enter into a tax abatement agreement, the City Council must find that the terms of the proposed agreement meet these guidelines and criteria and that:

- (1) There will be no substantial potential adverse impact on the provision of city services or tax base; and
- (2) The planned use of the property will not constitute a hazard to public safety, health or morals.

**Section 102-125: Economic development abatement authorized.**

- (a) *Authorized facility.* A facility may be eligible for economic development abatement if it is a manufacturing facility, regional distribution facility, regional service facility, research facility, research and development facility or other basic industry facility, a regional entertainment facility, retail facility or restaurant facility.
- (b) *Creation of new value.* Abatement may only be granted for the additional value of eligible property improvements made subsequent to and listed in an abatement agreement between the City and the property owner and lessee (if required), subject to such limitations as the City Council may require.
- (c) *New and existing facilities.* Abatement may be granted for new facilities or the expansion of existing facilities. Improvements to existing facilities for purposes of modernization may receive abatement if proven to be essential to the entity's economic survival.
- (d) *Eligible property.* Abatement may be extended to the value of buildings, structures, fixed machinery and equipment, site improvements, plus that office space and related fixed improvements necessary to the operation and administration of the facility, or tangible personal property when in conjunction with leased facilities.
- (e) *Ineligible property.* The following types of property shall be ineligible for abatement land; inventory; supplies; tools; vehicles; vessels; aircraft; housing; hotel accommodations; tangible personal property when not in conjunction with leased facilities; deferred maintenance investments; property to be rented or leased except as provided in subsection (f) of this section; improvements for the generation or transmission of electrical energy not wholly consumed by a new facility or expansion; any improvements, including those to

produce, store or distribute natural gas, fluids or gases, that are not integral to the operation of the facility; property owned or used by the state or its political subdivisions or by an organization owned, operated or directed by a political subdivision of the state; and property that is owned or leased by a member of City Council or by a member of the City Planning Commission.

(f) *Owned and leased facilities.* If an authorized facility located on leased real property is granted abatement, the abatement agreement shall be executed by the City, the lessor and the lessee. If the real property is leased from a municipal corporation, the municipality shall not be required to execute the agreement in its capacity as a lessor.

(g) *Value and term of the abatement.* Abatement shall be granted effective upon the January 1 valuation date immediately following the effective date of the agreement. Projects (other than modernizations) which meet these guidelines and criteria are eligible for abatement on the value of the new properties on a sliding scale as follows:

#### Basic Industry

**New Value Minimum: \$5,000,000**      **Job Creation Minimum: 50 Employees**

FACILITY TYPE	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Manufacturing, Regional Distribution, Regional Service, Research, Research & Development, Other Basic Industry	100%	100%	50%	25%	25%	0%	0%	0%	0%	0%

#### Retail/Entertainment

**New Value Minimum: \$5,000,000**      **Job Creation Minimum: To be determined by City Council based on the economic impact of proposed project**

FACILITY TYPE	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Retail and Regional Entertainment SIZE: 80,000 square feet or larger	TBD%	TBD%	TBD%	TBD%	TBD%	TBD%	TBD%	TBD%	TBD%	TBD%

#### Retail/Entertainment

**New Value Minimum: \$5,000,000**      **Job Creation Minimum: 20 Employees**

FACILITY TYPE	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Retail and Regional Entertainment SIZE: 50,000 sf – 80,000 sf	50%	35%	30%	25%	20%	0%	0%	0%	0%	0%

#### Retail/Entertainment

**New Value Minimum: \$5,000,000**      **Job Creation Minimum: 20 Employees**

FACILITY TYPE	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Retail and Regional Entertainment SIZE: 5,000 sf – 50,000 sf	25%	20%	15%	10%	5%	0%	0%	0%	0%	0%

#### Restaurants Only

**New Value Minimum: \$2,000,000      Job Creation Minimum: 20 Employees**

FACILITY TYPE	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Restaurants SIZE: 5,000 sf - \$50,000 sf	20%	20%	15%	10%	5%	0%	0%	0%	0%	0%

Provided, however that no abatement shall be given in the year when the facility fails to meet the employment minimum set forth in subsection 102-125(h)(4), except where the jurisdiction has determined that employment falls below minimum due to accident, casualty, fire, explosion, or natural disaster.

(1) If the period of construction exceeds two years, the facility shall be considered complete for purposes of abatement and in no case shall the period of abatement inclusive of construction and completion exceed five years.

(2) If a modernization project includes facility replacement, the value upon which abatement shall be determined shall be the value of the new unit less the value of the old unit. Modernization projects are eligible for abatement according to the above formula with the exception that abatement shall not exceed 80 percent in any year.

(h) *Economic qualifications.* To be eligible for tax abatement, the planned improvement:

(1) Should provide an economic benefit to the City, taking all relevant factors into consideration, including (i) size of the abatement, (ii) income from sales tax and franchise fees generated by the planned improvement, and (iii) any additional expense to the City in providing city services as a result of the improvement; and

(2) Must be necessary because capacity cannot be provided efficiently utilizing existing improved property when reasonable allowance is made for necessary improvements; and

(3) Must be reasonably expected to increase the value of the property in the amount of \$7,000,000.00 upon completion of construction for manufacturing, regional distribution, regional service, research, research and development and other basic industry, and \$ 5,000,000.00 for retail and regional entertainment facilities; or \$2,000,000.00 for restaurants.



- (4) Must be expected to create permanent employment for at least 50 people on a permanent basis in the designated zone for manufacturing, regional distribution, regional service, research, research and development and other basic industry, or 20 people on a permanent basis in the designated zone for retail, regional entertainment and restaurant facilities, provided that this employment qualification, shall take effect three years after the effective date of abatement and continue through the remaining term of the agreement; or
- (5) An abatement may be granted for a maximum investment of \$500,000.00 per job created or retained.
- (i) *Taxability.* From the date of execution of the abatement agreement to the end of the abatement period, taxes shall be payable as follows:
- (1) The value of ineligible property as provided in section 102-125(e) of this section shall be fully taxable;
- (2) The base year value of existing eligible property as determined each year shall be fully taxable; and
- (3) The additional value of new eligible property shall be taxable in the manner described in subsection 102-125(g) of this section, except as provided in subsection 102-125(h)(5) of this section.

**Section 102-126: Agreement for economic development abatement.**

After approval, the City shall enter into an agreement with the owner of the facility and lessee (as required), which agreement shall include:

- (1) Estimated value to be abated and the base year value;
- (2) Percent of value to be abated each year as provided in this article;
- (3) The commencement date and the termination date of abatement;
- (4) The proposed use of the facility; nature of construction, time schedule, map, property description and improvement list as provided in this article;

- (5) Contractual obligations in the event of default, violation of terms or conditions, delinquent taxes, recapture, administration, and assignment as provided in this article and other provisions that may be required for uniformity or by state law;
- (6) Amount of investment and total permanent employees to be retained or created and total full-time equivalent jobs to be retained or created;
- (7) A requirement that the company, on or before February 1 of each year the tax abatement agreement is in effect, provide the City Manager a sworn statement that includes a delineation of the number of permanent employees, contract employees and part-time employees of the applicant company as of the immediately preceding January 1, who report to work in the reinvestment zone at each site covered by the agreement;
- (8) A requirement that the company annually file the form 11.28 with the appropriate county appraisal district to qualify for the abatement;
- (9) A provision that contract employees and part-time employees may be used to comply with the company's contractual obligation to create/retain jobs on a full-time equivalency basis for any number of jobs; provided that full-time equivalents shall only be used to satisfy the company's contractual obligation if the company maintains a minimum of 25 permanent employees who work on the project within the reinvestment zone; restaurant facilities must maintain a minimum of 15 permanent employees who work on the project within the reinvestment zone.
- (10) A requirement that property in a reinvestment zone that is owned or leased by a member of the City Council or by a member of the City Planning Commission is excluded from tax abatement.

**Section 102-127:       Recapture.**

- (a) If the facility is completed and begins producing the product or service delineated in the agreement, but subsequently discontinues producing the product or service for any reason excepting fire, explosion, or other casualty or accident or natural disaster for a period of one

year during the abatement period, then the agreement shall be terminated and the abatement of taxes for the calendar year during which the facility no longer produces the product or service also shall be terminated. The taxes otherwise abated for the calendar year in which the facility discontinued production or services specified in the agreement shall be paid to the City within 60 days from the date of the termination of the agreement.

- (b) Should the City determine that the company or individual is in default according to the terms and conditions of the agreement, the City shall notify the company or individual in writing at the address stated in the agreement, and if such condition of default is not cured within the 60 days from the date of such notice (“cure period”), then the agreement may be terminated.
- (c) The company or individual shall be in default of the agreement in the event the company or individual:
  - (1) Allows its ad valorem taxes owed the City to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or
  - (2) Violates any of the terms and conditions of the abatement agreement and fails to cure during the cure period.

In the event of default, the agreement may be terminated and upon the termination all or a pro rata portion of the taxes previously abated by virtue of the agreement shall be recaptured and paid within 60 days of the termination. The pro rata recapture of abated taxes shall be based on the number of years that the company was out of compliance and the degree to which the company was out of compliance, with equal weight being given to job creation and investment.

- (d) If the company defaults on any of the terms and conditions of the agreement, the company shall notify the City within 90 days of such default.
- (e) Notwithstanding the foregoing, the City Manager and the City Attorney are hereby authorized to negotiate and recommend to the City Council amendments to tax abatement agreements subject to termination under this section in lieu of termination.

**Section 102-128: Administration.**

- (a) The chief appraiser of the county appraisal district shall annually determine the value of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving abatement shall furnish the City with such additional information applicable to the tax abatement as may be necessary for the administration of the abatement. Once the value of the real and personal property has been established, the chief appraiser shall notify the affected jurisdiction which levies taxes of the amount of the assessment.
- (b) The agreement shall stipulate that employees and/or designated representatives of the City will have access to the reinvestment zone during the term of the abatement to inspect the facility and all company records related to the abatement agreement and the project to determine if the company is in compliance with the agreement. All inspections will be made only after the giving of 24 hours notice and will only be conducted in such a manner as to not unreasonably interfere with the construction and/or operation of the facility. All inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.
- (c) Upon completion of construction, the City shall annually evaluate each facility receiving abatement to ensure compliance with the agreement and report possible violations to the contract and agreement.

**Section 102-129: Assignment.**

The abatement agreements may be assigned to a new owner or lessee of the facility with the written consent of the City Council, which consent shall not be unreasonably withheld. Any assignment shall provide that the assignee shall irrevocably and unconditionally assume all the duties and obligations of the assignor upon the same terms and conditions as set out in the agreement. Any assignment of a tax abatement agreement shall be to an entity that contemplates the same improvements or repairs to the property, except to the extent such improvements or repairs have been completed. No assignment shall be approved if the assignor or the assignee is indebted to the City for ad valorem taxes or other obligations.

**II.**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Government Code of the State of Texas.

**III.**

The City Council finds that this Ordinance relates to the immediate preservation of the public peace, health, safety and welfare, in that it is necessary that the Tax Abatement Program be reaffirmed and corrected in its final form so that new business and jobs may be attracted to Deer Park, raising additional revenue for the City, thereby creating an emergency, for which the Charter requirement providing for the reading of Ordinances on three (3) several days should be dispensed with, and this Ordinance be passed finally on its introduction; and, accordingly such requirement is dispensed with, and this Ordinance shall take effect upon its passage and approval by the Mayor.

In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Deer Park, Texas, **passed, approved and adopted** on this the \_\_\_\_ day of \_\_\_\_\_, 2016 **by a vote of** \_\_\_\_\_ **“Ayes” and** \_\_\_\_\_ **“Noes”.**

\_\_\_\_\_  
**MAYOR**, City of Deer Park, Texas

**ATTEST:**

\_\_\_\_\_  
Acting City Secretary

**APPROVED:**

\_\_\_\_\_  
City Attorney