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	July 5, 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 **July 5, 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 items 1, 4 and 5/Consent Agenda
* Consent Agenda

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

Reverend Tony Clark with St. Mark's Episcopal 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 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

None

Public Comment: Persons may speak on scheduled agenda items 1, 4 and 5/Consent Agenda.

Talsha Davis **P.O. Box 7288** **Beaumont TX**

Spoke to Council in regards to Item A, on the Consent Agenda; approve compensation for the City Manager; asked that Council not approve the compensation set forth for the City Manager

Christopher Jones **1045 Doucette** **Beaumont TX**

Spoke to Council in regards to Item A, on the Consent Agenda; approve compensation for the City Manager; asked that Council not approve the compensation set forth for the City Manager due to lack of progress

Vernon Durden **2710 Westbury Rd.** **Beaumont TX**

Spoke to Council in regards to Item A, on the Consent Agenda; approve compensation for the City Manager; asked that Council not approve the compensation set forth for the City Manager, stated that this somewhat borders on the Constitution of Tort, stated that he thinks that the entire Council needs to vote all yes or all no

CONSENT AGENDA

* Approval of minutes – June 21, 2016

* Confirmation of committee appointments – **Resolution 16 - 115**

Roy McGrath would fill the unexpired term of Steve Hoffman on the Police Department Community Advisory Committee. The term would commence July 5, 2016 and expire September 30, 2017. (Councilmember Mike Getz)

A) Approve compensation for the City Manager - **Resolution 16 - 116**

B) Approve an agreement with the Beaumont Council of Garden Clubs related to the Beaumont Botanical Gardens located at Tyrrell Park - **Resolution 16 - 117**

C) Authorize the acceptance of four (4) ten (10') foot wide Exclusive Water Line Easements for the construction of apartments located at 4165 Old Dowlen Road - **Resolution 16 - 118**

D) Authorize the acceptance of a ten foot (10') wide Water Easement for the construction of apartments located at 4165 Old Dowlen Road - R**esolution 16 - 119**

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 an election of Mayor Pro Tempore.

   Article III, Section 6 of the City Charter states "The City Council shall elect one of its members as Mayor Pro Tempore for one (1) year term. The Mayor Pro Tempore shall perform the duties of the Mayor in case of the absence or inability of the Mayor to perform the duties of his/her office, and, if a vacancy occurs, shall become Mayor for the unexpired term."

   Councilmember Samuel moved to **APPROVE A RESOLUTION THAT COUNCILMEMBER MOUTON IS ELECTED AS MAYOR PRO TEMPORE FOR ONE (1) YEAR.** Councilmember Wright seconded the motion.

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

   NAYS: **NONE**

   MOTION PASSED

   Resolution 16 - 120

2. Consider a request for a Specific Use Permit to operate a boat trailer manufacturing and repair business on property zoned GC-MD (General Commercial-Multiple Family Dwelling) District at 4832 Washington Boulevard.

   Royce V. Long has been in operation at 5480 Washington with a Specific Use Permit since March of 2011 and has now entered into a lease for the property located at 4832 Washington Boulevard. Mr. Long states that the property will be used for the construction and repair of trailers and parts sales. Welding of steel and aluminum will be done inside the building. All galvanizing of trailers and parts will be done by AZZ Galvanizing at another location. No use of chemicals that have any odor will be used on the property. The only dust will be from table and circular saws. All grinding of small steel items, cutting of plywood or any other type of noisy operation will be inside the building where plywood walls and insulation have been installed to prevent any disturbance to neighbors.

   Hours of operation are from 8 a.m. to 5 p.m., Monday through Friday and sometimes on Saturday. The trailers will be parked inside a fenced area. Mr. Long states that his company does not work on anything such as chemical tanks or any large vessel type trailer other than repairing lights on such trailers.

   At a Joint Public Hearing held on June 20, 2016, the Planning Commission voted 8:0 to approve a request to consider a Specific Use Permit to operate a boat trailer manufacturing and repair business on property zoned in a GC-MD (General Commercial - Multiple Family Dwelling) District at 4832 Washington Boulevard.

   Approval of the ordinance.

Mayor Pro Tem Mouton moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A BOAT TRAILER MANUFACTURING AND REPAIR BUSINESS IN A GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT AT 4832 WASHINGTON BOULEVARD IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Wright seconded the motion.

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

NAYS: **NONE**

MOTION PASSED

Ordinance 16 - 033

3. Consider a request for a Specific Use Permit to operate a silver recovery business on property zoned LI (Light Industrial) District at 6650 Westwood Boulevard.

Michael Montoya and Austin Haylock have applied for a Specific Use Permit for the property located at 6650 Westwood Boulevard. The applicant would like to recover silver from x-ray photo solution at this location. Recovery would be performed by a combination of electrolysis and filtration. Purification of the silver is accomplished with a jewelry kiln to melt the silver. When photo solution is saturated with silver chloride to the point that silver extraction is profitable, the solution is a hazardous material. Based on the application, it appears that the City of Beaumont requires that wastewater meets a higher standard than what the applicant has proposed. The City water quality staff has been communicating with the applicant, but has not yet received all the data needed to fully analyze the process used.

At a Joint Public Hearing held on June 20, 2016, the Planning Commission voted 8:0 to approve a request to consider a Specific Use Permit to operate a silver recovery business on property zoned in a LI (Light Industrial) District at 6650 Westwood Boulevard with the following conditions:

1. No processed water discharged into the public sewer system without approval of the Water Utilities Department; all processed water be disposed of off-site.

Approval of the ordinance with the following condition:

1. No processed water discharged into the public sewer system without approval of the Water Utilities Department; all processed water be disposed of off-site.

Councilmember Guidroz moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A SILVER RECOVERY BUSINESS IN AN LI (LIGHT INDUSTRIAL) DISTRICT AT 6550 WESTWOOD BOULEVARD, WITH THE CONDITIONS, IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Wright seconded the motion.

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

NAYS: NONE

MOTION PASSED

Ordinance 16 – 034

4. Consider a resolution authorizing the award of a bid to G & G Enterprises Construction Corp. of Beaumont for the construction of the new Best Years Center.

The new Best Years Center, designed by Architectural Alliance, Inc., will face Magnolia Street adjacent to the City's Event Centre and Skate Park in downtown Beaumont. The proposed facility will be approximately 30,000 square feet in size. The building includes a covered second level deck overlooking the park and lake. The interior of the building is open and inviting for user involvement in numerous activities. All plaza spaces connect with new and existing park walking paths in one continuous loop around the lake and landscaped green lawn.

On June 16, 2016 six (6) formal bids were received. The base bid prices, as shown on the attached bid tabulation, range between $5,998,250 and $7,724,000 with G & G Enterprises Construction Corp., as the apparent low bidder.

On a previous City project, G & G Enterprises Construction Corp., was awarded a contract which was later annulled on September 16, 2014, for being unresponsive in submitting required contract documentation.

On June 24, 2016, Architectural Alliance Inc., met with G & G Enterprises Construction Corp., and indicated the bid and alternate bids submitted in their sealed proposal is a good faith effort and amounts indicated are suitable to complete the project without hindrance regardless of the combination of base and selected alternates.

We recommend a contract in the amount of $6,172,800.00 which includes a base bid of $5,998,250.00, and Alternate Nos. 1, 2, 5, 7, and 8 be awarded to G & G Enterprises Construction Corp. A total of 445 calendar days are allocated for the completion of the project.

Approval of the resolution.

Councilmember Samuel moved to **APPROVE A RESOLUTION THAT THE BID SUBMITTED BY G & G ENTERPRISES CONSTRUCTION CORP., OF BEAUMONT, TEXAS, IN THE AMOUNT OF $6,172,800 FOR A CONTRACT FOR THE CONSTRUCTION OF THE BEST YEARS CENTER BE ACCEPTED BY THE CITY OF BEAUMONT AND THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH G & G ENTERPRISES CONSTRUCTION GROUP., OF BEAUMONT, TEXAS.** Mayor Pro Tem Mouton seconded the motion.

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

NAYS: COUNCILMEMBER GETZ

MOTION PASSED

Resolution 16 – 121

5. Consider a resolution amending Section 20.03.004, Speed Limits Decreased in School Zones, of the Code of Ordinances that would update the locations and limits of school speed zones.

Public Works and Traffic Management Divisions have received reports of concern in regards to the speed limit in front of Ehrhart Charter School which initiated a traffic study performed by Public Works. Ehrhart Charter School requires parents to provide their children with transportation to and from school each day, which currently has 379 children enrolled, and will resume classes on August 11, 2016.

There is currently a three way stop at the intersection of Fannin Street and 8th Street which is in front of the school driveway. Due to the high number of children enrolled, and the size of the driveway entering into the school, the children are crossing Fannin Street and 8th Street. The study confirmed the high volume of students crossing the streets and in the interest of the student's safety, it is recommended that schedule A for a reduced speed limit within a school zone listed in the Code of Ordinances be modified to introduce a new school zone on Fannin Street as described below:

Fannin Street E & W from a point 450 feet east of the centerline of 8th Street, to a point 570 feet west of the centerline of 8th Street.

Approval of ordinance.

Councilmember Pate moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE AMENDING CHAPTER 20, SECTION 20.03.004 SCHEDULE A OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING A PENALTY.** Mayor Pro Tem Mouton seconded the motion.

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

NAYS: **NONE**

MOTION PASSED

Ordinance 16 – 035

COMMENTS

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

COUNCILMEMBER COMMENTS

COUNCILMEMBER GUIDROZ - **THANKED EVERYONE FOR ATTENDING THE MEETING AND FOR THEIR COMMENTS ON THE ITEMS**

COUNCILMEMBER GETZ - **THANKED THE CITY STAFF FOR PUTTING ON AN EXCELLENT 4TH OF JULY CELEBRATION, STATED THAT HE HAS BEEN AN ADVOCATE OF DOWNTOWN DEVELOPMENT EVEN BEFORE HE**

BECAME A CITY COUNCILMEMBER, STATED THAT HE IS A FORMER BOARD-MEMBER OF BEAUMONT MAIN STREET, DOWNTOWN IS VERY IMPORTANT TO HIM, EVERYONE KNOWS WHERE HE STANDS ON THE ISSUES OF DEVELOPMENT OF DOWNTOWN, HIS POSITION ON THE BEST YEARS CENTER IN NO WAY HAS ANYTHING TO DO WITH DEVELOPING DOWNTOWN, JUST DOESN'T THINK BUILDING A NEW CENTER IS A FISCAL WISE MOVE

COUNCILMEMBER WRIGHT - CONGRATULATED COUNCILMEMBER ROBIN MOUTON ON BEING ELECTED AS MAYOR PRO TEM, STATED THAT SHE IS TRULY A SERVANT, THANKED COUNCILMEMBER GETZ FOR SERVING AS MAYOR PRO TEM FOR THE PAST YEAR, COMMENTED ON THE 4TH OF JULY CELEBRATION AND HOW SHE ENJOYED THE SYMPHONY, REITERATED HER COMMENTS ON SIDEWALKS THAT ARE STILL NEEDED ON 4TH STREET NEAR OZEN HIGH SCHOOL, REQUESTED THAT SIDEWALKS BE DONE BEFORE SCHOOL STARTS IN AUGUST IF POSSIBLE

COUNCILMEMBER PATE - CONGRATULATED COUNCILMEMBER MOUTON ON BEING ELECTED MAYOR PRO TEM, KNOWS THAT SHE WILL DO A GREAT JOB, CONGRATULATED STAFF ON THE GREAT JOB THEY DID WITH THE 4TH OF JULY CELEBRATION, STATED THAT LAMAR UNIVERSITY WAS REPRESENTED BY REED RUSSELL IN THE COLLEGE WORLD SERIES HOME RUN DERBY, THE CITY IS VERY PROUD OF HIM

COUNCILMEMBER SAMUEL - CONGRATULATED COUNCILMEMBER MOUTON ON BEING ELECTED AS MAYOR PRO TEM, STATED THAT HE HAS CONCERNS WITH WEEDS AND WOULD LIKE TO KNOW HOW THE CITY WILL DEAL WITH WEED ABATEMENT DURING THE SUMMER MONTHS, IN SOME AREAS OF HIS WARD THE WEEDS ARE WASTE HIGH AS WELL AS ON VACANT LOTS AND IN THE DITCHES, WOULD LIKE TO MAKE SURE THAT CODE ENFORCEMENT IS ENFORCING THE CODE THROUGHOUT THE CITY, ASKED IF THE MANAGER HAS ANYTHING IN PLACE TO GET THE WEEDS UNDER CONTROL, ALSO SPOKE ON FOOD DESERTS, WOULD STILL LIKE TO SEE A POLICY THAT COMES BACK TO COUNCIL THAT PROHIBITS INDIVIDUALS FROM GETTING INVOLVED IN ADMINISTRATIVE MATTERS

MAYOR PRO TEM MOUTON - STATED THAT IT IS AN HONOR AND PLEASURE TO BE ELECTED AS THE NEW MAYOR PRO TEM, WILL CONTINUE TO PUT THE CITIZENS OF BEAUMONT FIRST, CONGRATULATED MR. LLOYD FRANK FOR BEING INDUCTED INTO THE COWBOY HALL OF FAME, COMMENTED ON THE 11TH MASS REUNION FOR HEBERT HIGH SCHOOL, STATED THAT OVER 400 PEOPLE PARTICIPATED, ALSO COMMENTED ON SOME OF THE COMMENTS THAT WERE MADE BY COUNCILMEMBER SAMUEL IN REGARDS TO HIGH WEEDS, HER WARD ALSO HAS A WEED

PROBLEM THAT NEEDS TO BE ADDRESSED, INFORMED CITIZENS THAT THEY CAN CALL 311 AND THEY WILL HAVE SOMEONE TAKE CARE OF ANY TRASH OR WEED PROBLEMS

CITY ATTORNEY COOPER - CONGRATULATED COUNCILMEMBER MOUTON ON BEING ELECTED AS MAYOR PRO TEM

CITY MANAGER HAYES - CONGRATULATED COUNCILMEMBER MOUTON ON BEING ELECTED AS MAYOR PRO TEM

MAYOR AMES - ASKED THE CITY MANAGER TO EXPLAIN THE PROTOCOL IN REGARDS TO WEED ABATEMENT TO THE CITIZENS WHO MAY BE WATCHING THE MEETING ON TELEVISION AND FOR THOSE IN THE AUDIENCE, MADE MENTION OF AN ARTICLE THAT SHE READ IN THE HOUSTON CHRONICLE AND THE BEAUMONT ENTERPRISE IN REGARDS TO THE OPEN MEETINGS ACT, STATED SHE HAD A COPY FOR COUNCIL TO HANDOUT, THANKED ALL OF THE CITIZENS WHO CAME OUT AND ENJOYED THE 4TH OF JULY CELEBRATION

Public Comments (Persons are limited to three minutes)

Christopher Jones **1045 Doucette** **Beaumont TX**

Congratulated the City Manager on his salary increase, also commented on the food-desert and the blighted areas in Ward III and the City of Beaumont as a whole, stated that several properties that are under cut and under developed will be looked at to see if some of those properties are ones they have interest in that can have businesses built on them

Taffy Richard **1960 Glendale St.** **Beaumont TX**

Spoke to Council in regards to an incident that occurred at her mother's home, also stated that the Beaumont Police Department has refused to give her a copy of a police report requested, as well as other comments regarding her family members and bus transportation

Terry Blaze **4430 Diamond St.** **Beaumont TX**

Spoke to Council in regards to a vacant lot in his neighborhood that has high weeds, called 311 to make a complaint in regards to the high weeds on the vacant lot and to this date nothing has been done about it, the weeds are at least six feet high or higher, stated that he is the mentee of the late great Cleveland Nisby, whose name is on the old YMCA building on 4th street, Mr. Nisby's vision was never for that facility to be a Best Years Center, his vision was for that facility to be used for the youth, to have programs there for them and that they have a place that they can feel they are a part of, agreed with Councilmember Wrights comments in regards to there being no sidewalks at Ozen, he's a graduate of Ozen and there weren't sidewalks when he was a student there as well

Daisha Bennett **4020 Rothwell** **Beaumont TX**

Thanked Councilmember Robin Mouton for her interview with her when she was working on her Masters, commented on the sidewalks at Ozen High School, also made comments in regards to the incident involving DeMarcus Brown, Mr. Brown's family and friends need to know what happened to him, stated that a lot of young people don't get involved or come to Council because they don't feel welcomed, stated that she's willing to work and has a few other friends who are willing to work, they would like to be heard

Joe Nathan Hayes **5035 Irving** **Beaumont TX**

Informed Council that he is very proud of them for all of their hard work, Beaumont has come a long way, commented on the Best Years Center and how much it has helped him, Council needs to move forward with building the Best Years Center because the seniors need it and they will come out and enjoy the facility

Vernon Durden **2110 Westbury Rd.** **Beaumont TX**

Made comments in regards to his last visit to Council, stated that young people don't feel welcomed in Council, he has requested a Junior Council more than once and is still requesting one, made comments regarding body cameras that were supposed to be worn by Beaumont Police Department, if they had the body cameras there would be no mystery as to what happened to DeMarcus Brown, their needs to be transparency

Regan Rothenberger **390 Fannin St.** **Beaumont TX**

Spoke to Council in regards to Beaumont Main Street, stated that they are proud to partner with public and private sectors across the city from all walks of life who support downtown, many support downtown with vigor, many think of it as a place of the past, they look at both sides and try to work the best they we can to support downtown to create the right venues, they are proud to say many things have been done, named several things that that Beaumont Main Street has worked on, proud that the city has been very supportive of Beaumont Main Street

Lacresha Senigaur **846 Goliad St.** **Beaumont TX**

Congratulated the City Manager on his salary increase, stated that what the City Manager makes in a month some employees make that in a year, feels like the increase in his salary could have gone to the employees that work out in the fields and in other areas of the City, stated that some employees are top heavy and some employees are struggling, made comments regarding the facility on 4th street, it should stay as it is because the kids need the programs that are offered and they need a place to go for recreation

There being no Executive Session, Council adjourned at 3:31 p.m.

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

Becky Ames, Mayor

Tina Broussard, City Clerk