

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
June 22, 2010
Kyle Hayes, City Manager

Gethrel Wright, Mayor Pro Tem
Nancy Beaulieu, 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 22, 2010**, 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 1-4/Consent Agenda
- * Consent Agenda

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

Pastor Big Jim Salles of West End Baptist Church gave the invocation. Aurora Williams, Mayor Pro Tem Get Williams-Wright's granddaughter, led the Pledge of Allegiance. Roll call was made by Stephanie Gandy, Deputy City Clerk.

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

Proclamations, Presentations, Recognitions

Recognition - Councilmember Smith recognized Stacey Lewis and Donald Faulk for the work that they did for the first annual Juneteenth Celebration at Sprott Park

Public Comment: Persons may speak on scheduled agenda items 1-4/Consent Agenda.

None

CONSENT AGENDA

- * Approval of minutes - **June 15, 2010**
- * Confirmation of committee appointments - **None**
- A) Approve a resolution authorizing the acquisition of property for the Concord Road Pavement Widening Project - **Resolution 10 - 164**

Councilmember Samuel made a motion to approve the Consent Agenda. Mayor Pro Tem Wright seconded the motion.

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

NAYS: NONE

MOTION PASSED

GENERAL BUSINESS

1. Consider authorizing the City Manager to apply for and receive funds for equipment, technology, training and overtime through the U.S. Department of Justice (Community Oriented Policing Services - 2010 Child Sexual Predator Program).

Administration recommended approval.

The Child Sexual Predator Program grant is administered through the U.S. Department of Justice Community Oriented Policing Services (COPS) office. The grant is by invitation only, and the Beaumont Police Department was invited by the U.S. Attorney's office to participate in the 2010 funding opportunity. The funding will allow Beaumont the opportunity to establish and enhance strategies to locate, arrest, and prosecute child sexual predators, as well as enforce state sex offender registration laws. The Beaumont Police Department will coordinate activities with local, state and federal agencies. There is no local match requirement.

Councilmember Samuel moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO APPLY AND RECEIVE UP TO \$256,010 FOR EQUIPMENT, TECHNOLOGY, TRAINING AND OVERTIME COSTS THROUGH THE U. S. DEPARTMENT OF JUSTICE COMMUNITY POLICING SERVICES (COPS) 2010 CHILD SEXUAL PREDATOR PROGRAM.** Councilmember Smith seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 10 - 165

2. Consider approving a contract for renovations to the Civic Center kitchen.

Administration recommended the award of a contract to Centerline Construction Services, Inc., of Beaumont, in the amount of \$198,172.

Bids were solicited for renovations to the commercial kitchen located in the Civic Center. The kitchen built during the construction of the building in 1979 has not been updated since it was constructed.

Proposed improvements include demolishing the restrooms adjacent to the kitchen so that the kitchen can be enlarged, installing new stainless steel countertops and sinks, installing new grease resistant ceilings and floors, and installing new lighting.

The apparent low bidder, McInnis Construction of Silsbee, in June 2009, was awarded the contract to construct the eight (8) new tennis courts at the Athletic Complex. The City and McInnis are currently in discussions regarding their performance on this contract which resulted in the rejection of the tennis courts by the City. Because this issue remains unresolved, award of the Civic Center Kitchen project to the second low bidder is recommended.

The project should begin in July and must be completed no later than October 1, 2010.

On June 8, 2010, City Council approved the purchase of various pieces of new kitchen equipment that will be installed during the renovation.

Funds for this project are available in the Capital Program.

Mayor Pro Tem Wright made a motion to **APPROVE A RESOLUTION THAT THE BID SUBMITTED BY CENTERLINE CONSTRUCTION SERVICES, INC., OF BEAUMONT, TEXAS, IN THE AMOUNT OF \$198,172 FOR A CONTRACT FOR RENOVATIONS TO THE CIVIC CENTER KITCHEN NE ACCEPTED BY THE CITY OF BEAUMONT.** Councilmember Smith seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 10 - 166

3. Consider approving Change Order No. 1 for the Fannin Street Drainage Improvement Project.

Administration recommended approval of Change Order No. 1 in the amount of \$257,361.10, which is required to install new water mains and its appurtenances on Fannin Street from Eleventh to Fourth Street.

On January 19, 2010, City Council awarded Reytec Construction Resources, Inc. the contract for the Project in the amount of \$4,992,554.15.

Change Order No. 1 is required to add and install new waterlines, fire hydrants, gate valves and fittings, and water service connections to the contract. After construction commenced, the Water Department re-evaluated their infrastructure and determined that replacements were necessary as a part of the street reconstruction.

Funds are available in the Water and Sewer section of the Capital Program.

Mayor Pro Tem Wright made a motion to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE CHANGE ORDER NO.1 FOR ADDITIONAL WORK THEREBY INCREASING THE CONTRACT AMOUNT BY \$257,361.10 FOR A TOTAL CONTRACT AMOUNT OF \$5,249,915.25.** Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM WRIGHT, COUNCILMEMBERS COLEMAN, BEAULIEU, PATE, SAMUEL AND SMITH
NAYS: NONE

MOTION PASSED

Resolution 10 - 167

4. Consider authorizing the City Manager to execute a letter agreement with Union Pacific Railroad for the acquisition of property for the new Amtrak Station.

Administration recommended City Council authorize the City Manger to execute a letter agreement with Union Pacific Railroad for the acquisition of property for the new Amtrak Station in the approximate amount of \$293,925.

The American Recovery and Reinvestment Act of 2009 included funding of approximately \$1.2 million for improvements to the current Amtrak location off of Cedar Street. Amtrak is planning to construct a new Shelter Station, new ADA compliant concrete platform and a station platform display sign. To complement the Amtrak Station improvements, the City will acquire the property for the station with the intention to construct a Police Substation and a parking lot.

The owner of the property, Union Pacific Railroad, has agreed to sell the approximate 4.5 acre property for the appraised price of a \$1.50 per square foot or \$293,925. Due to the irregular shape of the property to be acquired, the exact cost will be determined after a survey of the property has been completed. A copy of the proposed acquisition agreement, in substantial form, with the Union Pacific Railroad is enclosed. Funds for the acquisition are available in the Capital Program.

Councilmember Beaulieu made a motion to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A LETTER AGREEMENT WITH UNION PACIFIC RAILROAD FOR THE ACQUISITION OF PROPERTY FOR THE NEW AMTRAK STATION.** Mayor Pro Tem Wright seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM WRIGHT, COUNCILMEMBERS COLEMAN, BEAULIEU, PATE, SAMUEL AND SMITH
NAYS: NONE

MOTION PASSED

Resolution 10 - 168

PUBLIC HEARING

* Receive comments related to 4525 Abraham Street

Public Hearing Open: 1:55 p.m.

Public Hearing Closed: 1:56 p.m.

5. Consider approving an ordinance to demolish the structure at 4525 Abraham Street without further notification to the property owner if the property owner fails to comply within ten (10) days.

Administration recommended approval.

The structure at 4525 Abraham Street has been inspected by the Community Development Department and was found to be a dangerous structures as defined by the City of Beaumont's Code of Ordinances, Article III, Dangerous Structures, Section 14-50. Additionally, this structure has deteriorated to a condition that it is no longer considered suitable for repair.

Please note that this single structure is being brought outside of a regular demolition packet due the fact that it is continually being salvaged and is now missing a substantial portion of an exterior supporting wall and is open and accessible to the public.

The City may incur the cost of demolition.

Councilmember Coleman made a motion to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE FINDING THAT THE STRUCTURE LOCATED AT 4525 ABRAHAM STREET TO BE A PUBLIC NUISANCE AND ORDERING ITS DEMOLITION AND REMOVAL; PROVIDING FOR A SEVERABILITY; PROVIDING FOR A REPEAL; AND PROVIDING A PENALTY.** Councilmember Smith seconded the motion.

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

NAYS: NONE

MOTION PASSED

Ordinance 10 - 045

COUNCILMEMBER COMMENTS

COUNCILMEMBER COLEMAN - STATED THAT HIS WIFE, JULIE, IS FEELING BETTER

COUNCILMEMBER BEAULIEU - NONE

MAYOR PRO TEM WRIGHT - CONGRATULATED FIREFIGHTERS TRACY O'QUINN, JOSH FOWLER AND WILLIAM ROANE FOR SAVING A DROWNING MAN'S LIFE AT THE BEAUMONT YACHT CLUB ON SUNDAY EVENING

COUNCILMEMBER PATE - JOINED MAYOR PRO TEM WRIGHT IN CONGRATULATING THE FIREFIGHTERS, COMPLIMENTED COUNCILMEMBER SMITH ON THE GREAT JOB HE DID ON THE FIRST JUNETEENTH CELEBRATION, ENCOURAGED PARTICIPATION IN THE CONTINUOUSLY IMPROVING FARMERS' MARKET, WISHED ALL THE FATHERS A HAPPY FATHER'S DAY

COUNCILMEMBER SAMUEL - COMMENTED ON WHAT A GREAT DAY IT WAS FOR THE JUNETEENTH CELEBRATION, COMPLIMENTED CITY MANAGER KYLE HAYES FOR THE GREAT PEOPLE ON STAFF AND THE WORK THEY DO, ALSO COMPLIMENTED COUNCILMEMBER SMITH FOR HIS WORK ON THE JUNETEENTH FESTIVITES

COUNCILMEMBER SMITH - ASKED THAT COUNCIL SUPPORT CHANGING THE NAME OF OLLIE STREET TO BARBARA LYNN LANE IN TRIBUTE OF THE QUEEN OF BLUES IN THE GULF COAST AREA, THANKED THE HEBERT ALUMNI ASSOCIATION FOR THE GREAT TIME LAST WEEK, THANKED CLAUDIE HAWKINS AND STAFF FOR THEIR ASSISTANCE AT THE JUNETEENTH EVENT, LOOKS FORWARD TO NEXT YEAR'S CELEBRATION AND HOPES IT WILL BE BIGGER AND BETTER

CITY ATTORNEY COOPER - NONE

CITY MANAGER HAYES - NONE

MAYOR AMES - NONE

Mayor Ames read the announcement that Executive Session had been postponed to be revisited at a later date.

Public Comments (Persons are limited to three minutes)

Rev. Sondra von Gyllenband 8250 Shiloh Dr. Beaumont TX

Invited Council and the public to attend a prayer vigil on Sunday, June 27, 2010 at 7:00 p.m. at Riverfront Park for prayers and blessing of the water in awareness of the Gulf oil spill

Vernon Durden 2110 Westbury Rd. Beaumont TX

Again requested for Council to establish a Police Citizen's Review Board

Yusuf Abdul-Hakeem 4755 Park St # 10 Beaumont TX

Commented on his rap video "BMT-Big Money Texas" which has had thousands of hits on YouTube, expressed that it sheds a positive light on Beaumont and invited Council to be in his future videos

EXECUTIVE SESSION

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

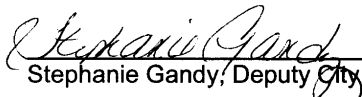
Jay Brocato and wife, Valerie Brocato, Individually and As Next Friends of Macy Brocato, A Minor - Postponed

With there being no further business, Council adjourned at 2:07 p.m.

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



Becky Ames, Mayor



Stephanie Gandy, Deputy City Clerk

