

MINUTES - CITY OF BEAUMONT

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

BECKY AMES, MAYOR
CITY COUNCIL MEETING
December 9, 2014
Kyle Hayes, City Manager

Gethrel Wright, At-Large
Michael D. Getz, Ward II
Jamie Smith, Ward IV
Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on **December 9, 2014**, 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 5-6/Consent Agenda
- * Consent Agenda

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

Pastor Torrey Doucette of New Beginnings Baptist Church gave the invocation. Mayor Ames led the Pledge of Allegiance. Roll call was made by Tina Broussard, City Clerk.

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

Councilmember Smith was absent due to attending a Newly Elected Officials seminar. Mayor Ames read Councilmember Smith's resignation letter for Ward IV.

Mayor Ames announced that Council is accepting Resumes for the Ward IV seat to fill the remainder of the Ward IV term. Citizens interested may submit their resumes to her office, through fax or send to her email. Resumes will be accepted through December 15, 2014 at 5:00 p.m.

Proclamations, Presentations, Recognitions

None

Public Comment: Persons may speak on scheduled agenda items 5-6/Consent Agenda.

None

CONSENT AGENDA

- * Approval of minutes - **December 2, 2014**
- * Confirmation of committee appointments - **Resolution 14 - 255**

Jim Clay (Police Department Representative) would be appointed to the Animal Health Advisory Committee. The term would commence December 9, 2014 and expire December 8, 2016. (Mayor Becky Ames)

Sherrene Cook would be appointed to the Parks and Recreation Advisory Committee. The term would commence December 9, 2014 and expire December 8, 2016. (Councilmember W. L. Pate, Jr.)

George Crawford would be reappointed to the Convention and Tourism Advisory Board. The current term would expire October 14, 2016. (Councilmember Mike Getz)

- A) Authorize the City Manager to execute an annual agreement with Capital Edge Advocacy, Inc. to provide services as the City of Beaumont's Washington Assistant – **Resolution 14 - 256**
- B) Authorize the City Manager to enter into contracts with Legacy Community Development Corporation for the acquisition of a home for sale or lease-purchase and to provide funds for operating expenses – **Resolution 14 - 257**
- C) Authorize the City Manager to accept the donation of property at 2045 Glasshouse and then transfer ownership to Legacy Community Development Corporation for development of an affordable home – **Resolution 14 – 258**
- D) Authorize the City Manager to execute all documents necessary related to a grant contract between the Office of the Attorney General and Beaumont Police Department **Resolution 14 - 259**
- E) Approve a resolution renewing a consignment agreement with Games People Play, Inc. for the golf pro shop located at 5490 Babe Zaharias Drive (Tyrrell Park) – **Resolution 14 - 260**

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

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

NAYS: NONE

MOTION PASSED

GENERAL BUSINESS

1. Consider a request for a zone change from R-S (Residential Single Family Dwelling) and C-M (Commercial - Manufacturing) Districts to LI (Light Industrial) or a more restrictive zoning district.

John R. Chance is requesting a zone change from R-S (Residential Single Family Dwelling) and C-M (Commercial - Manufacturing) Districts to LI (Light Industrial) District for his property located on the north side of Washington Boulevard approximately 1/2 mile west of Lindbergh Drive.

The property is designated as a Neighborhood Growth Unit in the Comprehensive plan. Ideally, the intersection of Langham Road and Washington would be zoned GC-MD creating a buffer between existing industrial uses and the R-S (Residential - Single Family Dwelling) zoned property to the west and north. Much of the surrounding land to the east, south and just past Langham Road to the west is occupied by commercial/industrial uses and/or zoned for commercial/industrial uses. However, due to the Neighborhood Growth Unit status of the property, LI would not be appropriate. Although GC-MD is the preferred zoning for the property, C-M would be an acceptable solution. Also, the proposed rezoning would "square off" this irregularly zoned property.

At a Joint Public Hearing held November 17, 2014, the Planning Commission recommended 5:0 to approve a zone change for the portion of the property that is zoned R-S (Residential Single Family Dwelling) to C-M (Commercial - Manufacturing) District for the property located on the north side of Washington Boulevard approximately 1/2 mile west of Lindbergh Dr.

Approval of ordinance.

Councilmember Wright 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 R-S (RESIDENTIAL SINGLE FAMILY DWELLING) DISTRICT TO C-M (COMMERCIAL- MANUFACTURING) DISTRICT FOR PROPERTY LOCATED ON THE NORTH SIDE OF WASHINGTON BOULEVARD APPROXIMATELY ½ MILE WEST OF LINDBERGH DRIVE, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING A PENALTY.** Councilmember Pate seconded the motion.

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

NAYS: NONE

MOTION PASSED

Ordinance 14 - 064

2. Consider a request for a specific use permit to allow automotive services, except repair in a NC (Neighborhood Commercial) District.

Robert W. Petton would like to open an automotive services shop at 5290 Eastex Freeway. Mr. Petton currently owns Z-Tech located at 5550 Eastex, Suite C. The shop offers vehicle enhancement and protection services, such as paint sealant, rust protection, window tinting, interior upgrades and accessories. The new shop would employ five persons with business hours being Monday - Friday, 8am to 5pm.

The property was previously used as a radiator shop, a grandfathered use. Automotive services and automotive repair are not the same use category, therefore automotive services requires a specific use permit in a NC (Neighborhood Commercial) District. Surrounding properties are commercial and should not be negatively affected by this use.

At a Joint Public Hearing held November 17, 2014, the Planning Commission recommended 5:0 to approve a specific use permit to allow automotive services except repair in a NC (Neighborhood Commercial) District at 5290 Eastex Freeway, subject to the following condition:

- 1) Wheel stops be placed in parking spaces.

Approval of ordinance

Councilmember Pate moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW AUTOMOTIVE SERVICES, EXCEPT REPAIRS, IN A NC (NEIGHBORHOOD COMMERCIAL) DISTRICT AT 5290 EASTEX FREEWAY IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Mayor Pro Tem Coleman seconded the motion.

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

NAYS: NONE

MOTION PASSED

Ordinance 14 - 065

3. Consider a request to abandon an approximately 106.1' x 55' undeveloped portion of 6th Street S

Compton Chapel Church of God in Christ is requesting the abandonment of an undeveloped portion of 6th Street S., south of Brenham Street. This portion of 6th Street S. is adjacent to and maintained by the church. Compton Chapel is asking that as little easement as possible be retained as they would like to use the property to install a driveway. Power lines along the east right-of-way line will require a minimum easement of 10 feet.

At a Joint Public Hearing held November 17, 2014, the Planning Commission recommended 5:0 to approve the abandonment of an approximately 106.1' x 55' undeveloped portion of 6th Street S. south of Brenham Street, subject to the following condition:

- 1) Retention of a 10 foot easement along the east right-of-way line of S. 6th Street.

Approval of ordinance.

Councilmember Samuel moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE VACATING AND ABANDONING APPROXIMATELY 106.1' X 55' OF AN UNDEVELOPED PORTION OF S. 6TH STREET, SOUTH OF BRENHAM STREET, CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Wright seconded the motion.

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

NAYS: NONE

MOTION PASSED

Ordinance 14 - 066

4. Consider amending Section 28.04.002(a)(6) of the Code of Ordinances, related to Off Street Parking and Loading Regulations.

Staff is proposing an amendment to the Zoning Ordinance to adjust the parking requirements for gaming rooms. An ordinance providing for the licensing and permitting of gaming sites and gaming machines being operated in the City of Beaumont was recently enacted in order to regulate the growing number of these uses. In reviewing gaming sites that have applied for these newly required licenses and permits, it has become apparent that existing parking requirements do not meet the needs of these establishments.

At a Joint Public Hearing held November 17, 2014, the Planning Commission recommended 5:0 to approve amending Section 28.04.002(a)(6) of the Code of Ordinances.

Approval of ordinance.

Councilmember Pate moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE AMENDING CHAPTER 28, SECTION 28.04.002(A)(6) PARKING GROUP TABLE OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING A PENALTY.** Councilmember Samuel seconded the motion.

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

NAYS: NONE

MOTION PASSED

Ordinance 14 - 067

5. Consider a resolution authorizing the City Manager to approve a change order for emergency repairs to the contract with Allco, Ltd., for the Surface Water Treatment Plant Improvements Phase I Project.

The City Council approved a contract with Allco, Ltd., on May 8, 2008, in the amount of \$8,041,191.50. The contract renovated the pulsators, constructed new chlorine and chemical feed facilities, and installed new 1500KW generators to increase the efficiency and reliability of the Water Treatment Plant.

The City Council approved a change order on April 29, 2014, to construct a bypass line to transfer water from the inlet filters to the ground storage tank. The existing 72-inch diameter line is leaking and must be repaired. The line cannot be taken out of service for

more than four (4) hours without impacting the water supply to the City. Therefore, a bypass line has to be built in order to isolate the 72-inch line to repair it. While constructing the bypass, existing concrete surrounding 60 linear feet of the 72-inch line was discovered that required its removal manually to minimize any further damage. The 72-inch line will be repaired once the bypass line is constructed. The emergency repairs to remove the concrete and backfill the necessary areas around the pipe had a cost of \$142,856.45.

Approval of resolution.

Mayor Pro Tem Coleman moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE CHANGE ORDER NO.9 FOR EMERGENCY REPAIRS IN THE AMOUNT OF \$142,856.45, THEREBY INCREASING THE CONTRACT AMOUNT TO \$9,387,510.20 FOR THE SURFACE WATER TREATMENT PLANT IMPROVEMENTS PHASE I PROJECT.** Councilmember Wright seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 14 - 261

6. Consider amending Section 2.04.003 of the Code of Ordinances to allow employees to accrue paid-time off (PTO) in lieu of personal and vacation leave.

In a work session held on November 12, 2014, the Human Resources Director presented to Council proposed revisions to Section 2.04.003 which addresses leave times provided to civilian employees.

Currently, the Code of Ordinances allows employees to accrue one week of personal leave per year and between two and five weeks of vacation leave per year depending on their years of service. There are three main points included in the proposed revisions: (1) employees would no longer accrue personal or vacation leave and would instead accrue paid-time off (PTO) at a rate of three weeks to six weeks per year depending upon their years of service, (2) the new proposal would adjust the current accrual schedule, so that mid- and long-term employees accrue leave at a slightly higher rate than is currently allowed, and (3) new employees would be eligible to use up to five days of PTO within their first six months of employment with the City of Beaumont.

The proposed changes to the Code of Ordinance would only be applicable to civilian employees and would be effective January 1, 2015

Approval of ordinance.

Councilmember Pate moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE AMENDING CHAPTER 2, BY REPEALING ARTICLE 2.04, SECTION 2.04.003 AND ADOPTING A NEW CHAPTER 2, ARTICLE 2.04, SECTION 2.04.03 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS BY REVISING CIVILIAN EMPLOYEE LEAVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.** Mayor Pro Tem Coleman seconded the motion.

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

NAYS: NONE

ABSTAIN: COUNCILMEMBER WRIGHT

MOTION PASSED

Ordinance 14 – 068

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

WORK SESSION

- * Review and discuss potential economic development agreements with Pate Development related to a proposed hotel and water park development to be located at Ford Park

Kyle Hayes, City Manager reviewed and discussed the potential economic development agreement with Pate Development related to a proposed hotel and water park development to be located at Ford Park. The City Manager took Council back to the workshop that was held on December 9, 2014, concerning the agreement that was made and what has transpired from that time to present. There was discussion as to the requirements made by the City in the agreement and what the developers response was, there was verbage that was changed in the developers response as well as certain conditions set forth by Council in said agreement.

COUNCILMEMBER COMMENTS

MAYOR PRO TEM COLEMAN - COMMENTED ON THE EASTERN DISTRICT SOCCER TOURNAMENT THAT OCCURRED OVER THE WEEKEND

COUNCILMEMBER GETZ - ANNOUNCED THE CLASSIC MOVIE, BREAKFAST AT TIFFANY'S, THAT WILL BE PLAYING ON FRIDAY, DECEMBER 12, 2014, 7:00 P.M., AT THE JULIE ROGERS THEATRE, TICKETS ARE \$5.00

COUNCILMEMBER WRIGHT - ENCOURAGED ALL CITIZENS TO TAKE ADVANTAGE OF THE HOLIDAY SHOPPING, ASKED THAT THEY ALL SHOP LOCALLY TO KEEP THE TAX DOLLARS WITHIN THE CITY, COMMENTED ON JIM AUSTIN, GAVE CONDOLENCES TO HIS FAMILY

COUNCILMEMBER PATE - ECHOED WHAT WAS MENTIONED BY COUNCILMEMBER WRIGHT, SPOKE IN REGARDS TO COUNCILMEMBER JAMIE SMITH AND HIS LEAVING, HE WILL BE MISSED, WE HATE TO LOSE HIM BUT THE COUNTY IS GAINING, ENCOURAGED EVERYONE TO VISIT THE MUSEUMS AS THE KIDS WILL BE OUT OF SCHOOL FOR THE NEXT FEW WEEKS, SPOKE ON THE

PASSING OF JIM AUSTIN, GAVE CONDOLENCES TO HIS WIFE AND FAMILY

COUNCILMEMBER SAMUEL -

WISH THE BEST FOR COUNCILMEMBER SMITH, GODSPEED BE WITH HIM AS HE GOES INTO HIS NEW ENDEAVOR

COUNCILMEMBER SMITH -

ABSENT

CITY ATTORNEY COOPER -

MADE ADDITIONAL COMMENTS IN REGARDS TO HIS REPRESENTATION TO THE CITY AS THE CITY ATTORNEY

CITY MANAGER HAYES -

NONE

MAYOR AMES -

CONDOLENCES TO THE FAMILY OF JIM AUSTIN, THANKED COUNCILMEMBER SMITH FOR HIS SERVICE ON COUNCIL, HE WILL BE TRULY MISSED, ANNOUNCED ONCE MORE THE DEADLINE OF DECEMBER 15, 2014 BY 5:00 P.M., TO ACCEPT RESUMES FOR CITIZENS THAT RESIDE IN WARD IV WHO ARE INTERESTED IN BEING A CANDIDATE TO FILL THE REMAINDER OF COUNCILMEMBER SMITHS TERM

Public Comments (Persons are limited to three minutes)

None

Open session of meeting recessed at 2:21p.m.

EXECUTIVE SESSION

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

Housing Discrimination Complaints of:
Laura Odom v. City of Beaumont, HUD No. 06-11-1437-8
Todd Hicks v. City of Beaumont, HUD No. 06-11-1434-8
Allyssa Humphrey v. City of Beaumont, HUD No. 06-13-0992-8
Disability Rights Texas v. City of Beaumont, HUD No. 06-13-0991-8

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

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



Becky Ames, Mayor



Tina Broussard, City Clerk

