

MINUTES - CITY OF BEAUMONT

W.L. Pate, Jr., At-Large
Dr. Alan B. Coleman, Mayor Pro Tem
Audwin Samuel, Ward III
Tyrone E. Cooper, City Attorney

BECKY AMES, MAYOR
CITY COUNCIL MEETING
April 28, 2015
Kyle Hayes, City Manager

Gethrel Wright, At-Large
Michael D. Getz, Ward II
William R. Sam, Sr. Ward IV
Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on **April 28, 2015**, 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 items 4 and 5/Consent Agenda
- * Consent Agenda

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

Very Reverend Michael Pavez of St. Michael Orthodox Christian Church gave the invocation. Mayor Ames led the Pledge of Allegiance. Roll call was made by Tina Broussard, City Clerk.

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

Proclamations, Presentations, Recognitions

"National Mental Health Awareness Month" - May, 2015 - Proclamation read by Councilmember Pate; accepted by Monique Sennet, Public Relations and Marketing Administrator with Spindletop Center along with board members Gloria Casmire, Tim Sudella, Anita Morrow, Jayne Bordelon and Frank Coffin

"St. Michael Mediterranean Festival Day" – May 2, 2015 – Proclamation read by Mayor Ames; accepted by Georgia Vasilakis, Festival Chairperson and members from the Mediterranean Festival Committee as well as Linda Domino who spoke on behalf of the Gift of Life charitable organization receiving a portion of the proceeds from the festival.

Public Comment: Persons may speak on scheduled agenda items 4 and 5/Consent Agenda.

Jude Paredez

10620 Gage Rd.

Beaumont TX

Spoke in regards to Item #4; to consider an appeal of the Historic Landmark Commission's decision to deny the request for demolition and allow new construction at 2104 Pecos

CONSENT AGENDA

- * Approval of minutes - **April 21, 2015**
- * Confirmation of committee appointments - **None**
- A) Authorize the City Manager to execute all documents necessary for an affiliation agreement between the City of Beaumont and Lamar State College-Orange - **Resolution 15 - 081**
- B) Authorize the City Manager to execute all documents necessary for a Data Use Agreement between the City of Beaumont and Texas Health and Human Services Enterprise - **Resolution 15 - 082**
- C) Approve the granting of six Pipeline License Agreements with Enterprise Beaumont Marine West. L.P. - **Resolution 15 - 083**
- D) Approve the settlement of the claim of Baptist Hospitals of Southeast Texas - **Resolution 15 - 084**

Councilmember Pate moved to approve the Consent Agenda. Councilmember Getz seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, WRIGHT, PATE, SAMUEL AND SAM

NAYS: NONE

MOTION PASSED

GENERAL BUSINESS

1. Consider a request to rezone a portion of the property from R-S (Residential Single Family Dwelling) to GC-MD (General Commercial-Multiple Family Dwelling) or a more restrictive district and a specific use permit to allow a commercial dump truck business at 2340 East Lucas.

William Ceaser has been operating a commercial dump truck and concrete business at 2340 East Lucas since about 2007 according to the Beaumont City Directory. The South 150 feet of the property is zoned GC-MD (General Commercial - Multiple Family Dwelling), but the remainder of the property is zoned RS (Residential Single Family Dwelling). However, no formal approval or Certificate of Occupancy was ever obtained. The Army Corp of Engineers has expressed concern that this property is a wetland. Mr. Ceaser is in the process of cleaning up that portion of the property located in the flood hazard. He has applied to rezone an additional 150 feet of the property to GC-MD or a more restrictive district and is asking for a specific use permit to allow him to continue operating his dump truck business at this location. In addition, aerial photography reveals that Mr. Ceaser has been attempting to use the north part of his property by dumping scrap material to fill in low

areas of the floodplain. Mr. Ceaser states that he will no longer be bringing products or debris to his property but will be depositing all loads at his customer's property or the city dump site. He plans to store and maintain five dump trucks and five work trucks at the property. Hours of operation are approximately from 7:15am to 4pm, Monday through Friday.

At a Joint Public Hearing held April 20, 2015, the Planning Commission recommended 8:0 to rezone a portion of the property from R-S (Residential Single Family Dwelling) to GC-MD (General Commercial-Multiple Family Dwelling) or a more restrictive district and a specific use permit to allow a commercial dump truck business at 2340 East Lucas, subject to the following conditions:

1. No commercial use of R-S property, including parking vehicles.
2. Full compliance with United States Army Corp of Engineers requirements.
3. Parking areas must be paved.
4. Obtain a Certificate of Occupancy.

Approval of ordinance

Councilmember Samuel moved to DENY THE ORDINANCE FOR THE ZONE CHANGE AS PER THE REQUEST MADE BY THE APPLICANT TO AMEND CHAPTER 28 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS, AND IN PARTICULAR THE BOUNDARIES OF THE ZONING DISTRICTS, AS INDICATED UPON THE ZONING MAP OF BEAUMONT, TEXAS, BY CHANGING THE ZONING MAP OF BEAUMONT, TEXAS, BY CHANGING THE ZONING OF PROPERTY PRESENTLY ZONED R-S (RESIDENTIAL SINGLE FAMILY DWELLING) DISTRICT TO GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT FOR PROPERTY LOCATED AT 2340 EAST LUCAS DRIVE, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING A PENALTY. Councilmember Wright seconded the motion.

AYES: MAYOR AMES, COUNCILMEMBERS GETZ, WRIGHT, PATE, SAMUEL AND SAM

NAYS: MAYOR PRO TEM COLEMAN

MOTION PASSED

Councilmember Samuel moved to ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A COMMERCIAL DUMP TRUCK BUSINESS GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT AT 2340 EAST LUCAS DRIVE WITH THE CONDITIONS IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS. Councilmember Sam seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, WRIGHT, PATE, SAMUEL AND SAM

NAYS: NONE

MOTION PASSED

Ordinance 15 - 006

2. Consider a request for a Specific Use Permit to allow a gaming room in a NC (Neighborhood Commercial) District at 3890 Avenue A - **Deferred for two weeks**
3. Consider a request for a Specific Use Permit to allow a real estate office in an RCR-H (Residential Conservation Revitalization-Historic) District at 2597 McFaddin Street.

SSR Real Estate Investments L.L.C., has applied for a specific use permit to allow a real estate office in an RCR-H (Residential Conservation Revitalization - Historic) District. The property is located at 2597 McFaddin Street. The property was previously used as a dentist office. Parking in the rear yard was accessed by permission of the neighbor to the West. Access by these means is no longer possible, and the property is not wide enough to accommodate a driveway in the side yard. For this reason, staff is recommending approval subject to the applicant receiving a special exception to allow no off-street parking.

At a Joint Public Hearing held April 20, 2015, the Planning Commission recommended 8:0 to approve a specific use permit to allow a real estate office in an RCR-H (Residential Conservation Revitalization-Historic) District at 2597 McFaddin and waive the landscaping and screening requirements along the east property line, subject to the following condition:

1. The applicant applied for and received a special exception to parking requirements to require no off-street parking

Approval of ordinance

Councilmember Samuel moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A REAL ESTATE OFFICE IN AN RCR-H (RESIDENTIAL CONSERVATION REVITALIZATION-HISTORIC) DISTRICT AT 2597 MCFADDIN STREET IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Getz seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, WRIGHT, PATE, SAMUEL AND SAM

NAYS: NONE

MOTION PASSED

Ordinance 15 - 007

4. Consider an appeal of the Historic Landmark Commission's decision to deny the request for demolition and allow new construction at 2104 Pecos – **Deferred for one week**
5. Consider approving a resolution accepting the Automated Metering Infrastructure and Leak Detection project and authorizing final payment.

The City entered into a performance contract with Johnson Controls, Inc., on September 27, 2012 and issued a Notice to Proceed on February 21, 2013 for a project to install an Automated Metering Infrastructure (AMI) and Leak Detection in the City of Beaumont for reading water meters and identifying leaks in the meter. The project included replacing 29,644 5/8" water meters installed prior to 2006 and retrofitting the existing 5/8", 1", 1.5", 2"

and select large meters with the appropriate register from the original water meter manufacturer compatible with the Itron AMI system, in addition to a permanent leak detection system.

Funds will be paid out of the Capital Program. The total project cost is \$15,300,295. Payments made to date to Johnson Controls, Inc. total \$14,875,181, leaving a balance of \$425,114.

Approval of resolution.

Councilmember Samuel moved to APPROVE A RESOLUTION THAT THE CITY MANAGER IS HEREBY AUTHORIZED TO MAKE FINAL PAYMENT IN THE AMOUNT OF \$425,114 TO JOHNSON CONTROL, INC. Councilmember Sam seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, WRIGHT, PATE, SAMUEL AND SAM

NAYS: NONE

MOTION PASSED

Resolution 15 – 085

PUBLIC HEARING

- * Receive comments from applicants for Public Services and Public Facilities Program funding from the 2015 Community Development Block Grant Program

Open – 2:15 p.m.

Paula O'Neal 590 Center St. Beaumont TX

Spoke on behalf of Some Other Place

Bonnie Liodice 3550 Fannin Beaumont TX

Spoke on behalf of Family Services of Southeast Texas

Richard Patterson 12945 Basswood Ln. Beaumont TX

Spoke on behalf of AARP/Experience Corp.

Lynn Hogg 3380 Fannin St. Beaumont TX

Spoke on behalf of the Airhart School

Tressa Clarke 1025 N. 14th St. Beaumont TX

Spoke on behalf of the Anayat House

Dan Maher	3845 S. MLK Parkway	Beaumont TX
Spoke on behalf of the Southeast Texas Food Bank		
Adrian Hopkins	1178 Avenue A	Beaumont TX
Spoke on behalf of the Steps Along the Community Development Center		
Stephanie Lundgreen	9110 Manion Dr.	Beaumont TX
Spoke on behalf of Catholic Charities		
Carolyn Fernandez	2140 Hazel St.	Beaumont TX
Spoke on behalf of the Catholic Charities		
Jada Kamp	3740 Laurel Ave.	Beaumont TX
Spoke on behalf of Hope Women's Resource Clinic		
Miranda Creech	4040 Crow Rd.	Beaumont TX
Spoke on behalf of Child Abuse and Forensic Services		
Bridiget M. Johnson	700 North St. Suite N	Beaumont TX
Spoke on behalf of YWCA Dow Enrichment Program		
Sharlene Rhone	5690 Catherine Lane	Beaumont TX
Spoke on behalf of SISTAHS		
Lisa Briggs	2449 Calder Ave.	Beaumont TX
Spoke on behalf of CASA of Southeast Texas		
Angeliqueca Avery	20 N. 11th St.	Beaumont TX
Spoke on behalf of IEA, Inspire, Encourage and Achieve		
Christina Morris	2390 Dowlen Rd.	Beaumont TX
Spoke on behalf of Gift of Life		
Daniel Jeans	2509 Cable Ave.	Beaumont TX
Spoke on behalf of the HOW Center		

Closed – 3:08 p.m.

COUNCILMEMBER COMMENTS

MAYOR PRO TEM COLEMAN -

INVITED EVERYONE ON **SATURDAY, MAY 2, 2015**, TO ATTEND THE **BEAUMONT TRASH OFF** THAT STARTS AT **8:30 A.M.**, AS WELL AS THE **MEDITERRANEAN FESTIVAL** FROM **11:00 A.M. TO 8:00 P.M.**

COUNCILMEMBER GETZ -

ASKED THAT COUNCIL INVITE SOMEONE FROM **BISD** TO COUNCIL TO SPEAK WITH THEM ABOUT THE **TITLE FUNDS** THAT **BISD** CURRENTLY RECEIVES, THERE WERE AT LEAST **FOUR AGENCIES** THAT'S REQUESTING FUNDING OFFER WHAT APPEAR TO BE VERY SIMILAR TYPES OF AFTER SCHOOL TUTORIAL PROGRAMS, WANTS TO BE SURE THAT WHEN THE CITY ALLOCATES THIS BLOCK GRANT FUNDING THAT THE CITY IS USING ITS MONEY WISELY, IF THE SCHOOL DISTRICT IS ALREADY OFFERING TUTORING SERVICES, THE CITY MIGHT WANT TO THINK ABOUT SHIFTING SOME OF THIS INTO SOME OF THE VERY DESERVING ORGANIZATIONS, APPLAUDS EVERYBODY FOR TRYING TO GIVE STUDENTS AS MUCH OF AN OPPORTUNITY AS THEY CAN, HOWEVER THINKS THE SCHOOL DISTRICT SHOULD BE BROUGHT IN TO SEE WHAT THEY ARE DOING AND OFFER, ALSO COMMENTED ON THE **SOUTHLAND CONFERENCE TENNIS TOURNAMENT**, CONDOLENCES TO THE **FLORES FAMILY** ONCE AGAIN

COUNCILMEMBER WRIGHT -

THANKED ALL OF THE ORGANIZATIONS THAT DO SO MUCH FOR THE CITIZENS AND THE CHILDREN, STATED THAT THE CITY CAN'T AFFORD TO HELP ALL OF THE ORGANIZATIONS IN THE WAY THE CITY WOULD LIKE TO BUT THANKED ALL OF THEM FOR ALL OF THEIR EFFORTS

COUNCILMEMBER PATE -

THANKED ALL OF THE ORGANIZATIONS FOR ALL THAT THEY DO AND ALL THE HELP THEY OFFER, WOULD LIKE TO HELP ALL OF THE ORGANIZATIONS BUT JUST CAN'T, COMMENTED ON THE TENNIS TOURNAMENT WITH **LAMAR UNIVERSITY**. ENCOURAGED EVERYONE TO HELP OUT WITH THE **TRASH OFF** AND EASE IN THE **MEDITERRANEAN FESTIVAL**, SALUTED THE **ROTARY** FOR HOSTING THEIR **DISTRICT CONVENTION**

COUNCILMEMBER SAMUEL -

EXTENDED HIS CONDOLENCES TO THE **FLORES FAMILY**, THANKED THE ORGANIZATIONS FOR ALL THAT THEY DO FOR THE CITIZENS AND THANKFUL FOR **BEAUMONT** AND THE CITIZENS OF **BEAUMONT** AND THE WORKERS

COUNCILMEMBER SAM -

THANKED **COUNCILMEMBER SAMUEL** FOR ALL THAT HE SAID, APPRECIATE THE EMPLOYEES AND THOSE THAT WORK ON

THE COMMUNITY BLOCK GRANT COMMITTEE, AND ANOTHER GREAT DAY IN BEAUMONT

MAYOR AMES -

THANKED THOSE THAT VOLUNTEER TO BE A PART OF THE COMMUNITY BLOCK GRANT COMMITTEE

CITY ATTORNEY COOPER -

NONE

CITY MANAGER HAYES -

NONE

Public Comments (Persons are limited to three minutes)

Torey Doucette

1375 Wooten Rd.

Beaumont TX

Spoke to Council in regards to a group called The Spiritual Five that will be releasing a National CD, as well as performing at the Jefferson Theatre on Sunday, May 3, 2015, at 6:00 p.m., invited the entire Council to come out and share with them

A'bria Seals

8115 San Anselmo

Beaumont TX

Read comments in regards to the Water Utilities Department

Rev. M.L. Johnson

3030 French Rd.

Beaumont TX

Spoke to Council in regards to the Municipal Transit and the service that is stopped or running behind when there are functions over the weekend in downtown, asked that Council look into what can be done to make sure that the Transit runs on time for those that the Transit is there only means of transportation

Landry Rountree

1565 S. Major

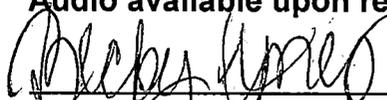
Beaumont TX

Thanked the Mayor and Councilmember Pate for being attentive to the sound issue when taping the Council meeting, spotlighted Officer Glen Moon of the Beaumont Police Department, spoke in regards to an incident that Office Moon encounter several years ago in regards to a traffic stop and deadly force

Open session of meeting recessed at 3:35 p.m.

With 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

