

# 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  
July 19, 2011  
Kyle Hayes, City Manager

Gethrel Williams-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 date, 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 Tony Williams of Westgate Church of Christ gave the invocation. Councilmember 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 Smith, Councilmembers Coleman, Getz, Wright and Pate. Absent: Councilmember Samuel. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

Councilmember Samuel was out of the City on Business

## Proclamations, Presentations, Recognitions

**Recognition** - Officer Carol Riley with the Beaumont Police Department addressed Council on the funeral of fallen Officer Bryan Hebert

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

**None**

## CONSENT AGENDA

- \* Approval of minutes - **July 12, 2011**
- \* Confirmation of committee appointments - **Resolution 11 – 196**

Jesus Abrego would fill the unexpired term of Abe Roman on the Police Department Community Advisory Committee. The term would commence July 19, 2011 and expire January 10, 2013.  
(Mayor Becky Ames)

- A) Approve Change Order No. 2 for the Riverfront Park Bank Stabilization Project - **Resolution 11 - 197**
- B) Approve a resolution granting consent to the establishment of Jefferson County Emergency Services District No. 3 - **Resolution 11 - 198**
- C) Authorize the acceptance of a ten foot wide Exclusive Water Line Easement to provide water and fire protection services for Dishman Elementary located at 3475 Champions Drive - **Resolution 11 - 199**

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

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

**NAYS: NONE**

**MOTION PASSED**

#### **GENERAL BUSINESS**

1. Consider amending the Solid Waste Disposal Ordinance.

The Administration recommended approval of the amendments proposed for Chapter 22, Article 22.06 of the Code of Ordinances.

In June, a tree service provider appeared before City Council requesting consideration and relief concerning the disposal requirements established by the Code of Ordinances. Staff reviewed the matter and determined that amendments can be made that provide the requested relief and still meet the needs of the city.

At a worksession held on July 12, 2011, staff discussed these proposed amendments to the Solid Waste Disposal Ordinance, along with several others that reflect current practices. Council asked that the amendments be brought forward for consideration.

Councilmember Coleman made a motion to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 22.05, SUBSECTION 22.05.001; SUBSECTION 22.05.12; SUBSECTION 22.05.51; SUBSECTION 22.05.052(A)(1) AND (C); SUBSECTION 22.05.053(A); SUBSECTION 22.05.056(C); SUBSECTION 22.05.057; SUBSECTION 22.05.058(C)(1), (2) AND (3); SUBSECTION 22.05.104; SUBSECTION 22.05.131; SUBSECTION 22.05.032; SUBSECTION 22.05.133; SUBSECTION 22.05.135; SUBSECTION 22.05.136; SUBSECTION 22.05.171; SUBSECTION 22.05.173; SUBSECTION 22.05.213 OF THE CODE OF ORDINANCES OF THE CITY OF BEAUMONT; PROVIDING FOR SEVERABILITY; 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 AND PATE**

**NAYS: NONE**

**MOTION PASSED**

**Ordinance 11 – 046**

2. Consider approving a contract for the Madison Street Pavement, Drainage, Water and Sanitary Sewer Improvement Project.

Administration recommended awarding the contract per the unit for the Madison Street Pavement, Drainage, Water and Sanitary Sewer Improvement Project to Brystar Contracting, Inc. in the amount of \$2,396,243.20.

Madison Street, from Irving to Grove, is the primary truck route for the industrial district located east of Carroll Street and along Gulf State Road. The existing concrete pavement has deteriorated beyond repair. The proposed project includes storm sewer, sanitary sewer, and water installations, as well as concrete pavement improvements including sidewalks.

Funds are available in the Capital Program.

Councilmember Wright made a motion to **APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE AWARD OF A CONTRACT TO BRYSTAR CONTRACTING, INC., OF BEAUMONT, TEXAS, IN THE AMOUNT OF \$2,396,243.20 FOR THE MADISON STREET PAVEMENT, DRAINAGE, WATER AND SANITARY SEWER IMPROVEMENT PROJECT TO INCLUDE STORM SEWER, SANITARY SEWER, WATER INSTALLATIONS AND CONCRETE PAVEMENT IMPROVEMENTS INCLUDING SIDEWALKS.** Mayor Pro Tem Smith seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Resolution 11 - 200**

3. Consider approving Change Order No. 3 for the Calder Avenue Drainage and Pavement Improvement Project - Phase III.

Administration recommended approval of Change Order No. 3 in the amount of \$68,697.30, for adding construction items and reducing construction item quantities to the Calder Avenue Drainage and Pavement Improvement Project - Phase III.

The section of Calder Avenue from Main Street to Phelan Boulevard is a heavily-traveled roadway that provides access from downtown to the west end of the City. The current roadway is four lanes with a continuous left-turn lane to west of IH-10 and two lanes with a continue left-turn lane from west of IH-10 to West Lucas. The condition of existing pavement is poor and requires rehabilitation. This project will include the installation of storm sewer box culverts, water & sanitary sewer lines, concrete pavement, brick paver

sidewalk, and traffic signals on Calder Avenue. Phase III of the Calder Project extends from IH-10 to Phelan Boulevard.

Change Order No. 3 includes the following changes:

1. The proposed water line at West Lucas and Calder will be directional drilled in lieu of open cutting the existing concrete pavement to reduce traffic obstructions on West Lucas. Approximately 140' of water line will be installed.
2. Drainage items such as heavy duty traffic grates and trench drains were added to drain adjacent properties lower than the proposed gutter line on Calder Avenue.
3. Replacing concrete curb was added to improve the curb line under IH 10 for brick pavers.

Funds are available in the Capital Program.

Councilmember Getz made a motion to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE CHANGE ORDER NO. 3 FOR ADDITIONAL WORK THEREBY INCREASING THE CONTRACT AMOUNT BY \$68,697.30 FOR A TOTAL CONTRACT AMOUNT OF \$10,052,997.45.** Councilmember Wright seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Resolution 11 - 201**

4. Consider approving the purchase of banquet chairs for the Event Center.

Administration recommended approval of the purchase of 950 banquet chairs from Ace Mart of San Antonio, TX in the amount of \$109,352.15.

The Event Center is scheduled for completion in October. The 16,000 sq. ft. hall has the capability of hosting a variety of events from meetings to wedding receptions and banquets. The seating capacity for a theater style event is 900 to 950 and for a seated table event the seating capacity is 450 to 500.

The cost includes 950 chairs, six (6) chair trucks and freight. Delivery is expected in nine (9) weeks after receipt of order.

Funds are available in the Capital Reserve Fund.

Mayor Pro Tem Smith made a motion to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO APPROVE THE PURCHASE OF 950 MTS SEATING BANQUET CHAIRS FROM ACE MART, OF SAN ANTONIO, TEXAS, IN THE AMOUNT OF \$109,352.15 THROUGH THE TEXAS MULTIPLE SCHEDULE (TXMAS) CONTRACT FOR USE IN THE DOWNTOWN EVENT CENTER.** Councilmember Pate seconded the motion.

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

**NAYS:**           **NONE**

**MOTION PASSED**

**Resolution 11 – 202**

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

**COUNCILMEMBER COMMENTS**

**COUNCILMEMBER COLEMAN -           THANKED CAROL RILEY AND THE POLICE DEPARTMENT REGARDING THE FUNERAL SERVICE FOR OFFICER BRYAN HEBERT, ALSO ASKED THAT EVERYONE CONTINUE TO KEEP THE BRYAN AND BESSER FAMILIES LIFTED IN PRAYER AS PAM BESSER IS DOING WELL**

**COUNCILMEMBER GETZ -           NONE**

**COUNCILMEMBER WRIGHT -           THANKED HER FAMILY FOR THE WONDERFUL CRUISE VACATION FOR HER BIRTHDAY, ALSO CONDOLENCES TO THE HEBERT FAMILY**

**COUNCILMEMBER PATE -           THANKED OFFICER RILEY AND THE BEAUMONT POLICE DEPARTMENT FOR THE WONDERFUL JOB THEY DID FOR THE HEBERT FAMILY**

**COUNCILMEMBER SAMUEL -           ABSENT**

**MAYOR PRO TEM SMITH -           CONDOLENCES TO THE HEBERT FAMILY**

**CITY ATTORNEY COOPER -           NONE**

**CITY MANAGER HAYES -           NONE**

**MAYOR AMES -           THANKED TOMMY LEE AND HIS FAMILY FOR ATTENDING THE COUNCIL MEETING, HE IS GETTING HIS MERIT BADGE FOR BOY SCOUTS, AS WELL AS BEN KIDS IEA, ALSO CONGRATULATED JUDGE EARL HINES WHO HELD HIS RETIREMENT ON LAST FRIDAY**

**Public Comments** (Persons are limited to three minutes)

**Luther Holmes**

**4142 Highland**

**Beaumont TX**

Commented on the Governor of Texas and his call for all Governors to meet on August 6, 2011, at Reliant Stadium in Houston, Texas, from 10:00a to 5:00p for a day of fasting and praying, it was also requested that if people are not able to make the journey that our own City Officials will honor the request by providing a place that all people may come together at the same time in a corporate way to seek God in the name of Jesus and respect our chosen officials request

**Vernon Durden**

**2110 Westbury Rd.**

**Beaumont TX**

Stated that on Friday, July 8, 2011, a servant of the City lost his life, thanked Carol Riley for her comments and the City for supporting it, that incident was a travesty, a domestic call caused an officer to lose his life, that process beckons a review

**Benny Mendoza**

**5655 S. Kenneth**

**Beaumont TX**

Informed Council that he has not been in attendance due to being ill, has some comments but will make them at a future meeting

Open session of the meeting recessed at 1:54 p.m.

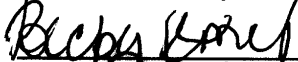
**EXECUTIVE SESSION**

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

Claim of BRH-GARVER Construction, L. P.

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

**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

