

MINUTES - CITY OF BEAUMONT

W.L. Pate, Jr., At-Large
Claude F. Guidroz, Ward I
Audwin Samuel, Ward III
Tyrone E. Cooper, City Attorney

BECKY AMES, MAYOR
CITY COUNCIL MEETING
March 29, 2016
Kyle Hayes, City Manager

Gethrel Wright, At-Large
Michael D. Getz, Mayor Pro Tem
Robin Mouton, Ward IV
Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on **March 29, 2016**, at the City Hall Council Chambers, 801 Main Street, Beaumont, Texas, at 1:30 p.m. to consider the following:

OPENING

- * Invocation Pledge of Allegiance Roll Call
- * Presentations and Recognition
- * Public Comment: Persons may speak on scheduled agenda item No. 5/Consent Agenda
- * Consent Agenda

Mayor Ames called the council meeting to order at 1:30 p.m.

Pastor Connie Hunter, Associate Pastor of House of Prayer Baptist Church gave the invocation. Students Emorej Mays and Roland Lee with Taylor Career and Technology Center led the Pledge of Allegiance. Roll call was made by Tina Broussard, City Clerk.

Present at the meeting were Mayor Ames, Mayor Pro Tem Getz, Councilmembers Guidroz, Wright, Pate, Samuel and Mouton. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; and Tina Broussard, City Clerk.

Proclamations, Presentations, Recognitions

Recognitions

Recognized Business Management Students from Taylor Career and Technology Center who are visiting City Hall, along with their teacher Ms. Syretta Scott

Proclamations

“Kick Butts Day” - March 29, 2016 - Proclamation read by Councilmember Wright; accepted by Christine Morris, Connie Berry and local high school students with the Gift of Life Youth Council.

“Sexual Assault Awareness Month” - April, 2016 - Proclamation read by Councilmember Samuel; accepted by Darla Daigle, Education Specialist of Rape and Suicide C

The Beaumont Board of Realtors Day” – March 29, 2016 – Proclamation read by Mayor Ames; accepted by Carissa Tinsely, President of the Board of Realtors

“Sixty-Eighth Neches River Festival” – April 29, 2016 – April 10, 2016 – Proclamation read by Mayor Ames; accepted by Eric Meadows, President of the Neches River Festival; Amy Lewis, Social Chairman, Mary Jane Benning, Executive Director

Mayor Ames read the announcement regarding Executive Session being held at the conclusion of the General Business portion of the meeting.

A presentation was also done in regards to the City of Beaumont's audit.

Public Comment: Persons may speak on scheduled agenda item No. 5/Consent Agenda.

None

CONSENT AGENDA

* Approval of minutes – March 15, 2016

* Confirmation of committee appointments – **Resolution – 16 – 055**

Marie Broussard-Heritage Society would be appointed to the Historic Landmark Commission. The term would commence March 29, 2016 and expire March 28, 2018. (Mayor Becky Ames)

Carol Fernandez would be appointed to the Historic Landmark Commission. The term would commence March 29, 2016 and expire March 28, 2018. (Councilmember Gethrel Williams-Wright)

Jessie Davis-County Historian would be appointed to the Historic Landmark Commission. The term would commence March 29, 2016 and expire March 28, 2018. (Mayor Becky Ames)

Reagan Rothenberger would be appointed to the Historic Landmark Commission. The term would commence March 29, 2016 and expire March 28, 2018. (Councilmember Robin Mouton)

Virginia Jordan would be appointed to the Historic Landmark Commission. The term would commence March 29, 2016 and expire March 28, 2018. (Councilmember Mike Getz)

Greg Wall-Architect would be reappointed to the Construction Board of Appeals (Building). The current term would expire January 24, 2018. (Mayor Becky Ames)

Lee Acevedo-Electrician would be reappointed to the Construction Board of Appeals (Building). The current term would expire January 24, 2018. (Mayor Becky Ames)

Gene VanMeter-Electrician (Alternate) would be reappointed to the Construction Board of Appeals (Building). The current term would expire January 24, 2018. (Mayor Becky Ames)

Tom Neild-General Contractor (Alternate) would be reappointed to the Construction Board of Appeals (Building). The current term would expire January 24, 2018. (Mayor Becky Ames)

Judy Linsley-Historian would be reappointed to the Historic Landmark Commission. The current term would expire September 10, 2017. (Mayor Becky Ames)

Dohn LaBiche-Architect would be reappointed to the Historic Landmark Commission. The current term would expire October 29, 2017. (Mayor Becky Ames)

Jason Cansler-Attorney would be reappointed to the Historic Landmark Commission. The current term would expire February 10, 2018. (Mayor Becky Ames)

Eliot New would be reappointed to the Historic Landmark Commission. The current term would expire September 5, 2017. (Councilmember Claude Guidroz)

Thomas Sigee would be reappointed to the Historic Landmark Commission. The current term would expire December 5, 2017. (Councilmember Audwin Samuel)

- A) Approve a resolution awarding a contract to Frazier, Ltd., of Houston for refurbishing and remounting one ambulance body - **Resolution – 16 - 056**
- B) Authorize the settlement of the lawsuit styled Kelly Wheaton vs. The City of Beaumont and Joseph Edward Stuart; Cause No. 128080 - **Resolution – 16 - 057**
- C) Approve a resolution accepting maintenance of the street, storm sewer, water and sanitary sewer improvements in Fairfield Phase IV, Subdivision - **Resolution – 16 – 058**

Councilmember Samuel moved to approve the Consent Agenda. Councilmember Guidroz seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, SAMUEL AND MOUTON

NAYS: NONE

MOTION PASSED

GENERAL BUSINESS

1. Consider a request for a Specific Use Permit to allow a mini storage facility in GC-MD (General Commercial-Multiple Family Dwelling District), at 6150 Delaware Street. - **TABLED**

Zachary Rowe of Mark W. Whiteley and Associates has designed and submitted a Mini Storage Facility that the property owner, Mr. Sam Parigi, Jr., would like to construct at 6160 Delaware Street. This development will consist of a three (3) story building. Mr. Parigi does not want the structure to resemble a warehouse and has asked the architect to incorporate materials that will have a more aesthetic appeal, especially for the neighbors to the north. All lighting will be directional so as to not disturb neighboring properties. In addition, a 120 foot wide ditch separates the property from the residential lots to the north.

At a Joint Public Hearing held on March 21, 2016, the Planning Commission recommended 8:0 to approve a Specific Use to allow a mini storage facility in the GC-MD (General Commercial-Multiple Family Dwelling District), at 6160 Delaware Street with the following condition:

Approval of the ordinance subject to the following condition:

1. Submit storm drainage discharge design on construction drawings.
2. Consider a request for a Specific Use Permit to allow a real estate, property management office in RCR-H (Residential Conservation Revitalization-Historic District) at 2595 Liberty Avenue.

Toni Sigee is requesting to use the building located at 2595 Liberty Avenue as her property management office. The proposed office hours will be Monday-Saturday 10am -7pm. Ms. Sigee also owns and operates a food truck, which she hopes to open at this location, on occasion. Due to her work schedule, the days she opens would vary, about 10 days per month. When the truck is open for business, the hours of operation would also be 10am-7pm. The truck operates on a gasoline powered generator.

The building in question is commercial and as such, the office use would be compatible with the surrounding uses. However, a food truck, in this close proximity to residential uses would not be appropriate.

At a Joint Public Hearing held on March 21, 2016, the Planning Commission recommended 8:0 to approve a Specific Use to allow a real estate, property management office in RCR-H (Residential Conservation Revitalization-Historic District), and deny the food truck at 2595 Liberty Avenue.

Approval of the real estate, property management office and denial of the food truck.

Councilmember Pate moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A REAL ESTATE PROPERTY MANAGEMENT OFFICE AND DENYING A FOOD TRUCK OPERATION IN AN RCH-H (RESIDENTIAL CONSERVATION REVITALIZATION-HISTORIC) DISTRICT AT 2595 LIBERTY AVENUE IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Guidroz seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, AND PATE

NAYS: NONE

ABSTAIN: COUNCILMEMBERS WRIGHT, SAMUEL AND MOUTON

MOTION PASSED

Ordinance 16 – 016

3. Consider a request for a Specific Use Permit to allow a cell tower in GC-MD (General Commercial-Multiple Family Dwelling District), just west of 1878 Washington Boulevard.

David Petrakovitz, agent for T. Mobile West, is requesting a Specific Use Permit to allow a cell tower on the Garden of Gethsemane Nursery property, located just west of 1878 Washington Boulevard. In December of 2015, Mr. Petrakovitz was awarded a variance from the minimum distance requirement from residential property. Mr. Petrakovitz states that the only available commercial properties near the 1800 block of Washington Boulevard are narrow, not allowing for the required buffer, and that the proposed tower will not exceed 100 feet in height, in order to minimize the visual impact on the neighborhood. Although the tower would be approximately 156 feet from the nearest residentially-zoned property, it would be over 226 feet from the nearest residence.

At a Joint Public Hearing held on March 21, 2016, the Planning Commission recommended 8:0 to approve a Specific Use to allow a cell tower in the GC-MD (General Commercial-Multiple Family Dwelling District), just west of 1878 Washington Boulevard.

Approval of the ordinance.

Councilmember Pate moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A CELLULAR TOWER IN A GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT JUST WEST OF 1878 WASHINGTON BOULEVARD IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Mouton seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, SAMUEL AND MOUTON

NAYS: NONE

MOTION PASSED

Ordinance 16 – 017

4. Consider a request to abandon a portion of a 20' waterline easement to widen the Major Drive right-of-way and roadway.

The State of Texas has acquired land for the purpose of widening the Major Drive right-of-way and roadway. The City of Beaumont has an existing 20' waterline easement, formerly located on private property, whis now left in the right-of-way and poses an obstacle to the proposed improvements. A new waterline easement has been created to accommodate the City utilities. A request has been made to abandon that portion of the original easement that is now located in the right-of-way.

At a Joint Public Hearing held on March 21, 2016, the Planning Commission recommended 8:0 to approve a request to abandon a portion of a 20' waterline easement.

Approval of the ordinance.

Councilmember Wright moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE VACATING AND ABANDONING A 20' WATERLINE EASEMENT, CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Samuel seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, SAMUEL AND MOUTON

NAYS: NONE

MOTION PASSED

Ordinance 16 – 018

5. Consider amending Chapter 6 of the Business Regulations Ordinance; specifically Section 6.03.034-Alcoholic Beverage.

The City amended its Alcoholic Beverage ordinance in 2014 to improve efficiency and enforcement. One of the new additions to the ordinance included a late fee provision for renewal applications received after the existing permit expired. The Texas Alcoholic Beverage Commission has determined that a late fee is not permissible.

The change to the ordinance would allow for compliance with state law.

Mayor Pro Tem Getz moved to ADOPT AN ORDINANCE ENTITLED AN ORDINANCE AMENDING CHAPTER 6, SECTION 6.03.034 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS BY REPEALING SUBSECTION 6.03.034(C) ELIMINATING THE FIFTY DOLLAR (\$50) LATE FEE PROVISION FOR RENEWAL OF ALCOHOL PERMIT APPLICATIONS RECEIVED AFTER EXPIRATION OF THE EXISTING PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING A PENALTY. Councilmember Wright seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, SAMUEL AND MOUTON

NAYS: NONE

MOTION PASSED

Ordinance 16 – 019

COMMENTS

- * Councilmembers/City Manager comment on various matters
- * Public Comment (Persons are limited to 3 minutes)

COUNCILMEMBER COMMENTS

COUNCILMEMBER GUIDROZ - NONE

MAYOR PRO TEM GETZ - NONE

COUNCILMEMBER WRIGHT - WISHED HER SON, CORNELIUS WILLIAMS, JR., A VERY SPECIAL HAPPY BIRTHDAY, STATED THAT SEVERAL ISSUES HAVE BEEN BROUGHT TO HER ATTENTION IN REGARDS TO PROBLEMS WITH SIDEWALKS ON 4TH ST. AS WELL AS SAFETY ISSUES, THERE IS ALSO A NEED FOR SIDEWALKS ON KENNETH ST., CITIZENS ARE ALSO WANTING A HIKE AND BIKE TRAIL IN THE THAT AREA

COUNCILMEMBER PATE - WISHED HIS DAUGHTER, SUZANNE A HAPPY BIRTHDAY, COMMENTED ON THE BEAUMONT BOARD OF REALTORS CELEBRATING THEIR 100TH ANNIVERSARY AND THE SIXTY-EIGHTH NECHES RIVER FESTIVAL, ALSO COMMENTED ON THE RETIREMENT OF JIM GILLIGAN, BASEBALL COACH AT LAMAR UNIVERSITY, ASKED IF THERE COULD BE A WORKSESSION IN REGARDS TO THE SIDEWALKS

COUNCILMEMBER SAMUEL - CONGRATULATED THE SUPPORT LEADERSHIP MINISTRY MOTIVATION ON A SUCCESSFUL PEACE RALLY AT TYRRELL PARK WHICH WAS A SUCCESS, THANKED EVERYONE IN THE FINANCE DEPARTMENT FOR ALL OF THEIR HARD WORK WITH THE AUDIT, EXPRESSED CONDOLENCES TO THE FAMILY OF

CAROL WILSON, WHO WORKED IN THE FINANCE DEPARTMENT AS A FISCAL ASSISTANT

COUNCILMEMBER MOUTON -

COMMENTED ON THE SIDEWALK ISSUES, ASKED THAT COUNCIL TAKE A LOOK AT THIS ISSUE, HAS HAD CONSTITUENTS CONTACT HER REGARDING KIDS WALKING IN THE GRASS, THIS HAS BECOME A SAFETY ISSUE FOR THE KIDS WALKING TO OZEN HIGH SCHOOL, KNOWS THAT IT WILL BE A FINANCIAL BURDEN AND DOLLARS WILL HAVE TO BE FOUND FOR THIS PROJECT, COMMENDED PASTORS DEANNA AND KENNEDY ANDREWS, THEY ARE THE PASTORS OF HARVEST OF LOST SOULS, THEY SPONSORED A 24 HOUR SERVE THAT STARTED ON FRIDAY, MARCH 18, 2016 AT 2 P.M. AND ENDED ON SATURDAY, MARCH 19, 2016 AT 2 P.M., NURSING HOMES WERE SERVED, THERE WAS A CLEAN-UP AT THE INTERSECTION OF EAST VIRGINIA AND HARTEL WHICH WAS VERY MUCH NEEDED, NEIGHBORHOOD FEED WAS DONE, THEY VISITED LAUNDRY MATS AND GAVE LAUNDRY SUPPLIES AND QUARTERS, GROCERIES WERE PASSED OUT TO THE NEEDY, AS WELL AS AN EASTER EGG HUNT, ALSO ENCOURAGED CITIZENS TO SUPPORT THE TEXAS STATE FAIR APRIL 3, 2016 WILL BE THE LAST DAY

CITY MANAGER HAYES -

NONE

CITY ATTORNEY COOPER -

NONE

MAYOR AMES -

NONE

Public Comments (Persons are limited to three minutes)

Wilferd Richard

3680 Blossom Dr.

Beaumont TX

Commented on the sidewalks, as well as the red light at Blossom and Washington where he was told there couldn't be a red light due to it being too close to I-10, made mention that on the west side of I-10 on 23rd St., there's a red light and it's closer than Blossom, on Calder and Phelan where it splits there's a red light there and it's also closer to I-10 than Blossom, again there can't be a red light on Blossom due to the distance from I-10, stated he's not understanding how the difference can be made about the red lights, also stated that their neighborhood has two parks and no activity centers, requested that they get an activity center in their neighborhood so that they may have activities, they are tax payers just like anybody else in the City of Beaumont

Rodney Dencklau

3030 French Rd.

Beaumont TX

Spoke to Council in regards to sidewalks, stated that three or four weeks ago someone in Port Arthur on a motorized scooter got hit by car, it wasn't here in Beaumont but it could have happened in this city, stated that something needs to be done, sidewalks need to be constructed throughout the City, proposed that Council take into consideration building sidewalks on one side of French Road

Vernon Durden

2110 Westbury Rd.

Beaumont TX

Stated that he was very glad that the kids had left the Council Chambers so they didn't have to witness the bickering that happened, suggested they look at the taping of the meeting to see how they performed, was very disappointed in their actions, has seen them conduct themselves much better, has been very proud of them in the past and would like to be proud of them in the future, also had a concern in regards to an item on the Consent Agenda, sees that the City is awarding bids to contractors outside of the City and would like to see more bids go to contractors that are local

Open Session of the meeting recessed at 3:08 p.m.

EXECUTIVE SESSION

- * Consider matters related to contemplated or pending litigation in accordance with Section 551.071 of the Government Code:

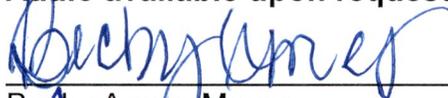
United States of America vs. City of Beaumont, Texas; Civil Action No. 1:15CV201

- * Consider matters related to the deliberation of the purchase, exchange, lease or value of real property in accordance with Section 551.072 of the Government Code, to wit:

Beaumont Yacht Club located at 560 Marina Drive, Beaumont, TX 77703

There being no action taken in Executive Session, Council adjourned.

Audio available upon request in the City Clerk's Office.



Becky Ames, Mayor



Tina Broussard, City Clerk

