

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
August 23, 2011
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 **August 23, 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 7-9/Consent Agenda
- * Consent Agenda

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

Reverend Robert Walker, Associate Pastor of Starlight Missionary 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 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 – for Mr. Edward Briggs, who received the Purple Heart Medal after 60 years

Public Comment: Persons may speak on scheduled agenda items 7-9/Consent Agenda.

Gary L. Robbins 9805 Phelan Blvd. Beaumont, TX

Spoke in regards to Item F; on the Consent Agenda, authorization of eminent domain proceedings to acquire property (vacant land on Old Sour Lake Road)

CONSENT AGENDA

- * Approval of minutes - **August 16, 2011**
- * Confirmation of committee appointments - **None**
- A. Approve annual contracts for the purchase of traffic marking materials – **Resolution 11 - 236**

- B. Approve a three-year contract for grounds maintenance and litter removal for the Central Business District – **Resolution 11 - 237**
- C. Approve an annual contract for work uniforms – **Resolution 11 - 238**
- D. Approve Change Order No. 2 for the Event Center Parking Lots Improvement Project – **Resolution 11 - 239**
- E. Authorize the City Manager to request that the Texas Department of Transportation remove the US 90 designation between IH-10 at College Street and IH-10 at the Downtown Exit – **Resolution 11 - 240**
- F. Authorize eminent domain proceedings to acquire property (vacant land on Old Sour Lake Road - Tract 77) for the Municipal Airport Project – **Tabled**

Councilmember Pate made a motion to approve the Consent Agenda excluding Item F. Councilmember Coleman 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 zone change from RCR (Residential Conservation and Revitalization) District and GC-MD (General Commercial-Multiple Family Dwelling) District to RS (Residential Single Family Dwelling) District at 5155 Highland Avenue.

Administration recommended approval of the zone change.

Marilyn McClory, on behalf of her mother, Jetta Mazzu, has requested a zone change.

Ms. McClory states that in June, 2010, her mother entered into a contract to sell the family homestead. The property consists of four lots and is occupied with a 2,200 sq. ft. house. The family agreed to owner-finance until such time that the buyers could finalize their funding with a mortgage company. The new owners have been approved but three different appraisals have designated the property commercial because of the GC-MD zoning on the southmost lot.

In order to clear up this discrepancy and allow the new owners to finalize their mortgage loan, Ms. McClory is requesting the zone change to RS.

At a Joint Public Hearing held August 15, 2011, the Planning Commission voted 8:0 to approve a zone change from RCR (Residential Conservation and Revitalization) District and GC-MD (General Commercial-Multiple Family Dwelling) District to RS (Residential Single Family Dwelling) District at 5155 Highland Avenue.

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 RCR (RESIDENTIAL CONSERVATION AND REVITALIZATION) DISTRICT TO RS (RESIDENTIAL SINGLE FAMILY DWELLING) DISTRICT FOR PROPERTY LOCATED AT 5155 HIGHLAND AVENUE, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR REPEAL AND PROVIDING A PENALTY. 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

Ordinance 11 - 057

2. Consider a request for a zone change from LI (Light Industrial) District to RS Residential Single Family Dwelling) District for property located on the west side of Erie approximately 250' north of the intersection of Erie and Chambless.

Administration recommended approval of the zone change.

Terry Richard III has requested a zone change.

Mr. Richard states that he has bought this property and would like to build his future home on the property. In May, 1999, City Council approved a zone change from LI to RM-H for two properties south of the subject property on the east side of Erie.

At a Joint Public Hearing held August 15, 2011, the Planning Commission voted 8:0 to approve a zone change from LI (Light Industrial) District to RS (Residential Single Family Dwelling) District for property located on the west side of Erie, approximately 250' north of the intersection of Erie and Chambless.

Mayor Pro Tem Smith 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 LI (LIGHT INDUSTRIAL) DISTRICT TO RS (RESIDENTIAL SINGLE FAMILY DWELLING) DISTRICT FOR PROPERTY LOCATED ON THE WEST SIDE OF ERIE STREET, APPROXIMATELY 250' NORTH OF THE INTERSECTION OF ERIE STREET AND CHAMBLESS DRIVE, CITY OF 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 SMITH, COUNCILMEMBERS COLEMAN, GETZ, WRIGHT, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Ordinance 11 - 058

3. Consider a request for a specific use permit to allow a testing laboratory in a GC-MD-2 (General Commercial-Multiple Family Dwelling-2) District at 1575 S. Major Drive.

Administration recommended approval of a specific use permit to allow a testing laboratory at 1576 S. Major Drive.

William Robbins, President of Earth Analytical Sciences, Inc. (EAS), has requested a specific use permit.

Earth Analytical Sciences, Inc. is a full-service analytical laboratory that provides an array of environmental services benefitting a variety of industries throughout Southeast Texas and beyond. Their clients consist of a multitude of businesses including petrochemical/refining, industrial, pipeline services, environmental consulting commercial retailers and more. EAS will be relocating from 4825 Ward Drive. EAS will occupy an existing commercial building soon to be vacated.

Transportation Engineering is requiring fifteen parking spaces for the laboratory. Eleven parking spaces are shown. Therefore, four additional spaces must be provided within 400 feet of the subject property.

At a Joint Public Hearing held August 15, 2011, the Planning Commission voted 8:0 to approve a specific use permit to allow a testing laboratory at 1576 S. Major Drive subject to the following condition:

- provide for the additional four parking spaces that are required within 400 feet of the subject property.

Councilmember Getz made a motion to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A TESTING LABORATORY IN A GC-MD-2 (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING-2) DISTRICT AT 1575 S. MAJOR 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 11 - 059

4. Consider a request for a specific use permit to allow the expansion of a church in an RCR (Residential Conservation and Revitalization) District at 1390 Wall.

Administration recommended approval of a specific use permit to allow the expansion of a church in an RCR District at 1390 Wall.

Bishop Curtis Guillory, representing the Diocese of Beaumont, has applied for a specific use permit.

Cristo Rey Catholic Church which is located at 775 Avenue A is undergoing expansion and wishes to install a modular building on the subject property for use as a temporary office. The office will be used approximately twice a week by the parish Catholic leaders. The parish is undergoing dramatic growth and is need of the extra office space.

At a Joint Public Hearing held August 15, 2011, the Planning Commission voted 7:0:1 to approve a specific use permit to allow the expansion of a church in an RCR District at 1390 Wall subject to the following conditions:

- Provide an additional four parking spaces within 400 hundred feet of the subject property and landscaped as per code
- Install an 8' tall wood screening fence along the north property line and along approximately 77' of the south property line

with a waiver of the 10' wide landscape strip along the north and south property lines.

Mayor Pro Tem Smith made a motion to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW THE EXPANSION OF A CHURCH IN A RCR (RESIDENTIAL CONSERVATION AND REVITALIZATION) DISTRICT AT 1390 WALL STREET IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Pate seconded the motion.

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

NAYS: NONE

MOTION PASSED

Ordinance 11 - 060

5. Consider a request for a specific use permit to allow a drinking place in a GC-MD (General Commercial-Multiple Family Dwelling) District at 3410 Concord.

Administration recommended approval of a specific use permit to allow a drinking place in a GC-MD (General Commercial-Multiple Family Dwelling) District at 3410 Concord

Lesha Crawford has applied for a specific use permit.

Ms. Crawford states that she would like to operate a drinking place in an existing building on the subject property. The primary customer base will be individuals 30 years old and up. Beer and wine will be available for purchase. The lounge will be open from 9 p.m. - 2 a.m., Wednesdays through Saturdays.

At a Joint Public Hearing held August 15, 2011, the Planning Commission voted 6:2 to approve a specific use permit to allow a drinking place in a GC-MD (General Commercial-

Multiple Family Dwelling) District at 3410 Concord, subject to the following conditions:

- ADA parking spaces shall have proper signage.
- 'No Loitering' signs shall be posted in the parking lot.
- Proper security shall be provided.

Councilmember Samuel made a motion to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A DRINKING PLACE IN A GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT AT 3410 CONCORD ROAD 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 11 - 061

6. Consider a request for a specific use permit to allow a charter school in a GC-MD (General Commercial-Multiple Family Dwelling) District at 10255 Eastex Freeway.

Administration recommended approval of a specific use permit to allow a charter school at 10255 Eastex Freeway.

Pastor Randy Clark, representing Triumph Church, has applied for a specific use permit.

Triumph Church intends to lease a portion of its facilities to Responsive Education Solutions, a public charter school licensed in the State of Texas for the purpose of opening Vista Academy of Beaumont. The school will have a capacity of 220 students in 11 classrooms with a total of 18 employees.

At a Joint Public Hearing held August 15, 2011, the Planning Commission voted 8:0 to approve a specific use permit to allow a charter school in a GC-MD (General Commercial-Multiple Family Dwelling) District at 10255 Eastex Freeway.

Councilmember Coleman made a motion to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A CHARTER SCHOOL IN A GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT AT 10255 EASTEX FREEWAY IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** 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

Ordinance 11 – 062

7. Consider the abandonment of a utility easement at 445 N. 14th Street

Administration recommended approval of the abandonment.

Tom Rowe with Mark Whiteley and Associates has applied for the abandonment of a 10' x 155' utility easement on behalf of the property owner.

At a Regular Meeting held August 15, 2011, the Planning Commission recommended approval 8:0 of the abandonment subject to the following condition:

- The existing 6" sanitary sewer will be abandoned at the owner's expense.

Councilmember Coleman made a motion to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE VACATING AND ABANDONING A UTILITY EASEMENT LOCATED AT 445 N. 14TH STREET, BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Getz seconded the motion.

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

NAYS: NONE

MOTION PASSED

Ordinance 11 - 063

8. Consider the abandonment of a utility easement at 5710 Longwood.

Administration recommended approval of the abandonment.

Neil Fogal has applied for the abandonment of a utility easement.

The purpose of the partial abandonment of a general utility easement at the rear of the property at 5710 Longwood is to allow for adequate excavation space for the installation of a swimming pool.

At a Regular Meeting held August 15, 2011, the Planning Commission recommended approval 8:0 of the abandonment.

Councilmember Getz made a motion to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE VACATING AND ABANDONING A UTILITY EASEMENT LOCATED AT 5710 LONGWOOD STREET, 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 11 – 064

9. Consider authorizing the City Manager to execute an Industrial District Contract with Pandora Methanol, LLC.

Administration recommended approval.

Industrial District Contracts enable the City to collect payments in lieu of taxes from industries located within the extra territorial jurisdiction of the City of Beaumont.

On December 18, 2008, the City entered into an initial industrial contract with Eastman Chemical Company that expires in 2015. Earlier in 2011, Pandora Methanol, LLC, purchased the Eastman Chemical Methanol and Ammonia facility. Under Article III, Sale of Company, in the current agreement with Eastman, it states that the agreement may be assigned to the new owner who expressly assumes the obligations of the prior Company in a written instrument. On June 14, 2011, Pandora requested that the City assign the existing agreement to Pandora Methanol, LLC, for the remainder of the term of the agreement and requested that 100% of the value of any new investment in the facility be excluded from the assessed value of the Company's property for the remainder of the agreement.

The uncertified 2011 assessed value of the property purchased by Pandora is \$5,525,710. At 80% percent of the value or \$4,420,568 and a tax rate of \$.64 per \$100 of assessed valuation, the payment for FY 2012 is estimated to be \$28,300.

Councilmember Pate made a motion to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE AN INDUSTRIAL DISTRICT CONTRACT WITH PANDORA METHANOL, LLC.** Councilmember Coleman seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 11 – 241

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

PUBLIC HEARING

- * Receive comments related to an ordinance and a resolution declaring 12 structures to be dangerous structures and ordering their demolition

Open: 2:07 p.m.

None

Close: 2:07 p.m.

10. Consider an ordinance and a resolution declaring 12 structures to be dangerous structures and ordering their demolition.

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 dangerous and contributing to slum and blight. The owners of these properties have signed a Demolition Consent form for the City to demolish their damaged structure.

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

Councilmember Samuel made a motion to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE FINDING CERTAIN STRUCTURES TO BE PUBLIC NUISANCES AND ORDERING THEIR DEMOLITION AND REMOVAL OR REPAIR; PROVIDING FOR SEVERABILITY AND PROVIDING FOR REPEAL.** 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

Ordinance 11 - 065

Mayor Pro Tem Smith made a motion to **APPROVE A RESOLUTION THAT DEMOLITION AND CLEARANCE OF TWELVE (12) 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 Samuel seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 11 – 242

WORK SESSION

- * Review and discuss the proposed FY 2012 Budget and the proposed 2012 Capital Program

City Manager, Kyle Hayes reviewed and discussed the proposed FY 2012 Budget and the proposed 2012 Capital Program. The following topics were discussed with Council:

The City's Objectives	Property Value Trends
Preparation of the FY 2012 Budget	Dedication of Property Tax Rates (10 yr Analysis)
The Proposed FY 2012 Budget	Debt Service Fund
The General Fund Revenues	Water Utilities Fund Revenues
The General Fund Expenditures	Water Utilities Fund Expenditures
The General Fund	Water Utilities Fund
The Impact of Civilian Employees- One-Time Compensation	Solid Waste Fund Revenues
TMRS Rate Comparison	Solid Waste Fund Expenditures

Proposed 2012 Capital Program
Public Works Projects (Design or Construction Phase)
General Improvement Projects (Design or Construction Phase)

JOINT PUBLIC HEARING

- * Receive comments on the proposed FY 2012 Budget and the proposed 2012 Capital Program

Open: 3:14 p.m.

Bruce Hoffer 2535 North St. Beaumont TX

Commented on Council's review of the FY 2012 Budget, would like to see all City employees receive raises which may be impossible, ask that Council be fiscally responsible when making decisions with pay increases or any other issues pertaining to the budget

Rev. J. D. Roberts 5475 Landry Ln. Beaumont TX

Good to know that the Council is looking out for civilian employees, stated that there is money out there and everybody has to be thought of, applauded Council on how they have handled the issues within the budget

Close: 3:19 p.m.

COUNCILMEMBER COMMENTS

MAYOR PRO TEM SMITH -	NONE
COUNCILMEMBER SAMUEL -	COMMENTED ON THE OPENING OF THREE NEW SCHOOLS, CHARLTON POLLARD, MAE CLARK JONES AND FEHL PRICE ELEMENTARY
COUNCILMEMBER PATE -	APPRECIATED MR. BRIGGS AND HIS SERVICE TO AMERICA

- * Consider matters related to the deliberation of the purchase, exchange, lease or value of real property in accordance with Section 551.072 of the Government Code, to wit:

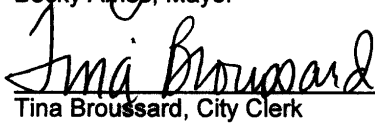
991 Laurel St.
125 Magnolia St.

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

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



Becky Arnes, Mayor



Tina Broussard, City Clerk

