

## MINUTES - CITY OF BEAUMONT

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

**BECKY AMES, MAYOR**  
CITY COUNCIL MEETING  
January 10, 2012  
Kyle Hayes, City Manager

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

The City Council of the City of Beaumont, Texas, met in a regular session on **January 10, 2012**, at the City Hall Council Chambers, 801 Main Street, Beaumont, Texas, at 1:30 p.m. to consider the following:

### OPENING

- Invocation                      Pledge of Allegiance                      Roll Call
- \* Presentations and Recognition
- \* Public Comment: Persons may speak on scheduled agenda item 4/Consent Agenda
- \* Consent Agenda

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

Pastor James Blackwell of South Park Baptist Church gave the invocation. Councilmember Pate led the Pledge of Allegiance. Roll call was made by Tina Broussard, City Clerk.

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

### Proclamations, Presentations, Recognitions

**Recognition** – Mayor Ames recognized World War II Veteran Victor Lee Mackool; who was present with his wife

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

**Public Comment:** Persons may speak on scheduled agenda item 4/Consent Agenda.

**None**

### CONSENT AGENDA

- \* Approval of minutes – December 20, 2011
- \* Confirmation of committee appointments - **None**

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- A) Approve the purchase of Heating, Ventilating and Air Conditioning automation controls through the Choice Facility Partners purchasing cooperative – **Resolution 12 - 001**
  - B) Authorize the City Manager and the Chief Financial Officer as signatories for execution of documents related to the Hurricane Ike Round 2.1 Funds – **Resolution 12 - 002**
  - C) Approve a resolution accepting maintenance of the street, storm sewer, water and sanitary sewer improvements in West Chase Village, Section Ten-Phase I – **Resolution 12 - 003**
  - D) Authorize the acceptance of three ten foot wide exclusive water line easements for the development of a new assisted living facility for senior citizens – **Resolution 12 - 004**
  - E) Authorize the City Manager to decrease the Frint Road Lift Station Rehabilitation Project – **Resolution 12 - 005**
  - F) Authorize the acceptance of two ten foot wide exclusive water line easements for the development of a new church – **Resolution 12 - 006**
  - G) Authorize the City Manager to renew an agreement for the use of the stables at Tyrrell Park – **Resolution 12 - 007**
  - H) Authorize the acceptance of a ten foot wide exclusive water line easement to provide water and fire protection services for the Westbrook High School Field House – **Resolution 12 - 008**

Councilmember Samuel made a motion to approve the Consent Agenda. Councilmember Pate seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

## **GENERAL BUSINESS**

1. Consider a request for a specific use permit to allow a school in a GC-MD (General Commercial-Multiple Family Dwelling) District at 3920 W. Cardinal Drive.

Administration recommended approval of the specific use permit.

Pastor John Adolph, representing Antioch Missionary Baptist Church, has applied for a specific use permit.

Pastor Adolph states that the church has completed construction of its 26,657 sq. ft. multipurpose activity center. This building includes space for classrooms, offices, computer lab and coffee shop. Pastor Adolph says that the school will include grades 1-8 and plans for a September, 2012 opening. The school will operate Monday - Friday and

follow BISD's school calendar from August through June.

At a Joint Public Hearing held December 19, 2011, the Planning Commission recommended approval 6:0 of a request for a specific use permit to allow a school in a GC-MD (General Commercial-Multiple Family Dwelling) District at 3920 W. Cardinal Drive.

Mayor Pro Tem Smith moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A SCHOOL IN A GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT AT 3920 W. CARDINAL DRIVE IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Samuel seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Ordinance 12 - 001**

2. Consider a request for a specific use permit to allow a church in an RS (Residential Single Family Dwelling) District at 1375 E. Lucas.

Administration recommended approval of the specific use permit, subject to the following conditions:

1. The owner shall be in full compliance with all codes and ordinances.
2. Provide one ADA parking space that is paved and properly delineated.

Rosa Mary McCloney has applied for a specific use permit.

In 2002, City Council approved a specific use permit to allow a church in a former Masonic Temple building on the subject property at 1375 E. Lucas. At that time, the applicant requested and received a modification to the landscaping/screening requirements along the south, east and west property lines. The previous church never did come into compliance with the building code violations that were found or receive a certificate of occupancy. The building has been vacant for a number of years and the specific use for the previous church has expired.

Herman Young, representing Rosa Mary McCloney, states that Victory in Jesus Bible Study Center, Inc. has approximately 19 members. The church will have services on Monday and Friday from 6:00 p.m - 7:00 p.m. and Sunday from 11:00 a.m. - 12:00 p.m.

At a Joint Public Hearing held December 19, 2011, the Planning Commission recommended approval 6:0 of a request for a specific use permit to allow a church in an RS (Residential Single Family Dwelling) District at 1375 E. Lucas, subject to the following conditions:

1. The owner shall be in full compliance with all codes and ordinances.
2. Provide one ADA parking space that is paved and properly delineated.

Councilmember Pate made a motion to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A CHURCH IN A RS (RESIDENTIAL SINGLE FAMILY DWELLING) DISTRICT AT 1375 E. LUCAS DRIVE IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Coleman seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Ordinance 12 - 002**

3. Consider a request for a specific use permit to allow a restaurant and bar in a PUD (Planned Unity Development) District at 3350 Dowlen Road, Suite C.

Administration recommended approval of the specific use permit.

Tony Nguyen, representing Koi Sushi, LLC, has applied for a specific use permit.

Koi Sushi Restaurant would like to operate a restaurant and bar in Tuscany Park at 3350 Dowlen, Suite C. The restaurant will be open six days a week. Tuscany Park is a mix of offices, retail stores and restaurants and the Koi Sushi Restaurant would enhance the development's role as a major commercial destination.

At a Joint Public Hearing held December 19, 2011, the Planning Commission recommended approval 6:0 of a request for a specific use permit to allow a restaurant and bar in a PUD (Planned Unit Development) District at 3350 Dowlen Road, Suite C.

Councilmember Getz made a motion to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A RESTAURANT AND BAR IN A PUD (PLANNED UNIT DEVELOPMENT) DISTRICT AT 3350 DOWLEN ROAD, SUITE C IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Wright seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Ordinance 12 – 003**

4. Consider approving the purchase of an imaging system for use by the Police Department.

Administration recommended approval of the purchase from MCCi, LLC of Tallahassee, Florida, in the estimated amount of \$91,694.

Pricing for the purchase was obtained through the State of Texas Department of Information (DIR). DIR provides cities and political subdivisions with the means to purchase information technology at volume prices contracted under the procurement statutes of the State of Texas.

The Police Department uses an imaging system to capture and manage case related documents that must be kept in a secured but accessible manner while meeting all state retention guidelines and protecting the integrity of the criminal investigation.

The current system was implemented in 1997 and has had only one system upgrade in fourteen years. The system hardware that stores images is outdated and no longer manufactured. In addition, the current system does not image color photos; therefore, they are stored on a stand-alone computer. The proposed system will allow for the capture of case related documents and the addition of color evidence photos. It will interface with the City's SunGard OSSI Public Safety software and provide software upgrades, user efficiencies, and less costly yearly maintenance and support.

Funds are budgeted for the purchase in the Capital Reserve Fund.

Councilmember Wright made a motion to **APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE PURCHASE OF AN IMAGING SYSTEM, FOR USE BY THE POLICE DEPARTMENT, FROM MCCi, LLC, OF TALLAHASSEE, FLORIDA, THROUGH THE STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) CONTRACT, IN THE AMOUNT OF \$91,694.** Mayor Pro Tem Smith seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Resolution 12 - 009**

#### **COUNCILMEMBER COMMENTS**

**MAYOR PRO TEM SMITH -**

**CONGRATULATED PASTOR JAMES BLACKWELL ON HIS RETIREMENT, STATED HE WILL TRULY BE MISSED, ANNOUNCED THAT BARBARA LYNN WOULD BE CELEBRATING HER 70<sup>TH</sup> BIRTHDAY ON SUNDAY, JANUARY 15, 2012, AT THE GIG, ENJOYED THE RIBBON CUTTING AT SOUTH PARK MIDDLE SCHOOL, ANNOUNCED THAT THERE WILL BE A MLK PARADE THIS WEEKEND ALONG MLK AT 9:00 A.M., MONDAY, JANUARY 16, 2012, THERE WILL BE A PERFORMANCE AT MLK MIDDLE SCHOOL, A NAACP**

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**BREAKFAST AT DOUGLAS MEMORIAL CHURCH, A LUNCHEON IN PORT ARTHUR AT THE BOB BOWERS CIVIC CENTER, ALSO WEST TABERNACLE BAPTIST CHURCH WILL HAVE THEIR ANNUAL MLK PROGRAM AT 7:00 P.M., SUNDAY NIGHT, ANNOUNCED THAT HE IS A GRANDFATHER, HIS GRANDDAUGHTER WAS BORN JANUARY 6, 2012**

- COUNCILMEMBER SAMUEL - WISHED EVERYONE A HAPPY NEW YEAR, CONGRATULATED MAYOR PRO TEM ON HIS BEING A GRANDFATHER**
- COUNCILMEMBER PATE - CONGRATULATED MAYOR PRO TEM SMITH ON HIS NEW GRANDDAUGHTER, ASKED THAT EVERYONE BECOME MORE INVOLVED WITH THEIR NEIGHBORHOOD ASSOCIATIONS FOR THE NEW YEAR, THANKED PASTOR JAMES BLACKWELL FOR ALL THAT HE HAS DONE IN THE COMMUNITY AND IN HIS CHURCH, CONGRATULATED HIM ON HIS RETIREMENT**
- COUNCILMEMBER WRIGHT - WISHED EVERYONE A HAPPY NEW YEAR, OFFERED CONDOLENCES TO THE FAMILY OF RETIRED POLICE OFFICER EARL OSTER, ATTENDED THE CALDWOOD ELEMENTARY SCHOOL RIBBON CUTTING ON LAST FRIDAY, STATED THAT THE SCHOOL HAS ALWAYS BEEN A RECOGNIZED SCHOOL BUT HE'S SURE THAT THEY WILL BE EXEMPLARY, CONGRATULATED MAYOR PRO TEM SMITH ON HIS NEW GRANDDAUGHTER, AS WELL AS PASTOR BLACKWELL ON HIS RETIREMENT**
- COUNCILMEMBER GETZ - WISHED EVERYONE A HAPPY NEW YEAR, CONGRATULATED MAYOR PRO TEM SMITH ON BECOMING A GRANDFATHER, STATED HE ATTENDED TWO NEIGHBORHOOD ASSOCIATION MEETINGS, WANTED TO ECHO WHAT COUNCILMEMBER PATE SAID IN REGARDS TO CITIZENS GETTING INVOLVED IN NEIGHBORHOOD ASSOCIATIONS IN THEIR AREA**
- COUNCILMEMBER COLEMAN - WISHED EVERYONE A HAPPY NEW YEAR, CONGRATULATED MAYOR PRO TEM SMITH ON HIS NEW GRANDCHILD, GAVE CONDOLENCES TO THE FRANK ASSUNTO FAMILY, AS WELL AS TO THE FAMILY OF PASTOR PAM BESSER WHO PASSED AWAY ON CHRISTMAS DAY**
- CITY ATTORNEY COOPER - NONE**
- CITY MANAGER HAYES - NONE**
- MAYOR AMES - CONGRATULATED PASTOR BLACKWELL ON HIS RETIREMENT, GAVE CONDOLENCES TO THE FAMILY OF PASTOR PAM BESSER AND WESLEY UNITED METHODIST CHURCH, TO RETIRED POLICE OFFICER EARL OSTER AS WELL AS THE FAMILY OF CLEVELAND NISBY**

**Public Comments** (Persons are limited to three minutes)

**Jerry Allen**                      **135 North 11<sup>th</sup> St.**                      **Beaumont TX**

Thanked Police Chief Singletary and the Beaumont Police Department for helping apprehend a burglar who was burglarizing his place of business

**Ty Riley**                              **818 McArthur Dr.**                      **Port Neches, TX**

Invited Mayor and Council to an event that will be in Beaumont called the Streets Dance Convention and Competition, the event will be held at the Holiday Inn on Walden Road, asked that everyone come out and witness the event for themselves, it's a good experience and it's something great for the kids

Open session of meeting recessed at 1:59 p.m.

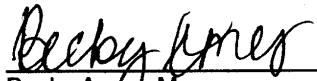
**EXECUTIVE SESSION**

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

Economy Inn/Jivanji Bhakta Prabhuhai; Hotel Occupancy Tax

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

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

  
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Becky Ames, Mayor

  
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Tina Broussard, City Clerk

