

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 7, 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 7, 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 3-4/Consent Agenda
- * Consent Agenda

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

Pastor James Blackwell of South Park Baptist Church gave the invocation. Aurora Williams, granddaughter of Councilmember Gethrel Williams-Wright, 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, Samuel and Smith. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

Proclamations, Presentations, Recognitions

"7th Annual Zydeco Festival and Rodeo" - June 10 - 12, 2011 - Proclamation read by Councilmember Smith; accepted by Cynthia Villery

"Mildred "Babe" Didrikson Zaharias Month" – June, 2011 – Proclamation read by Mayor Ames; accepted by Mayor Pro Tem W. L. Pate, Jr., President of Babe Didrikson Zaharias Foundation Board

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

Public Comment: Persons may speak on scheduled agenda items 3-4/Consent Agenda.

None

CONSENT AGENDA

- * Approval of minutes - **May 24, 2011**

* **Confirmation of committee appointments - Resolution 11 - 162**

Bonnie Cokinos would be reappointed to the Convention and Tourism Advisory Committee. The current term will expire February 10, 2013. (Mayor Becky Ames)

- A) Approve a change order for the Municipal Court and Jefferson Theatre masonry and waterproofing project – **Resolution 11 - 163**
- B) Authorize the acceptance of a ten foot wide Exclusive Waterline Easement located at 3443 Fannett Road – **Resolution 11 - 164**
- C) Approve a resolution accepting maintenance of the street, storm water, water and sanitary sewer improvements in the Barrington Heights, Phase IX subdivision – **Resolution 11 - 165**
- D) Authorize the acceptance of a ten foot wide Exclusive Waterline Easement located at 7390 IH-10 South – **Resolution 11 - 166**

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

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

NAYS: NONE

MOTION PASSED

GENERAL BUSINESS

1. Consider a request for a specific use permit to allow a parking lot in an RCR-H (Residential Conservation and Revitalization-H) District at 407 7th Street.

Administration recommended approval of a specific use permit to allow a parking lot in an RCR-H (Residential Conservation and Revitalization-H) District at 407 7th Street.

Mike Albanese, representing 2325 Calder, LLC, has requested a specific use permit to allow a parking lot at 407 7th St. The parking lot is to serve a new pub/grill that will be located in the former Easy's Restaurant building at 2325 Calder.

At a Joint Public Hearing held May 16, 2011, the Planning Commission voted 7:0 to approve a specific use permit to allow a parking lot in an RCR-H (Residential Conservation and Revitalization-H) District at 407 7th Street subject to the following conditions:

- A 25' setback along Broadway and 7th St. shall be adhered to unless the

Board of Adjustment approves variances to the minimum setback for parking lots

- A minimum 6' wide landscape strip shall be installed along the Broadway and 7th St. frontages of the parking lot
- The parking lot shall meet the interior landscaping requirements
- An 8' tall wood screening fence shall be constructed along the north property line

and with a modification to the landscaping requirement along the north property line (no 10' wide landscape strip).

Councilmember Smith made a motion to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A PARKING LOT IN A RCR-H (RESIDENTIAL CONSERVATION AND REVITALIZATION-H) DISTRICT AT 407 7TH STREET IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Getz seconded the motion.

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

NAYS: NONE

MOTION PASSED

Ordinance 11 - 039

2. Consider a request for a specific use permit to allow office/warehouses in a GC-MD (General Commercial-Multiple Family Dwelling) District on the west side of Eastex Freeway, approximately 527' north of Tram Road.

Administration recommended approval of a specific use permit to allow office/warehouses in a GC-MD (General Commercial-Multiple Family Dwelling) District on the west side of Eastex Freeway, approximately 527' north of Tram Road with a waiver of the sidewalk requirement along Eastex Freeway and Old Voth Road.

Mark W. Whiteley & Associates, Inc., representing the property owner Henry LaBrie, has applied for a specific use permit.

The current request includes an additional 32 buildings encompassing 96,000 sq. ft. of office/warehouse space. Tract I is to be built immediately with Tracts II - Tract VIII being built over time.

At a Joint Public Hearing held May 16, 2011, the Planning Commission voted 7:0 to approve a specific use permit to allow office/warehouses in a GC-MD (General Commercial-Multiple Family Dwelling) District on the west side of Eastex Freeway, approximately 527' north of Tram Road, with a waiver of the sidewalk requirement along Eastex Freeway and Old Voth Road.

Councilmember Coleman made a motion to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW OFFICE/WAREHOUSES IN A GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT ON THE WEST SIDE OF EASTEX FREEWAY, APPROXIMATELY 527' NORTH OF TRAM ROAD IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Wright seconded the motion.

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

NAYS: NONE

MOTION PASSED

Ordinance 11 - 040

3. Consider approving Change Order No. 1 for the Event Center Parking project.

Administration recommended approval of Change Order No. 1 in the amount of \$100,567.65 for the Event Center Parking project.

Council approved a contract on January 25, 2011 to APAC-Texas, Inc. for furnishing all materials, equipment, labor and supplies to construct a parking lot to serve the Downtown Event Center and surrounding amenities.

The parking lot is being constructed on properties purchased during the past five years. The contractor began excavating surface soils and discovered one underground fuel tank. As the project continued, the contractor was unable to compact the soil. This resulted in additional excavation and the discovery of a concrete basement from a large two story structure that was demolished several years ago. The concrete had to be excavated and removed. The cost for removing the fuel tank and concrete basement was \$67,691.65.

The original plans and specifications included an electrical transformer to be installed on the parking lot for operation of the parking lot lights and electrical receptacles only. The plans specified that the street lights from Crockett to MLK and Magnolia/Jefferson from Laurel to Bowie be powered from the Event Center building's electrical panel. The electrical engineer that designed the event center would not approve the additional power supply needed for the street lights unless another electrical panel was installed in the building. Installation of an additional panel required expanding the mechanical room and modification of the event center floor plan. However, the street lights can be powered from a larger transformer than originally specified located in the parking lot. The electrical contractor working with the contractor, C. F. Jordan, met with staff to determine the service size needed and provided the City with a change order request of \$34,500 to provide two controller cabinets with foundations, underground conduit, a 480 volt panel and a 280 volt panel, and transformer. The service will be metered separately from the building, thus

providing a separate and accurate utility usage for the building and the surrounding street lighting.

The Landscape Architect, SWA, has recommended plant materials that require less maintenance but complimented the original design. This change resulted in a net credit of \$1,624.

This Change Order results in an increase of 10.33%. The original contract amount was \$973,553.30.

Funds are available in the Capital Program.

Mayor Pro Tem Pate 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 \$100,567.65, FOR A TOTAL CONTRACT AMOUNT OF \$1,074,120.95.** Councilmember Coleman seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 11 - 167

4. Consider approving the renewal of a lease agreement for use of the L.L. Melton facility.

Administration recommended approval.

On June 8, 2010, City Council approved a one-year lease agreement with Jehovah Jireh Village CDC, Inc. for use of the L.L. Melton property on Sarah Street for the purpose of providing recreational, educational, social, and civic activities to the general public.

The Administration is recommending a two-year agreement with a one-year renewal option. The proposed agreement leaves the rent at \$1,500 per year, but now makes the lessee responsible for all utility charges, including the water and sewer charges which were previously paid by the City.

The City will continue to be responsible for grounds maintenance; maintenance of structural components, such as roof, foundation, and walls; and for repairs to major building systems, such as electrical, plumbing, and HVAC. Other provisions of the prior lease agreement will remain unchanged.

On May 25, 2010, the City Council approved \$100,000 in CBDG funds for repairs to the building that were identified after the City took control of the building. These repairs have been completed.

Councilmember Samuel made a motion to APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A TWO (2) YEAR LEASE AGREEMENT, WITH AN OPTION TO RENEW FOR AN ADDITIONAL ONE (1) YEAR TERM, WITH JEHOVAH JIREH VILLAGE CDC, INC. (LESSEE), FOR \$1,500 PER MONTH FOR PROPERTY LOCATED AT 3455 SARAH STREET, BEAUMONT, TEXAS. Councilmember Smith seconded the motion.

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

NAYS: COUNCILMEMBERS COLEMAN AND GETZ

MOTION PASSED

Resolution 11 - 168

COUNCILMEMBER COMMENTS

COUNCILMEMBER SMITH - THANKED COUNCIL FOR ALLOWING JEHOVAH JIREH VILLAGE TWO MORE YEARS ON THEIR CONTRACT, IT MEANS A LOT TO SHOW THE COMMUNITY THAT COUNCIL'S BEHIND THEM AND SUPPORT THEM

COUNCILMEMBER SAMUEL - ANNOUNCED A CLEAN-UP ON SATURDAY, JUNE 11, 2011, AT 8:00 A.M., AT THE EVERGREEN CEMETERY ON PINE STREET, AS WELL AS THE RODEO AND GOLF TOURNAMENT, ALSO INQUIRED ABOUT THE DEVELOPMENT AND RECONSTRUCTION OF EAST LUCAS AND MAGNOLIA AVE. IF IT IS GOING TO BE OVER A YEAR BEFORE MAGNOLIA AVE. WOULD BE REPAIRED, ASKED THAT TEMPORARY WORK BE DONE TO THAT STREET, IT IS IN DEPLORABLE CONDITION, ASKED TO GET A REPORT ON THESE STREETS SO THAT THE CITIZENS CAN HAVE SOME IDEA AS TO WHAT IS GOING ON

MAYOR PRO TEM PATE - COMMENTED ON THE FUND RAISER FOR THE GARTH HOUSE, AS WELL AS LAMAR UNIVERSITY BASEBALL AND BASKETBALL CAMPS, ALSO THANKED THE MAYOR FOR THE BABE ZAHARIAS PROCLAMATION

COUNCILMEMBER WRIGHT - COMPLIMENTED PEOPLE THAT GIVE BACK TO THE COMMUNITY, A SPECIAL THANKS CYNTHIA VILLERY WHO HAS MOVED ON BUT BRINGS THINGS BACK TO BEAUMONT, KENDRICK PERKINS ON HIS MARQUE DONATION TO OZEN HIGH SCHOOL, CONGRATULATED ALL OF THE GRADUATES OF THE CITY OF BEAUMONT, WISHED AURORA WILLIAMS A HAPPY BIRTHDAY

COUNCILMEMBER GETZ - CONGRATULATED THE JEFFERSON COUNTY BAR ASSOCIATION FOR ANOTHER SUCCESSFUL SPINDLETOP SPIN THIS PAST WEEKEND, THERE WERE OVER SIX HUNDRED PEOPLE RIDING BICYCLES, MORE THAN \$20,000 RAISED FOR

PRO BONO PROGRAMS, THE EVENT WILL BE AGAIN NEXT YEAR JUNE 2, 2012, FOR ANYONE THAT IS INTERESTED IN PARTICIPATING, EXPRESSED APPRECIATION TO THE PRESS CLUB OF SOUTH EAST TEXAS FOR THE HONOR THAT HE RECEIVED FROM THEM, CONGRATULATED ALL OF THE MEDIA THAT WAS HONORED IN THEIR RESPECTIVE CATEGORIES, THE LOCAL MEDIA HAS BEEN UNFAIRLY CRITICIZED BY REPRESENTATIVES OF OUR LOCAL SCHOOL DISTRICT FOR SIMPLY DOING THEIR JOBS, WANTED TO PUBLICLY STATE HOW MUCH HE APPRECIATES THE JOB THAT THEY DO AND KEEPING THE CITIZENS OF OUR COMMUNITY INFORMED AS TO WHAT IS GOING ON, ALSO STATED THAT HE TOURED SOME OF THE SITES FOR THE KICK OFF OF THE CITY'S SUMMER FOOD PROGRAM, ASKED THAT NEXT YEAR SITES IN WARDS I & II BE CONSIDERED

COUNCILMEMBER COLEMAN -

WISHED AURORA A HAPPY BIRTHDAY AND CONGRATULATED HER ON HER GOOD GRADES, WISHED HIS WIFE JULIE A HAPPY 25TH ANNIVERSARY, AS WELL AS HIS SON CHRIS AND WIFE ANA A HAPPY 2ND ANNIVERSARY, PLEASE CONTINUE TO LIFT UP PASTOR PAM BESSER IN PRAYER ON HER FIGHT AGAINST CANCER

CITY ATTORNEY COOPER -

NONE

CITY MANAGER HAYES -

STATED THAT AT LEAST 50% OF THE STUDENTS HAVE TO BE ELIGIBLE FOR THE FREE LUNCH PROGRAM, FOR BACKGROUND PURPOSES THE CITY DID TRY THE FOOD PROGRAM AT CALDWOOD PARK AND ROGERS PARK AND IT WAS NOT SUCCESSFUL, IT CAN BE LOOKED AT AGAIN

MAYOR AMES -

ASKED COUNCILMEMBER SMITH IF HE WOULD TALK WITH JEHOVAH JIREH CDC TO SEE IF THEY WOULD DO A WORKSHOP WITH COUNCIL SO THAT THE CITIZENS CAN SEE WHAT IS GOING ON WITH THEIR PROGRAM, ALSO STATED THAT THERE ARE SEVERAL CITY BUILDINGS THAT ARE SUBSIDIZED THROUGH THE CITY AND THAT THE L.L. MELTON IS NOT THE ONLY BUILDING, ALSO COMMENTED ON THE SUMMER FOOD PROGRAM, SOME OF THE OTHER PROGRAMS STOP MUCH EARLIER THAN THE SUMMER FOOD PROGRAM, THE CITY COULD LOOK AT SOME OF THE OTHER SCHOOLS LIKE AMELIA ELEMENTARY OR CALDWOOD IF THEY QUALIFY, ALSO COMMENTED ON THE HURRICANE BRIEFING THAT TOOK PLACE AT NOON AT THE EMERGENCY OPERATION CENTER, ENCOURAGED ALL CITIZENS TO GO TO THE WEB SITE AND REGISTER THEIR CELL PHONES ETC., TO KEEP UPDATED, COMMENTED ON THE SPINDLETOP SPIN, MIDNIGHT MADNESS, AS WELL AS THE BEAUMONT MAIN STREET PRESIDENT'S LUNCH

Public Comments (Persons are limited to three minutes)

Jonathan Camargo

2365 Avenue A

Beaumont TX

Spoke to Council regarding concerns in the Avenues area, safety is a major concern, would like more police patrolling the area which would give the citizens a sense of peace, there is also prostitution that is occurring in the Avenues, stated that in the 2010 census Hispanics have grown about 76% and make up about 20% of the population, asked that they be a part of the solution and that Council continue to listen and work with them to keep Beaumont a great place to live

Jesus Perales

810 Avenue E

Beaumont TX

Stated that the largest concern are the kids in their neighborhood, there is a need for a safe environment for them to play, large parks are not close to our neighborhood therefore they are not accessible to our local youth, the closest park is Central Park on 4th Street, we need a location that is close and safe for the youth to play, a community center is needed in the Avenues for several reasons such as assisting residents in learning English, encouraging voter registration, after school programs, mentoring, safe haven for children, tutorial and recreational programs, and helping Hispanics become U.S. Citizens, we would like to help our citizens and Beaumont as a whole

Roberto Flores

2425 Buchanan

Beaumont TX

Stated that for many years the City has had a population of 113,000, in the 2010 census the population has grown to 118,000 that's about a 5,000 increase, addressed the program Beautify Beaumont, on the corner of Avenue C and College a radiator shop has been vacant for years, on the corner of Avenue G and College an old restaurant sits vacant and has been for years as well, they are visible to everyone that passes there, if these two structures were west of the freeway they would not have been there for very long, please take care of these two buildings as they are an eye sore for the community

Harold Humphrey

8085 Helbig

Beaumont TX

Has been in the tree cutting business for over fifty years, wants to know why is it that when he bids on a job he has to bid to haul the brush, but the City will pick up trees when a citizen puts trees on the street at no charge, if he does it as a contractor he gets fined, wonders if this can be stopped

Rev. Joseph Roberts

5475 Landry Lane

Beaumont TX

Stated that the City of Beaumont has never produced a public school that has had a girls basketball team that made the State Basketball Final Four Tournament, Ozen High School did, up until this school year no public school in Beaumont achieved a goal like the Ozen girls track team did when they won the UIL State Track Title for the first time in Beaumont History, there is always talk about the past but never the present and what these young ladies have done, on Saturday, June 16, 2011 at 7:00 p.m. at the Rockin-A Café, the SOC and its sponsors would like to honor these young ladies and would ask that Mayor and Council join them, the keynote speaker will be Coach Larry Tidewell, with Lamar University

Open session of meeting recessed at 2:15 p.m.

EXECUTIVE SESSION

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

Yvonne Como v. City of Beaumont; Cause No. 09-10-00192-CV

Candlewood Suites/KJP Hospitality, LLC/Prendiville Revocable Trust

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

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



Becky Ames, Mayor



Tina Broussard, City Clerk

