

710 EAST SAN AUGUSTINE

DEER PARK, TEXAS 77536

Minutes

of

A PUBLIC HEARING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF DEER PARK, TEXAS, HELD AT CITY HALL, 710 EAST SAN AUGUSTINE STREET, APRIL 16, 2018 AT 7:10 P.M. ON THE REQUEST FROM NOLAN ALLEN AND PENELOPE INVESTMENTS, L.P. FOR A SPECIFIC USE PERMIT TO OPERATE AN ASSISTED LIVING FACILITY AT 4320 EAST BOULEVARD, WITH THE FOLLOWING MEMBERS PRESENT:

DOUGLAS COX
RAY BALUSEK
STAN GARRETT

COMMISSIONER
COMMISSIONER
COMMISSIONER

OTHER CITY OFFICIALS PRESENT WERE:

SHANNON BENNETT
LARRY BROTHERTON

CITY SECRETARY
BUILDING OFFICIAL

1. NOTICE OF PUBLIC HEARING - The public hearing was opened by the City Secretary reading the Notice of Public Hearing. (Exhibit A)
2. HEARING OPENED FOR THOSE PERSONS DESIRING TO SPEAK IN FAVOR OF THE REQUEST - Commissioner Balusek opened the hearing for those persons desiring to speak in favor of the request.
 - a. Tiger Boone, 1714 Coppra, Galveston, Texas commented, "To give you an outline of what Serenity Garden is and what we do, it is a small type memory care. My wife and I wanted to go into healthcare in the senior care field in 2010. We looked and couldn't find anything that was adequate to what we thought we could offer. We found a place in Arizona when we were vacationing. It was a small 16 bed home, ran just like a house. That is when we thought, that is what we needed to do. In mid 2011, we came back to Galveston and started working on it to put it together. Our first business was opened in 2012. Since, the fourth month we have opened, we have never had an open bed. We started poking around and our residents families were wanting us to build more. We asked where do we go? Us being memory care operators, and not business people, we let our customers tell us where to build. Half of our residents were from the town of Friendswood. That was the answer to our question. In 2016, we opened up our Friendswood facility and within 6 months we were full. The residents asked us again, when would we open another facility. We let our resident families answer our question. Out of 16 residents of our facility, we have four that are from the City of Deer Park because they have no other options. When you have Alzheimer's or Dementia, you find people around you that are going through the same because it is very trying. Our family members encouraged us to go to Deer Park. Since 2012, we have been operating and

licensed through the Office of Aging and Disability. I promise you, in the State of Texas, probably 99% of the homes have some sort of deficiency. They can walk in and not like the lighting in the building, there is not a textbook to tell you what to do. It is based off of what the inspector sees. To make a long story short, what we pride ourselves in, is that we have had zero violations since day one. They have written us for up nothing. When we opened our Friendswood building, the inspector told us he had been inspecting for 28 years and that we had the most professional assisted living home he had ever seen. A big thing when we went through the process with Friendswood, was the question of what kind of strain we would be putting on the City in case of an emergency? In our contract with the families, when they move their loved ones in, they know they are responsible in the event of a hurricane, natural disaster or anything like that. The reason why that is, I call the City to evacuate the residents, our people have Alzheimer's or Dementia, they do not know where they are. You put a yellow packet on them, put them on a bus to send them to Austin, San Antonio, and that's just horrible. That is what these big 200 bed facilities do because they do not have the man power to evacuate their people. About a year ago, we purchased a piece of property. It is part of our evacuation plan just in case the families do not have somewhere to go. They can come with their loved ones to our property for shelter in place until we get our building back up and going. We do evacuate residents."

Commissioner Balusek asked, "Are you going to evacuate them or does the family?"

Mr. Boone responded, "The families are responsible."

Commissioner Garrett asked, "How many beds will you have?"

Mr. Boone responded, "Sixteen. Going back to when we were looking into this, we thought about 32 beds to 100 beds. However, it does not matter what you do or how many caregivers you have, you can't have that many people with that disease under one roof. You cannot control it. It is chaos at sixteen and with thirty-two beds or even sixty-two beds, you can't do it. These companies, they sell themselves on their quality of care but if they have forty residents and one care giver, there's no way you can take care of them like that."

Commissioner Garrett asked, "Will it be single story?"

Mr. Boone responded, "Yes. I invite you all to come and visit our Friendswood facility. It is a home setting. It is real homey. It is not regimented. We pride ourselves on the home like living experience. Our ratios are one to five during the day, with an additional manager on staff. My wife and I are always in the building. A lot of times there will be four or five people that can help out at the times for 16 residents. At night, the ratio is one to eight."

Commissioner Balusek asked, "Did I understand you only have one facility?"

Mr. Boone responded, "We have two. One in Friendswood and one in Dickinson."

Commissioner Balusek asked, "Are they both 16 beds?"

Stan Cromartie commented, “Both are the same model they are looking for here. They have been down the road a time or two. If you had a chance to eat there, I think it ought to be a restaurant.”

Mr. Boone commented, “Another thing that the City of Friendswood was concerned about was the amount of 911 traffic that we would create. We have a non-emergency contract with Windsor EMS, so if there is ever anything that may happen, 95% of the time we handle it with Windsor EMS. We will not be a strain on your City’s ambulance service. I will continue to get the call reports from the City of Friendswood and League City to get their call reports. I tried to bring it to you all tonight, but they could not produce it quick enough.”

Mr. Cromartie commented, “I apologize about the size of the image, but the facility in Friendswood as you can tell, it is right next door to a residence. It fits in the fabric of a neighborhood. As you are aware, an institution would not work there.

3. RECESSED – Commissioner Balusek recessed the Public Hearing at 7:20 p.m. to open the Public Hearing.
4. RECONVENED – Commissioner Balusek reconvened the Public Hearing at 7:21 p.m.

Commissioner Balusek asked, “How does a person get into your facility? How do you determine who comes in?”

Mr. Boone responded, “Our nurse goes out and does an assessment. There is a list requirement by the State that you have to qualify by in order to come into our facility.”

Commissioner Balusek asked, “Who pays for this?”

Mr. Boone responded, “It is 100% private pay.”

Commissioner Balusek asked, “What about long term care?”

Mr. Boone responded, “We see that a lot with ex plant workers that have the long term care policy. It pays about \$140 to \$160 a day.”

Commissioner Balusek asked, “How much does it cost for a patient to enter into your facility?”

Mr. Boone responded, “Our Friendswood facility is \$6500 a bed and our League City facility is \$5900 a bed. It shocks the family when you say that, but the sad part is, typically when the loved one comes to us, its usually the last 24 months of their lives.”

Commissioner Balusek asked, “Is there a waiting list?”

Mr. Boone responded, “Yes. We have a long waiting list. Just based off of the waiting right now, if I had this building on the ground today, it would be full, guaranteed in 30 days.”

Commissioner Cox asked, “Do you have a full kitchen staff?”

Mr. Boone responded, “Yes.”

Mr. Boone commented, “When we went through this with the City of Friendswood, they put us through 8 months of hell because they didn’t understand what we did. I sent a van over there to get them to come to see the facility. They did not come in the van, they came in their own car. From the day they came to see it, from that day on, they rolled out the carpet for us because then they understood what we were doing.”

Commissioner Balusek asked, “If City Council is to approve this, when would you start construction?”

Mr. Cromartie responded, “We have a site plan showing how we would like to lay this out. It is extremely similar to the other three facilities. We have an entrance only and exit only for emergency vehicles and emergency services. We are probably around 85% to 90% done with construction documents because we are not reinventing the wheel. We would plan on, if we are able to get the Specific Use Permit and Council approval, I think we would apply in within 30 days for a permit. Whatever time it would take to coordinate with the City for that building permit, then we would immediately start.”

5. RECESSED – Commissioner Balusek recessed the Public Hearing to the regular Board of Adjustment meeting at 7:28 p.m.
6. RECONVENED – Commissioner Balusek reconvened the Public Hearing at 7:29 p.m.

Commissioner Balusek asked, “What would the building period be?”

Mr. Cromartie responded, “It would take somewhere around 10 months.”

Mr. Boone commented, “I really wish you all would take the time to stop by and see what I am talking about. You walk in our homes, there is no smell of urine, nothing on the floor. It’s crisp, and that is the way we keep it.”

Commissioner Cox asked, “Do you have planned activities?”

Mr. Boone responded, “We have an Activities Director on staff, seven days a week for 10 hours a day. That keeps everybody’s mind going in the same direction doing the same things and that has helped tremendously. With 16 elderly people, there are going to be falls, but we got it down to where it is very minimal. We are not a big box facility. The worst type of business in this industry is called CCRC. That is where you have a facility with assisted living, independent care and memory care, that will not work. In order to manage a memory care home, you have to do it every day. It is a very tough disease.”

7. HEARING OPENED FOR THOSE PERSONS DESIRING TO SPEAK AGAINST THE REQUEST – Commissioner Balusek opened the hearing for those persons desiring to speak against the request. No one spoke.
8. HEARING CLOSED – Commissioner Balusek closed the public hearing at 7:29 p.m.

ATTEST:

APPROVED:

Shannon Bennett, TRMC
City Secretary

Ray Balusek, Commissioner
Planning & Zoning Commission