

# MINUTES - CITY OF BEAUMONT

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

**BECKY AMES, MAYOR**  
CITY COUNCIL MEETING  
June 28, 2011  
Kyle Hayes, City Manager

Gethrel Williams-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 June 28, 2011, at the City Hall Council Chambers, 801 Main Street, Beaumont, Texas, at 1:30 p.m. to consider the following:

## OPENING

- \* Invocation                      Pledge of Allegiance                      Roll Call
- \* Presentations and Recognition
- \* Public Comment: Persons may speak on scheduled agenda items 1 and 6/Consent Agenda
- \* Consent Agenda

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

Reverend Curtis B. Alexander of Bethel Bible Ministries gave the invocation. Mayor Pro Tem 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 Pate, Councilmembers Coleman, Getz, Wright and Smith. Absent: Councilmember Samuel. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

Councilmember Samuel was absent due to Court.

## Proclamations, Presentations, Recognitions

**"GOLD Recognition Award from the Texas Council on Cardiovascular Disease and Stroke"** - Ann Quinn Todd, Gubernatorial appointment to the Texas Council on Cardiovascular Disease and Stroke presented the award to the City of Beaumont

**Public Comment:** Persons may speak on scheduled agenda items 1 and 6/Consent Agenda.

None

## CONSENT AGENDA

- \* Approval of minutes - **June 24, 2011**
- \* Confirmation of committee appointments - **None**

- A) Approve a contract for the purchase of sodium hydroxide for use by the Water Utilities Department - **Resolution 11 - 181**
- B) Approve a contract for the purchase of aluminum sulfate for use by the Water Utilities Department - **Resolution 11 - 182**
- C) Authorize the acquisition of property (3930 East Lucas Drive) for the Concord Road Pavement Widening Project - **Resolution 11 - 183**
- D) Authorize the City Manager to execute all documents necessary to accept funding from the Department of State Health Services for the Mother-Friendly Worksite Initiative- Locals/Hospitals Grant for the Beaumont Public Health Department - **Resolution 11 - 184**
- E) Approve an Interlocal Agreement with Capital Area Housing Finance Corporation in support of a proposed Low Income Housing Tax Credit project - **Resolution 11 - 185**
- F) Authorize the acceptance of a ten foot wide Exclusive Waterline Easement to provide water and fire protection services for Bingman Elementary located at 5265 South Kenneth - **Resolution 11 - 186**
- G) Approve Change Order No. 1 for the Cartwright/Corley Drainage Project - **Resolution 11 - 187**

Mayor Pro Tem Pate made a motion to approve the Consent Agenda. Councilmember Smith seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

#### **GENERAL BUSINESS**

1. Conduct an election of Mayor Pro Tempore - **Deferred**
2. Consider a request for a zone change from GC-MD-H (General Commercial-Multiple Family Dwelling-Historical) District to GC-MD (General Commercial-Multiple Family Dwelling) District at 2674 Liberty.

Administration recommended approval of a zone change from GC-MD-H (General Commercial-Multiple Family Dwelling-Historical) District to GC-MD (General Commercial-Multiple Family Dwelling) District at 2674 Liberty.

Altus HMS has requested a zone change.

On May 9, 2011, the Historic Landmark Commission approved the moving of the structure at 2674 Liberty to 2645 Liberty. The purpose of the move was to allow Altus to purchase the property for expansion of its facility at 390 N. 11<sup>th</sup>. Altus would now like to remove the subject property from the Oaks Historic District boundaries so that it can be utilized for parking.

At a Joint Public Hearing held June 20, 2011, the Planning Commission voted 5:2 to approve a zone change from GC-MD-H (General Commercial-Multiple Family Dwelling-Historical) District to GC-MD (General Commercial-Multiple Family Dwelling) District at 2674 Liberty.

Councilmember Wright made a motion 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 GC-MD-H (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING-HISTORIC) DISTRICT TO GC-MD (GENERAL COMMERCIAL -MULTIPLE FAMILY DWELLING) DISTRICT FOR PROPERTY LOCATED AT 2674 LIBERTY AVENUE, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING A PENALTY.** Councilmember Getz seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Ordinance 11 – 042**

3. Consider a request for a zone change from RS (Residential Single Family Dwelling District to RM-M (Residential Multiple Family Dwelling-Medium Density) District and a specific use permit to allow an adult day care in an RM-M (Residential Multiple Family Dwelling-Medium Density) District at 1635 W. Highland Drive.

Administration recommended denial of a zone change from RS (Residential Single Family Dwelling) District to RM-M (Residential Multiple Family Dwelling-Medium Density) District and a specific use permit to allow an adult day care in an RM-M (Residential Multiple Family Dwelling-Medium Density) District at 1635 W. Highland Drive.

Melody Peters has requested a zone change and specific use permit.

Ms. Peters states that the day care would target individuals 55 and older. The facility would initially operate 6:30 a.m. - 6:00 p.m., Monday through Friday and some Saturdays.

The subject property is zoned RS. An adult day care is not permitted in the RS District so a zone change is needed. This zone change request could constitute spot zoning.

At a Joint Public Hearing held June 20, 2011, the Planning Commission voted 5:2 to deny a zone change from RS (Residential Single Family Dwelling) District to RM-M (Residential Multiple Family Dwelling-Medium Density) District and a specific use permit to allow an adult day care in an RM-M (Residential Multiple Family Dwelling-Medium Density) District at 1635 W. Highland Drive.

Councilmember Getz made a motion to **DENY AN ORDINANCE ENTITLED AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS, AND IN PARTICULAR THE BOUNDARIES OF THE ZONING DISTRICTS, AS INDICATED UPON THE ZONING MAP OF BEAUMONT, TEXAS, BY CHANGING THE ZONING OF PROPERTY PRESENTLY ZONED RD (RESIDENTIAL SINGLE FAMILY DWELLING) DISTRICT TO RM-M (RESIDENTIAL MULTIPLE FAMILY DWELLING-MEDIUM DENISTY) DISTRICT FOR PROPERTY LOCATED AT 1635 W. HIGHLAND DRIVE, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING A PENALTY.** Councilmember Coleman seconded the motion.

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

**NAYS: NONE**

**MOTION DENIED**

4. Consider a request for a zone change from RS (Residential Single Family Dwelling) District to GC-MD (General Commercial-Multiple Family Dwelling) District at 3308 Martin Luther King, Jr. Parkway.

Administration recommended denial of a zone change from RS (Residential Single Family Dwelling) District to GC-MD (General Commercial-Multiple Family Dwelling) District at 3308 Martin Luther King, Jr. Parkway.

Shanil Oil Company has requested a zone change.

Shanil Oil has bought Lots 1-4 at the southwest corner of E. Alma and MLK Parkway. Lots 1-3 are zoned GC-MD. Lot 4 is zoned RS. All four lots have previously been used as a bar and related parking. The actual bar building is located on Lot 4. Shanil Oil would like to construct a strip center on the subject property.

At a Joint Public Hearing held June 20, 2011, the Planning Commission voted 6:1 to deny a zone change from RS (Residential Single Family Dwelling) District to GC-MD (General Commercial-Multiple Family Dwelling) District at 3308 Martin Luther King, Jr. Parkway.

Councilmember Wright made a motion to **DENY AN ORDINANCE ENTITLED AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS, AND IN PARTICULAR THE BOUNDARIES OF THE ZONING DISTRICTS, AS INDICATED UPON THE ZONING MAP OF BEAUMOT, TEXAS, BY CHANGING THE ZONING OF PROPERTY PRESENTLY ZONED RS (RESIDENTIAL SINGLE**

**FAMILY DWELLING) DISTRICT TO GC-MD (GENERAL COMMERCIAL-MULTIPLE-FAMILY DWELLING) DISTRICT FOR PROPERTY LOCATED AT 3308 MARTIN LUTHER KING, JR. PARKWAY, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING A PENALTY. Mayor Pro Tem Pate seconded the motion.**

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

**NAYS: NONE**

**MOTION DENIED**

5. Consider a request for a specific use permit to allow a wholesale generator sales and service dealership in a GC-MD (General Commercial-Multiple Family Dwelling) District at 945 Dixie Drive.

Administration recommended approval of a specific use permit to allow a wholesale generator sales and service dealership in a GC-MD (General Commercial-Multiple Family Dwelling) District at 945 Dixie Drive.

Gulf Coast Generators has requested a specific use permit.

Mr. Burch states that Gulf Coast Generators is an authorized dealer of Generac generators. The company does sales, service and warranty of automatic standby units. The existing building will house both office space and warehousing of the product. In addition, service trucks and utility trailers will be stored on site.

At a Joint Public Hearing held June 20, 2011, the Planning Commission voted 7:0 to approve a specific use permit to allow a wholesale generator sales and service dealership in a GC-MD (General Commercial-Multiple Family Dwelling) District at 945 Dixie Drive.

Councilmember Smith made a motion to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A WHOLESALE GENERATOR SALES AND SERVICE DEALERSHIP IN A GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT AT 945 DIXIE DRIVE IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Mayor Pro Tem Pate seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Ordinance 11 - 043**

6. Consider approving a contract for the purchase of asphaltic concrete for use by the Streets and Drainage Division.

Administration recommended the award of a six (6) month contract to APAC-Texas, Inc., of Beaumont, with an estimated total expenditure of \$859,430.

Cold laid asphaltic concrete is used for repairing potholes and small sections of street, while hot laid asphaltic concrete is used for repairs to larger street sections. It is estimated that approximately 11,000 tons of hot laid asphaltic concrete and 700 tons of cold laid asphaltic concrete will be used during the term of the contract.

Funds for the cold laid concrete are available in the Streets and Drainage Division's operating budget. Funds are available in the Capital Program for the hot laid concrete which is used for street rehabilitation.

Councilmember Coleman made a motion to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH APAC-TEXAS, INC.** Councilmember Smith seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Resolution 11 - 188**

#### **PUBLIC HEARING**

\* Dangerous Structures

Public Hearing Open: 1:53 p.m.

Public comments were made by the following people who personally appeared and requested additional time to make repairs to their property:

**Sergio Zapata                      2204 Norma St.                      Beaumont TX**

Item# 7      1540 Ave. B

**Beatrice Johnson                      1505 Ave. H                      Beaumont TX**

Item# 9      1505 Ave. H

**Dwayne Buckley                      5245 Espar St.                      Beaumont TX**

Item# 25      1180 Georgia

**Don Fones                      595 Goodhue Rd.                      Beaumont TX**

Item# 28      595 Goodhue Rd.

<b>Gary L. Robbins</b>	<b>9805 Phelan Blvd.</b>	<b>Beaumont TX</b>
Item# 30	4630 Hartel	
<b>Demetria Standberry</b>	<b>445 E. Elgie</b>	<b>Beaumont TX</b>
Item# 37	470 Jackson	
<b>John D. West</b>	<b>Two Acadians Court</b>	<b>Beaumont TX</b>
Item# 38	510 Jackson	
<b>Brenda Davis</b>	<b>3555 Corley St.</b>	<b>Beaumont TX</b>
Item# 42	3995 Marie St.	
<b>Brenda Frazier Kern</b>	<b>5225 Roberts Rd.</b>	<b>Beaumont TX</b>
Item# 56	5225 Roberts Rd.	
<b>Dana A. Baker Sr.</b>	<b>5650 Spencer Dr.</b>	<b>Beaumont TX</b>
Item# 66	5650 Spencer	
<b>Steven B. Gay</b>	<b>1640 Trinidad</b>	<b>Beaumont TX</b>
Item# 70	1640 Trinidad (Garage)	
<b>Beverly Robbins</b>	<b>2101 7<sup>th</sup> St.</b>	<b>Port Neches TX</b>
Item# 72	1133 Vermont	
<b>April Oliver</b>	<b>5365 Gober Rd.</b>	<b>Beaumont TX</b>
Item# 27	5365 Gober Rd. (& rear auxiliary building)	
<b>Wade Davis</b>	<b>2345 Broadway St.</b>	<b>Beaumont TX</b>
Item# 4	568 Alabama	
<b>Rosie O'Glass</b>	<b>2560 Smart</b>	<b>Beaumont TX</b>
Item# 63	2560 Smart	
<b>Sarah Reynolds Coats</b>	<b>1520 Corley</b>	<b>Beaumont TX</b>
Item# 15	1520 Corley	

**Martha Campbell                      3021 Rockwell St.                      Beaumont TX**

Item# 57      3021 Rockwell

Public Hearing Closed: 2:32 p.m.

7. Consider approval of an ordinance and a resolution declaring certain structures to be dangerous structures and ordering their removal within 10 days or authorizing the property owner to enroll the dangerous structure in a work program.

Administration recommended approval.

The Texas Department of Housing and Community Affairs (TDHCA) has approved the use of Community Development Block Grant Disaster Recovery funding for the demolition and clearance of residential properties that were damaged as a result of Hurricane Ike and are now uninhabitable.

These structures have been inspected and have been determined to be unsafe and substandard and contributing to slum and blight.

Funding will be available through a grant with TDHCA, with no local match.

Councilmember Smith made a motion to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE FINDING CERTAIN STRUCTURES TO BE PUBLIC NUISANCES AND ORDERING THEIR DEMOLITION AS WELL AS TO ALLOW PROPERTY OWNERS OF ITEMS #4, 7, 9, 15, 27, 28, 30, 38, 42, 56, 57, 63, 66, 69, 70 AND 72 TO ENTER INTO A 150 DAY WORK PROGRAM ON THE DANGEROUS STRUCTURES LIST, AND PULLING ITEM #37; PROVIDING FOR SEVERABILITY AND PROVIDING FOR A PENALTY.** Councilmember Coleman seconded the motion.

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

**NAYS:                      NONE**

**MOTION PASSED**

**Ordinance 11 – 044**

Councilmember Smith made a motion to **APPROVE A RESOLUTION APPROVING THE DEMOLITION AND CLEARANCE OF FIFTY-NINE (59) RESIDENTIAL PROPERTIES THAT WERE DAMAGED AS A RESULT OF HURRICANE IKE. THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS WILL ALLOCATE FUNDING FOR THE ACTIVITIES.** Councilmember Coleman seconded the motion.

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

**NAYS:                      NONE**

**MOTION PASSED**

**Resolution 11 – 189**

**COUNCILMEMBER COMMENTS**

**COUNCILMEMBER COLEMAN -** ASKED THAT EVERYONE KEEP THE FAMILY OF HIS UNCLE EDWARD DOMINGO IN PRAYER, CONGRATULATED BOB BLACK FOR BEING ELECTED PRESIDENT OF THE STATE BAR OF TEXAS, AS WELL AS HIS SON JOHN FOR BEING ACCEPTED TO THE DALLAS THEOLOGICAL SEMINARY

**COUNCILMEMBER GETZ -** NONE

**COUNCILMEMBER WRIGHT -** OFFERED CONDOLENCES TO THE SAMS AND TILLMAN FAMILY, AS WELL AS COUNCILMEMBER COLEMAN AND HIS FAMILY, STATED THAT THE POLICE MUSEUM IS NOW OPEN AND ENCOURAGED EVERYONE TO GO BY AND VISIT

**MAYOR PRO TEM PATE -** COMPLIMENTED COUNCILMEMBER COLEMAN ON BEING SELECTED AS EVERYBODY'S FAVORITE DENTIST, AS WELL AS BOB BLACK BEING NOMINATED AS THE PRESIDENT OF STATE BAR OF TEXAS, CONDOLENCES TO THE SAMS FAMILY, ANNOUNCED THAT AT THE GARTH HOUSE WILL HOLD A MEMORIAL SERVICE FOR MICKEY MEHAFFY, ALSO SUNDAY WAS BABE DIDRIKSON ZAHARIAS' BIRTHDAY

**COUNCILMEMBER SAMUEL -** ABSENT

**COUNCILMEMBER SMITH -** WELCOMED COUNCILMEMBER COLEMAN BACK, ACKNOWLEDGE BCD DRIVING ACADEMY STUDENTS, CONDOLENCES TO THE SAMS FAMILY, WISHED EVERYONE A HAPPY 4<sup>TH</sup> OF JULY, REMINDED CITIZENS NOT TO POP FIREWORKS WITHIN THE CITY, ENCOURAGED EVERYONE TO ENJOY THE FIREWORKS SHOW THAT THE CITY WILL PROVIDE DOWNTOWN AT 9:00 P.M.

**CITY ATTORNEY COOPER -** NONE

**CITY MANAGER HAYES -** NONE

**MAYOR AMES -** COMMENTED ON THE GOLD RECOGNITION AWARD FOR CARDIOVASCULAR DISEASE AND STROKE, ALSO COMMENTED ON THE 4<sup>TH</sup> OF JULY CELEBRATION AND THE FIREWORKS SHOW DOWNTOWN, REMINDED CITIZENS THAT THE CELEBRATION WILL TAKE PLACE BETWEEN THE PUBLIC LIBRARY AND THE JULIE ROGERS THEATRE, THE FIREWORKS WILL BEGIN AT 9:00 P.M. AT RIVERFRONT PARK

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

**Christopher Jones**                      **2207 Poplar St.**                      **Beaumont TX**

Congratulated everyone on their win after the election, stated that he enjoyed running for Mayor, looks forward to working with each of the Councilmembers, asked that the Community pray for the Sam and Tillman family, also stated that he would like to establish a community group that would visit the dilapidated structures and offer assistance as well as removing some of the blight from different neighborhoods so that people would want to build homes in some of the neighborhoods

**Ruby Franklin**                      **5335 Bigner Rd.**                      **Beaumont TX**

Complained that her neighbor at 5355 Bigner Rd. has five pit bulls, has been to every department as well as the Police Department, stated that the dogs bark all night and she is unable to sleep, called the police the neighbors refused to open the door, she has been charged by these dogs and stated that she has resided at her home for 45 years, she refuses to be a prisoner in her own home by dogs, asked for some type of assistance with this issue

**Linda Gilmore**                      **4695 Beale**                      **Beaumont TX**

Stated she has come before Council as a very proud mother of a son who has recently been indoctrinated into the City of Beaumont Police Department, she is so proud of her City, this is something that her son has wanted to do for years, again thanked her City and Council

**Louis Vaughn**                      **9615 Mapes**                      **Beaumont TX**

Commented on the 20 acre proposed retention/detention pond on the corner of Fannett Road and 11<sup>th</sup> St., by DD6 and the City, as well as any additional agreements in regards to flooding in that area

**Bruce Hoffer**                      **2535 North St.**                      **Beaumont TX**

Commented on the loss of a soccer trainer here in the City of Beaumont that was on the Netherland's National Team for ten years and has been a resident of Beaumont for a number of years, also commented on summer soccer camps in Beaumont, Hardin and Orange County, stated that soccer season is right around the corner, the first game is the first Saturday after Labor Day, the first of August soccer practice will start, wished everyone a happy 4<sup>th</sup> of July weekend

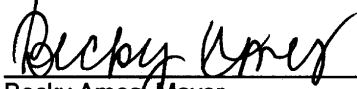
**Kenneth & Laurie Wilcox**                      **2020 Hanover Circle**                      **Beaumont TX**

Spoke to Council in regards to a home they just purchased that was a bank foreclosure, the address of the home is 3420 S. Major Dr., they were told that the home had code violations from the City when they put it under contract, they were instructed that they would need to have paperwork once they closed on the property to submit to the City to find out what the code violations were, it was found out last week the property was on the demolition list at a previous council meeting, requested information as to what would need

to be done since the property is marked for demolition, the City Attorney stated the Wilcox's would need to get an attorney and file an injunction with the courts

With there being no Executive Session, the meeting adjourned at 2:57 p.m.

**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

