

# 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  
May 4, 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 **May 4, 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 1-3, 6 Consent Agenda
- \* Consent Agenda

Mayor Ames called the council meeting to order at 1:33 p.m.

Pastor Howard Cameron of Trinity 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 Wright, Councilmembers Coleman, Beaulieu, Pate, and Smith. Absent: Councilmember Samuel. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

## Proclamations, Presentations, Recognitions

**"National Preservation Month and Preservation and Arts Celebration Day"** - May 12, 2010 and May 20, 2010 - Proclamation read by Councilmember Coleman; accepted by Stacey Jannine with Young Audiences

**"National Transportation Week"** - May 16 - 22, 2010 - Proclamation read by Mayor Pro Tem Wright; accepted by Gene Landry, President of Sabine District Transportation Club, Inc.

**"Elder Abuse Prevention Month"** - May, 2010 - Proclamation read by Mayor Ames; accepted by Lesley Mouton with Adult Protective Services

**"Motorcycle Safety and Awareness Month"** - May, 2010 - Proclamation read by Councilmember Pate; accepted by Bill Boyley, Chairman of Texas Motorcycle Safety Coalition

Presentation by Michelle McCalope, regarding the 5<sup>th</sup> Annual City of Beaumont, Jazz and Blues Fest, Mothers Day weekend, May 8, 2010, gates open at 3:00 p.m. The Jazz Fest will feature John Lee Hooker Jr., Barbara Lynn, Jimmy Simmons, Shawn Pittman, Dean James, Ashlynn Ivy, Lil Brian, J. Sylvester, Rhett Butler, and the Remember When Orchestra, there will be ten bands, two stages and eight dollars at the gate

Presentation by Reverend J. D. Roberts, with Save Our Children, presented plaques to Mayor Ames and Councilmember Coleman for attending Saturday's event at HEB

**Public Comment:** Persons may speak on scheduled agenda items 1-3,6/Consent Agenda.

**None**

#### **CONSENT AGENDA**

- \* Approval of minutes - **April 22, 2010 and April 27, 2010**
- \* Confirmation of committee appointments - **None**
- A) Approve a contract for the purchase of wastewater treatment polymer for use by the Water Utilities Department - **Resolution 10 - 111**
- B) Authorize the acquisition of property for the Concord Road Pavement Widening Project - **Resolution 10 - 112**
- C) Authorize the acquisition of property for the Concord Road Pavement Widening Project - **Resolution 10 - 113**

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

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

**NAYS: NONE**

#### **MOTION PASSED**

- D) Approve a resolution denying the request of the IAFF Local 399 to approve the accumulation of vacation leave from year to year for Firefighters James Landrum and Frank Neal - **Resolution 10 - 114**

Councilmember Beaulieu made a motion to approve the Consent Agenda. Councilmember Coleman seconded the motion.

**AYES: MAYOR AMES, COUNCILMEMBERS COLEMAN, BEAULIEU, AND PATE**

**NAYS: MAYOR PRO TEM WRIGHT AND COUNCILMEMBER SMITH**

**MOTION PASSED**

**GENERAL BUSINESS**

1. Consider approving a contract for fire, extended coverage, flood and quake property insurance.

Administration recommended the approval of a contract for fire, extended coverage, flood and quake property insurance policy effective May 1, 2010 to McGriff, Seibels & Williams of Dallas, Texas in the amount of \$1,274,376.79 with a three (3) year renewal option.

The proposed premium is based on a total building value of \$205,235,856. The cost of the policy for this year is \$1,274,376.79, a 4.3% decrease from last year's premium of \$1,332,279.02.

Funds for this project are available in the Public Works Building Utilities budget.

Councilmember Pate moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT, WITH A THREE (3) YEAR RENEWAL OPTION, FOR FIRE, EXTENDED COVERAGE, FLOOD AND QUAKE PROPERTY INSURANCE IN THE AMOUNT OF \$1,274,376.79 THROUGH MCGRIFF, SEIBELS & WILLIAMS AS BROKER FOR PRIMARY COVERAGE WITH GREAT AMERICAN INSURANCE COMPANY AND CATASTROPHIC COVERAGE WITH AMRISC, LANDMARK AMERICAN, LEXINGTON AND WESTCHESTER EFFECTIVE MAY 1, 2010.** Councilmember Coleman seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Resolution 10 - 115**

2. Consider authorizing the City Manager to execute a contract for improvements to Tyrrell Park Lift Station.

Administration recommended approval of a contract with Keough and Jones Electric Company, Inc. of Lake Charles, Louisiana, in the amount of \$71,042.00 to furnish and install a variable frequency drive, electric motor, and control room air conditioning equipment.

The Tyrrell Park Lift Station was rebuilt to the current capacity in 1974. An electrical upgrade was completed in 2004 on portions of the lift station.

The Tyrrell Park Lift Station is an integral part of the collection system for areas throughout the City. The upgrade will improve reliability and efficiency of the lift station.

Funds for the project 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 CONTRACT WITH KEOUGH AND JONES ELECTRIC COMPANY, OF LAKE CHARLES, LOUISIANA, IN THE AMOUNT OF \$71,042.00 TO FURNISH AND INSTALL A VARIABLE FREQUENCY DRIVE, ELECTRIC MOTOR, AND CONTROL ROOM AIR CONDITIONING EQUIPMENT AT TYRRELL PARK LIFT STATION.** Councilmember Pate seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Resolution 10 - 116**

3. Consider authorizing the City Manager to increase the contract amount for work at the Loeb Water Plant.

Administration recommended approval of increasing the Ammonia System Addition for Loeb Water Plant Project amount by \$43,969.21. The proposed changes to the contract will furnish all necessary labor, materials, and equipment to install an elevated steel access platform and additional sample line for the existing ground storage tank, change the size of the LAS flow meters, provide touch screen controls for existing SCADA equipment, improve the existing limestone plant roads, replace damaged conduits to the existing ground storage tank, and increase the contract time by 75 calendar days. The additional days increases the total contract time to 275 calendar days. The proposed extra work will represent an increase of 8.99% of the original contract amount.

Funds for the project are available in the Capital Program.

Councilmember Coleman made a motion to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE CHANGE ORDER NO. 1 INCREASING THE CONTRACT AMOUNT BY \$43,969.21 FOR A REVISED TOTAL AMOUNT OF \$532,876.72 FOR THE PROPOSED AMMONIA SYSTEM ADDITION FOR LOEB WATER PLANT PROJECT.** Councilmember Beaulieu seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Resolution 10 - 117**

**PUBLIC HEARING**

- \* Receive comments on a proposal to reallocate funds from the 2008 HOME Program's Down Payment Assistance Program to a New Construction Program and enter into a contract with Jehovah Jireh, Community Development Center, Inc. for construction assistance for seven (7) new homes.

Public Hearing Open: 2:08 p.m.

**None**

Public Hearing Close: 2:09 p.m.

4. Consider approving a request to reallocate funds from the 2008 HOME Program's Down Payment Assistance Program to a New Construction Program and enter into a contract with Jehovah Jireh, Community Development Center, Inc. for construction assistance for seven (7) new homes.

Administration recommended approval.

Jehovah Jireh Village Community Development Center, Inc. is requesting \$105,000 to assist in reducing the construction cost for seven (7) homes. These homes would be the latest constructed in this thirty-six (36) home development phase. Each of the seven (7) homes would be allocated up to \$15,000 for foundation and site preparation. This subsidy will allow the homes to be more affordable for the low-to-moderate income families targeted by this program.

Funds are available from the HOME Program's 2008 Program Year. A reallocation of \$105,000 from the Down Payment Assistance Program to a New Construction line item would provide funding for this project.

Mayor Pro Tem Wright made a motion to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS AUTHORIZED TO EXECUTE A CONTRACT WITH JEHOVAH JIREH VILLAGE COMMUNITY DEVELOPMENT CENTER TO PROVIDE CONSTRUCTION ASSISTANCE FOR SEVEN (7) NEW HOMES IN THE AMOUNT OF \$105,000.** Councilmember Smith seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Resolution 10 - 118**

**PUBLIC HEARING**

\* Dangerous Structures

Public Hearing Open: 2:12 p.m.

Public Comments were made by the following people who personally appeared and requested additional arrangements for their property.

<b>Isnacio T. Gomez</b>	<b>2235 Washington Blvd.</b>	<b>Beaumont TX</b>
Item# 2	410 Adams	
<b>Donald R. Harris</b>	<b>865 Arabella St.</b>	<b>Beaumont TX</b>
Item# 3	865 Arabella St.	
<b>Julio Perez</b>	<b>4690 Coolidge</b>	<b>Beaumont TX</b>
Item# 9	2260 Brpadway	
<b>Shirley Richards</b>	<b>2075 Ammie</b>	<b>Beaumont TX</b>
Item# 13	195 E. Church	
<b>Chris Heiner</b>	<b>12252 FM 365</b>	<b>Beaumont TX</b>
Item# 15	1985 College	
<b>Mourillo A. Capela</b>	<b>2410 Ave C.</b>	<b>Beaumont TX</b>
Item# 15	1985 College	
<b>Matt Brackin</b>	<b>515 S. 4<sup>th</sup></b>	<b>Beaumont TX</b>
Item# 16	4256 Congress	
<b>Michael Hutcherson</b>	<b>9006 Augusta Dr.</b>	<b>Beaumont TX</b>
Item# 21	2590 N. 11 <sup>th</sup> St.	
<b>Kevin Smith</b>	<b>5499 Fannett Rd.</b>	<b>Beaumont TX</b>
Item# 24	5499 Fannett Rd.	
<b>Richard Warren</b>	<b>3705 Yucca Dr.</b>	<b>Edmonds</b>
Item# 26	4365 S. 4 <sup>th</sup> St.	

<b>Michael Carmen</b>	<b>2451 Buckyard Rd.</b>	<b>Beaumont TX</b>
Item# 32	2286 Hemlock St.	
<b>Denny Allain</b>	<b>2361 Louisiana Ave.</b>	<b>Beaumont TX</b>
Item# 33	4180 Highland Ave.	
<b>Dwayne Buckley</b>	<b>5245 Espak St.</b>	<b>Beaumont TX</b>
Item# 34	5276 Highland Ave.	
<b>Jake Douglas</b>	<b>4990 Wyatt</b>	<b>Beaumont TX</b>
Item# 35	2550 Houston St.	
<b>Brad Johnson</b>	<b>5181 Irving</b>	<b>Beaumont TX</b>
Item# 40	5185 Irving St.	
<b>Edna Harmon</b>	<b>4800 Kenneth St.</b>	<b>Beaumont TX</b>
Item# 42	4800 Kenneth St.	
<b>Stephanie McGough</b>	<b>290 Adams St.</b>	<b>Beaumont TX</b>
Item# 48	1620 Levy	
<b>David Pete</b>	<b>5250 Mannon Circle</b>	<b>Beaumont TX</b>
Item# 49	5250 Maddox	
<b>Crystal Menard</b>	<b>903 Curry St.</b>	<b>Beaumont TX</b>
Item# 52	4227 Marie	
<b>Lawrence Blaize</b>	<b>4775 Arthur Ln.</b>	<b>Beaumont TX</b>
Item# 54	2090 Ollie	
<b>Brient Gipson</b>	<b>1994 Pennsylvania</b>	<b>Beaumont TX</b>
Item# 60	1994 Pennsylvania	
<b>Isaac Thomas</b>	<b>300 Dixie Dr.</b>	<b>Beaumont TX</b>
Item# 71	2365 Taylor St.	

**Owen Blaiz**

**1135 Wescalder Rd.**

**Beaumont TX**

Item# 75 1155 Wescalder Rd.

Public Hearing Close: 3:33 p.m.

5. Consider approval of an ordinance 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 City Council condemn these seventy-seven (77) structures and order the owner to raze within ten (10) days. Additionally, if the property owner of a structure requests and is authorized by City Council to enroll in a work program, all delinquent taxes shall be paid in full or a payment plan shall be established prior to enrollment in the work program. Enrollment in the work program shall occur within ten days after the effective date of this ordinance.

These structures have been inspected by the Building Codes Division and found to be dangerous structures as defined by the City of Beaumont's Code of Ordinances, Article III, Dangerous Structures, Section 14-50. Additionally, these structures have deteriorated to a condition that they are no longer considered suitable for repair.

Cost of demolition is to be funded from the Neighborhood Stabilization Program.

Councilmember Pate 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 #2, 3, 9, 13, 15, 16, 21, 24, 32, 33, 34, 35, 40, 42, 48, 49, 52, 54, 60, 71, 75, TO ENTER INTO A 150 DAY WORK PROGRAM ON THE DANGEROUS STRUCTURES LIST, PROVIDING FOR SEVERABILITY AND PROVIDING FOR A PENALTY.** Councilmember Coleman seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Ordinance 10 - 035**

#### **WORKSESSION**

- \* Review and discuss a request to rename Florida Avenue, between University and MLK Parkway, in honor of Lamar University Baseball Coach Jim Gilligan.

This item was discussed by Councilmember Pate.



Council recessed into Executive Session at 3:49 p.m.

**EXECUTIVE SESSION**

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

Entergy Gulf States Louisiana, LLC, et al v. Texas Commission on Environmental Quality; Docket No. D-1-GN-08-003250

Council reconvened out of Executive Session at 3:55 p.m.

6. Consider authorizing the settlement of the lawsuit styled Entergy Gulf States Louisiana, LLC, et al v. Texas Commission on Environmental Quality.

Administration recommended approval of a resolution authorizing the settlement of a lawsuit styled Entergy Gulf States Louisiana, LLC, et al v. Texas Commission on Environmental Quality in the amount of \$25,000.

This matter was discussed in Executive Session held on May 4, 2010. The City Attorney is requesting authority to settle this suit.

There are sufficient funds in the General Fund to pay the Settlement amount.

Councilmember Pate made a motion to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE ALL DOCUMENTS NECESSARY TO SETTLE THE LAWSUIT STYLED ENTERGY GULF STATES LOUISIANA, LLC, ET AL V. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY.** Councilmember Smith seconded the motion.

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

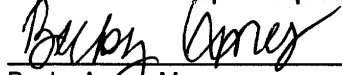
**NAYS: NONE**

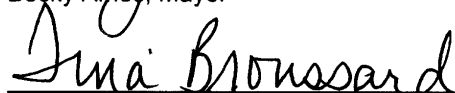
**MOTION PASSED**

**Resolution 10 - 119**

With there being no further business, Council adjourned at 3:56 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

