

CITY OF DEER PARK

78-

710 EAST SAN AUGUSTINE STREET

DEER PARK, TEXAS 77536

Minutes of

THE 1724<sup>th</sup> 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 JANUARY 08, 2019, AT 7:30 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

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

MAYOR  
COUNCILWOMAN  
COUNCILMAN  
COUNCILMAN  
COUNCILMAN  
COUNCILMAN  
COUNCILWOMAN

PLANNING AND ZONING COMMISSION MEMBERS PRESENT:

DON TIPPIT  
RAY BALUSEK  
DANIELLE WENDEBURG

CHAIRMAN  
COMMISSIONER  
COMMISSIONER

OTHER CITY OFFICIALS PRESENT:

JAY STOKES  
GARY JACKSON  
SHANNON BENNETT  
JIM FOX

CITY MANAGER  
ASSISTANT CITY MANAGER  
CITY SECRETARY  
CITY ATTORNEY

1. MEETING CALLED TO ORDER – Mayor Mouton called the meeting to order at 7:30 p.m.
2. INVOCATION – The invocation was given by Councilwoman Sinor.
3. PLEDGE OF ALLEGIANCE – Councilman Ginn led the Pledge of Allegiance to the United States Flag and the Texas Flag.
4. PRESENTATION/RECOGNITION OF LIFE SAVINGS AWARD – Police Chief Grigg, recognized Officers Anthony Baggett and Jason Huff with a “Life Saving Award” from the Deer Park Police Department for their actions in saving the life of Halley Hulse on July 23, 2018.

Mayor Mouton commented, “I would be remiss if I didn’t take the opportunity to recognize a scenario where most people consider a “thankless job”. I always value when we have the opportunity to bring our officers in to recognize them when they do something like this. In

a moment, you saved someone's life and made an impact. I, for one, as Mayor, want to thank you."

Chief Grigg also recognized Officers William Chaffin, Travis Potter and Miranda Ross with a "Life Saving Award" from the Deer Park Police Department for their actions in saving the life of Kenneth Lawton on August 30, 2018.

Mr. Lawton commented, "If you listened to channel ABC 13, they said I was actually dead for about 22 minutes. A lot of people have asked me "what did you see?" I tell them, I didn't see nothing. I can't write a book. For three days I didn't see nothing. The one thing God showed me is that he uses people. He used my wife as she was standing in the front yard screaming to God to "save him" and the officers who were there in minutes. The hospitals in Downtown, that in a matter of days had me up and running around. I have a new little defibulator now. I would also like to thank the Paramedics, the Fire Department and all who were there. My kids said, "Dad I could hardly get there because the streets were blocked." We have one of the best emergency response teams probably in the country right here. They do make a difference."

Mayor Mouton commented, "I wanted to make sure I include Council and myself in regards to thanking you for doing a great job. You are on the front line and there is proof right here that it is worth it. Don't ever think that we don't appreciate it. I know it is a big part of what you do and why we are here. I value being able to take the opportunity to say "thank you". I would encourage anyone, if you see an officer out in the Community, go out and thank them for doing a good job because they make a difference in people's lives and I appreciate that."

5. JOINT PUBLIC HEARING ON THE REQUEST OF DHIRU PATEL TO REZONE THE PROPERTY LOCATED AT 825 CENTER STREET FROM GENERAL COMMERCIAL (GC) TO MULTI-FAMILY 2 (MF 2) – The public hearing was opened by the City Secretary reading the Notice of Public Hearing. (Exhibit A)

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

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

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

- a. David Parker, consultant for Dhiru Patel commented, "I wanted to speak on this issue. What we are seeking to do is request the rezoning on a piece of property between 9<sup>th</sup> Street and Center Street. There are two pieces of one tract. Reserve A is zoned for Multi-Family 2, but Reserve B is zoned General Commercial. We want to rezone Reserve B to match Reserve A. What is planned is a road to cut through the property to give the least amount of traffic pressure on 9<sup>th</sup> Street. I wanted to speak a little bit of the developer behind this. He is a contributor to this community. He moved here in 1997.

Has a Master's Degree in Mechanical Engineering and two patents with US Corporations. He opened the first hotel in Deer Park, which is the Best Western. Since it's operation, it has paid one million dollars in Hotel Occupancy Taxes. He also opened the Comfort Suites in 2003, which has also paid over one million dollars in Hotel Occupancy Taxes. Most recently, the Holiday Inn Express, which employs almost 20 people. Just to summarize, it is three hotels operating here with 189 rooms, which represents almost half of the Deer Park hotel market. It has collectively paid over 1.3 million dollars in property taxes and over 3 million dollars of hotel occupancy taxes. Probably the most important thing is that it has created jobs. There is also a lot of community involvement, Mr. Patel was the first one to recommend to the City of Deer Park to collect hotel occupancy taxes. He has given free use of meeting rooms to first responders, he has donated to various clubs and has given complimentary rooms to victims affected by Hurricane Katrina and victims of house fires. He is a contributing member of society. We ask that you grant the request to allow the rezoning of Reserve B and adopt the current zoning that applies to Reserve A."

Councilwoman Garrison asked, "This building, is not a normal hotel?"

Mr. Parker responded, "It's an apartment."

Councilwoman Garrison asked, "Would it be like the other hotels where they can pay by the week?"

Mr. Parker responded, "Sometimes they call it extended stay. It gives the freedom for guests to stay long or short term."

Mayor Mouton asked, "Can you rent by the night or by the month?"

Mr. Parker responded, "Yes, nightly, weekly, or monthly. Anticipation, would be to have rent out monthly."

Mayor Mouton commented, "In this region, you would cater to a lot of the industry workers that come here and work and need a place to stay."

Councilman Patterson asked, "Will each apartment have a kitchen?"

Mr. Parker responded, "Each apartment will have a kitchen."

Councilman Patterson asked, "Are they all one efficiency apartments?"

Mr. Parker responded, "Yes."

Councilman Patterson asked, "Will this be a major chain that will operate it?"

Mr. Parker responded, "It will be locally operated by the developer and operated independent of a chain. This will be a one story building, low profile and low impact on the community."

Councilman Patterson asked, "What other amenities will this have?"

Mr. Parker responded, "No swimming pool, no gym. It will have a laundry room."

Mayor Mouton called for those persons desiring to speak against the request.

- b. Rosalinda Vasquez, 801 Grove Street, commented, "I have lived here for 27 years. Do they want to build apartments or a hotel?"

Mayor Mouton responded, "The way I would explain it in my words is, it is an extended stay hotel."

Ms. Vasquez continued, "What I am understanding is if they are planning to build a hotel, wont they bring a lot of people to the neighborhood?"

Mayor Mouton responded, "No. I wouldn't say that. There will be an entrance off Center Street and an exit on 9<sup>th</sup> Street."

Ms. Vasquez asked, "Lately, it has been raining over there in that corner on 801 Grove Street. I don't know what is going on but there is a pool of water every time after it rains. Is it going to affect us over there?"

Mayor Mouton commented, "No. According to the ordinance, no current or new construction can impact negatively any flood issues. It has to be accounted for. There shouldn't be any impact to drainage issues."

Ms. Vasquez commented, "That was my only question. Thank you."

- c. Kyle Ford, 822 Grove Street, commented, "Nothing against Mr. Patel, my family has stayed in his hotels and have had an excellent time. I thank him for having those available? Bottom line is, who wants to have a hotel in their backyard? That is essentially what it would be in my backyard. I guess we are concerned about peacefulness and all the troubles that can occur around hotels. We live in a very safe neighborhoods. I have my concerns with my kids, my neighbors have little kids, so I have concerns about that. bottom line is, who wants a hotel in their backyard? I would encourage you all to vote against this and vote no."

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

Chairman Tippit closed the hearing on behalf of the Planning and Zoning Commission.

- 6. CONSENT CALENDAR – Motion was made by Councilman Ginn and seconded by

Councilman Patterson to approve the consent calendar as follows:

- a. Approval of minutes of workshop meeting for December 18, 2018.
- b. Approval of minutes of regular meeting for December 18, 2018.
- c. Authorization to reduce Tandem's retainage from 5% to 2% for the softball fields.

Motion carried 7 to 0.

7. COMMENTS FROM THE AUDIENCE –

- a. John Matula, 801 Lanell Street, commented, "Greetings Mayor Mouton and Council. On behalf of the residents of Deer Park who value the repose of their homes, their patios and their neighborhoods, please enact a proactive anti-barking ordinance that would enable the residents of Deer Park to enjoy a quiet and comfortable home, patio, and neighborhood. For seven years I endured loud barking dogs next door to me. Then in late 2016, I took steps to try to gain the repose of my home. I contacted Animal Control Supervisor Ms. Hooker and Duke's owner many, many times without resolving the problem. I was advised to document the barking and I did, in great detail. As the months progressed, I eventually contacted the Police, Mr. Stokes, and even brought this issue before you and the Council. During the latter part of this nine month ordeal, I was subpoenaed to appear before the Deer Park Municipal Court. And during the interviewing of the prospective Jurors, one stated that he also was a dog owner and he believed the City does not do enough to get this issue under control. Well, I took the stand and afterwards I was told this case would be dismissed due to lack of evidence on the day of the citation, even though I had documented for months and months and had hundreds of audio and video files of that dog barking. In the backyard next to me, just a few hundred yards from where I stand, there was not a blade of grass growing near the fence where Duke would run back and forth for hours on end, barking. My home was uninhabitable. We left and stayed away as often and as long as possible. The barking of Duke continued next door until the day they moved to another area of Deer Park. The problem was not solved for the residents of Deer Park, it just relocated for new neighbors to endure. This is a noise exposure chart. (Exhibit B1) I have had many of those symptoms. Chronic barking is a public health hazard. To this day, I continue to struggle trying to maintain the repose of my home. Our homes, our patios, and our neighborhoods, the quiet and comfort of them, continues to be lost, disturbed, and at times even highly disrupted by barking dogs. Please take the necessary proactive steps to enable all the residents of Deer Park to enjoy a quiet and comfortable home, patio, and neighborhood while improving our quality of life. Thank you Mayor Mouton and Council."

8. CONSIDERATION OF AND ACTION ON A RESOLUTION TO SEEK A FISCAL YEAR 2020 STEP COMPREHENSIVE TRAFFIC ENFORCEMENT GRANT – Motion was made by Councilman Martin and seconded by Councilwoman Sinor to approve Resolution No. 2019-01 captioned as follows:

A RESOLUTION AUTHORIZING AND APPROVING A GRANT APPLICATION AND AGREEMENT BETWEEN THE CITY OF DEER PARK, TEXAS, AND THE STATE OF TEXAS DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION IN THE AMOUNT OF FIFTY-NINE THOUSAND NINE HUNDRED THIRTY-EIGHT DOLLARS AND SEVENTY-EIGHT CENTS (\$59,938.78) TO CONDUCT A S.T.E.P. PROGRAM DIRECTED AT COMPREHENSIVE TRAFFIC ENFORCEMENT TO BE ADMINISTERED BY THE POLICE DEPARTMENT.

Motion carried 7 to 0.

9. CONSIDERATION OF AND ACTION ON A RESOLUTION TO SEEK A FISCAL YEAR 2020 STEP COMMERCIAL VEHICLE TRAFFIC ENFORCEMENT GRANT – Motion was made by Councilwoman Garrison and seconded by Councilman Ginn to approve the Resolution No. 2019-02 captioned as follows:

A RESOLUTION AUTHORIZING AND APPROVING A GRANT APPLICATION AND AGREEMENT BETWEEN THE CITY OF DEER PARK, TEXAS, AND THE STATE OF TEXAS DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION IN THE AMOUNT OF FIFTEEN THOUSAND ONE HUNDRED FORTY-EIGHT DOLLARS AND SIXTY CENTS (\$15,148.60) TO CONDUCT A S.T.E.P. PROGRAM DIRECTED AT COMMERCIAL VEHICLE TRAFFIC ENFORCEMENT TO BE ADMINISTERED BY THE POLICE DEPARTMENT.

Motion carried 7 to 0.

10. CONSIDERATION OF AND ACTION ON A RESOLUTION TO UPDATE THE CITY OF DEER PARK PERSONNEL MANUAL, CHAPTER XII – TRAVEL AUTHORIZATION AND EXPENSE POLICY – Motion was made by Councilman Ginn and seconded by Councilwoman Sinor to approve Resolution No. 2019-03 captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS, REVISING THE PERSONNEL MANUAL OF THE CITY OF DEER PARK, TEXAS, BY AMENDING THE EMPLOYEE TRAVEL POLICY.

Motion carried 7 to 0.

11. CONSIDERATION OF AND ACTION ON THE RESULTS OF THE JOINT PUBLIC HEARING AND A PROPOSED ORDINANCE ON THE REQUEST OF FROM DHIRU PATEL TO REZONE THE PROPERTY LOCATED AT 825 CENTER STREET FROM GENERAL COMMERCIAL (GC) TO MULTI FAMILY 2 (MF 2) – After a proposed ordinance was read by caption, motion was made by Councilman Patterson and seconded by Mayor Mouton to approve an ordinance captioned as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 3886 OF THE CITY OF DEER PARK, TEXAS, ADOPTED MARCH 21, 2017, AS AMENDED BY TAKING RESERVE B, ALL IN BLOCK 1, OF FINAL PLAT PATEL FAMILY SUBDIVISION ALSO KNOWN AS 825 CENTER STREET, CITY OF DEER PARK HARRIS COUNTY, TEXAS OUT OF THE GENERAL COMMERCIAL (GC) ZONING DISTRICT AND PLACING IT IN THE MULTI FAMILY-TWO (MF-2) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING PENALTIES BY A FINE UP TO \$2,000.00 FOR EACH DAYS VIOLATION OF THE PROVISIONS OF SUCH ORDINANCE, AS AMENDED; AND DECLARING AN EMERGENCY.

Motion failed 3 to 4, with Councilmember's Sinor, Ginn, Martin and Garrison voting in opposition.

12. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 GENERAL FUND BUDGET FOR EMERGENCY REPAIRS TO THE AIR CONDITIONER AT FIRE STATION #3 – 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.4037, captioned as follows:

AN ORDINANCE AMENDING THE 2018-2019 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.

Motion carried 7 to 0.

13. CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 BUDGET FOR SENIOR SERVICES – After a proposed ordinance was read by caption, motion was made by Councilwoman Garrison and seconded by Councilman Ginn to adopt on first and final reading Ordinance No.4038, captioned as follows:

AN ORDINANCE AMENDING THE 2018-2019 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.

Motion carried 7 to 0.

14. CONSIDERATION OF AND ACTION ON A REFERRAL FROM THE PLANNING AND ZONING COMMISSION AND AN ORDINANCE CALLING A JOINT PUBLIC HEARING FROM THE REQUEST OF SLI GROUP REPRESENTING MAGNUM ENTERPRISES TO REZONE 202 EAST 13TH STREET FROM COMMUNITY SERVICE (CS) TO OFFICE PROFESSIONAL (OP) FOR A PROPOSED SALE TO SHELL FEDERAL CREDIT UNION TO CONSTRUCT AN OFF STREET ACCESSORY PARKING GARAGE – After a proposed ordinance was read by caption, motion was made

by Councilman Ginn and seconded by Councilman Patterson to adopt on first and final reading Ordinance No.4039, captioned as follows:

AN ORDINANCE CALLING A JOINT PUBLIC HEARING ON FEBRUARY 5, 2019 BY THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF DEER PARK, TEXAS, ON A PROPOSED AMENDMENT TO ORDINANCE NO. 3886, THE ZONING ORDINANCE, PLACING IN THE OFFICE PROFESSIONAL (OP) ZONING DISTRICT, A 20,268 SQUARE FEET OF LAND BEING RESERVE B8, BLOCK 1, PALM TERRACE, ALSO KNOWN AS 202 E 13TH, DEER PARK, HARRIS COUNTY, TEXAS, AND TAKING THE SAME OUT OF THE COMMUNITY SERVICE (CS) ZONING DISTRICT; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

15. CONSIDERATION OF AND ACTION ON A REFERRAL FROM THE PLANNING AND ZONING COMMISSION AND AN ORDINANCE CALLING A JOINT PUBLIC HEARING FROM THE REQUEST OF SLI GROUP REPRESENTING MAGNUM ENTERPRISES TO REZONE 202 EAST 13TH STREET, SUITE A FROM COMMUNITY SERVICE (CS) TO OFFICE PROFESSIONAL (OP) FOR A PROPOSED SALE TO SHELL FEDERAL CREDIT UNION TO CONSTRUCT AN OFF STREET ACCESSORY PARKING GARAGE – 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.4040, captioned as follows:

AN ORDINANCE CALLING A JOINT PUBLIC HEARING ON FEBRUARY 5, 2019 BY THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF DEER PARK, TEXAS, ON A PROPOSED AMENDMENT TO ORDINANCE NO. 3886, THE ZONING ORDINANCE, PLACING IN THE OFFICE PROFESSIONAL (OP) ZONING DISTRICT, A 26,698 SQUARE FEET OF LAND BEING RESERVE B8-1, BLOCK 1, PALM TERRACE, ALSO KNOWN AS 202 E 13TH SUITE A, DEER PARK, HARRIS COUNTY, TEXAS, AND TAKING THE SAME OUT OF THE COMMUNITY SERVICE (CS) ZONING DISTRICT; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

16. CONSIDERATION OF AND ACTION ON A REFERRAL FROM THE PLANNING AND ZONING COMMISSION AND AN ORDINANCE CALLING A JOINT PUBLIC HEARING FROM THE REQUEST OF SLI GROUP REPRESENTING MAGNUM ENTERPRISES TO REZONE 202 EAST 13TH STREET, SUITE B FROM COMMUNITY SERVICE (CS) TO OFFICE PROFESSIONAL (OP) FOR A PROPOSED SALE TO SHELL FCU TO CONSTRUCT AN OFF STREET ACCESSORY PARKING GARAGE – After a proposed ordinance was read by caption, motion was made by Councilman Ginn and seconded by Councilman Patterson to adopt on first and final reading Ordinance No.4041, captioned as follows:



AN ORDINANCE CALLING A JOINT PUBLIC HEARING ON FEBRUARY 5, 2019 BY THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF DEER PARK, TEXAS, ON A PROPOSED AMENDMENT TO ORDINANCE NO. 3886, THE ZONING ORDINANCE, PLACING IN THE OFFICE PROFESSIONAL (OP) ZONING DISTRICT, A 52,697 SQUARE FEET OF LAND BEING RESERVE B8-1, BLOCK 1, PALM TERRACE, ALSO KNOWN AS 202 E 13TH SUITE B, DEER PARK, HARRIS COUNTY, TEXAS, AND TAKING THE SAME OUT OF THE COMMUNITY SERVICE (CS) ZONING DISTRICT; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

17. CONSIDERATION OF AND ACTION ON A REFERRAL FROM THE PLANNING AND ZONING COMMISSION AND AN ORDINANCE CALLING A JOINT PUBLIC HEARING FROM THE REQUEST OF SHELL FEDERAL CREDIT UNION TO REZONE 301 EAST 13TH STREET SUITE A, FROM GENERAL COMMERCIAL (GC) TO OFFICE PROFESSIONAL (OP) TO CONSTRUCT A NEW OFFICE BUILDING –  
After a proposed ordinance was read by caption, motion was made by Councilwoman Sinor and seconded by Councilman Ginn to adopt on first and final reading Ordinance No.4042, captioned as follows:

AN ORDINANCE CALLING A JOINT PUBLIC HEARING ON FEBRUARY 5, 2019 BY THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF DEER PARK, TEXAS, ON A PROPOSED AMENDMENT TO ORDINANCE NO. 3886, THE ZONING ORDINANCE, PLACING IN THE OFFICE PROFESSIONAL (OP) ZONING DISTRICT, A 52,697 SQUARE FEET OF LAND BEING RESERVE B8-1, BLOCK 1, PALM TERRACE, ALSO KNOWN AS 202 E 13TH SUITE B, DEER PARK, HARRIS COUNTY, TEXAS, AND TAKING THE SAME OUT OF THE COMMUNITY SERVICE (CS) ZONING DISTRICT; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

18. CONSIDERATION OF AND ACTION ON A REFERRAL FROM THE PLANNING AND ZONING COMMISSION AND AN ORDINANCE CALLING A JOINT PUBLIC HEARING FROM THE REQUEST OF SHELL FEDERAL CREDIT UNION TO REZONE 1241 CENTER STREET, FROM GENERAL COMMERCIAL (GC) TO OFFICE PROFESSIONAL (OP) TO CONSTRUCT A NEW OFFICE BUILDING –  
After a proposed ordinance was read by caption, motion was made by Councilman Ginn and seconded by Councilman Patterson to adopt on first and final reading Ordinance No.4043, captioned as follows:

AN ORDINANCE CALLING A JOINT PUBLIC HEARING ON FEBRUARY 5, 2019 BY THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF DEER PARK, TEXAS, ON A PROPOSED AMENDMENT TO ORDINANCE NO. 3886, THE ZONING ORDINANCE, PLACING IN THE OFFICE PROFESSIONAL (OP) ZONING DISTRICT, A 0.3587 ACRE TRACT OF LAND BEING A PORTION OF OUTLOT 90, DEER

PARK OUTLOTS, ALSO KNOWN AS 1241 CENTER STREET, DEER PARK, HARRIS COUNTY, TEXAS, AND TAKING THE SAME OUT OF THE GENERAL COMMERCIAL (GC) ZONING DISTRICT; AND DECLARING AN EMERGENCY.

Motion carried 7 to 0.

17. ADJOURN – Mayor Mouton adjourned the meeting at 8:11 p.m.

ATTEST:

APPROVED:

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Shannon Bennett, TRMC  
City Secretary

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Jerry Mouton, Jr.  
Mayor

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Don Tippit, Chairman  
Planning and Zoning