

<p><b>AARON ROCCAFORTE</b> <i>Mayor Pro-Tem/Council Member, Place 1</i></p>	<p><b>DAVID RUTLEDGE</b> <i>Mayor</i></p>	<p><b>DANNY HARRINGTON</b> <i>Council Member, Place 4</i></p>
<p><b>MIKE REED</b> <i>Council Member, Place 2</i></p>		<p><b>TERRI GAUTHIER</b> <i>Council Member, Place 5</i></p>
<p><b>TAMMI FISETTE</b> <i>Council Member, Place 3</i></p>		<p><b>RICHARD SAVOY</b> <i>Council Member, Place 6</i></p>

## CITY COUNCIL REGULAR MEETING AND WORKSHOP

### CITY OF BRIDGE CITY

March 15, 2022

The City Council of Bridge City met in a regular session and workshop on Tuesday, March 15, 2022, at the City Hall of Bridge City, 260 Rachal, Bridge City, Texas.

#### 1. **CALL TO ORDER**

---

Mayor Pro-Tem Aaron Roccaforte called the City Council meeting to order at 6:00 p.m.

#### **CITY COUNCIL PRESENT:**

Mayor Pro-Tem Aaron Roccaforte  
 Council Member Mike Reed  
 Council Member Tammi Fisetto  
 Council Member Terri Gauthier  
 Council Member Richard Savoy

**CITY COUNCIL ABSENT:** Mayor David Rutledge  
 Council Member Danny Harrington

#### **CITY STAFF PRESENT:**

City Manager Brent Walker  
 City Secretary Jeanie McDowell  
 City Attorney Paul Fukuda  
 Finance Director Karen Morgan  
 Personnel/Purchasing Director Kim Tucker  
 Utility Superintendent Mike Die  
 Police Chief Tod McDowell  
 Assistant Police Chief Robert Bergeron

## 2. INVOCATION

---

Invocation given by Council Member Gauthier.

## 3. PLEDGE TO THE UNITED STATES FLAG AND THE STATE OF TEXAS FLAG

---

Mayor Pro-Tem Roccaforte led in the pledge of allegiance to the United States flag and to the State of Texas flag. At the conclusion of the pledges, Mayor Pro-Tem Roccaforte thanked everyone for coming to the meeting.

## 4. APPROVAL OF AGENDA

---

Council Member Reed made a motion to approve the agenda, seconded by Council Member Savoy.

Council Member Fisette made a motion to amend the agenda to move Item 7c to be the next agenda item discussed, seconded by Council Member Savoy.

Mayor Pro-Tem Roccaforte moved Item number 7c – Presentation and possible action to accept the City of Bridge City Annual Audit for the year ending September 30, 2021 as prepared by Keri Michutka, C.P.A. to be the next agenda item.

Mayor Pro-Tem Roccaforte called for a vote.

### **MOTION CARRIED.**

**Ayes:** Mayor Pro-Tem Roccaforte, Council Members Reed, Fisette, Gauthier and Savoy.

**Noes:** None.

**Absent:** Mayor Rutledge and Council Member Harrington

## 7. ITEMS FOR DISCUSSION & POSSIBLE ACTION

### **(c) *Presentation and possible action to accept the City of Bridge City Annual Audit for the year ending September 30, 2021 as prepared by Keri Michutka, C.P.A.***

Council Member Fisette made a motion to accept the City of Bridge City Annual Audit for the year ending September 30, 2021 as prepared by Kerri Michutka, C.P.A., seconded by Council Member Gauthier.

Ms. Michutka said she wanted to thank the Mayor and City Council for giving her the opportunity to do the audit for the City this year. She told City Council she would give them the highlights of the audit. She said on page 1 is the Independent Auditor's Report which states she audited the accompanying financial statements of the City of Bridge City as of and before the year ended September 30, 2021. The last paragraph is the **Opinion:** In our opinion, the financial statements

presented above presents fairly, in all material respects, the respective financial position of the City of Bridge City as of September 30, 2021 and is issued a clean and unmodified opinion.

**Financial Statements:**

*Balance Sheet for the Governmental Funds*

**Exhibit C-1** the General Fund ended with total fund balance as of September 30, 2021, \$1,512,000 and \$1,450,000 of that is Unassigned Fund Balance, which is a little over 3 months expenditures. The GFOA recommends the City has no less than two months. Hotel/Motel Fund had a restrictive fund balance of \$1,057,000; ARPA-Coronavirus Relief Fund was 974,000 and was unearned revenue because it was received at the end of the fiscal year and was not spent but will be spent and earned in the next fiscal year. Debt Service Fund had a restrictive fund balance of \$1,300,000; Capital Projects was \$1,600,000; other funds combined was \$644,000 for a Total Governmental Fund Balance of \$6,181,000 as of September 30, 2021.

**Changes in Fund** –The General Fund had an increase for the year of \$412,000 and this included Extraordinary Items - revenue received related to COVID-19, Hurricane Laura and Hurricane Harvey. Some of the funds were spent in 2020 and the City was reimbursed in 2021. Total Governmental Fund – had an increase of \$397,000 for the year.

**Utility Fund:**

**Exhibit D-1** *Statement of Net Position Proprietary Funds:* As of September 30, the City had an ending total net position of \$6,900,000 and of that unrestricted net position was \$2,700,000.

**Exhibit D-2** *Statements of Revenues, Expenses, and Changes in Fund Net Position for the Utility Fund:* the City had a net increase for the year of \$203,000.

**Notes to the Financial Statements:**

**Deposits and Investments** - at September 30, 2021, the carrying amount of the City's deposits was \$11,582,000.

**Capital Asset Activity** – at September 30, 2021 the City's Governmental Funds had fixed assets net appreciation of \$9,789,000.

**The Utility Funds** *Business-type Activities Fixed Assets* Net Depreciation is \$4,130,000. Total Debt as of September 30 was \$5,810,000.

**Single Audit** was because expenditures spent were over \$750,000 of Federal funding.

**Internal Control Over Financial Reporting** it states there were no deficiencies identified in internal control. The results of their test disclose no instances of noncompliance.

The program that was selected for audit was Hurricane Harvey and Hurricane Laura funds. In the opinion of the auditor, the City of Bridge City complied, in all material respects, with the types of compliance requirements for each of those grants.

**Schedule of Expenditures of Federal Awards:**

Total Expenditures of Federal Awards the City received was \$893,000. In overall it was a good clean audit.

With no further discussion, Mayor Pro-Tem Roccaforte called for a vote.

**MOTION CARRIED:**

**Ayes:** Mayor Pro-Tem Roccaforte, and Council Members Reed, Fissette, Gauthier and Savoy.

**Noes:** None.

**Absent:** Mayor Rutledge and Council Member Harrington.

## **5. CITIZEN COMMENTS**

---

Steven Hilton  
4800 Candlewood  
Orange, TX 77630

"You are asking why did I come back, I have to ask why wouldn't I come back. I expect results that I haven't gotten yet, I've lodged four complaints two more for a total of six and not yet have I gotten an answer at all. Everything that has happened in the last three months, I have been lodging complaints almost as if I am wasting my breath, I don't believe that. Persistence is the key to any struggle. I say struggle because what it seems to be the struggle from the truth. Unaudible by the Bridge City Police Department, I have to say I wish there was something done about it. There has been a power shift since the old Chief left, Bridge City poison pill is still in power, you ask. Robert Bergeron. How is he a poison pill? Simple he is arrogant, a loud mouth and a know it all. You have witnessed a wife with a dead husband thank you for the result, shocker Robert Bergeron. A family victimized by the PD. Y'all witnessed a father grieving the death of his daughter, no result, shocker Robert Bergeron, another family victimized by the PD. Tommy Stokes is the direct reflection of the Watkins case cover up. BCPD screwed up due to the absence of an arrest, Stokes wife died in her inaudible, but Tommy's wife died after the Watkins incident so an example needed to be made. See the spin off. Tommy spent months in jail believing he killed his wife due to Robert Bergeron inaudible, phone calls. But I guess an autopsy proved Tommy to be innocent. He isn't charged anymore he doesn't know the information I know, I kept it a secret. Tommy Stokes a victim of PD. Steven Hilton victimized by the Bridge City PD because who I am, still the PD has not filed the either Class C Misdemeanor and inaudible, it has been eight months now due to my persistence I pretty much proved Robert Bergeron and Jerry Daws to be liars. Did y'all see the videos I posted on Facebook last week. It is embarrassing, internal investigation should have been immediately launched. If I was an Orange County or Jefferson County defense attorney, I would have copied both videos to use in future court cases. Once an officer's credibility is questionable, an officer might as well retire. How can Assistant Chief Bergeron and Jerry Daws testify now that they are proven liars. Worse primary solution I am turning in another case to the Rangers for request that Robert Bergeron is the main suspect as well as finding another PD complaint as he is a liar. I'm also turning in a complaint against Jerry Daws, I don't have anything for lying cops. With that being said hopefully something will be done inaudible, being a demotion. Inaudible but the biggest issue with Bridge City PD has always been Bergeron. Outside looking in it seems everyone is scared of him, Bergeron can't

figure out a Class C complaint. I proved that with video I took last week, in no circumstances a man should not be in charge of any major investigations. Solution be it known, be it known, I can't stand Richard Teague, I don't like him, I just don't, I have my reasons but professionally he is very smart, professionally I feel if Teague was in charge of major crimes Bridge City PD might actually close a case, that's good for everyone, especially the Chief, elected officials, city manager and above all the victims. If Teague was promoted to fill the captain's position or just don't fill it. The position created by Chief Davis was unnecessary for Bridge City PD. Bridge City PD averages 1.4 cases a day which equals to 9.8 a week, between one assistant chief, one captain detective and three detectives if he was this busy that would be about 2 cases a week. That's a great job. With a lack of case and with the abundance of detectives there is no reason to wait so long for a case to be filed. I am assuming a lack of leadership. Can't take our time, we just can't. Can't run from our mistakes and we can't analyze the past. If we don't learn from our mistakes, we can't make mistakes over and over again, expecting a different result, that's definition of sanity. As of right now, I found he is the only one that shouldn't be in admin, at least I'm willing to stand alone and do the right thing. Gaining power and force inaudible is mentally exhausting and I would greatly appreciate any help I can get. The fallen Chief who is failing but I give him..." Mr. Fukuda told him that was 3 minutes.

Mayor Pro-Tem Roccaforte told him that was 3 minutes.

## **6. REPORTS AND COMMENTS FROM:**

### **(a) City Manager**

---

*City Manager's* report for Council:

He said he was looking at a number of grants available to the City. He said he was working on grant monies for drainage. He said the City received the bids on the Sunnyside water well and at the next Council Meeting he would have it on the agenda to award the bid.

### **(b.) City Council Report**

*Council Member Tammi Fiset* asked Mr. Walker if the sewer line project was completed.

Mr. Walker told Council Member Fiset the contractors had four lines left to be completed.

Council Member Fiset said citizens have been told the contractors would be back to clean their yards and she asked if the contractors started the clean up process.

Mr. Die said it is on a case by case basis and the city staff agreed to do some in kind work and that would be the work the city chose to do.

Council Member Fiset asked if it would be done in house.

Mr. Die said it would be in house and that would fulfill the percentage of the in kind agreed upon.

Council Member Fiset said she thought that was part of the grant and included in their price.

Mr. Die said there was also in kind the city would have to fulfill. He said instead of paying the money it would be done by labor and materials to dress up the yards after the contractors complete their portion of the job.

Council Member Fisetete asked if Mr. Lund or someone from the City would be checking the jobs that have been completed.

Mr. Die said both he and Mr. Lund would be checking each location at the end of the project which has not happened at this time.

**(c.) City Staff Report**  
***Miscellaneous City Staff:***

**Chief Tod McDowell** said the Police Department hired two new officers that started Monday and they are in their week of orientation period and would go through a field training period. Chief McDowell said they both have prior experience from other agencies. He said the Police Department has one more opening.

Council Member Fisetete asked if the City Council would meet the new officers.

Mr. Walker said they would be able to meet the new officers.

**7. ITEMS FOR DISCUSSION & POSSIBLE ACTION**

***(a) Consideration and possible action to approve minutes of the March 1, 2022 City Council Meeting***

Council Member Gauthier made a motion to approve the March 1, 2022 City Council Meeting minutes, seconded by Council Member Fisetete.

With no corrections, additions, or deletions, Mayor Pro-Tem Roccaforte called for a vote.

**MOTION CARRIED.**

**Ayes:** Mayor Pro-Tem Roccaforte, and Council Members Reed, Fisetete, Gauthier and Savoy.

**Noes:** None.

**Absent:** Mayor Rutledge and Council Member Harrington.

***(b) Consideration and possible action to approve the Bill list for February 2022***

Council Member Reed made a motion to approve the Bills List for February 2022, seconded by Council Member Gauthier.

With no further discussion, Mayor Pro-Tem Roccaforte called for a vote.

**MOTION CARRIED:**

**Ayes:** Mayor Pro-Tem Roccaforte, and Council Members Reed, Fiset, Gauthier and Savoy.

**Noes:** None.

**Absent:** Mayor Rutledge and Council Member Harrington.

- (c) Presentation and possible action to accept the City of Bridge City Annual Audit for the year ending September 30, 2021 as prepared by Keri Michutka, C.P.A.**

City Council voted to move this Item to the beginning of the agenda.

- (d) Consideration and possible action to appoint Brent Walker to replace Jerry Jones on the Orange County Economic Development Corporation Executive Board**

Council Member Gauthier made a motion to appoint Brent Walker to the Orange County Economic Development Corporation Executive Board, seconded by Council Member Savoy.

With no further discussion, Mayor Pro-Tem Roccaforte called for a vote.

**MOTION CARRIED:**

**Ayes:** Mayor Pro-Tem Roccaforte, and Council Members Reed, Fiset, Gauthier and Savoy.

**Noes:** None.

**Absent:** Mayor Rutledge and Council Member Harrington.

**8. WORKSHOP ITEM FOR DISCUSSION ONLY**

- (a) Discussion of developing and implementing an Ordinance regarding coin operated machines in the City of Bridge City.**

Mr. Fukuda said there was very little guidance from the legislature as far as what the cities could do for regulation, there is a specific section for counties but there is not one for cities. He said essentially the only thing available is the occupation tax for coin operated machine. He said the city needs to treat the exhibition of music or skill or pleasure coin operated machines in the same manner within the City that we treat the principal use of the property. He said there is nothing that prohibits the City from restricting the exhibition of those amusement machines within 300 feet of a church, school, or hospital.

Council Member Reed asked if the City can only restrict game rooms from being next to a school or church by 300 feet.

Mr. Fukuda said the statute specifically says the City treats the machines in the same manner as the property. He read it does not prohibit the municipality from restricting the exhibition of a

coin operated amusement machine within 300 feet of a church, school, or hospital. He said it is saying statutory nothing that restricts the City from having it within 300 feet at the same time it is subject to some interpretation of whether it could be more than 300 feet or not. He said he knew there was a second court of appeals out of Fort Worth ruled that the 300 means 300, but the 9<sup>th</sup> Court of Appeals hasn't ruled on it, or the Supreme Court hasn't ruled on it. He said there were a lot of issues associated with this that have not fully gone through the court system and the expectation is the Texas Supreme Court would at some point hear it but right now they do not have anything.

Mayor Pro-Tem Roccaforte asked if the City would be allowed to set that.

Mr. Fukuda said until someone says otherwise.

Mr. Walker said there was something he found was interesting in his reading was that Houston, Texas adopted Harris County's Ordinance and then had their own also. He said City of Houston felt the way Harris County's was written that it was necessary for them to adopt the County's also. He said everyone is really up in air of what all this means.

Council Member Gauthier asked what does Orange County have in their Ordinance.

Ms. McDowell said the County Ordinance states 1,500 feet.

Council Member Gauthier said she saw that Council suggested 500 or 1500 feet.

Council Member Reed said he thought the Council would want to be at least as restrictive as the County. He said if the Council made things less restrictive than the County then the City would become a refuge with the game rooms. He suggested the Council use the County's standard.

The City Council agreed with Council Member Reed.

Council Member Fissette said she took the County Ordinance to Chief McDowell and Assistant Chief Bergeron, and she thanked them for looking over the ordinance. She asked if they could share with the City Council their input which would be coming from the Police point of view.

Mayor Pro-Tem Roccaforte said Chief McDowell and Assistant Chief Bergeron may give their opinion.

Assistant Chief Bergeron said when they looked at the ordinance, they agreed the County has an excellent ordinance and he said the City Council needs to go with the max the City could go. He said he thought in the Government Code it referenced that the City could adopt the County Ordinance and the City could add to the County's Ordinance if they choose to.

Mr. Fukuda said statutory that would work, the City could do that in any event.

Assistant Chief Bergeron said he felt if the City would go with the max, we have had some game rooms here before that was a big nuisance to the Police Department, a lot of undercover hours, a lot of overtime, and a lot of staff went into it to execute search warrants. He said they closed

three of them and fortunately for the Police Department the fourth one closed. He said they don't want to make it easy for them to come into the city, because they create a lot of crime. He said they deal with cash; a lot of places would come in and say well they would run it properly. He said we all know they could not make money with eight liners if they would run it legally. He said no one would spend money to win \$5.00 to \$10.00 worth of merchandise. He said the Government Code restricts what you can give for your winnings, which is up to 5 times the amount.

Mr. Fukuda said he thought it was a cap of \$5.00.

Assistant Chief Bergeron said no one would go to win \$5.00, they would not put \$300.00 in a machine for \$5.00. He said they may start out with good intentions, but always goes to the illegal activities. He said it brings a lot of dopers into the city and that is what it mostly brings in. He said you have some good people but not all good people go to those game rooms. He said the County's ordinance is well written and it falls within the Government Code.

Council Member Fisetta said she thought the Police Department has worked hard to get us where we are at today. She said she supports them firmly so let's make this as hard as possible. She said we can't control the first five but everything after that we can.

Council Member Gauthier said unless the City Council changes that.

Mr. Fukuda said that would be something the City Council could change, but they would need to decide, because the City is not stuck with the model the County has. He said the County has restrictions, they have that number, but the City does not. He said when the Council is making those decisions think about if it is just one or two of those gaming devices normally in a convenience store would that be something the City would want to regulate or not. He asked at what level do you want to regulate the machines. He said the question is at what level of the number of machines would you start to see problems.

Assistant Chief Bergeron said some of the convenience stores that have six or seven of them, the Police Department has received calls people complaining the stores are paying out money. He said two or three machines would probably be good, which would not bring in a lot of people. He said when you get over that number then you would bring in a lot of the element.

Council Member Gauthier said she was thinking the City Council may lower the number. She said Assistant Chief Bergeron said two or three you don't see a whole lot of people, but what if you go to 4 or more. She said she thought the Council could lower that number but did not know what everyone would think was the right number. She said the County's is 5 machines or less, so they could have up to 5 and there is quiet a few of them that have 5 so they are not regulated at all. She said she did not know how Council would think about 4, anything less than 4 may not be such a problem.

Mayor Pro-Tem Roccaforte said or make it 5 or more. He said they could cut the line between 4 or 5.

Council Member Gauthier said either way and they could go down on the number somewhat. Assistant Police Chief Bergeron said if the Council would go by Orange County's ordinance, because just by the way it is written they couldn't have any restrictions where the police cannot see in, it has to be open, and can't have a closed door would help out a lot. He said when the players can't be seen is where you get into the illegal activities, because it is not easily accessible by the police. He said if it is wide open, the police can go and see, and the game room owners do not want that.

Council Member Reed said the game rooms in the past you had to be a member of their club, or you could not get in and they would not let you in the front door. He said by getting rid of that practice would help the police out too, because they couldn't guard the door.

Assistant Chief Bergeron said by the way this is written a lot of the work is done for the police, if they would have to go in and start investigations. He said if I wanted to open up a game room with eight liners, he may approve this man to open it up and the City would not know who the actual owners are. He said when things go down then the person that opened up the game room and the staff are the ones that get the different kinds of criminal charges filed on them. He said with the County's Ordinance the game room owner has to provide a lot of information as well as charged with the max amount of money per machine, he assumes the Council would approve it to be per machine.

Mr. Fukuda said they would be discussing the amount next.

Assistant Chief Bergeron said if it was per machine max, the owners would not want to invest that kind of money and all the information they would have to provide knowing the Police are watching them. He said the Police would be paying attention to what the game room owners are doing. They would not want to come in town to operate that way and the restrictions of 1,500 feet from neighborhoods etc., and he does not know too many places in the city that they would be less than 1,500 feet from a neighborhood.

Council Member Fissette asked Assistant Chief Bergeron how many businesses that they are aware of that have the eight liners machines right now.

Assistant Chief Bergeron said three or maybe four.

Mr. Fukuda asked Assistant Chief Bergeron how many businesses have more than four machines in their business.

Assistant Chief Bergeron said all of the ones he is aware of; most would have six to ten machines. He said he did not know how many Cathy's have along their wall. He said he shut

three of them down before because they did not have permits. He said it took a while, but they did comply.

Council Member Fisetta said she would like the police department to get the applications that are turned in, so they would not have to call city hall to get information on the game rooms.

Chief McDowell said it would be a lot easier if they had the applications at the police department.

Council Member Fisetta asked Chief McDowell if it would be easier if they had the applications that were approved and the applications that were rejected.

Chief McDowell said yes.

Council Member Fisetta said she would definitely like to see the city give those applications to the police department.

Council Member Gauthier said she thought the Council agreed on the application fee. She said the application fee that is renewed once a year as the owner. She said she thought Council agreed on \$1,000 application fee.

Mayor Pro-Tem Roccaforte said that is with the initial fee and the renewal fee, correct.

Council Member Gauthier said right.

Council Member Fisetta asked if the application fee was for \$1,000 per application and then \$1,000 per machine.

Council Member Gauthier said the Council did not agree on an amount for per machine and the other page it had \$400 to \$600 per machine were some of the suggestions.

Council Member Fisetta said that did not seem very much if you are looking on the return the game room owners were getting on them.

Council Member Reed said they were not supposed to be getting a good return on them.

Commissioner Roccaforte said they would not get a good return on them if they were legal.

Council Member Gauthier said she thought the County's was \$400.

Commissioner Roccaforte said he did not remember.

Council Member Gauthier asked if some cities charged \$1,000 per machine. She said it would be saying the city does not want the machines at all.

Mr. Walker said the City of Vidor was the highest, but they did not have an application fee, it was just \$900 per machine.

Council Member Fisetta said she definitely does not want the City to make it easy, because there is a bad side to it and she does not think our town wants that.

Mayor Pro-Tem Roccaforte said he doesn't think the city needs it.

Council Member Gauthier said that would be a decision the Council needs to make to go \$1,000. She asked Mr. Fukuda if there were any legalities to making it that difficult or could the city make it whatever.

Mr. Fukuda said it is untested at this point. He said he did not think there would be a significant difference between the \$500 and \$1,000 as far as a legal argument.

Council Member Fisette said to go with \$1,000 to try to keep it in hand.

Mayor Pro-Tem Roccaforte said he would agree.

Council Member Reed said he was good with it.

Mayor Pro-Tem Roccaforte asked if everyone agreed on the permit administrator. He said talking about making it the City Manager or his designee.

Council Member Gauthier asked would it be the city's code enforcer.

Mayor Pro-Tem Roccaforte said probably or whoever he designates.

All Council Members agreed with that wording.

Council Member Gauthier said she understood if an owner in the middle of the year sells the business, the new owner would have to reapply for a new application.

Everyone agreed that was correct.

Council Member Reed said the age of the people playing the machines. He said there was a city that had in their ordinance no one under the age of 17. He said the city should stipulate in the ordinance an age of...

Council Member Fisette and Mayor Pro-Tem Roccaforte both said the age should be 21 years old.

Council Member Reed said he was suggesting the age of 18 years old but he was good with 21 years old.

The Council agreed the age should be 21 years old to play the machines.

Mr. Fukuda asked were they talking about entry into the game room.

The Council said yes entry into the game room.

Mr. Walker said he knew of a legal issue that they had to be 18 years old to own a game room, which may be a problem if the Council stipulates 21 years old.

Mr. Fukuda said if you put it in that box, the box is you can own it, but you can't step foot in it.

Council Member Reed said then the owner or operator needs to be 21 years old.

Mr. Walker said the state said 18 years or older to own a game room.

Mayor Pro-Tem Roccaforte asked the Council if they wanted to drop the age to 18 years old.

Mr. Fukuda said he thought Mr. Walker was saying a city tried to make it they had to be 21 years old to own it versus you had to be 21 years old to step inside of it. He said he thought that would be a different legal issue. He said at 18 years old you have all the rights of an adult. He

said you know the gumball machines at Wal-Mart, the crane games, etc. is there any reason why an 18 year old couldn't own those and operate those. He said he thought that was where it was coming from. He said now that the Council is talking about this specific kind of device and that is all that is in these game rooms then yes to enter you have to be 21 years old. He said he thought that may be the rationale.

The Council agreed to leave it at 21 years old.

Council Member Gauthier asked about the time of operation.

Council Member Reed said he was good with 8:00 a.m. to 10:00 p.m.

The Council agreed on the time of operation to be 8:00 a.m. to 10:00 p.m.

Mr. Fukuda said he was following the sheet given to him and the next item in order would be at the top of the second page, the amount of time to correct an application. He said he would like to get clarification on this item.

Mayor Pro-Tem Roccaforte read the County's Ordinance verbiage.

Council Member Fisetta said there were Council Member Reed's and the Police Department's recommendation, and both were the same. She said she felt the longer the City goes, the more they would be dragging it out. She said she would go with the five and ten.

Council Member Reed said he thought it was reasonable. He said the longer the city drew it out the longer the game room owners would draw it out.

Council Member Fisetta said Council Member Reed added failure to comply, reject application.

Council Member Reed said if you don't put reject the application the game room owners would keep getting extensions.

Mr. Walker asked if the Council finalized the number of machines they wanted to go to with.

He said the reason he asked, because he had some questions from game room owners from that. He said they questioned why they had to close at 10:00 p.m. when the bars would be able to stay open until 2:00 a.m. and use their machines until 2:00 a.m. He asked would the Council regulate the entire bunch of them to have to close at that time.

Council Member Fisetta said yes if you have a bar that closes at 2:00 a.m. those machines would get shut down.

Mr. Fukuda said what he thought Mr. Walker is asking can anyone enter the bar after 10:00 p.m. because the game room closes. He said the game room is essentially located within the bar, unless it is a separate area with a locked door.

Assistant Chief Bergeron said the Government Code states the County ordinance restricts 5 machines or more.

Mr. Fukuda said the County's is a little different, the city can go lower. He said they can't go lower than 5, the city can. He said let's just say the City is regulating 4 or more machines, so if

you have 4 machines in Cathy's Bar and it is not in a separate room with it's own door that locks what happens after that time period does Cathy's Bar have to close at 10:00 p.m.

Commissioner Roccaforte said if you have 4 or more machines in a bar it would not fit in that policy because they would have to have glass on the doors, it has to be visible, it has to be admittable, whatever number the city would restrict, anything above that would have to go by that policy.

Council Member Gauthier asked if it would have to be in a separate room.

Commissioner Roccaforte said if they want to keep the game rooms running.

Council Member Fisetette asked if they wanted to run their business.

Commissioner Roccaforte said if they have more than that restricted amount then they would have to comply with all parts of the policy. He said that is why the 5 or less was put in the legislation. He said there is a lobby out there for those machines.

Mr. Walker said you were about to put restrictions on all of them that exist.

Commissioner Roccaforte said they were told that the problem trying to restrict the machines would bring lawsuits. He said people doing it legally there is nothing illegal about these machines it's the activity that is the illegal part. If you make it where they could not have the machines and do it legally, then that is what would bring the lawsuits. He said the ordinance was not written by Orange County, but it was written by an attorney and he dissected it. He said Orange County actually changed a few things in it per their terms.

Council Member Reed asked if the number was five and the 7-11 convenient store has four would they fall under the same restrictions as far as cash payouts.

Commissioner Roccaforte said they all do because payouts are illegal.

Council Member Reed said this ordinance makes it easier for the police department to make sure they are following the rules.

Commissioner Roccaforte said the 7-11 convenient stores with 4 or 5 machines the County does not have hardly any problems with those. He said it was the game rooms that had the 20, 30 and 50 machines and they were constantly having issues with them. He said those game rooms were having all kinds of criminal activities in them.

Council Member Fisetette asked what the issues in Bridge City were.

Assistant Chief Bergeron said there haven't been issues since the larger game room were shut down. He said they get calls because someone is mad their family member went in there and spent all their rent money. He said the police department hasn't had any responses through criminal activities in the convenient stores and bars. He said 5 games or less the police department would not get a lot of calls on them unless someone gets mad.

Commissioner Roccaforte said you want to get rid of the criminal activities without getting into lawsuits.

Council Member Fisette asked if the Council recommended four or more would that...

Mayor Pro-Tem Roccaforte said they would allow 3 machines without it being a game room, anything over 3 machines would be considered a game room.

Mr. Fukuda said he thought what Mr. Walker was saying the City may bring the aurora of Cathy's bar who has 5 machines would be compliant in the County, why couldn't we do that. He said would it be worth for them to file a lawsuit about that. He said they would have to get rid of two machines and that would be a decision they need to make.

Council Member Fisette said someone in town may have ten machines the city does not know about.

Mr. Walker said that is the hope of the ordinance that you get them in to register and the city could identify them.

Council Member Fisette said they would have to make a decision to get rid of all of them or come down to whatever number the Council agrees upon.

Mayor Pro-Tem Roccaforte said the county's is at five or less without it being a game room.

Council Member Gauthier said without regulations.

All Council Members agreed to keep what the county has in their ordinance, which is 5 machines or less.

Council Member Fisette asked if it became a problem could the Council revisit the ordinance and lower that number.

Mr. Fukuda said the City could change it at any time.

Mayor Pro-Tem Roccaforte read section 5.09 of the county's ordinance regarding the duration of the permit.

Council Member Reed said he would prefer January 1<sup>st</sup> to December 31<sup>st</sup> and he said Mayor Rutledge also recommended that.

All Council Members agreed to have 1/1 – 12/31 uniformed permit dates.

Mr. Fukuda said the proration to prorate it, the work necessary to do the application doesn't change whether they get it for a month or get it for 12 months.

Mayor Pro-Tem Roccaforte asked if they came in November, it would cost \$1,000 and then they would renew it in January and it would cost them \$1,000.

Mr. Fukuda said that is correct.

Mayor Pro-Tem Roccaforte asked if the renewal permit fee was \$1,000 per machine.

Council Member Fisette said yes.

Mayor Pro-Tem Roccaforte asked what the distancing regulations were.

Council Member Fisetta said 1,500 feet.

Council Member Reed said he was concerned about the 1,500 feet from a neighborhood. He said he doesn't know if Bridge City has an area that is 1,500 feet from a neighborhood, do we.

Mr. Walker said depends on how you define neighborhood.

Council Member Reed said there is no where down Texas Ave. and West Roundbunch you could put 1,500 foot between a neighborhood and a game room. He asked Mr. Fukuda if the City would run into trouble.

Mr. Fukuda said the city could run into trouble if there were nowhere to put a game room. He said if there was nothing then the city is eliminating the possibility of having a game room.

Council Member Reed said the churches and the schools and the city doesn't have a hospital, but there would be plenty of room for them. He said as far as neighborhood he thought that would put the city in trouble.

Mr. Walker said he was concerned about that, because if it is zoned, then he was not sure how the city would fight it. He said you may win that fight, but how would you fight it.

Mr. Fukuda said that was his question. He said they would not be able to put a game room in a neighborhood because of the city's zoning. He said what the Council is talking about it may be in the periphery of the neighborhood.

Mr. Walker said in the commercial zoned area.

Mr. Fukuda said it was in the commercial zoned anyway.

Mayor Pro-Tem Roccaforte said Mayor Rutledge suggested 500 feet, Council Member Reed suggested 1,500 feet and the police department also suggested 1,500 feet.

Council Member Reed said he thought about it and 1,500 feet would put them out of business. He said the 500 feet would be difficult.

Mayor Pro-Tem Roccaforte said he was thinking 500 feet.

Council Member Reed said he could go along with 500 feet.

All Council Members agreed to have 1,000 feet from any existing or planned school, regular place of religious worship, any R-1 zoned property or parks.

Mayor Pro-Tem Roccaforte said the distance between the game rooms is 2,000 in the county's ordinance, does everyone agree with that.

All Council Members agreed to have 2,000 feet between game rooms.

Mayor Pro-Tem Roccaforte said for grace periods and read section 8.01 of the county's ordinance. He said Mayor Rutledge said 30 days, and Mike Reed also said 30 days.

Ms McDowell said the county's ordinance reads commenced the application and the Mayor wanted it to read submit the application. She said the Council may want it to read completed application.

Mayor Pro-Tem Roccaforte said commenced means when they start the application, and they would have 30 days.

Mr. Fukuda said submitted application or completed application, because there is another section that lets them amend things or add to. He said he was not sure what the best language would be for that.

Mr. Walker said to give them time to get their documents in.

Mayor Pro-Tem Roccaforte said that is probably the reasoning behind the commence verbiage. He said they would start the process and then they were given 30 days to submit everything together from the time they started the application process. He said that was how he would take the commence verbiage.

Mr. Walker said the applications are pretty serious.

Council Member Reed asked if they would have 30 days to start the process and then they would have another 30 days to get a completed application in.

Mr. Fukuda said if there was a deficiency, and they were notified. He said he did not think it was 30 days.

Council Member Reed said that was 5 days.

Council Member Fisetette said it was 10 days and 15 days. She said it was for missing documentation.

Council Member Reed said that was after the application was already submitted.

Mr. Fukuda said this was for only game rooms already in operation.

Council Member Reed said we do not have any game rooms in operation.

Mayor Pro-Tem if there is nothing else, we would need a motion to adjourn.

## **9. ADJOURN**

---

Council Member Savoy made a motion to adjourn the meeting at 7:12 p.m., seconded by Council Member Gauthier.

With no further discussion, Mayor Pro-Tem Roccaforte called for a vote.

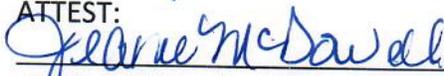
### **MOTION CARRIED.**

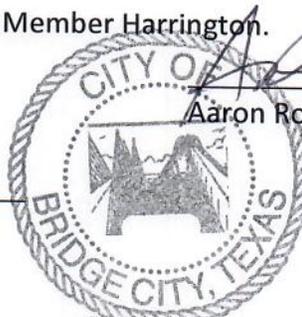
**Ayes:** Mayor Pro-Tem Roccaforte, and Council Members Reed, Fisetette, Gauthier and Savoy.

**Noes:** None.

**Absent:** Mayor Rutledge and Council Member Harrington.

ATTEST:

  
Jeanie McDowell, City Secretary



  
Aaron Roccaforte, Mayor Pro-Tem