BEAUMONT
TEXAS

MINUTES - CITY OF BEAUMONT

W.L. Pate, Jr., At-Large	**BECKY AMES, MAYOR**	**Gethrel Wright, At-Large**
Claude F. Guidroz, Ward I	**CITY COUNCIL MEETING**	**Michael D. Getz, Mayor Pro Tem**
Audwin Samuel, Ward III	**May 24, 2016**	**Robin Mouton, Ward IV**
Tyrone E. Cooper, City Attorney	**Kyle Hayes, City Manager**	**Tina Broussard, City Clerk**

The City Council of the City of Beaumont, Texas, met in a regular session on **May 24, 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. 6/Consent Agenda
* Consent Agenda

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

Reverend Robert Sartan, Associate Minister at Cathedral of Faith Baptist Church gave the invocation. Members of the Vietnam Veterans of Southeast Texas Chapter 292 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; Tina Broussard, City Clerk.

Proclamations, Presentations, Recognitions

"Memorial Day" - May 30, 2016 - Proclamation read by Mayor Ames; accepted by Kerwin Stone, President of Vietnam Veterans of America Chapter 292, and members of the Chapter

"Motorcycle Safety and Awareness Month" - April, 2016 - Proclamation read by Councilmember Samuel; accepted by Willie McKuster, Chairman, Region 4 Confederation of Club and Independents

Public Comment: Persons may speak on scheduled agenda item No. 6/Consent Agenda.

None

CONSENT AGENDA

* Approval of minutes – May 17, 2016

* Confirmation of committee appointments - **None**

A) Approve a resolution approving the purchase of a new roof system from Texas Liqua Tech Services, Inc. for the Water Reclamation Headworks Building located at 4900 Lafin Road – **Resolution 16 – 092**

B) Authorize the acceptance of two (2) ten foot (10') wide Exclusive Water Line Easements located at 4135 Dowlen Road - **Resolution 16 - 093**

C) Authorize the acceptance of one (1) twenty foot (20') wide Exclusive Water and Sanitary Sewer Line Easement located at 3529 North Major Drive – **Resolution 16 - 094**

D) Approve a resolution accepting maintenance of the street, storm sewer, water and sanitary sewer improvements in Deerfield Phase IV, Subdivision - **Resolution 16 - 095**

Councilmember Pate moved to approve the Consent Agenda. Councilmember Wright 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 rezoning from RS (Residential Single Family Dwelling) District to GC-MD-2 (General Commercial - Multiple Family Dwelling - 2) District on the south side of Washington Boulevard approximately 200' east of Blossom Drive.

In January of this year, Mr. Hani Tohme submitted a request to rezone this property from R-S (Residential-Single Family Dwelling District) to GC-MD (General Commercial - Multiple Family Dwelling) District. Following discussion as well as voiced opposition, the Planning Commission asked the applicant to consider GC-MD-2 as an alternative. Mr. Johns, the owner of the property, said that he was not interested, and the Planning Commission recommended denial of the request. Mr. Tohme has now submitted a request to rezone the same piece of property from R-S to GC-MD-2. Approval of GC-MD-2 would require that the applicant gain approval of a Specific Use Permit before he could develop the property.

At a Joint Public Hearing held on May 16, 2016, the Planning Commission voted 5:3 to approve a request to consider a rezoning from RS (Residential Single Family Dwelling) District to GC-MD-2 (General Commercial-Multiple Family Dwelling-2) District for the property on the south side of Washington Boulevard approximately 200' east of Blossom Drive.

Approval of the ordinance.

Mayor Ames moved to **DENY AN ORDINANCE ENTITLED AN ORDINANCE AMENDING 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 OF PROPERTY PRESENTLY ZONED RS (RESIDENTIAL SINGLE FAMILY DWELLING) DISTRICT TO GC-MD-2 (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING-2) DISTRICT FOR PROPERTY LOCATED ON THE SOUTH SIDE OF WASHINGTON BOULEVARD APPROXIMATELY 200' EAST OF BLOSSOM DRIVE, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING A PENALTY.** Councilmember Samuel seconded the motion.

AYES: **NONE**

NAYS: **MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE AND SAMUEL**

ABSTAIN: **COUNCILMEMBER MOUTON**

MOTION FAILED

2. Consider a request for a rezoning from RM-H (Residential Multiple Family Dwelling – Highest Density) District to GC-MD-2 (General Commercial-Multiple Family Dwelling-2) District at 4490 Crow Road.

Parkdale Church plans to sell their property located at 4490 Crow Road. The property is currently zoned RM-H (Residential Multiple Family Dwelling - Highest Density) District, but all other properties at the intersection of Crow Road and Odom Road and Dowlen road are zoned GC-MD (General Commercial-Multiple Family Dwelling) District. Although the Planning staff agrees that the RM-H zoning is inconsistent with other properties at this intersection, staff recommends rezoning to GC-MD-2 (General Commercial-Multiple Family Dwelling-2) District to protect the residential properties immediately adjacent to the subject property. Potential buyers would be required to submit a Specific Use Permit for any use other than a church.

At a Joint Public Hearing held on May 16, 2016, the Planning Commission voted 8:0 to approve a request to consider a rezoning from RS (Residential Single Family Dwelling) District to GC-MD-2 (General Commercial-Multiple Family Dwelling-2) District at 4490 Crow Road.

Approval of the ordinance.

Councilmember Pate moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE AMENDING 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 OF PROPERTY PRESENTLY ZONED RS (RESIDENTIAL SINGLE FAMILY DWELLING) DISTRICT TO GC-MD-2 (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING-2) DISTRICT FOR PROPERTY LOCATED AT 4490 CROW ROAD, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING A PENALTY.** Councilmember Guidroz seconded the motion.

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

NAYS: **NONE**

MOTION PASSED

Ordinance 16 - 028

3. Consider a request for a rezoning from RS (Residential Single Family Dwelling) District to GC-MD-2 (General-Commercial-Multiple Family Dwelling-2) District for the property to the west of 7505 Eastex Freeway.

Mark W. Whiteley and Associates, Inc., on behalf of Gospel Center Church, is requesting a zone change for approximately 5.14 acres to the west of 7505 Eastex Freeway. Property to the east and west is zoned GC-MD (General Commercial - Multiple Family Dwelling) District. While staff agrees that the most appropriate zoning of the property would be commercial, GC-MD-2 (General Commercial-Multiple Family Dwelling-2) District would be more appropriate, allowing for additional protection of the residential properties to the south.

At a Joint Public Hearing held on May 16, 2016, the Planning Commission voted 8:0 to approve a request to consider a rezoning from RS (Residential Single Family Dwelling) District to GC MD-2 (General Commercial-Multiple Family Dwelling-2) District for the property to the west of 7505 Eastex Freeway.

Approval of the ordinance.

Councilmember Guidroz moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE AMENDING 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 OF PROPERTY PRESENTLY ZONED RS (RESIDENTIAL SINGLE FAMILY DWELLING) DISTRICT TO GC-MD-2 (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING-2) DISTRICT FOR PROPERTY LOCATED TO THE WEST OF 7505 EASTEX FREEWAY, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING A PENALTY.** 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 – 029

4. Consider a request for a Specific Use Permit to allow a Marina and Recreational Vehicle Park in a GC-MD (General Commercial-Multiple Family Dwelling) District at 560 Marina Drive.

USA Self Storage, Inc. is requesting a Specific Use Permit to allow a recreational vehicle park and marina in GC-MD (General Commercial-Multiple Family Dwelling) District.

The 30.18 acre tract of land is located at the edge of the Neches River. This property has been operated as the Beaumont Marina for many years. There will be approximately 149 RV parking spaces/rental cabins, a clubhouse, pavilion, laundry facilities and a swimming pool on the site.

The property is currently used as a public marina for boat launches, for wet and dry boat storage and for operation of the Beaumont Yacht Club. USA intends to continue, enhance and improve the marina operations.

At a Joint Public Hearing held on May 16, 2016, the Planning Commission voted 8:0 to approve a request to consider a Specific Use Permit to allow a Marina and Recreational Vehicle Park in a GC-MD (General Commercial-Multiple Family Dwelling) District at 560 Marina Drive, with the following conditions:

1. All floodplain and floodway requirements be met.

2. All requirements set forth by City Fire Department be met.

3. The site plan meet all Recreational Vehicle design requirements set forth in Section 24.06.008 of the Beaumont City Ordinance.

Approval of the ordinance with the following conditions:

1. All floodplain and floodway requirements be met.

2. All requirements set forth by City Fire Department be met.

3. The site plan meet all Recreational Vehicle design requirements set forth in Section 24.06.008 of the Beaumont City Ordinance.

Mayor Pro Tem Getz moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A MARINA AND RECREATIONAL VEHICLE PARK IN A GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT AT 560 MARINA DRIVE, WITH THE CONDITIONS, IN THE 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 – 030

5. Consider a request for a revised Specific Use Permit to allow the expansion of an existing self-storage facility at 1655 S. Major Drive.

Greg Allen requested and received a Specific Use Permit to open a self-storage facility at 1655 S. Major Drive in July of 2003. This current request is to allow two (2) additional buildings on the property. These new buildings would expand the property's storage capacity. The new structures are located at Major Drive and should not further disturb neighboring properties to the east. There will be no changes to the hours of operation, or the manner in which business is conducted at the site.

At a Joint Public Hearing held on May 16, 2016, the Planning Commission voted 8:0 to approve a request to consider a revised Specific Use Permit to allow the expansion of an existing self-storage facility at 1655 S. Major Drive with the following conditions:

1. All requirements set forth by City Fire Departments be met.

2. Installation of a sidewalk along Major Drive

Approval of the ordinance with the following conditions:

1. All requirements set forth by City Fire Departments be met.

2. Installation of a sidewalk along Major Drive.

Councilmember Samuel moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE ISSUING AN AMENDED SPECIFIC USE PERMIT TO ALLOW THE EXPANSION OF AN EXISTING SELF-STORAGE FACILITY IN A GC-MD-2 (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING-2) DISTRICT AT 1655 S. MAJOR DRIVE, WITH THE CONDITIONS, IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** 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 - 031

6. Consider a resolution approving an amendment to the industrial district agreement with ExxonMobil.

By Resolution No. 16-024 and on February 2, 2016, City Council approved an Industrial District Agreement (IDA) with ExxonMobil Oil Corporation. Since that time, ExxonMobil has requested abatements of two potential projects that the company is in advanced stages of evaluating: ExxonMobil Beaumont Polyethylene Expansion Project (BPEX) and ExxonMobil Beaumont Refinery Capacity Expansion Project (SCANFiner) for an estimated total amount of $1.5 Billion. The IDA is being amended to include the terms of the requested abatements as follows:

ExxonMobil Beaumont Polyethylene Expansion Project (BPEX): Possible construction of a world-class polyethylene manufacturing production line located alongside the current ExxonMobil Polyethylene Plant (BPEP). The facility would be constructed on approximately 300 acres of land and will include a polymerization line, finishing line,

associated new utilities, control building, rail facilities and interconnecting lines to the existing plant. All new construction and equipment related to this project will receive 100% abatement for payments due in each of the ten (10) years following the year the production line is fully operational.

ExxonMobil Beaumont Refinery Capacity Expansion Project (SCANFiner): Possible construction of a facility which will increase the ExxonMobil Beaumont Refinery's capacity to produce high-quality, ultralow-sulfur gasoline and diesel fuels. It would be constructed on approximately 1.5 acres of land and will include recycled compressors, reactors, cooling tower, drums, scrubbers, pumps, analyzers, instrumentation and controls, fractionation units, utilities services upgrade, building and condensers. All new construction and equipment related to this project will receive 100% abatement for payments due in each of the ten (10) years following the year the expansion is fully operational.

In consideration of the above abatements, ExxonMobil will pay the City $750,000 in 2017 and 2018 and $700,000 in 2019 in addition to the calculated payment per the IDA. During the years of 2017 through 2021, the payment made by ExxonMobil shall never be less than $11 million.

Approval of resolution.

Councilmember Pate moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A FIRST AMENDED AGREEMENT TO THE INDUSTRIAL DISTRICT AGREEMENT WITH EXXONMOBIL OIL CORPORATION.** Councilmember Samuel seconded the motion.

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

NAYS: **NONE**

MOTION PASSED

Resolution 16 - 096

COMMENTS

* Councilmembers/City Manager/City Attorney comments on various matters

COUNCILMEMBER COMMENTS

COUNCILMEMBER GUIDROZ - **ADDRESSED THE TWO GROUPS THAT RECEIVED PROCLAMATIONS, ASKED THAT MOTORCYCLE RIDERS BE SAFE, ASKED THAT EVERYONE WATCH OUT FOR THEM, ALSO THANKED THE VIETNAM VETERANS**

MAYOR PRO TEM GETZ - **COMMENTED ON MOTORCYCLES AND THE RIDERS, ENCOURAGED ALL CITIZENS TO PLEASE LOOK TWICE BECAUSE SOMETIME MOTORCYCLES ARE HARD TO SEE, ALSO COMMENTED ON A MEETING HE ATTENDED FOR THE SOUTH EAST TEXAS TENNIS ASSOCIATION, IN ATTENDANCE WAS**

THE NEWEST MEMBER, THE OPERATOR OF THE TENNIS COMPLEX, ERIC STRIESFIELD, WHO ANNOUNCED HIS IMMEDIATE PLANS FOR THE TENNIS COMPLEX WHICH CONSIST OF A COMMUNITY WIDE CELEBRATION ON JUNE 4, 2016, THIS CELEBRATION WILL OFFER A LOT OF FREE EVENTS FOR THE COMMUNITY, HE ALSO ANNOUNCED A TENNIS TOURNAMENT THAT IS SANCTIONED, WHICH MEANS IT'S APPROVED BY THE U.S. TENNIS ASSOCIATION, THIS TOURNAMENT WILL BE FOR KIDS AND ADULTS, THE DEADLINE TO ENTER IS MAY 29, 2016, IF INTERESTED CITIZENS CAN CONTACT HIM OR GO TO THE UNITED STATES TENNIS ASSOCIATION WEB PAGE, AND CLICK THE LINK FOR TENNIS

COUNCILMEMBER WRIGHT - COMMENTED ON MOTORCYCLE SAFETY AND AWARENESS MONTH, ASKED THAT CITIZENS WATCH OUT FOR MOTORCYCLISTS ON THE ROAD, STATED THAT IF A PERSON NEEDS A RIDE TO COUNCIL MEETING CALL MITCHELL NORMAND ON MONDAY MORNING INSTEAD OF THREE DAYS IN ADVANCE, REMINDED EVERYONE THAT TODAY IS THE LAST DAY TO VOTE IN THE SHERRIFF'S RUN-OFF, POLLS ARE OPEN FROM 7:00 A.M. TO 7:00 P.M.

COUNCILMEMBER PATE - COMMENTED ON EXXONMOBIL AND THEIR EXPANSION PROJECT, ALSO COMMENTED ON MOTORCYCLE SAFETY AND AWARENESS MONTH, ASKED CITIZENS TO PRAY FOR THE RIDERS AND THEIR SAFETY, ANNOUNCED THAT THERE WILL BE A MEMORIAL DAY PROGRAM AT FOREST LAWN MEMORIAL PARK ON MONDAY, MAY 30, 2016, AT 10:00 A.M.

COUNCILMEMBER SAMUEL - NONE

COUNCILMEMBER MOUTON - ANNOUNCED THE IEA PROGRAM ON TUESDAY, MAY 24, 2016, AT OUR MOTHER OF MERCY CATHOLIC CHURCH, ALSO ANNOUNCED THAT ON MONDAY, MAY 30, 2016, AT 10:00 A.M., THERE WILL BE A MEMORIAL DAY PROGRAM AT FOREST LAWN MEMORIAL PARK, ENCOURAGED ALL CITIZENS TO ATTEND, STATED THAT CHILD POVERTY DAY IS THURSDAY, MAY 26, 2016, ENCOURAGED CITIZENS TO GO BY WALGREENS AND GET THEIR RED NOSE, COMMENTED ON MOTORCYCLE SAFETY AND AWARENESS MONTH, ASKED THAT ALL CITIZENS WATCH FOR RIDERS AS THEY ARE ON THE ROAD

CITY ATTORNEY COOPER - NONE

CITY MANAGER HAYES - NONE

MAYOR AMES - COMMENTED ON MOTORCYCLE SAFETY AND AWARENESS MONTH, THANKED LEE SMITH, PORT COMMISSIONER WITH THE PORT OF BEAUMONT FOR ATTENDING THE MEETING

Public Comments (Persons are limited to three minutes)

Jason Marshburn **1070 Monterrey** **Beaumont TX**

Stated that he has not seen the City growing, he has seen the City of Lumberton grow, would like to know why this City hasn't, thinks that worrying about what part of the city gets all the improvement and what side doesn't is bringing the City down, recommended that instead of pointing fingers we should concentrate on making the City more livable, would not like to see people moving to Lumberton and other places, also gave a hand out to each Councilmember that talked about core values, it pains him to see everyone fighting

Christopher Jones **1045 Doucette Ave.** **Beaumont TX**

Stated that he is speaking on behalf of several citizens across the City, they all have a vetted interest in the success and growth of this City, her pride means so much to them and wants Council to know that enough is enough

Pastor James Gardner **1085 21st St.** **Beaumont TX**

Stated that he is very big on little league football, wanted to know what he has to do to get some support, the problem that he faces is that they don't have a park to play little league football, right now they are having to pay the school district hundreds of dollars for their kids to play in the stadium, the City has several parks, the main park they would like to play at is Sprott Park, at this time there is nowhere for the parents to sit and watch their kids play, would like to know if the City could help with some bleachers, there's at least 80 or more kids that are playing, stated that he doesn't have the funds to do what he would like to do, asked if the City could help

Melody McClain **4301 Highland Ave.** **Beaumont TX**

Stated that she is an elementary school teacher at Pietzsch MacArthur Elementary School and works with Communities in Schools, invited Council to attend their 1st Annual Red Carpet Etiquette Party, the Ladies Tea Party/Southern Gentlemen's Soiree at Antioch Baptist Church, on Friday, May 27, 2016, from 1:00 p.m. to 3:00 p.m., the kids have gone through etiquette lessons, as a reward for completing the etiquette lessons the kids will be honored at the tea party, stated that Councilmember Mouton has been a great help in making this a successful event, encouraged all Councilmembers that can to please try and attend

There being no Executive Session, Council adjourned at 2:26 p.m.

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

Becky Ames

Becky Ames, Mayor

Tina Broussard

Tina Broussard, City Clerk