

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

Minutes of

THE 1666th 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 JULY 5, 2016, AT 7:30 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

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

AND PLANNING AND ZONING COMMISSION MEMBERS PRESENT:

STAN GARRETT	CHAIRMAN
HAL ANDERSON	COMMISSIONER
DON TIPPIT	COMMISSIONER

OTHER CITY OFFICIALS PRESENT:

JAY STOKES	CITY MANAGER
GARY JACKSON	ASSISTANT CITY MANAGER
SHANNON BENNETT	ACTING CITY SECRETARY
JIM FOX	CITY ATTORNEY

1. MEETING CALLED TO ORDER – Mayor Mouton called the meeting to order at 7:30 p.m.
2. INVOCATION – The invocation was given by Councilman Patterson.
3. PLEDGE OF ALLEGIANCE – Councilman Martin led the Pledge of Allegiance to the United States Flag and the Texas Flag.
4. JOINT PUBLIC HEARING ON THE REQUEST OF NANCY KELLEY AND ROMCO MANUFACTURING TO REZONE 102 ELM F FROM SINGLE FAMILY TWO (SF-2) TO GENERAL COMMERCIAL (GC) -

Mayor Mouton opened the hearing on behalf of the City Council.

Chairman Garrett opened the hearing on behalf of the Planning and Zoning Commission.

Acting City Secretary Shannon Bennett read the Notice of Joint Public Hearing. (Exhibit A)

Mayor Mouton called for those persons desiring to speak in favor of the request.

- a. Ric Oberberger, 100 West First Street, Deer Park, Texas, commented, “We’re here for the rezone request for 102 Elm Street. I think this map’s been passed around a little bit, but the idea here is that this particular property be rezoned for us to expand a warehouse building onto this property just west of our now existing building in Deer Park. ROMCO Manufacturing has been around since 1975. We moved to Deer Park in 2002 and that’s when we rebuilt the facility on West 1st. Fortunately we’ve grown quite a bit since then and need the space. The move that we are asking for is basically based on the fact that the property is surrounded on three corners or two sides with non-residential property as it stands. We don’t think that we will be particularly changing the landscape or the look of the area to go in there with a six to eight thousand square foot building with brick façade. It will look more like the neighborhood, not like an industrial facility. We don’t do outside fabrication. We don’t create a lot of noise in our manufacturing process. We have a few security lights on the outside of the building, but we don’t operate twenty-four seven, so we really don’t see it as a hindrance to the neighborhood. They are pretty much used to the type of traffic that we have now and we wouldn’t be changing a whole lot of that. The dotted line on the map here basically runs north and south along Elm Street. We see some commercial properties that are already west of the Elm Street line on the zoning map. So, I feel like we’re not really breaking new ground to take another little bit of commercial property west of the Elm Street line. I have a picture of the architect’s rendition of the outside of the building. We can vary this some, but the idea is to look more like a neighborhood, not to change the look of the area. Some brick, some of the ethos materials and a lot of windows, the wall would be facing north or looking at the front of the building from West First Street. This would be looking at the end of the building from Elm Street. We believe since this particular neighborhood is surrounded by non-residential, commercial, office professional, the highway and heavy industrial, we wouldn’t be in an area that’s not used to seeing this sort of activity. Our traffic wouldn’t change. We would still park on the south side of our building on the corner of Elm Street and 2nd Street. We wouldn’t increase traffic on West 1st Street whatsoever. We’ve talked to some of the neighbors to get a feel. We are good neighbors and have been for fifteen years. We think that this is something we can do without changing your lives. We haven’t gotten any negative response, it’s really hard to tell what their feelings are on things, but they all said that we are a good neighbor. Some of the property in the area, I’m not sure how many of the homes on 1st Street are owner occupied, but a couple of the properties on 2nd Street are vacant now. This particular neighbor likes what we are proposing and knows the type of building we are talking about doing. I think we work well with them as a neighbor, kind of dress up the area and make it look a whole lot nicer than it is for them as their back yard. This took us fifteen years to outgrow the existing facility. We believe that with the layout, that we can maximize by moving the warehouse across the street and putting some of our machine equipment into the portion of the building that’s now our warehouse. In the foreseeable future, this is an expansion that will work for us. Of course, we don’t want to move and it’s something that would be simpler than moving. I know it’s still going to be a big deal to construct, but that’s the general idea.”

Councilman Ginn asked, "Will you have more jobs because of this expansion?"

Mr. Obenberger answered, "Yes sir. We anticipate on being able to do this, we could have fifty percent more in staff. It would allow us to grow and produce more while still in our regular hours. We don't want to go round the clock with multiple shifts. Just an estimate at fifty percent, we have twenty-two employees now. When we came to Deer Park we had about half of that. It's a good opportunity for us to stay right where we are and be able to not only increase capacity, but have a better looking corner here in Deer Park that we'll be proud of for a long time."

Councilman Martin asked, "Will it only be used as a warehouse? Will all the machines stay in the current place where you're manufacturing?"

Mr. Obenberger answered, "Right. This wouldn't be for production. It's for finished parts storage and raw materials storage. For us, raw materials are not chemicals, gases or paints or any kind. We're raw bar-stock materials. That's the type of raw materials that we make our parts from."

Councilwoman Sinor commented, "I just want to say that I appreciate you all. You've done a lot of extra. You've made it very easy for us to ask and see. You've given us a lot of information. I had a site visit with you guys and I appreciate you showing Councilman Martin and I your facility and you are good neighbors. You've just gone above and beyond what we would call the norm to give us all the information that we need to make an informed decision. The house that's on the property has been vacant. It's an eyesore for the entire neighborhood, and I know your family and I know how you all operate. I know that you would just make it very nice, certainly from what's sitting there now. It's just a house that's vacant and certainly an eyesore and that would just deteriorate more and more which nobody likes to see."

Mr. Obenberger commented, "I think we can really improve the look of the area."

Councilman Martin commented, "Will the renderings work with the City in terms of size and what needs to be done and all that?"

Mr. Obenberger answered, "Yes, the planning and zoning guys saw this same map and this is not an architect drawing this is our cad drawing, our version of where the streets lie and so forth. It's definitely going to have to have an architectural drawing that we would then submit."

Councilwoman Sinor commented, "You made that clear today. You didn't want to spend a whole lot of money with architects drawings if you didn't know if you would get this approved. So, that makes total sense."

Councilwoman Garrison asked, "How do you get the product to your customers?"

Mr. Obenberger answered, "Typically we have one delivery truck that we use in which is our property and use UPS. We don't have a lot of freight service. Most of the parts that we ship are the size of parts that you can hold in your hand."

Councilwoman Garrison asked, "Is there going to be an increase in the amount of truck traffic?"

Mr. Obenberger answered, "No. I don't foresee needing more than one delivery truck like we have now and of course the UPS van pulls in off of 2nd Street. I wouldn't need any increased traffic."

Councilwoman Sinor commented, "Well I don't know who all got to go over there, but it's obvious where all your machines are, they're on top of each other and it's more about being able to maximize the space."

Mr. Obenberger answered, "We have a pretty bad flow layout right now, but it's out of necessity. We make it work. That's why we're here. We believe this will help tremendously."

Councilman Ginn asked, "Are the new jobs created going to be minimum wage type jobs?"

Mr. Obenberger answered, "No sir, most of the people that we hire are skilled machinist, not low wage jobs at all. Most of our employees that we hire end up staying five to ten years. We don't have a high turnover. It's more of a skilled type of application."

- b. Tim Culp of Deer Park Chamber of Commerce, commented, "Good evening Mr. Mayor, Council members. My name is Tim Culp. I'm President/CEO of Deer Park Chamber of Commerce, and I'm coming to speak in favor of the request of zoning ordinance on behalf of Deer Park Chamber of Commerce. Just a little bit of quick history, some of you already know this. I spent a little over twelve years with Planning and Zoning in the previous city that I was with and nine of those I served as Chairman. I appreciate what you all are going through and what Planning & Zoning are going through to make sure they are asking the right questions and doing the right homework to make sure that we've got a good project for our zoning request. Again, as we all know, there are usually three factors that we look at, at least three that are important. Number 1, highest and best use, Number 2, the impact on adjacent property owners and Number 3, the impact of traffic flow, which you all have talked about a lot here this evening. As has been pointed out, there's not going to be a lot of impact on the adjacent property owners. If anything, it is going to improve the location. It's going to improve the area around this particular piece of property with the construction of the new warehouse facility. As far as impact on traffic flow, which Councilwoman Garrison just pointed out and you heard Mr. Obenburger point out, there's not going to be a real change. We have visited with them for the last several months about this piece of property and what they want to do with it from a Chamber's standpoint and from a City's standpoint. I think that the important thing from an economic development standpoint, when you look at it from a City, currently this piece of property is on the tax rolls for a little over \$88,000. Of that, \$38,400 is the house and the garage that sits there, \$50,000 of that is the land, the property. The land's value is going to stay there. The improvements are the building that's going to be constructed. If you look at the building that they are pointing out, considering to be rebuilding, or to build, somewhere between six and eight thousand of

course, that's going to be depending upon the architectural drawings and so forth to make sure it meets code.

You're going to be looking at, \$600,000 just in the cost of building the building. Then you consider, and I think it was pointed out a minute ago, asking about equipment. When you add the new C & C machines that they are going to be adding, they are going to be adding somewhere between \$800,000 or \$900,000 worth of new equipment that will be in the existing facility. Not the new facility, because the new facility is going to be just warehouse property. Then you consider additional inventory that was pointed out as well which is about another \$50,000. So you're looking at, to be honest with you, a little over 1.4 million in new investment on that piece of property. You consider the existing land so it makes the whole project a little over 1.5 million which computes roughly to \$11,000 a year in tax for the City of Deer Park, specifically in comparison to \$631.00 a year. So it gives you an idea at what you're looking at from that standpoint. I'm not going to get into a lot of the other points, I think Mr. Obenberger pointed it out, the thing about it is, they have been here since 2002. When you're looking at it from an economic development standpoint, it's always nice when you're able to do it from within your city and grow your existing businesses and that's what's taking place here. They have a proven track record. They do what they say they're going to do. They make the improvements. They do want to stay here and I think it's important that we try to do everything that we possibly can to make sure that they do stay here. With that said, I'll take any questions that you might have."

- c. Nancy Kelley, 1602 Norwood, commented, "My name is Nancy Kelley and I own the property at 102 Elm, and when I signed the paper over there a while ago I didn't know it was to speak. I thought it was just to say that I'm here. But if there are any questions you'd like to ask me I'd be glad to answer them. I know that Ric is a very reliable person and I've worked with him these last few months trying to get things decided on what to do and he's very easy to work with and very dependable. I think anything he'll do for the City will be great."

Mayor Mouton called for those persons desiring to speak against the request. No one spoke.

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

- 5. AWARDING BID FOR THE RENOVATION OF THE HOT WATER SYSTEM FOR THE THEATER/COURTS BUILDING – Motion was made by Councilman Patterson and seconded by Councilman Martin to award the bid for the renovation of the hot water system for the Theater/Courts Building to Coopwood's Air Conditioning, Inc., low bidder, in the amount of \$86, 517. Motion carried 7 to 0.
- 6. AWARDING BID FOR THE 13TH STREET LIFT STATION REHABILITATION - Motion was made by Councilwoman Garrison and seconded by Councilman Ginn to award the bid for the 13th Street Lift Station Rehabilitation to N & S Construction, low bidder, in the amount of \$109,500.00. Motion carried 7 to 0.

7. COMMENTS FROM AUDIENCE –

- a. Branden Garza, 2213 Estate, commented, “ I just bought that house. I have 3 vehicles and my work truck. It’s a single car driveway. I’ve received several notifications. I was parked beside my driveway, parallel, that way it looked good and not in the yard or anything. I got tickets for that so I came up here and I said, “Okay. Where do you want me to park?” They said, “In the street. You need to park right there on your grass strip, don’t get on the sidewalk.” I parked there three or four times, I parked there today right before I came up here. As soon as I got home, I parked there. Five minutes later the Police show up because the neighbor pulled up right behind me and parked on the opposite side of the street and it shuts down the road. I know they are getting ready to start a whole new water system in there. If I can’t park in my yard parallel, I’m just trying to figure out where people can park. As of now, you go up and down that road and my daughter has to go around vehicles in the street because everybody parks on the sidewalk. If everybody doesn’t park on the sidewalk, then you can’t get down the road. If there’s an emergency or police or ambulance that needs to get to one of the houses, the road’s going to be blocked. If you go up and down Estate, it’s going to be all up and down Estate and the surrounding area. It’s a lot of parking issues.”

Mayor Mouton advised Mr. Garza to talk to the City Manager Jay Stokes after the meeting to find a solution.

- b. Elayna Curry, 2217 Estate, commented, “I’m having similar issues with that. I leave at four in the morning and I’ve had my driveway blocked, the sidewalk’s been blocked and there’s a ton of children that are on that road and are having to get in the road. With the vehicles parked on both sides of the road like they’re supposed to be, it’s hard to get my big work truck in and out all the time. I have to cut through my yard and cut through other people’s yards to get to my driveway. I’ve left at four in the morning and had my truck blocked in which is a bit ridiculous to have the neighbor blocking when I leave. Nobody else is up on that road at that time, so it’s making it very difficult.”
- c. Larry Cernosek, 614 Regency, Deer Park commented, “I’m here on behalf of Janet Neeley, and I’m not an attorney, but her attorney is here, Mr. Contreras. We went to school together and he’s here on a volunteer basis and has been with us through this whole process. I got involved in her address over at 4305 College Park when the City put some stickers on some cars in her driveway which should have been done because they needed to be removed. My good friend Bob Bratcher calls me and says hey Larry you need to go over there and take care of this lady’s cars. So that’s what I did. We went over there and kind of talked with Ms. Neeley and asked what was going on and she said she had a mobile mechanic come out, the idiot took the keys, took the carburetor off the cars and she can’t find him. I took the cars to my shop and they are just beyond repair. I got her a car because it’s not only hell to be poor, but it’s hell to be without a car. Also, she can’t live in her house. When I went to get the cars, I knew there were some other problems here too, it’s obvious. I called the city to find out what was going on and I got an earful. We had a meeting, and there were pictures shown. You wouldn’t believe what are in some of these pictures, but Councilman Ginn was there and a bunch of the City Staff. We came to an agreement that they were going to meet in a couple of

weeks and come back out and do a re-inspection. I told them that there would be a lot of things improved and the city people couldn't believe it. When Greg Melching the Code Enforcement Officer came out, he couldn't believe how much stuff had been done. It's just kind of hard to repair things that have been going on for numerous years. I've been mowing the grass for her, trying to do anything and everything that we can to get this lady back in her house. I passed out an invoice, and it's kind of interesting I just looked at this today. It just says to: name and company name, I'm going to tell you, it's an official document. It was delivered to her house, but it doesn't have her name on it. I know this bill's been reduced once and I understand her attorney told me a few minutes ago that it's been reduced again. I don't know what that figure was, but this lady works for the Pasadena Independent School District at The Summit. It's not like we're helping somebody that doesn't have a job and is not trying to do the right thing. This lady is definitely trying to do the right thing and I want to tell you she was overwhelmed by all the City people, not that they did anything wrong, but it's kind of hard when you come upon a person. I'm just here asking you all if there's any way that we can help this lady? We're trying to do everything we can to help her out and I know that you all can do the right thing so I appreciate it."

Mayor Mouton asked, "Can you be more specific when you say help this lady?"

Mr. Cernosek replied, "Well, like I said, we're helping her get everything. We got people to come and do the work on the house inside. All the sheetrock has to be replaced and some electrical work. I'm asking for the reduction of the bill. I understand it's already been reduced again. I don't know what the amount is, but anyway, if we can do anything else."

Mayor Mouton commented, "We'll get with Staff and have to make this an agenda item. This would be something Council will have to review and look at."

- d. Bob Bratcher, 2322 Limerick, commented, "Thank you Mr. Mayor and Council. I just came to talk about the same issue and I was made aware of her problems by the other silver haired legislator. I was actually looking because there was a nice post that you made Mayor Mouton earlier today on Facebook and I couldn't find it. It was about taking care of people and being nice. This lady really has struggled. Steve Coy called me and asked me to take this on. So I talked to Larry because Larry has more adapted. I'm a little older. I do know that she's worked very hard and she really needs help. She needs help from the community. She needs help from the people in her church and other churches. She needs help from the City. When you get down and out and you don't have any money and you're working, this is a lady that will wind up on the street, if we don't help her. So what does that help? I want to commend Larry Cernosek for all that he's done. He's gotten rid of the cars. I was over there helping him on that, and he furnished her a car with insurance. If you all would really take this to heart, it would be a wonderful thing. Thank you Mayor and Council."

8. CONSIDERATION OF AND ACTION ON PURCHASING VALVES FOR THE HIGH SERVICE PUMPS AT THE WATER TREATMENT PLANT – Motion was made by Councilwoman Garrison and seconded by Councilman Martin to approve the purchase of valves for the high service pumps at the Water Treatment Plant. Motion carried 7 to 0.

9. CONSIDERATION OF AND ACTION ON A RESOLUTION APPOINTING MEMBERS TO AN AD HOC COMMITTEE TO PLAN DEER PARK'S 125TH ANNIVERSARY CELEBRATION – Motion was made by Councilman Patterson and seconded by Councilwoman Garrison to postpone the item until the next meeting. Motion carried 7 to 0.
10. CONSIDERATION OF AND ACTION ON THE RESULTS OF THE JOINT PUBLIC HEARING AND A PROPOSED ORDINANCE ON THE REQUEST OF NANCY KELLEY AND ROMCO MANUFACTURING TO REZONE 102 ELM FROM SINGLE FAMILY -2 (SF-2) TO GENERAL COMMERCIAL (GC) - After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilman Harrison to adopt on first and final reading Ordinance No. 3811, captioned as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 819 OF THE CITY OF DEER PARK, TEXAS, ADOPTED AUGUST 24, 1971, AS AMENDED BY TAKING THE NORTH 5 FEET OF LOT 1, ALL OF LOTS 2, 3, & 5 OF FRAZIER BLOCK ALSO KNOWN AS 102 ELM STREET OF THE CITY OF DEER PARK, HARRIS COUNTY, TEXAS OUT OF THE SINGLE FAMILY-TWO (SF-2) ZONING DISTRICT AND PLACING IT IN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING PENALTIES BY A FINE UP TO \$2,000.00 FOR EACH DAY'S VIOLATION OF THE PROVISIONS OF SUCH ORDINANCE, AS AMENDED; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

11. CONSIDERATION OF AND ACTION ON AN ORDINANCE CORRECTING THE ENDING EFFECTIVE DATE APPROVING CERTAIN INDUSTRIAL DISTRICT AGREEMENTS; PROVIDING FOR EXECUTION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY - After a proposed ordinance was read by caption, motion was made by Councilman Martin and seconded by Councilwoman Sinor to adopt on first and final reading Ordinance No. 3812, captioned as follows:

AN ORDINANCE CORRECTING THE ENDING EFFECTIVE DATE APPROVING CERTAIN INDUSTRIAL DISTRICT AGREEMENTS; PROVIDING FOR EXECUTION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

12. CONSIDERATION OF AND ACTION ON AN ORDINANCE CALLING A PUBLIC HEARING CONCERNING THE SUBSTANDARD BUILDING, STRUCTURE OR PREMISE LOCATED AT 1242 CENTER STREET - After a proposed ordinance was read by caption, motion was made by Councilman Harrison and seconded by Councilman Martin to adopt on first and final reading Ordinance No. 3813, captioned as follows:

AN ORDINANCE CALLING A PUBLIC HEARING ON JULY 19, 2016 AT 7:30 P.M. CONCERNING A CERTAIN DILAPIDATED OR SUBSTANDARD BUILDING AND/OR STRUCTURE LOCATED AT 1242 CENTER STREET, DEER PARK, TEXAS; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

13. ADJOURN – Mayor Mouton adjourned the meeting at 8:30 p.m.

ATTEST:

APPROVED:

Stan Garrett, Chairman
Planning and Zoning Commission

Shannon Bennett, TRMC
Acting City Secretary

Jerry Mouton
Mayor