



**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS JANUARY 13, 2015 1:30 P.M.**

CONSENT AGENDA

- * Approval of minutes – December 16, 2014
- * Confirmation of committee appointments
- A) Authorize the City Manager to enter into a contract to purchase 2505 Sweetgum Lane under FEMA's Severe Repetitive Loss Grant Program
- B) Approve the purchase of a sweeper from R. B. Everett & Company, Inc., of Houston for use by the Solid Waste Division
- C) Authorize the City Manager to execute all documents necessary for an agreement between the City of Beaumont and Guardian Ambulance Service related to supplemental emergency medical service response
- D) Approve the settlement of the lawsuit styled Russell Brister v. John Brown and City of Beaumont; Cause No. D-194,574

BEAUMONT

TEXAS

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Chris Boone, Planning & Community Development Director

MEETING DATE: January 13, 2015

REQUESTED ACTION: Council consider authorizing the City Manager to enter into a contract to purchase 2505 Sweetgum Lane under FEMA's Severe Repetitive Loss (SRL) Grant Program

BACKGROUND

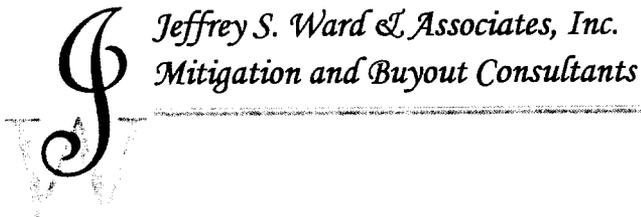
In the past, the City has utilized grant funding to provide relief to victims of flooding by offering to purchase their homes. In this current round of Flood Mitigation Assistance funding, the City has applied for and been granted funds in order to offer the owner of the apartment complex at 2505 Sweetgum a buyout opportunity. This property was selected as it is identified as a priority property on FEMA's Severe Repetitive Loss list. As with any flood buyout program, participation is strictly voluntary. The owner has accepted the purchase offer of \$325,000. Jeffrey S. Ward & Associates, Inc., the City's consultant, will work to help assist tenants in their relocation. Once the property is acquired, the building will be removed. This grant is part of the Federal Emergency Management Agency (FEMA) work program but is administered in Texas by the Texas Water Development Board (TWDB).

FUNDING SOURCE

Funds for the program, including application, acquisition, relocation and demolition would be available through this grant from the Texas Water Development Board, with no required local match by the City.

RECOMMENDATION

Approval of resolution



Jeffrey S. Ward & Associates, Inc.
Mitigation and Buyout Consultants

14401 Bookcliff Ct.
Purcellville, VA 20132

(W) 540-668-6945- (F) 540-668-6940
jward@rstarmail.com

December 11, 2014

Chris Boone
City of Beaumont
P.O. Box 3827
Beaumont, TX 77704-3827

Dear Chris:

Attached are signed contracts for the Monterrey Apartments – 2505 Sweetgum Lane. Please have these contracts reviewed/signed by the City. Once fully executed, please provide copies as follows:

- One original for your file
- One original to the sellers of 2505 Sweetgum Lane at:
Monterrey Rentals LLC
2920 Fannin Street
Beaumont, Texas 77701
- One copy to me via email

Any questions please call.

Thank you for the opportunity to be of service to the City of Beaumont.

Sincerely,

Jeffrey S. Ward
President

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF BEAUMONT:

THAT the City Manager be and he is hereby authorized to execute a Contract for Sale between the City of Beaumont and Monterrey Rentals LLC for the purchase of the property located at 2505 Sweetgum Lane in the amount of Three Hundred Twenty-Five Thousand and XX/100 Dollars (\$325,000) through the Federal Emergency Management Agency (FEMA) Severe Repetitive Loss (SRL) Grant Program. The contract is substantially in the form attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 13th day of January, 2015.

- Mayor Becky Ames -

FLOOD DAMAGED PROPERTY CONTRACT FOR SALE

THIS AGREEMENT is made and entered into this 10th day of December, 2013, by and between the City of Beaumont a political subdivision of the State of Texas ("City"), and Monterrey Rentals LLC, ("Seller"), regardless of the number of signatories.

City is acting under a FEMA Flood Mitigation Assistance (FMA) grant Administered by the Texas Water Development Board (TWDB) and desires to purchase from Seller the Monterrey Apartments: A tract of land containing +/- 1.2890 acres (+/- 56,150 square feet) of land area, improved with 32-unit apartment complex, containing a net rentable area of ±18,208 square feet, and supporting site improvements. The subject property is located at the southwest corner of Sweetgum Lane and North 10th Street, in Beaumont, Jefferson County, Texas. The subject has a physical address of 2505 Sweetgum Lane, Beaumont, Jefferson County, Texas 77703.

Seller represents and understands:

- The Premises is categorized by FEMA as a Severe Repetitive Loss (SRL) property;
- Seller qualifies for the assistance being granted under the FMA grant;
- The Seller has no obligation to sell the Premises under this program and does so voluntarily; and
- That if Seller withdraws from this sale, City will not exercise its power of eminent domain but will release Seller from the terms and conditions of this Contract for Sale.

The parties agree as follows:

1. Seller agrees to sell the Premises described above to City for the sum of **\$325,000.00** and to execute and deliver a good and sufficient General Warranty Deed conveying marketable title to said Premises in fee simple, clear of all liens and encumbrances.
2. City agrees to pay Seller for said Premises the sum of **\$325,000.00** payable at closing after the acceptance of this Agreement and approval of Seller's title.
3. Seller acknowledges that the price to be paid for the property the current fair market value of **\$325,000.00** with deductions for any insurance payment received by SELLER for structural damage from flood insurance of **\$0.00** and structural damage from wind insurance of **\$0.00** and **\$0.00** for any Disaster Housing Assistance program (DHA) (structural repairs) and/or **\$0.00** for Other Needs Assistance (ONA) for which SELLER cannot document as expended on repair of the damaged structure, and a reimbursement of **\$0.00** for certain repairs for which receipts were provided have been added.
4. Seller's proceeds from the sale of the Premises shall first be applied to satisfy all liens on the property, including real estate taxes, which are due and payable to the date of settlement.
5. Seller understands that **Flood Mitigation Assistance** funds being used for the purchase of the Premises cannot and will not duplicate benefits received by Seller for the same or from any other funds. Seller agrees to return any disaster aid monies received if such monies amount to a duplicity of benefits.
6. Seller will execute all necessary documents to transfer good and marketable fee simple title to the Premises to City. Seller also agrees to execute now and in the future, any and all documents required by City and/or TDEM to complete this transaction and to comply with City, state or federal regulations relating to the federal grants.
7. Seller will not, without prior written notification to and written approval received from City, remove any improvements on the Premises. Upon application to remove such improvements Seller must provide appraisals of such improvements as is required by City. The value of the improvements allowed to be removed by City, as unilaterally determined by City, will be deducted from the purchase price at closing or, if post closing, paid by Seller to City within ten (10) days after removal.
8. Seller agrees that no fixtures, materials or improvements to the real estate may be removed by Seller or by anyone acting under his direction or with his permission from the Premises.
9. Seller also agrees that due to the price he is paid for the Premises and due to third party liability concerns, he will not be permitted by City to salvage any materials now or at time of demolition. Should such materials be removed, the purchase price for the Premises will be reduced to correspond with the fair market value of the Premises less the fair market value of the materials removed.
10. Seller understands this is a voluntary transaction. Accordingly, Seller further understand that he is not entitled to relocation benefits provided by the **Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA)**, and will not claim any such benefits.

11. **Seller** acknowledges that he has had an opportunity to review this **Contract for Sale**, that he has had an opportunity, if he so chose, to engage the services of an attorney of his choice to review this document, that he has executed this **Contract for Sale** fully understanding its terms and conditions and the nature thereof and that he **Saves and Holds Harmless City and TWDB** incurred by **Seller** as a result of executing this **Contract for Sale**, and/or for selling the **Premises** to **City**.

12. This **Contract for Sale** is binding upon **Seller's** and **City's** heirs, executors, successors and assigns.

DATED this 10th day of December, 2014.



Seller Signature

Monterrey Rentals LLC
Seller Printed Name

City of Beaumont

By: _____



B

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Laura Clark, Chief Financial Officer *LC*

MEETING DATE: January 13, 2015

REQUESTED ACTION: Council consider a resolution approving the purchase of a sweeper from R.B. Everett & Company, Inc., of Houston in the amount of \$48,692.00 for use by the Solid Waste Division.

BACKGROUND

The sweeper is used to maintain the roads and other paved areas within the City landfill area. The new unit will replace Unit 4275, purchased in 1993 and having 1,793 operating hours, has become unsuited for further service due to age and condition. The old unit will be disposed of in accordance with the City's surplus equipment policy.

Pricing for the sweeper was obtained through the Houston-Galveston Area Council (H-GAC) purchasing cooperative, which provides cities and political subdivisions with the means to purchase specialized equipment at volume pricing. H-GAC complies with State of Texas procurement statutes.

Warranty for the new unit is two (2) years. Warranty service is provided by the dealer. Delivery is expected in approximately thirty (30) days.

FUNDING SOURCE

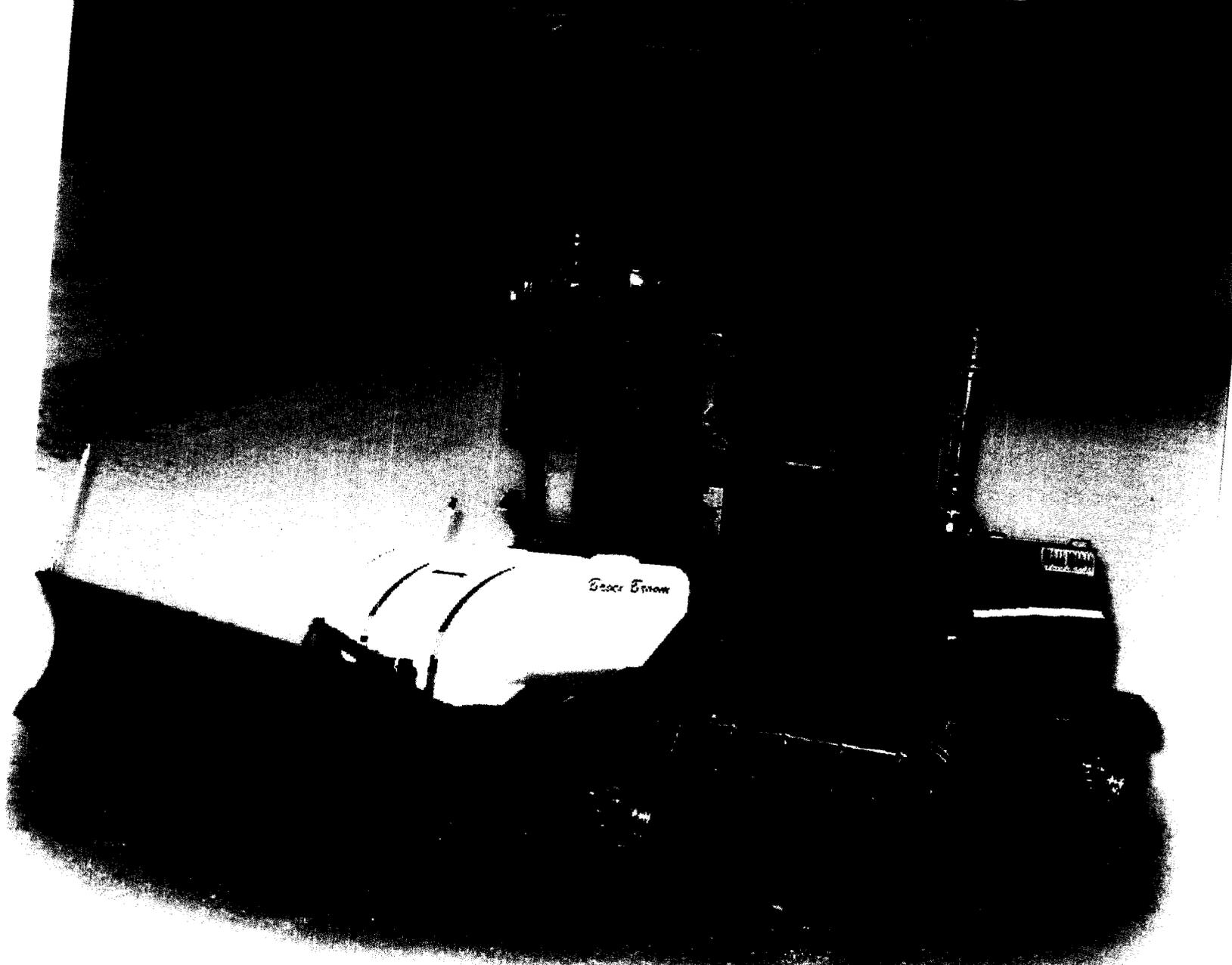
Solid Waste Fund.

RECOMMENDATION

Approval of resolution.

OVER 45 YEARS OF SERVICE TO THE INDUSTRY

Broce/Broom



Visit our web site at
www.brocebroom.com

CALL TOLL FREE

866-579-2488 - Sales
877-227-8811 - Parts & Service

ASK YOUR
NEAREST BROCE
DEALER FOR A
DEMONSTRATION
TODAY!



GR-350



RJ-350



RCT-350

Kubota

KR-350

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF BEAUMONT:

THAT the City Council hereby approves the purchase of a sweeper for use by the Solid Waste Division from R.B. Everett & Company, Inc., of Houston, Texas, in the amount of \$48,692 through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 13th day of January, 2015.

- Mayor Becky Ames -

BEAUMONT

— T E X A S —

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Sherry Ulmer, Public Health Director

MEETING DATE: January 13, 2015

REQUESTED ACTION: Council consider a resolution approving the City Manager to execute all documents necessary for the Rollover Agreement between the City of Beaumont and Guardian Ambulance Service.

BACKGROUND

The City of Beaumont would like to enter into an agreement with Guardian Ambulance Service whereas in the event that no City ambulance units are available or the patient is to be transported to a medical facility other than those facilities to which Beaumont EMS can transport, such as a facility outside the City limits or non-acute care facilities, Guardian Ambulance Service agrees to respond to those emergency calls. This agreement shall commence upon signing and may be cancelled by either party as described in the agreement.

FUNDING SOURCE

Not applicable.

RECOMMENDATION

Approval of resolution.

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF BEAUMONT:

THAT the City Manager be and he is hereby authorized to execute a Rollover Rotation Agreement between the City of Beaumont and Guardian Ambulance Service, substantially in the form attached hereto as Exhibit "A" and made a part hereof for all purposes, for the purpose of responding to emergency calls in the event that no City ambulance units are available or the patient is to be transported to a medical facility other than those facilities to which City of Beaumont EMS can transport.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 13th day of January, 2015.

- Mayor Becky Ames -

*City of Beaumont Public Health
Emergency Medical Services*

**Guidelines to Provide Supplemental Response to the
City of Beaumont Emergency Medical Services System**

Guardian Ambulance Service agrees to respond, when requested by the City of Beaumont Emergency Medical Services (BEMS) communications center (“Fire Alarm”), to emergency calls in the following circumstances:

1. When no City ambulance units are available to respond, OR
2. When the patient is to be transported to a medical facility other than those facilities to which Beaumont EMS can transport (outside the City limits or non-acute care facilities, for example).

The City of Beaumont and *Guardian Ambulance Service* agree that the specific operational parameters of this agreement will be documented in a separate “Operational Procedures” document, and that document is attached as Exhibit “A” and included in this agreement by reference.

1. *Guardian Ambulance Service* will provide the City of Beaumont EMS a copy of their Protocols, signed by their Medical Director.
2. *Guardian Ambulance Service* will provide a copy of the patient care report (PCR) to the City of Beaumont EMS Clinical Supervisor, either by fax or direct delivery, within 24 hours of the time the call was cleared.

Guardian Ambulance Service agrees that, when responding to an emergency call at the request of the City of Beaumont EMS, *Guardian Ambulance Service* shall:

1. Only respond with a unit which is appropriately staffed, equipped, and authorized to provide (preferred) paramedic-level care, and have in their possession a City of Beaumont Ambulance Drivers Permit, issued by the City of Beaumont Emergency Medical Services (EMS) Division.
2. Notify Fire Alarm if the estimated response time of *Guardian Ambulance Service* unit will exceed 12 minutes.
3. Notify Fire Alarm by the Unit Driver or Dispatcher of *Guardian Ambulance Service* if at any time you are running emergency traffic inside the city limits of the City of Beaumont and the route you are taking.

Guardian Ambulance Service agrees that the unit and personnel responding to an emergency call at the request of the City of Beaumont EMS will:

1. Follow the direction and orders of Fire Alarm, AND
2. Communicate directly with Fire Alarm on Beaumont EMS primary or Beaumont Fire primary channels (at the direction of Fire Alarm);
 - a. Regarding the unit’s status AND
 - b. Location (as per the “Operational Procedures” document) AND.

*City of Beaumont Public Health
Emergency Medical Services*

3. Follow the direction and orders of the on-scene Incident Commander and Beaumont EMS personnel.

Guardian Ambulance Service will charge the patient as per their normal procedures. There will be no exchange of monies between *Guardian Ambulance Service* and the City.

Guardian Ambulance Service agrees to allow, at the discretion of the ranking Beaumont EMS paramedic on the scene, a Beaumont EMS paramedic to assume or maintain control of patient care. At the discretion of the ranking Beaumont EMS paramedic, a Beaumont EMS paramedic may accompany the patient to the hospital in *Guardian Ambulance Service* ambulance unit. In this situation, the Beaumont EMS paramedic shall be operating under the authority and protocols of the Beaumont EMS medical director.

Guardian Ambulance Service's EMS personnel will assist the Beaumont EMS paramedic within the scope of their authorization under their medical director. *Guardian Ambulance Service* will charge the patient for their services as per usual procedure.

Guardian Ambulance Service agrees to indemnify, hold and save harmless the City of Beaumont and its officers and employees from all claims and liability for damages to any person for personal injuries or personal injuries resulting in death due to the acts or omissions of *Guardian Ambulance Service*, its agents or employees occasioned by or in connection with the performance of services pursuant to this agreement caused by any source whatsoever, expressly including claims arising from the alleged negligence of the city, its officers or employees.

This agreement shall commence upon signing and be cancelled by either party as described below.

Either party may terminate this agreement with thirty (30) days advance written notice. Additionally, the City may unilaterally terminate the agreement with no advance notice should such termination be in the best interest of the public's safety and welfare.

*City of Beaumont Public Health
Emergency Medical Services*

CITY OF BEAUMONT

GUARDIAN AMBULANCE SERVICE

By: _____
Signature of Authorized Official

By: _____
Signature

Date

Date

Kyle Hayes
City Manager
City of Beaumont
801 Main Street, Ste. 300

Beaumont, TX 77701

Printed Name and Title

Address

409-880-3716

City, State, Zip

khayes@ci.beaumont.tx.us

Telephone Number

E-mail Address for Official Correspondence

OPERATIONAL PROCEDURES

- I. Dispatching Procedures for Utilization of Private Ambulances
 - A. "Rollover" Response – Emergency call, any priority, when no BEMS ambulance is available.
 1. Dispatch first responder if appropriate per protocol/procedure.
 2. Dispatch BEMS Shift Commander (501) if appropriate per protocol/procedure. Otherwise, simply notify the Shift Commander.
 - a. Shift Commander will respond at his/her discretion.
 - b. The Shift Commander will no longer respond to ALL rollover events, but IS to be notified.
 3. Dispatch next rotation private ambulance service. The dispatcher shall ask if a Paramedic unit is available. If so, dispatch that unit. If not, move to the next private company in rotation.
 - a. The private unit should communicate with Fire Alarm on EMS Channel #1. At the dispatcher's discretion, the private ambulance may be assigned to another channel (Fire Channel #1, for example). The private unit should notify Fire Alarm via radio of the following intervals:
 - (1) Responding to call. The private unit will state from what location they are responding.
 - (2) Arriving at scene.
 - (3) Transport priority and destination. The dispatcher should enter this information into the CAD notes.
 - (4) Arrival at destination (at this point, the unit can be "cleared" from the call).
 - (5) If the patient is not transported; the disposition of the patient (refusal, etc.) should be entered into the CAD notes by the dispatcher.
 4. If the first service contacted does not have a unit available:
 - a. Dispatch the EMS Shift Commander, if not already done so, AND
 - b. Contact the next-up rotation private company.

*City of Beaumont Public Health
Emergency Medical Services*

EXHIBIT "A" (cont')

5. Within 24 hours of the transport, the private unit will send, by fax or hand delivery, a copy of the transport run to the Clinical Supervisor of Beaumont EMS.
- B. "Referral" Responses – BEMS unit is requesting private ambulance to transport to alternative destination)
1. For "referral" calls, the private ambulance will respond non-emergency (Priority 3), unless expressly requested by the on-scene EMS personnel.
 2. Ascertain if the patient has a specific preference for a private ambulance. If so, dispatch that service.
 3. If the patient does not have a preference, dispatch the next rotation private ambulance service. The dispatcher shall ask if a paramedic unit is available. If so, dispatch that unit. If not, move to the next private company in rotation.
 4. The private unit will communicate with Fire Alarm via EMS Channel #1 and advise Fire Alarm of the following intervals:
 - a. Responding to call. The private unit will state from what location they are responding.
 - b. Arriving at scene.
 - c. Transport priority and destination. The dispatcher should enter this information into the CAD notes.
 - d. Arrival at destination (at this point, the unit can be "cleared" from the call).
 - e. If the patient is not transported; the disposition of the patient (refusal, etc.) should be entered into the CAD notes by the dispatcher.
 - f. Responding "emergency traffic" at any time in the city limits and their route.
 5. Within 24 hours of the transport, the private unit will send, by fax or hand delivery, a copy of the transport run to the Clinical Supervisor of Beaumont EMS
- C. "Posting" Responses – Private ambulance is being brought into BEMS system for coverage.

*City of Beaumont Public Health
Emergency Medical Services*

EXHIBIT "A" (cont')

1. When the BEMS system is reduced to only one available ambulance unit ("level 1"), Fire Alarm shall contact a private ambulance service and request that they provide a paramedic-level ambulance for deployment into the BEMS system.
2. The private services will be contacted for this assignment based upon geographical need and "rotation." For example:
 - a. If the BEMS system's geographical deployment need is for a unit for the south district of the city, then Fire Alarm will contact a provider which is stationed in the south district.
 - b. This provider will be selected from among the other services stationed in that area based upon a rotation system.
3. The private service will only deploy paramedic-level ambulances for posting assignments.
4. Once placed on "post," the assigned private ambulance shall notify Fire Alarm via radio of their availability and location.
 - a. The private ambulance may post anywhere within the given geographical sector of the city.
 - b. The private ambulance shall continuously monitor the assigned radio channel for a response assignment from Fire Alarm until released from post by Fire Alarm.
5. If needed for a response assignment, the private ambulance will be dispatched directly by Fire Alarm via an alert tone.
 - a. The private ambulance will continue to communicate directly with Fire Alarm as specified in the procedures developed for "Rollover" responses.
6. Should the private service need the posted private ambulance for a "private call" or transfer, the private service or the private unit will notify Fire Alarm of their need to leave post. Unless Fire Alarm has an impending response assignment for that unit, the unit will be released from post for the "private call" or transfer.
7. Once dispatched to a response assignment, the private ambulance will adhere to all policies and procedures as implemented for other "Rollover" responses.
8. Private ambulance units, on a rotation basis among the companies operating within the sector of interest, will continue to be utilized to maintain the BEMS

Rollover Rotation Agreement
Version 4 (September 2014)

*City of Beaumont Public Health
Emergency Medical Services*

EXHIBIT "A" (cont')

system at "level-2" until two BEMS units become available. Once two BEMS units are available, the private ambulance(s) can be released from post.

D. Rotation

1. The rotation list will be updated annually or on as needed bases.
2. This list is subject to change at the discretion of the Public Health Director.
3. Private ambulance responses will be rotated among the listed agencies in turn.
4. If an agency is contacted but cannot respond, that agency will go to the bottom of the rotation.

II. Operational Procedures

- A. If a private ambulance encounters a medical emergency in the City, the private ambulance must notify the City dispatch center of said emergency as soon as practical. The private ambulance personnel shall render appropriate medical care to the patient(s).
- B. Private ambulances may not respond to medical emergencies in the City, except when specifically requested to do so by the City dispatch center. Should a private ambulance service receive a call requesting an ambulance response to a medical emergency, the private ambulance service must immediately notify the City dispatch center of the nature and location of the call.
- C. Requesting for assistance from the City of Beaumont EMS.
 1. The ranking city EMS paramedic or officer or, when applicable, the Incident Commander as authorized by the EMS Manager of the city, on the scene of a medical emergency in the city has the responsibility and authority over all aspects of the medical operations and medical care at the incident. This authority includes, but is not limited to, assigning patient care and transport responsibilities, and directing the transport destination of patients.
 2. City of Beaumont EMS ambulances may only transport patients to hospitals within the city limits, except when specifically authorized to transport elsewhere, by the Public Health Director or the City EMS Manager, or their designees.

BEAUMONT

— T E X A S —

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Tyrone E. Cooper, City Attorney

MEETING DATE: January 13, 2015

REQUESTED ACTION: Council consider a resolution authorizing the settlement of the lawsuit styled Russell Brister v. John Brown and City of Beaumont; Cause No. D-194,574

BACKGROUND

This matter was presented and discussed in Executive Session held on October 7, 2014. The City Attorney is requesting authority to settle this suit in the amount of \$28,000.

FUNDING SOURCE

General Liability Fund.

RECOMMENDATION

Approval of resolution.

RESOLUTION NO.

WHEREAS, the lawsuit styled Russell Brister v. John Brown and City of Beaumont, Cause No. D-194,574, was discussed in Executive Session properly called and held Tuesday, October 7, 2014; and,

WHEREAS, the City Attorney is requesting authority to settle this lawsuit;

NOW, THEREFORE, BE IT RESOLVED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the City Attorney be, and he is hereby, authorized to settle the lawsuit styled Russel Brister v. John Brown and City of Beaumont; Cause No. D-194,574, for the receipt of the sum of Twenty-Eight Thousand and XX/100 Dollars (\$28,000.00); and,

BE IT FURTHER RESOLVED THAT the City Manager be and he is hereby authorized to execute all documents related to settlement of the lawsuit.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 13th day of January, 2015.

- Mayor Becky Ames -



**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS JANUARY 13, 2015 1:30 P.M.**

AGENDA

CALL TO ORDER

- * Invocation Pledge Roll Call

SWEARING IN OF COUNCILMEMBER FOR WARD IV

- * Administration of the oath of office
- * Recess

RECONVENE MEETING

- * Presentations and Recognition
- * Public Comment: Persons may speak on scheduled agenda item No. 3/Consent Agenda
- * Consent Agenda

GENERAL BUSINESS

1. Consider a request for a zone change from R-S (Residential Single Family Dwelling) to C-M (Commercial - Manufacturing) District or a more restrictive zoning district and a specific use permit to allow sandblasting and coating
2. Consider a request for a specific use permit to allow retail sales of beard grooming products in an RCR-H (Residential Conservation Revitalization – Historic) District
3. Consider a resolution approving the purchase of thirty-one vehicles from Silsbee Ford for use by various City departments

COMMENTS

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

EXECUTIVE SESSION

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

Claim of Voth Baptist Church

Claim of Dr. Arnold Manske

Captain David Kiker vs. City of Beaumont; Case No. 01-14-0000-2038

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Mitchell Normand at 880-3777 three days prior to the meeting.

January 13, 2015

Consider a request for a zone change from R-S (Residential Single Family Dwelling) to C-M (Commercial - Manufacturing) District or a more restrictive zoning district and a specific use permit to allow sandblasting and coating



TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Chris Boone, Director of Planning and Community Development

MEETING DATE: January 13, 2015

REQUESTED ACTION: Council consider a request for a zone change from R-S (Residential Single Family Dwelling) to C-M (Commercial – Manufacturing) District or a more restrictive zoning district and a specific use permit to allow sandblasting and coating.

BACKGROUND

Mr. Fontenot submitted a prior request for a rezoning and specific use permit to allow sand blasting at this location. On October 7, 2014, City Council denied the request, but indicated they would consider an application with a request for a rezoning of a reduced area. The Fontenots own approximately forty (40) acres at 7625 Washington Blvd., their original request was for ±21.51 acres, enclosed is a request for 2.13 acres.

The Fontenots purchased this property approximately fifteen (15) years ago and immediately opened for business. Staff has no record of permits pulled for this business. The property includes a barn, used for their sandblasting business, which is located in an area previously used for oil and gas drilling. Mr. Fontenot contends that this oil and gas drilling operation created a “dead zone” where vegetation no longer grows, making the land unsuitable for agricultural purposes. The proposed use employs two or three employees and operates from 8 AM to 4:30 PM, Monday through Friday. Sand blasting is considered similar to other metal working uses for the purposes of zoning.

While it is understandable that the rezoning of a smaller area would possibly reduce the negative effects from the sandblasting on the neighboring residential properties, the reduction in the area to be rezoned fits the definition of "spot zoning" to an even greater extent. *Texas Municipal Law* defines "Spot Zoning" as, "A piecemeal zoning amendment that arbitrarily singles out a small tract for special treatment . . . Lots that are rezoned in a way that is substantially inconsistent with the zoning of the surrounding area, whether more or less restrictive, are likely to be invalid according to the Texas Supreme Court case, *City of Pharr v. Tippitt*¹." Furthermore:

¹616 s. w.2d 173 (Tex. 1981), *rev'g* 600 S.W.2d 951 (Tex. Civ. App. Corpus Christi 1980).

1. The request is not in compliance with the comprehensive plan. The subject property is designated as a neighborhood growth unit.
2. The request is not consistent with the zoning or land use of the surrounding area, existing uses in the area are primarily residential. While it is unfortunate that the business is not allowable in this zone type, the zoning pattern is predominantly RS. In addition the surrounding land use is residential to the north, Crescent on Walden is located to the southeast and land to the west and northwest have been developed residentially.
3. Rezoning would not serve a public purpose furthering public health, safety, morals or general welfare.

At a Joint Public Hearing held December 15, 2014, the Planning Commission recommended 7:0 to deny a zone change from RS (Residential Single Family Dwelling) to C-M (Commercial - Manufacturing) District or a more restrictive zoning district with a specific use permit for a sandblasting shop at 7625 Washington Boulevard.

FUNDING SOURCE

Not applicable.

RECOMMENDATION

Denial of ordinance.

APPLICATION FOR AMENDMENT
OF THE ZONING ORDINANCE
BEAUMONT, TEXAS
(Chapter 28, City Codes)

TO: THE PLANNING COMMISSION AND CITY COUNCIL, CITY OF BEAUMONT, TEXAS

APPLICANT'S NAME AND ADDRESS: Robert Fontenot 7625 Washington Blvd.

APPLICANT'S PHONE #: 409-861-3958 FAX #: 409-861-3959

NAME OF OWNER: Jane J. Fontenot

ADDRESS OF OWNER: 7625 Washington Blvd Beaumont, Tx. 77707

LOCATION OF PROPERTY: Same as above address

LEGAL DESCRIPTION OF PROPERTY:

LOT NO. _____ OR TRACT _____

BLOCK NO. _____ PLAT _____

ADDITION _____ SURVEY _____

NUMBER OF ACRES _____ NUMBER OF ACRES _____

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed to be changed, and a complete legal field note description.

CURRENT ZONING DISTRICT: RS

ZONING DISTRICT REQUESTED: Comm. Light Industrial COMMERCIAL MANUFACTURING

HAS THE REQUEST BEEN MADE BEFORE? _____ IF SO, DATE: _____

ACTION: _____

SUBMIT A LETTER STATING REASONS FOR REQUEST.

ATTACH THE APPROPRIATE **APPLICATION FEE:**

LESS THAN 1/2 ACRE.....	\$250.00
1/2 ACRE OR MORE AND LESS THAN 5 ACRES.....	\$450.00
5 ACRES OR MORE.....	\$650.00

I HEREBY ACKNOWLEDGE THAT THE APPLICATION IS MADE FOR THE REQUESTED DISTRICT OR A MORE RESTRICTIVE DISTRICT.

SIGNATURE OF APPLICANT: Robert Fontenot DATE: 11-16-2014

SIGNATURE OF OWNER (IF NOT APPLICANT): Jane J. Fontenot

PLEASE TYPE OR PRINT AND SUBMIT TO:

PLANNING DIVISION, ROOM 201
CITY HALL, 801 MAIN STREET
BEAUMONT, TX 77701
P.O. BOX 3827 77704
(409) 880-3764
FAX (409) 880-3133

FILE NUMBER: 2221-2/r
DATE RECEIVED: 11/19
RECEIPT NUMBER: _____

SPECIFIC USE PERMIT APPLICATION
BEAUMONT, TEXAS

(Chapter 28, City Codes)

TO: THE PLANNING COMMISSION AND CITY COUNCIL, CITY OF BEAUMONT, TEXAS

APPLICANT'S NAME: Robert Fontenot

APPLICANT'S ADDRESS: 7625 Washington Blvd., Beaumont, TX 77707

APPLICANT'S PHONE #: 409-861-3958 FAX #: 409-861-3959

NAME OF OWNER: Jane J. Fontenot

ADDRESS OF OWNER: 7625 Washington Blvd., Beaumont, TX 77707

LOCATION OF PROPERTY: 7625 Washington Blvd., Beaumont, TX 77707

LEGAL DESCRIPTION OF PROPERTY:

LOT NO. _____ OR TRACT 31
BLOCK NO. _____ PLAT SP-8
ADDITION _____ SURVEY C. Williams
NUMBER OF ACRES _____ NUMBER OF ACRES 2.13

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed for a specific use permit, and a complete legal field note description.

PROPOSED USE: Sandblasting Shop ZONE: Commercial Manufacturing

- ATTACH A LETTER describing all processes and activities involved with the proposed uses.
- ATTACH A SITE PLAN drawn to scale with the information listed on the top back side of this sheet.
- ATTACH A REDUCED 8 1/2" X 11" PHOTOCOPY OF THE SITE PLAN.

THE EIGHT CONDITIONS listed on the back side of this sheet must be met before City Council can grant a specific use permit. PLEASE ADDRESS EACH CONDITION IN DETAIL.

ATTACH THE APPROPRIATE APPLICATION FEE:

LESS THAN 1/2 ACRE.....	\$250.00
1/2 ACRE OR MORE AND LESS THAN 5 ACRES.....	\$450.00
5 ACRES OR MORE.....	\$650.00

I, being the undersigned applicant, understand that all of the conditions, dimensions, building sizes, landscaping and parking areas depicted on the site plan shall be adhered to as amended and approved by City Council.

SIGNATURE OF APPLICANT: Robert Dean Fontenot by [Signature] DATE: 11-24-14

SIGNATURE OF OWNER: Jane Fontenot by [Signature] DATE: 11-24-14

PLEASE TYPE OR PRINT AND SUBMIT TO: CITY OF BEAUMONT
PLANNING DIVISION
801 MAIN STREET, ROOM 201
BEAUMONT, TX 77701

FILE NUMBER: _____
DATE RECEIVED: _____

Phone - (409) 880-3764
Fax - (409) 880-3133

PLEASE MAKE NOTE ON REVERSE SIDE OF CONDITIONS TO BE MET REGARDING THE SITE PLAN AND LETTER OF PROPOSED USES AND ACTIVITIES.

The Yoes Law Firm, L.L.P.

Compass Bank Building
3535 Calder Avenue, Suite 235
P. O. Drawer 7584
Beaumont, Texas 77726-7584
Telephone: (409) 833-2352
Facsimile: (409) 838-5577

William H. Yoes
why@yoeslawfirm.com

Stuart C. Yoes
scy@yoeslawfirm.com

November 17, 2014

City of Beaumont
Planning Division
801 Main Street, Room 201
Beaumont, TX 77701

Via First Class Mail

ATTENTION: Adina Ward

RE: Dean Fontenot
d/b/a Ace Blasting & Painting
Zone Change and Special Use Permit Application
Property ID 210691
7625 Washington Blvd, Beaumont, TX

RECEIVED

NOV 19 2014

CITY OF BEAUMONT
PLANNING DIVISION

Dear Board Members:

We are hereby applying for a zoning change and a special use permit under Chapter 28, City Code, of the City of Beaumont Zoning Regulations to use approximately 2.13 acres out of the 40 acres owned by Dean and Jane Fontenot as a sandblasting shop on property located within a residential zone at 7625 Washington Boulevard, Beaumont, Jefferson County, Texas. There are three (3) shops that serve multi-purposes for the Fontenots that are located on approximately 2.13 acres within the 40-acre tract. The shops are used for property maintenance, care of livestock and as a sandblasting shop.

The Fontenots have owned approximately forty (40) acres of land on Washington Boulevard in the City of Beaumont for approximately fifteen (15) years. As you probably know, the land was previously used for oil and gas drilling operations and agricultural purposes. The actions of the drilling company caused the land to become littered with debris and created "dead zones" where vegetation no longer grows. Although the Fontenots have cleaned up the land, "dead zones" still remain.

Beginning in 1997, the Fontenots have utilized the land as their home, raised livestock and operated their sandblasting shop in a barn behind their home. The business employs two to three employees. On average, two (2) trucks per month deliver materials to be sandblasted and pick up finished materials. The business is fully permitted by the Texas Commission on Environmental Quality. There have been no complaints regarding the business in the fifteen (15)

years that the Fontenots have operated their business at the site. The adjacent property is zoned either light industrial or residential.

Relating to the proposal, please refer to the enclosed site plan/plat drawn to scale containing the following required information:

- 1) Boundaries of the area covered by the site plan;
- 2) The location of each existing and proposed building and structure in the area covered by the site plan and the number of stories, height, roof line, gross floor area and location of building entrances and exits;
- 3) The location of existing and proposed drainage ways and significant natural features (see enclosed photograph). There are no drainage issues with the property.
- 4) Proposed required landscaping and screening buffers (see enclosed photograph). The Fontenots request that any applicable requirement for more fencing be waived as the location is in the middle of their 40 acres. The sandblasting is not visible from any adjacent property.
- 5) The location and dimensions of all curb cuts, public and private streets, required parking and loading areas, pedestrian walks, lighting facilities, and outside trash storage facilities (see attached plat);
- 6) The location, height and type of each existing or required wall, fence, and all other types of screening (see enclosed plat). The Fontenots request that any applicable requirement for more fencing be waived as the location is in the middle of their 40 acres. The sandblasting is not visible from any adjacent property.
- 7) The location, height and size of all proposed signs (Section 28.04.003).

Also enclosed is a reduced 8 ½" x 17" photocopy of the site plan. Please note that the site plan shows three (3) buildings that appear to be located on the 21.514 acre tract outside of the 2.13 acre tract. These buildings are actually located within the 2.13 acre tract but are depicted on the drawing in an effort to make the building dimensions easier to see. The aerial photograph provides a more accurate representation of the locations of the buildings.

Please find enclosed and fully incorporated in this correspondence a plat of the premises as well as the aerial photograph.

Pursuant to Zoning Ordinance Section 28.04.001, the Fontenots hereby confirm that the following eight (8) conditions have been met:

- 1) That the specific use will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values within the immediate vicinity;
- 2) That the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
- 3) That adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
- 4) The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development;
- 5) That adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
- 6) That directional lighting will be provided so as not to disturb or adversely affect neighboring properties;
- 7) That there are sufficient landscaping and screening to insure harmony and compatibility with adjacent property; and
- 8) That the proposed use is in accordance with the Comprehensive Plan.

The granting of the variance will not be contrary to the public interest. Literal enforcement of the chapter will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question. "Unnecessary hardship", meaning physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship has not resulted from the applicant's or property owner's own actions. In fact, should the Fontenots not be allowed to continue their business in its present location, the land will once again become the eyesore and community nuisance it was when the Fontenots purchased it. By granting the variance, the spirit of the chapter will be observed and substantial justice will be done.

As the Board is also well aware, the surrounding land owners have voiced no objections or opposition to the Fontenots' continued operation of their sandblasting business on the subject forty (40) acres of land. In fact, the Council has received support from the adjacent owners, including the investment group led by Sam C. Parigi. The only individuals who seem to have issues with the business are those within the Planning and Zoning Department. Apparently, the

Fontenots have ruffled some feathers within the Department concerning the operation of their business without a certificate of occupancy for more than fifteen (15) years. I assure you that had the Fontenots known that a certificate of occupancy was required, they would have made application long ago.

During the last Council meeting some of the members of the Council wondered how to limit the future use of the Fontenots' property without further zoning modifications. In discussions with the Fontenots I have learned that they intend to accomplish the goal using deed restrictions aimed at limiting the use of their property for all future owners. This should eliminate any concerns about future use of the property.

I hope that each of you will take this review under advisement in deciding the future of the Fontenots' business and its continued involvement in our City.

Thank you for your time and consideration in this matter.

Sincerely,



Stuart C. Yoes

SCY/lml
Enclosures

cc: Mr. Dean Fontenot
7625 Washington Blvd.
Beaumont, TX 77707

Via First Class Mail

ORDINANCE NO.

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 R-S (RESIDENTIAL SINGLE FAMILY DWELLING) DISTRICT TO C-M (COMMERCIAL-MANUFACTURING) DISTRICT FOR PROPERTY LOCATED AT 7625 WASHINGTON BOULEVARD, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING A PENALTY.

BE IT ORDAINED BY THE CITY OF BEAUMONT:

Section 1.

That 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 the City of Beaumont, referred to in Section 28.01.005(b) thereof, is hereby amended by changing the zoning of property presently zoned R-S (Residential Single Family Dwelling) District to C-M (Commercial-Manufacturing) District for property located at 7625 Washington Boulevard, as described in Exhibit "A" and shown on Exhibit "B," attached hereto, and the official zoning map of the City of Beaumont is hereby amended to reflect such changes.

Section 2.

That, in all respects, the use of the property herein above described shall be subject to all of the applicable regulations of the zoning district as well as those regulations contained in Chapter 28 of the Code of Ordinances of Beaumont, Texas, as amended.

Section 3.

That if any section, subsection, sentence, clause of phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall not affect the remaining portions of this ordinance, and to such end, the various portions and provisions of this ordinance are declared to be severable.

Section 4.

That all ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict only.

Section 5.

That any person who violates any provision of this ordinance shall, upon conviction, be punished, as provided in Section 1.01.009 of the Code of Ordinances of Beaumont, Texas.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 13th day of January, 2015.

- Mayor Becky Ames -

File 2221-Z/P:

Being that certain 2.13 acre tract out of the C. Williams Survey, Abstract 59, Jefferson County, Texas, and being out of a called 21.9 acre tract conveyed to Jane Miriam Jeansonne as described in a General Warranty Deed recorded in Film Code # 104-60-1995 of the Jefferson County Real Property Records; said 2.13 acre tract being more particularly described as follows:

COMMENCING at a ½" rebar found on the south line of Washington Boulevard being the northeast corner of a called 0.62 acre tract described in Volume 2354, page 367 of the Jefferson County Deed Records;

THENCE South 89°57'22" East (called East) along the said south line of Washington Boulevard, a distance of 15.44 feet to a point being the most northeast corner of the herein described tract and being the POINT OF BEGINNING;

THENCE South 89°57'22" East (called East) along the said south line of Washington Boulevard, a distance of 16.11 feet to a point being the most northeast corner of the herein described tract;

THENCE South 02°54'16" West, a distance of 274.39 feet to a point for corner;

THENCE South 04°55'46" West, a distance of 139.17 feet to a point for corner;

THENCE South 52°44'07" East, a distance of 142.90 feet to a fence post for corner;

THENCE South 02°12'07" West, a distance of 244.98 feet to a ½" rebar found for the southeast corner;

THENCE North 89°12'22" West, a distance of 233.39 feet to a point on the west line of the said 21.9 acre tract;

THENCE North 00°27'49" East (called North 00°29'00" East) along the said west line of the 21.9 acre tract, a distance of 100.79 feet to a ½" rebar found for an angle point;

THENCE North 00°30'10" East (called North 00°29'00" East) along the said west line of the 21.9 acre tract, a distance of 85.47 feet to a ½" rebar found for an angle point;

THENCE North 00°30'10" East (called North 00°29'00" East) along the said west line of the 21.9 acre tract, a distance of 249.97 feet to a point for corner;

THENCE South 88°16'07" East, a distance of 119.47 feet to a point for corner;

THENCE North 02°54'16" East, a distance of 308.58 feet to the POINT OF BEGINNING and containing 2.13 acres of land, more or less.

This description and the accompanying plat were prepared from a survey performed under the supervision of Richard F. Faust, P.E., Registered Professional Land Surveyor No. 4782 on February 26, 2014.

File 2221-Z/P: Request for a zone change from R-S (Residential Single Family Dwelling) to C-M (Commercial - Manufacturing) District or a more restrictive zoning district with a specific use permit to allow sandblasting and coating.

Location: 7625 Washington Boulevard

Applicant: Robert Fontenot

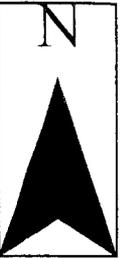
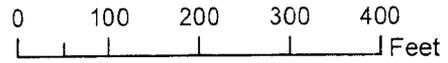
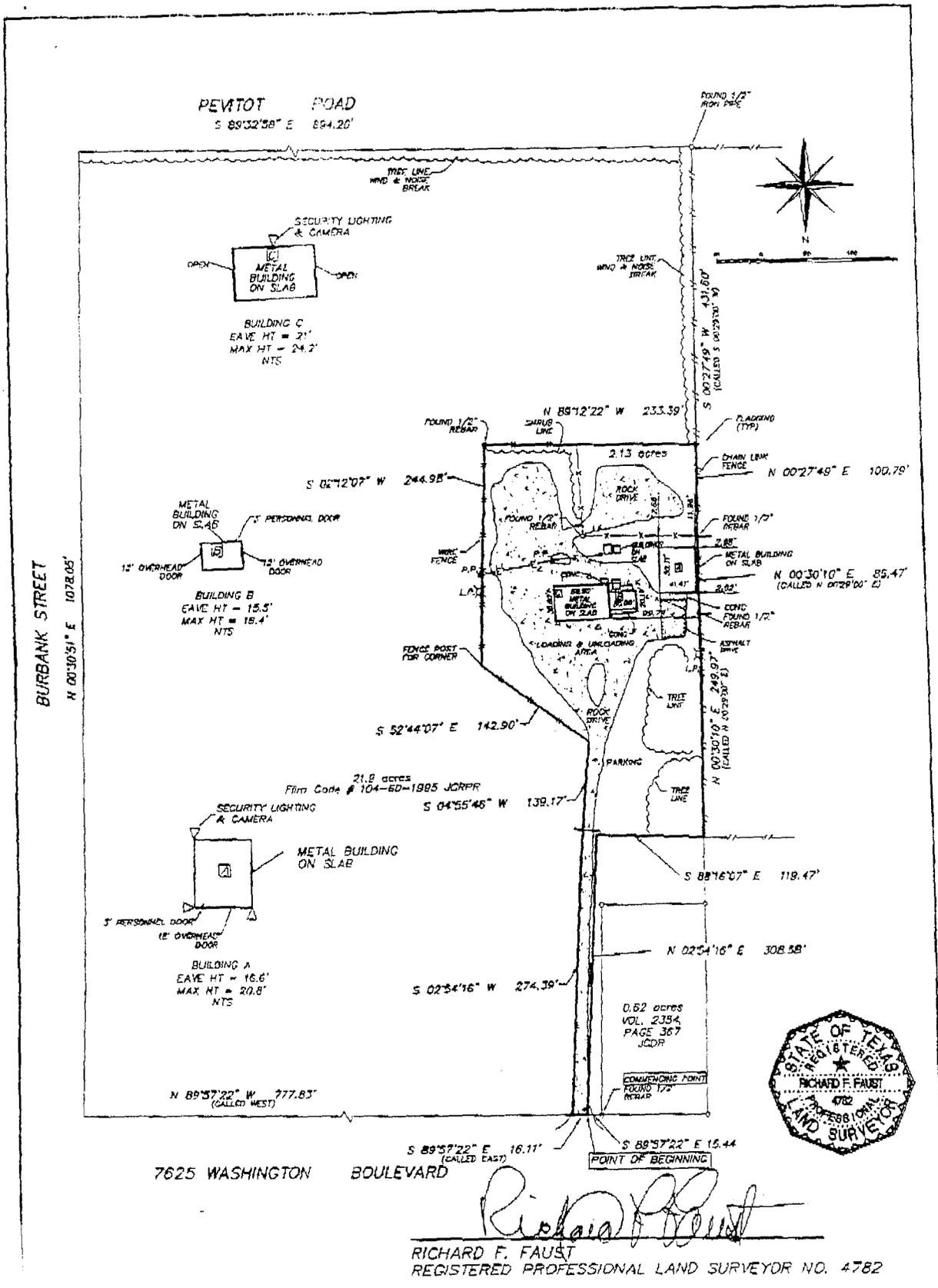


EXHIBIT "B"



Faust
ENGINEERING AND SURVEYING, INC.
2325 CALDER STREET • HOUSTON, TEXAS 77002
(409) 813-3410 • FAX (409) 813-3484
Surveying Firm Registration No. 100024-00
Engineering Firm Registration No. 4800

2.13 ACRE TRACT
OUT OF THE
C. WILLIAMS SURVEY, ABSTRACT 59
JEFFERSON COUNTY, TEXAS

DRWG NO. 8705-32001

EXHIBIT "C"

ORDINANCE NO.

ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW SANDBLASTING AND COATING IN A C-M (COMMERCIAL-MANUFACTURING) DISTRICT AT 7625 WASHINGTON BOULEVARD IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.

WHEREAS, Robert Fontenot has applied for a specific use permit to allow sandblasting and coating in a C-M (Commercial-Manufacturing) District at 7625 Washington Boulevard, as described in Exhibit "A" and shown on Exhibits "B" and "C," attached hereto; and,

WHEREAS, the Planning and Zoning Commission of the City of Beaumont considered the request and is recommending denial of a specific use permit to allow sandblasting and coating in a C-M (Commercial-Manufacturing) District at 7625 Washington Boulevard; and,

WHEREAS, the City Council is of the opinion that the issuance of such specific use permit is in the best interest of the City of Beaumont and its citizens;

NOW, THEREFORE, BE IT ORDAINED

BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this ordinance are hereby, in all things, approved and adopted; and,

Section 1.

That a specific use permit to allow sandblasting and coating in a C-M (Commercial-Manufacturing) District at 7625 Washington Boulevard, as described in Exhibit "A" and shown on Exhibits "B" and "C," attached hereto, is hereby granted to Robert Fontenot, his

legal representatives, successors and assigns, as shown on Exhibit "C," attached hereto and made a part hereof for all purposes.

Section 2.

That the specific use permit herein granted is expressly issued for and in accordance with each particular and detail of the site plan attached hereto as Exhibit "C" and made a part hereof for all purposes.

Section 3.

Notwithstanding the site plan attached hereto, the use of the property herein above described shall be in all other respects subject to all of the applicable regulations contained in Chapter 28 of the Code of Ordinances of Beaumont, Texas, as amended, as well as comply with any and all federal, state and local statutes, regulations or ordinances which may apply.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 13th day of January, 2015.

- Mayor Becky Ames -

File 2221-Z/P:

Being that certain 2.13 acre tract out of the C. Williams Survey, Abstract 59, Jefferson County, Texas, and being out of a called 21.9 acre tract conveyed to Jane Miriam Jeansonne as described in a General Warranty Deed recorded in Film Code # 104-60-1995 of the Jefferson County Real Property Records; said 2.13 acre tract being more particularly described as follows:

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THENCE South 88°16'07" East, a distance of 119.47 feet to a point for corner;

EXHIBIT "A"

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This description and the accompanying plat were prepared from a survey performed under the supervision of Richard F. Faust, P.E., Registered Professional Land Surveyor No. 4782 on February 26, 2014.

File 2221-Z/P: Request for a zone change from R-S (Residential Single Family Dwelling) to C-M (Commercial - Manufacturing) District or a more restrictive zoning district with a specific use permit to allow sandblasting and coating.

Location: 7625 Washington Boulevard

Applicant: Robert Fontenot

N

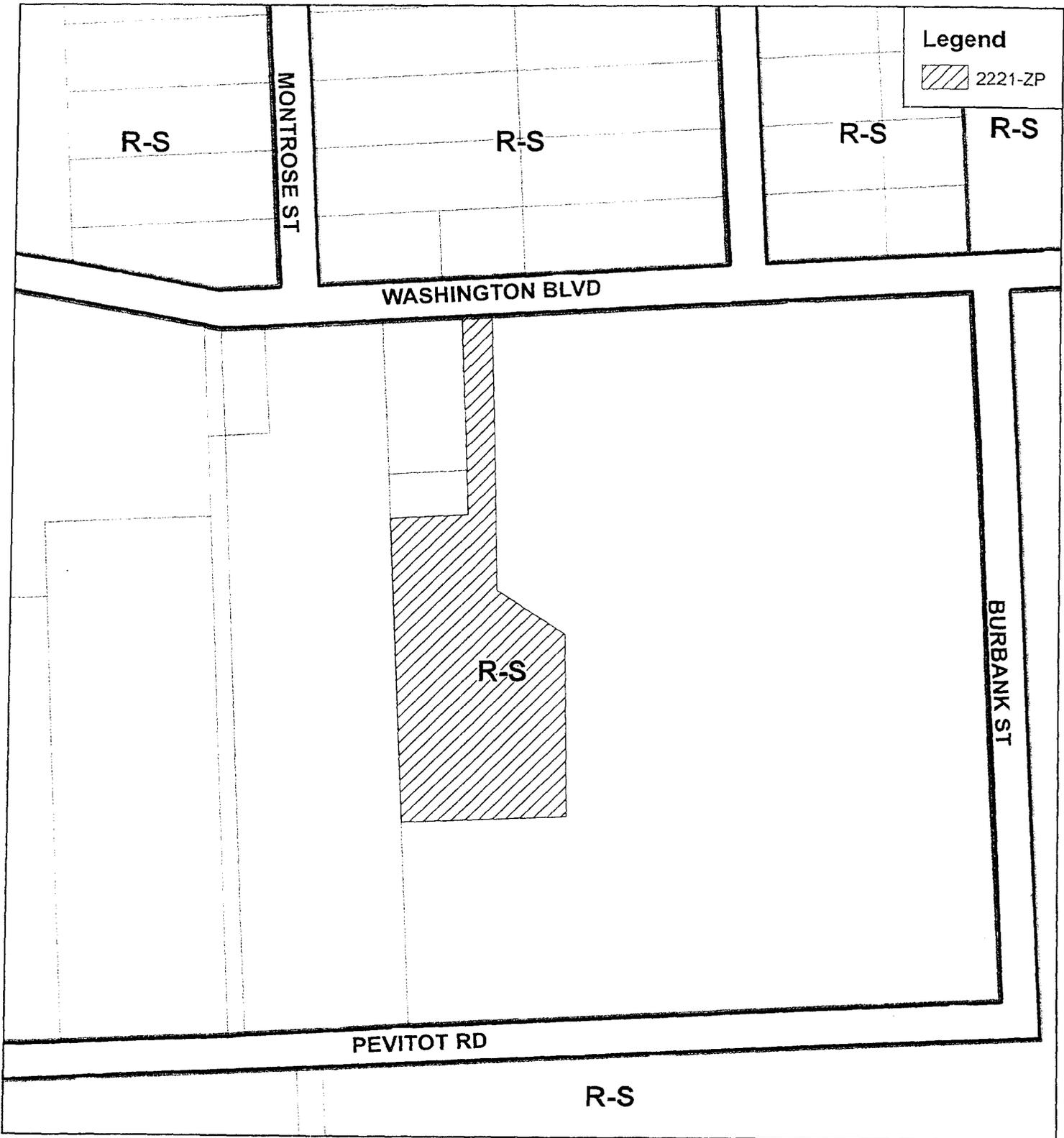
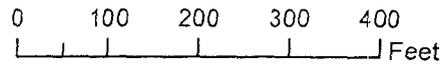
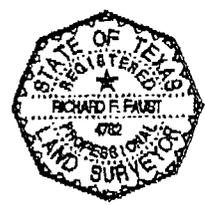
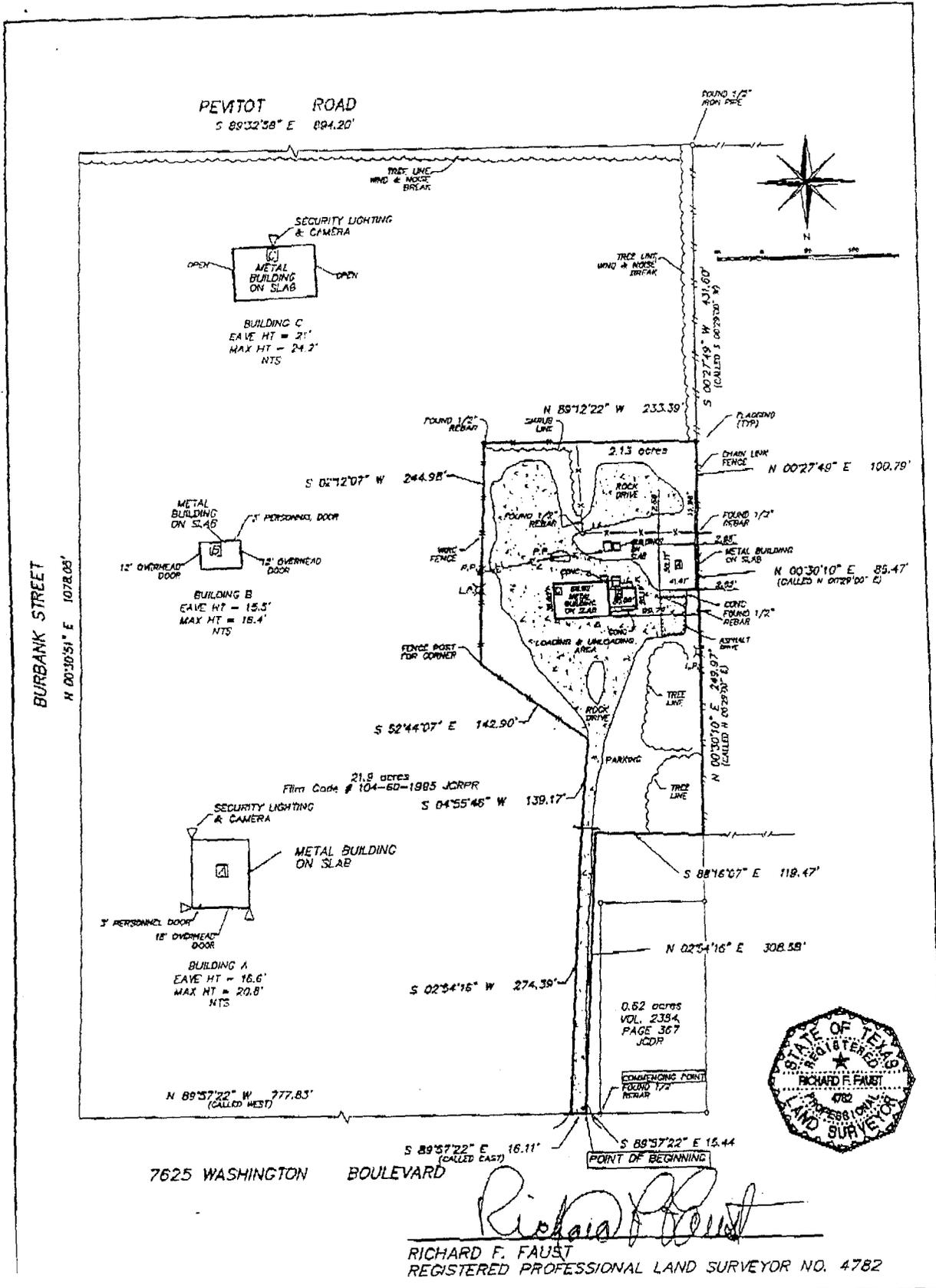


EXHIBIT "B"



Richard Faust
 RICHARD F. FAUST
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4782

Faust
 ENGINEERING AND SURVEYING, INC.
 2925 CALDER STREET • BEAUMONT, TEXAS 77712
 (409) 813-2410 • FAX (409) 813-2484
 Surveying Firm Registration No. 50002-00
 Engineering Firm Registration No. 4800

2.13 ACRE TRACT
 OUT OF THE
 C. WILLIAMS SURVEY, ABSTRACT 59
 JEFFERSON COUNTY, TEXAS

DRWC NO. 9705-3200

EXHIBIT "C"

January 13, 2015

Consider a request for a specific use permit to allow retail sales of beard grooming products in an RCR-H (Residential Conservation Revitalization – Historic) District

BEAUMONT

TEXAS

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Chris Boone, Director of Planning and Community Development

MEETING DATE: January 13, 2015

REQUESTED ACTION: Council consider a request for a specific use permit to allow retail sales of beard grooming products in an RCR-H (Residential Conservation Revitalization - Historic) District.

BACKGROUND

Ryan Olson would like to conduct business as the Texas Beard Company at 2628 McFaddin Avenue. The property would be used as a storefront to market their own products, and products related to their brand. As a majority of their customers order online, packaging and shipping will be the primary activities at this location.

At a Joint Public Hearing held December 15, 2014, the Planning Commission recommended 7:0 to approve a specific use permit to allow retail sales of beard grooming products in an RCR-H (Residential Conservation Revitalization - Historic) District at 2628 McFaddin Avenue.

FUNDING SOURCE

Not applicable.

RECOMMENDATION

Approval of ordinance.

**SPECIFIC USE PERMIT APPLICATION
BEAUMONT, TEXAS**

(Chapter 28, City Codes)

TO: THE PLANNING COMMISSION AND CITY COUNCIL, CITY OF BEAUMONT, TEXAS

APPLICANT'S NAME: Ryan Olson

APPLICANT'S ADDRESS: 455 Potter Dr. BMT. 77707

APPLICANT'S PHONE #: 409-363-1006 FAX #: _____

NAME OF OWNER: GG Interests LP

ADDRESS OF OWNER: 2111 Pinecrest Dr. Jasper, TX 75951

LOCATION OF PROPERTY: 2628 McFaddin Ave.

LEGAL DESCRIPTION OF PROPERTY:

LOT NO. 27 OR TRACT _____

BLOCK NO. 52 PLAT _____

ADDITION Aveill SURVEY _____

NUMBER OF ACRES 0.1722 NUMBER OF ACRES _____

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed for a specific use permit, and a complete legal field note description.

PROPOSED USE: Shipping/Storage/Packaging/Retail ZONE: ECR-H

ATTACH A LETTER describing all processes and activities involved with the proposed uses.

ATTACH A SITE PLAN drawn to scale with the information listed on the top back side of this sheet.

ATTACH A REDUCED 8 1/2" X 11" PHOTOCOPY OF THE SITE PLAN.

THE EIGHT CONDITIONS listed on the back side of this sheet must be met before City Council can grant a specific use permit. **PLEASE ADDRESS EACH CONDITION IN DETAIL.**

ATTACH THE APPROPRIATE APPLICATION FEE:

LESS THAN 1/2 ACRE.....\$250.00
1/2 ACRE OR MORE AND LESS THAN 5 ACRES.....\$450.00
5 ACRES OR MORE.....\$650.00

I, being the undersigned applicant, understand that all of the conditions, dimensions, building sizes, landscaping and parking areas depicted on the site plan shall be adhered to as amended and approved by City Council.

SIGNATURE OF APPLICANT: Ryan Olson DATE: 11/21/2014

SIGNATURE OF OWNER: [Signature] (IF NOT APPLICANT) DATE: 11/21/2014

PLEASE TYPE OR PRINT AND SUBMIT TO:

CITY OF BEAUMONT
PLANNING DIVISION
801 MAIN STREET, ROOM 201
BEAUMONT, TX 77701

FILE NUMBER: 1222-P

DATE RECEIVED: 11/21/14

Phone - (409) 880-3764
Fax - (409) 880-3133

PLEASE MAKE NOTE ON REVERSE SIDE OF CONDITIONS TO BE MET REGARDING THE SITE PLAN AND LETTER OF PROPOSED USES AND ACTIVITIES.

We are Texas Beard Company. We are seeking a Specific Use Permit for 2628 McFaddin Ave (the "location"). Our company sells beard care products for men as well as merchandise related to our brand. We sell 99.9% online and have been featured in several local publications as well as local TV. We're looking to move into this location to provide a local presence.

Our proposed use of the location would include the following activities:

1. Packaging our products for shipping of online orders
2. Storage of our products and equipment
3. Receiving deliveries via UPS/Fedex (supplies, products for resale, etc)
4. A small display/showroom to provide an option to shop locally

The primary purpose of the building is for fulfillment and storage. The actual storefront is secondary and we do not expect very much foot/car traffic other than our own.

We feel that we would be a great addition to and great fit with the Old Town business culture.

1. The use will not injure or impair any other use/enjoyment of the property. It will in no way diminish the property value as we have no plans of making changes to the property.
2. We do not plan on interfering with any surrounding property
3. Utilities, roads, drainage and all facilities are adequate for our needs.
4. The parking allotment is sufficient for traffic and will not have any adverse affect on the general public.
5. There will be no offensive odors, fumes, dust, noise, or vibration.
6. No lighting will disturb neighboring properties.
7. There is an existing privacy fence around the property, providing sufficient screening from adjacent property
8. The proposed use is in accordance with the Comprehensive Plan.

ORDINANCE NO.

ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW RETAIL SALES OF BEARD GROOMING PRODUCTS IN AN RCR-H (RESIDENTIAL CONSERVATION REVITALIZATION-HISTORIC) DISTRICT AT 2628 MCFADDIN AVENUE IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.

WHEREAS, Ryan Olson has applied for a specific use permit to allow retail sales of beard grooming products in an RCR-H (Residential Conservation Revitalization-Historic) District at 2628 McFaddin Avenue, being Lot 27, Block 52, Averill Addition, Beaumont, Jefferson County, Texas, containing 0.172 acres, more or less, as shown on Exhibit "A," attached hereto; and,

WHEREAS, the Planning and Zoning Commission of the City of Beaumont considered the request and is recommending approval of a specific use permit to allow retail sales of beard grooming products in an RCR-H (Residential Conservation Revitalization-Historic) District at 2628 McFaddin Avenue; and,

WHEREAS, the City Council is of the opinion that the issuance of such specific use permit is in the best interest of the City of Beaumont and its citizens;

NOW, THEREFORE, BE IT ORDAINED

BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this ordinance are hereby, in all things, approved and adopted; and,

Section 1.

That a specific use permit to allow retail sales of beard grooming products in an RCR-H (Residential Conservation Revitalization-Historic) District at 2628 McFaddin Avenue, being Lot 27, Block 52, Averill Addition, Beaumont, Jefferson County, Texas,

containing 0.172 acres, more or less, as shown on Exhibit "A," attached hereto, is hereby granted to Ryan Olson, his legal representatives, successors and assigns, as shown on Exhibit "B," attached hereto and made a part hereof for all purposes.

Section 2.

That the specific use permit herein granted is expressly issued for and in accordance with each particular and detail of the site plan attached hereto as Exhibit "B" and made a part hereof for all purposes.

Section 3.

Notwithstanding the site plan attached hereto, the use of the property herein above described shall be in all other respects subject to all of the applicable regulations contained in Chapter 28 of the Code of Ordinances of Beaumont, Texas, as amended, as well as comply with any and all federal, state and local statutes, regulations or ordinances which may apply.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 13th day of January, 2015.

- Mayor Becky Ames -

File 2222-P: Request for a specific use permit to allow retail sales of beard grooming products in an RCR-H (Residential Conservation Revitalization - Historic) District.

Location: 2628 McFaddin Avenue

Applicant: Ryan Olson

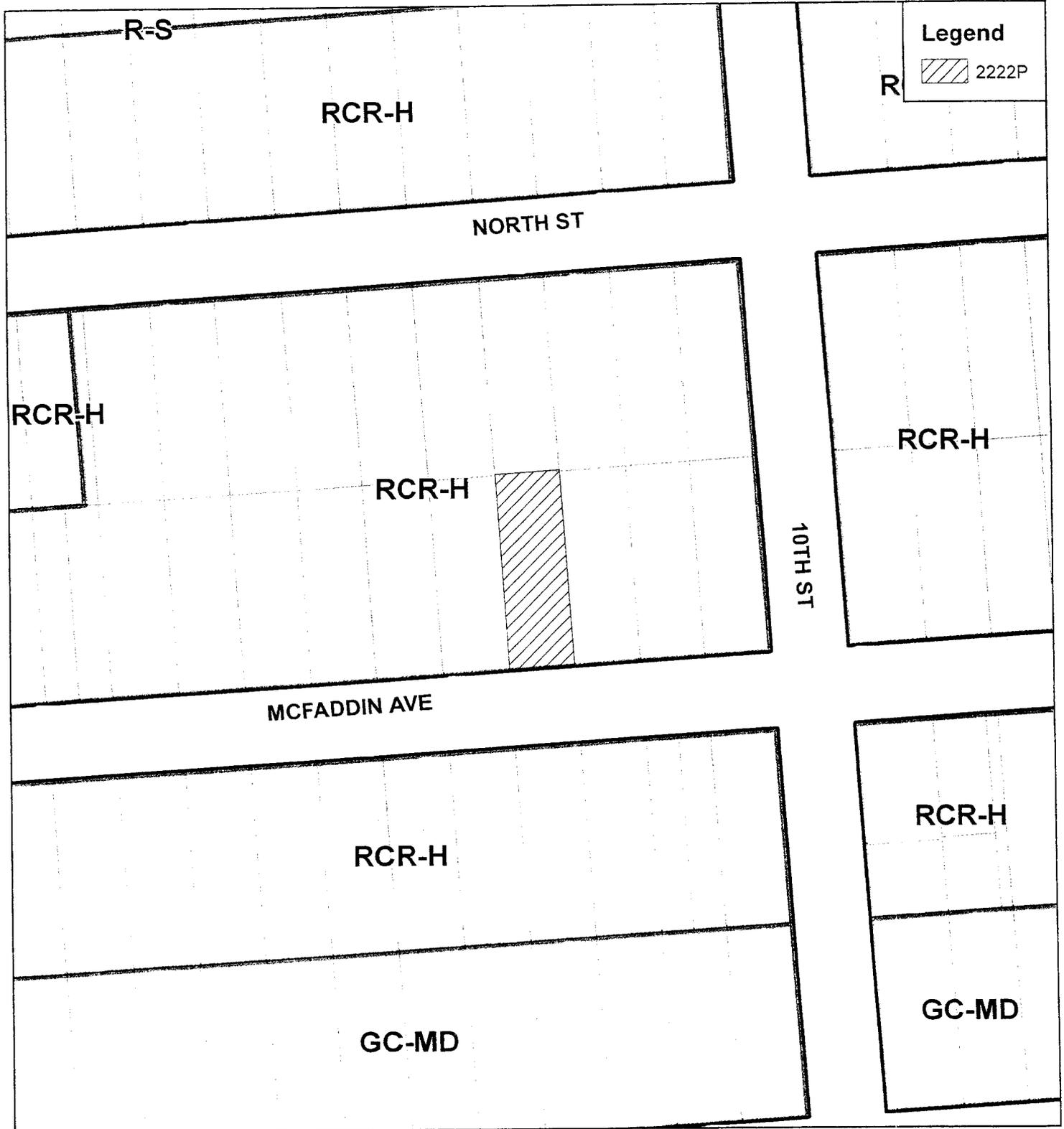
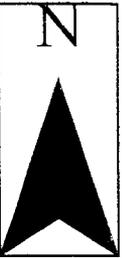
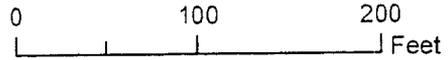


EXHIBIT "A"

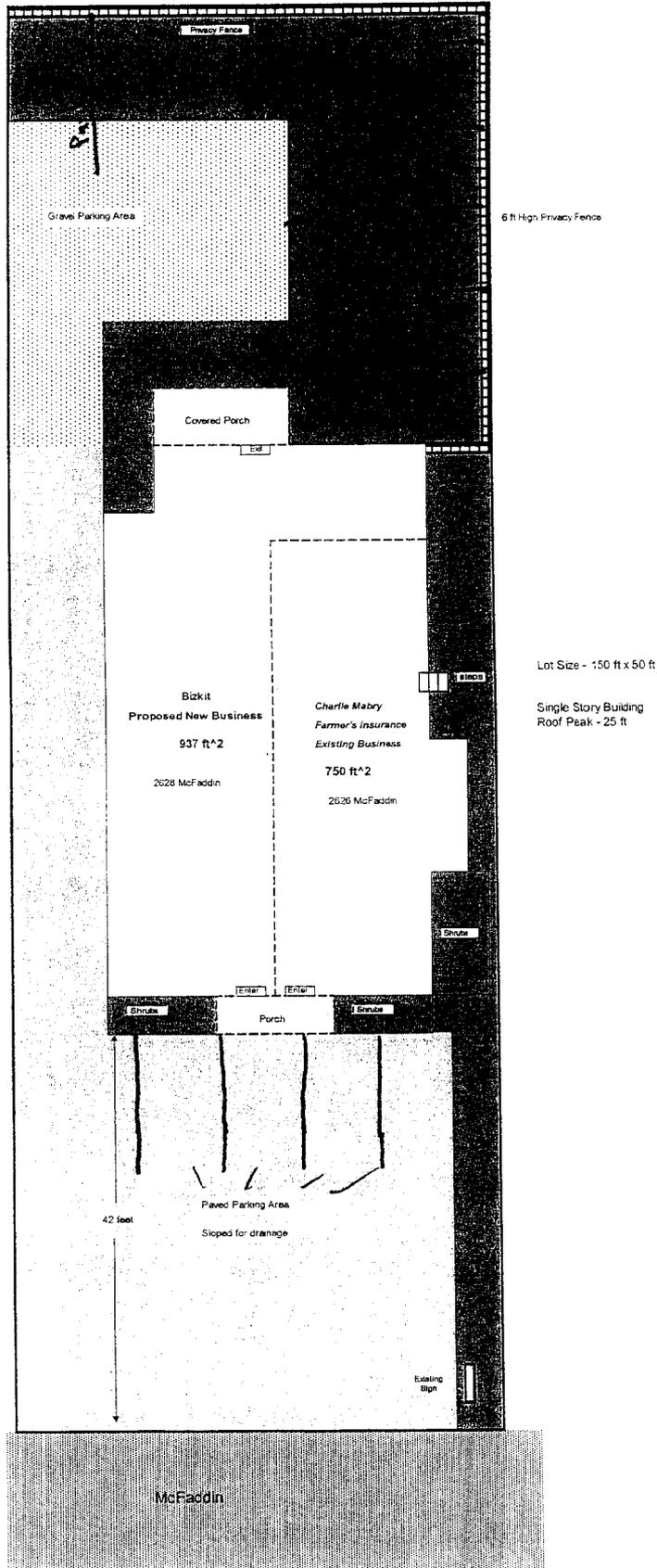


EXHIBIT "B"

January 13, 2015

Consider a resolution approving the purchase of thirty-one vehicles from Silsbee Ford for use by various City departments



TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Laura Clark, Chief Financial Officer 

MEETING DATE: January 13, 2015

REQUESTED ACTION: Council consider a resolution approving the purchase of thirty-one (31) vehicles from Silsbee Ford of Silsbee, Texas in the amount of \$657,898.94 for use by various City departments.

BACKGROUND

Replacement vehicles are requested through the City's budget process. The Fleet Manager reviews the requests and evaluates the vehicles to be replaced. Based on this evaluation, a recommendation is made to replace worn and obsolete vehicles that are no longer cost effective to operate. The vehicles to be purchased are replacing models ranging from 1991 to 2009. The newer vehicles may be reassigned by the Fleet Division where appropriate. The older vehicles will be disposed of in accordance with the City's surplus equipment policy because age and mileage render them unfit for continued service.

Pricing was obtained through the Texas Association of School Boards (BuyBoard), a cooperative purchasing association providing cities and political subdivisions with the means to purchase specialized equipment at volume pricing. BuyBoard complies with State of Texas procurement statutes. The total purchase price includes the BuyBoard fee of \$400 which is paid to the vendor.

Warranties of 36,000 miles or three (3) years are provided for each new vehicle. Warranty service is provided by local authorized dealerships. Delivery is expected within sixty (60) to ninety (90) days.

FUNDING SOURCE

Capital Reserve Fund, Water Utilities Fund, Hotel Occupancy Tax Fund, and Auto Theft Task Force Grant.

RECOMMENDATION

Approval of resolution.

Purchase of Fleet Vehicles

January 13, 2015

Page 2.

Item	Dept. or Division	Description	Qty.	Total Price
1	Police: CID (1), Admin (1)	Ford Expedition	2	\$59,593.50
2	Water Utilities (3), Police Admin (1)	Ford F150 Crew cab Pickup	4	\$94,856.20
3	Police Admin (3), CID (13)	Ford Fusion Sedan	16	\$302,524.00
4	Animal Services	Ford F250 Cab Chassis	1	\$19,725.00
5	Police Admin	Ford F150 Crew Cab Pickup	1	\$26,814.05
6	EMS (2)	Ford F350 Cab Chassis	2	\$71,325.50
7	Fire Logistics	Ford F250 Crew Cab Diesel Pickup	1	\$36,763.42
8	Police Property	Ford T150 Transit Van	1	\$23,546.45
9	Police Auto Theft	Ford F250 4x4 pickup	1	\$31,548.42
10	Parks (2)	Ford F150 4x4 pickup	2	\$62,127.90
Buyboard Fee				\$400.00
TOTAL				\$657,898.94

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL

OF THE CITY OF BEAUMONT:

THAT the City Council hereby approves the purchase of thirty-three (33) vehicles for use by various City departments from Silsbee Ford, of Silsbee, Texas, in the amount of \$657,898.94 through the BuyBoard Cooperative Purchasing Program.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 13th day of January, 2015.

- Mayor Becky Ames -