

# 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  
April 29, 2014  
Kyle Hayes, City Manager

Gethrel Wright, Mayor Pro Tem  
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 **April 29, 2014**, 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 3-5/Consent Agenda
- \* Consent Agenda

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

Reverend Michael Pavez of St. Michael's Orthodox Christian 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, Getz, Pate, Samuel and Smith. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

## Proclamations, Presentations, Recognitions

**"Celebration of STEM Education Week"** - April 28 – May 4, 2014 - Proclamation read by Councilmember Coleman; accepted by Jim Payne, Principal of Harmony Science Academy

**"Cancer Awareness Weekend"** - May 2-3, 2014 - Proclamation read by Councilmember Smith; accepted by Gaylynne Jones, American Cancer Society/Altus Cancer Center

**"Nutrition & Services for Senior's"** - May, 2014 - Proclamation read by Mayor Pro Tem Wright; accepted by Elaine Shellenberger, Executive Director of Nutrition & Services for Senior's

**"St. Michael's Mediterranean Festival"** - May 3, 2014 - Proclamation read by Mayor Ames; accepted by Georgia Vasilakis, Chairman, and Festival Committee Members

**Public Comment:** Persons may speak on scheduled agenda items 3-5/Consent Agenda.

**None**

## CONSENT AGENDA

- \* Approval of minutes - April 22, 2014
- \* Confirmation of committee appointments - **None**
- A) Approve a resolution accepting the donation of property from Alice M. Richardson Trust to retain a six inch sanitary sewer line – **Resolution 14 - 093**
- B) Approve a resolution approving a change order to the contract with GADV Inc. dba L & L General Contractors for the construction of an equipment storage building at the Henry Homberg Golf course located in Tyrrell Park – **Resolution 14 - 094**
- C) Approve a resolution authorizing the transfer of ownership of property to Jefferson County Drainage District No. 6 for the development of the Northwest Parkway Project – **Resolution 14 - 095**
- D) Approve a resolution authorizing the City Manager to execute an Interlocal Agreement with Jefferson County Drainage District No. 6 for the development of the Northwest Parkway Project – **Resolution 14 - 096**

**Mayor Pro Tem Wright left the meeting at 1:58 p.m.**

Councilmember Smith moved to approve the Consent Agenda. Councilmember Getz seconded the motion.

**AYES:           MAYOR AMES, COUNCILMEMBERS COLEMAN, GETZ, PATE, SAMUEL AND SMITH**

**NAYS:           NONE**

**MOTION PASSED**

**Mayor Pro Tem Wright returned to the meeting at 2:00 p.m.**

## GENERAL BUSINESS

1. Consider a request for a revised specific use permit to allow an assisted living/memory care facility on property located on the east side of Major Drive, just north of Village Drive.

David Krukiel for Three Willows Land Development, LLC and representing Avalon Homes is requesting a revised specific use permit.

In March of 2014, Mr. Krukiel applied for and received a rezoning from A-R (Agricultural Residential) to GC-MD-2 (General Commercial – Multiple Family Dwelling – 2) and a specific use permit for property along the east side of North Major, just north of Village Drive. On March 17<sup>th</sup>, Planning & Zoning Commission recommended approval of the specific use permit with the following conditions:

1. Must seek approval from TxDOT for driveway. (Transportation)
2. Parking shall be provided for staff and visitors only. (Transportation)
3. Must pass Environmental Health Inspections. (Health)
4. Storm water and drainage system shall be designed for a 100 year flood frequency with final design being approved by the owner.
5. The detention pond shall be maintained by the owner.
6. Provision for an 8' wooden privacy fence where the property abuts residentially zoned property.

The site plan showed a 30 foot landscaped buffer along the east and south edges of the property. On March 25<sup>th</sup>, Council approved the rezoning and specific use permit, but added the following condition:

**7. Maintain a 50' wide landscaped buffer along the east property line.**

In addition, discussion was made of a 50' wide landscaped buffer along the south property line as well, but was not made a requirement.

The applicant maintains that the development will not be possible with a 50' wide landscaped buffer along the east or south property lines. They state that the increased buffer would not leave enough room for the needed structures, storm water, parking and landscaping.

Staff believes this facility would provide a much needed buffer to existing single family development to the east and future commercial development fronting on Major Drive.

At a Joint Public Hearing held April 21, 2014, the Planning Commission recommended 4:1:1 to approve a revised specific use permit to allow an assisted living/memory care facility on property located on the east side of Major Drive, just north of Village Drive subject to the following conditions:

1. Must seek approval from TxDOT for driveway. (Transportation)
2. Parking shall be provided for staff and visitors only. (Transportation)
3. Must pass Environmental Health inspections. (Health)
4. Storm water and drainage system shall be designed for a 100 year flood frequency with final design being approved by the City and TxDOT.
5. The detention pond shall be maintained by the owner.
6. Provision for an 8' wooden privacy fence where the property abuts residentially zoned property.

Approval of ordinance subject to the following conditions:

1. Must seek approval from TxDOT for driveway. (Transportation)
2. Parking shall be provided for staff and visitors only. (Transportation)
3. Must pass Environmental Health inspections. (Health)
4. Storm water and drainage system shall be designed for a 100 year flood frequency with final design being approved by the City and TxDOT.
5. The detention pond shall be maintained by the owner.
6. Provision for an 8' wooden privacy fence where the property abuts residentially zoned property.

Councilmember Pate moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE ISSUING AN AMENDED SPECIFIC USE PERMIT TO ALLOW AN ASSISTED LIVING/MEMORY CARE FACILITY IN A GC-MD-2 (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING-2) DISTRICT ON PROPERTY LOCATED ON THE EAST SIDE OF MAJOR DRIVE, JUST NORTH OF VILLAGE DRIVE IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS, WITH THE CONDITIONS.** Councilmember Coleman seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

### **Ordinance 14 - 018**

2. Consider a request to abandon a portion of the hike and bike trail parking and access easement at the corner of North Major Drive and Folsom Drive.

Drainage District No. 6 is requesting the abandonment of an access easement.

Drainage District No. 6 granted a Hike and Bike Trail Parking and Access Easement to the City of Beaumont in March of 2012. Since the easement was granted, plans have changed and easements have been granted to accommodate the new plans. The portion of the easement in question is no longer needed. Drainage District No. 6 is requesting the city abandon that portion which is no longer needed.

At a Joint Public Hearing held April 21, 2014, the Planning Commission recommended approval of the abandonment of a portion of the easement at the corner of North Major Drive and Folsom Drive.

Councilmember Wright moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE VACATING AND ABANDONING A PORTION OF THE HIKE AND BIKE TRAIL, PARKING AND ACCESS EASEMENTS AT THE CORNER OF NORTH MAJOR DRIVE AND FOLSOM DRIVE, BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Coleman seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

### **Ordinance 14 - 019**

3. Consider approving a resolution authorizing the City Manager to negotiate and execute a lease with the Beaumont Children's Museum for the use of a designated area of the Beaumont Civic Center.

The Beaumont Children's Museum (BCM) is interested in moving forward with the development of its activities and has requested that the City consider allowing it to lease a specific area of the Beaumont Civic Center for that purpose.

The City has space that can be made available to BCM which includes the five meeting rooms, the adjacent restrooms, and the corridor.

The Agreement will make BCM responsible for all costs associated with development of the programming and exhibits and general maintenance. The City will continue to be responsible for the major structural building components and janitorial services. BCM will pay \$500 per month as rent.

The Agreement will substantially follow the form of the draft attached for your review.

Councilmember Getz moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A DEVELOPMENT AND LEASE AGREEMENT WITH THE BEAUMONT CHILDREN'S MUSEUM (BCM), A NON-PROFIT CORPORATION, FOR USE OF A DESIGNATED AREA OF THE BEAUMONT CIVIC CENTER.** Councilmember Smith seconded the motion.

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

**NAYS:           NONE**

**MOTION PASSED**

#### **Resolution 14 - 097**

4. Consider approving a resolution authorizing the City Manager to approve a change order to the contract with Allco, Ltd. for the Surface Water Treatment Plant Improvements Phase I Project.

The City Council approved a contract with Allco, Ltd., on May 8, 2008, in the amount of \$8,041,191.50. The contract renovated the pulsators, constructed new chlorine and chemical feed facilities, and installed new 1500KW generators to increase the efficiency and reliability of the Water Treatment Plant.

The proposed change order in the amount of \$313,350.00 will furnish all necessary labor, materials, and equipment to construct a bypass line to transfer water from the inlet filters to the ground storage tank. The existing 72-inch diameter line is leaking and needs to be repaired. This line cannot be taken out of service for more than 4 hours without impacting the water supply to the City. Therefore, a bypass line must be built in order to isolate the 72-inch line and repair it. A portion of the repair materials were purchased separately by the City of Beaumont.

As a part of the change order, 120 additional calendar days will be added to the contract time.

Mayor Pro Tem Wright moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE CHANGE ORDER NO. 8 IN THE AMOUNT OF \$313,350.00, THEREBY INCREASING THE CONTRACT AMOUNT TO \$9,244,653.75 FOR THE SURFACE WATER**

**TREATMENT PLANT IMPROVEMENTS PHASE 1 PROJECT.** Councilmember Smith seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

### **Resolution 14 - 098**

5. Consider approving a resolution authorizing a contract for property insurance coverage for various city owned buildings and assets.

Talon Insurance Agency, of Port Arthur, Texas is the City's broker of record for securing the City's property insurance. The proposed premium is based on a total building value of \$221,380,040. The cost of the policy for this year is \$1,250,247.14, a 16.17% decrease from last year's premium of \$1,490,734.80. The net rate per \$100 valuation, based on the insured value decreased from \$0.6739987 to \$0.5647519 from last year.

Companies providing insurance are layered with exposure limited to the amount of damage. All risk coverage, including Flood and Earth Movement, is provided by AmRisc, LP, First Specialty Insurance, Westchester, Landmark American, Evanston, and Liberty Surplus.

Funds 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 FOR FIRE, EXTENDED COVERAGE, FLOOD AND QUAKE PROPERTY INSURANCE IN THE AMOUNT OF \$1,250,247.14 THROUGH TALON INSURANCE AGENCY, OF PORT ARTHUR, TEXAS, AS BROKER, FOR ALL RISK COVERAGE, INCLUDING FLOOD AND EARTH MOVEMENT PROVIDED BY AMRISC, LTD., FIRST SPECIALTY INSURANCE, WESTCHESTER, LANDMARK AMERICAN, EVANSTON, AND LIBERTY SURPLUS EFFECTIVE MAY 1, 2014.** Councilmember Smith seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

### **Resolution 14 – 099**

## **PUBLIC HEARING**

- \* Receive comments on the Consolidated Grant Program's 2014 Annual Action Plan

Public Hearing Open: 2:12 p.m.

**None**

Public Hearing Close: 2:12 p.m.

6. Consider approving a resolution adopting the 2014 Annual Action Plan.

As mandated by the U. S. Department of Housing and Urban Development (HUD), City Council has conducted public hearings and work sessions in previous years prior to adopting the City's Annual Action Plan. Planning & Community Development Staff, along with the Community Development Advisory Committee (CDAC), hosted Public Hearings in order to receive public comments on the process and activities related to the 2014 Annual Action Plan.

Included is the proposed 2014 Action Plan and Budget that will be submitted to HUD for approval. Also included is the detailed listing of Public Services, Public Facilities and Improvements Homeless Set-Aside applicants, the recommendations by the CDAC and the recommendations of the Administration.

The proposed budget reflects allocations of \$1,307,397 in Community Development Block Grant (CDBG) funding, an estimated \$100,000 in Program Income and \$404,482 in HOME funding.

U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant and HOME Investment Partnership grant.

Council is to conduct a Public Hearing and approve the resolution.

Councilmember Getz moved to **APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY ADOPTS THE HUD CONSOLIDATED GRANT PROGRAM'S 2014 ACTION PLAN, AS WELL AS THE BUDGET OF THE ACTION PLAN IN THE AMOUNT OF \$1,811,879.** Councilmember Coleman seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Resolution 14 - 100**

## **COUNCILMEMBER COMMENTS**

**COUNCILMEMBER COLEMAN -**

**ANNOUNCED THE WELLNESS CENTER'S KID-A-PALOOZA TRIATHLON ON SATURDAY ON MAY 31, 2014, CO-SPONSORED BY THE GIRL SCOUTS, LET'S MOVE AND THE CITY OF BEAUMONT, THERE WILL BE GAMES AND SNACKS FOR THE RACERS AFTER THE TRIATHLON, CITIZENS**

INTERESTED MAY CALL 899-7777 FOR MORE INFORMATION, ALSO ON MAY 9, 2014, WILL BE THE MIDNIGHT MADNESS BIKE RIDE, WHICH WILL BEGIN AT ROGERS PARK STARTING AT 10:00 P.M., REGISTRATION WILL BEGIN FROM 7:45P.M. TO 9:45 P.M., CALL 781-1298 FOR INFORMATION, THIS WEEKEND WILL BE THE BIGGEST LOSER TV SHOW 5K AND HALF MARATHON RACE IN DOWNTOWN BEAUMONT, FOR MORE INFORMATION CITIZENS CAN GO TO THE BIGGEST LOSER WEB SITE, CONGRATULATED JOE DOMINO ON HIS RETIREMENT

**COUNCILMEMBER GETZ -**

COMMENTED ON THE MUSIC STUDIO FESTIVAL HE AND HIS WIFE ATTENDED DOWNTOWN, ALSO COMMENTED ON THE BIKE LANES ON CALDER ST.

**MAYOR PRO TEM WRIGHT -**

CONDOLENCES TO THE FAMILY OF JC GIGLIO, COMMENTED ON EMAILS THAT SHE HAS BEEN RECEIVING THAT ARE ANONYMOUS, ASKED THAT IF YOU ARE CONCERNED ABOUT THE ISSUES IN BEAUMONT ASKED THAT THE PERSON WOULD LET HER KNOW WHO THEY ARE

**COUNCILMEMBER PATE -**

COMMENTED ON ATTENDING THE SYNAGOGUE OVER THE WEEKEND, APPRECIATED JOE DOMINO AND THE GREAT JOB HE HAS DONE FOR THE COMMUNITY, CONGRATULATED HIM ON HIS RETIREMENT, CONDOLENCES TO THE FAMILY OF JC GIGLIO, ANNOUNCED THAT THE NATIONAL DAY OF PRAYER WILL BE AT NOON ON THURSDAY, MAY 1, 2014, AT CITY HALL, ENCOURAGED EVERYONE TO GET OUT AND VOTE IN THE SPECIAL ELECTION THAT'S GOING ON RIGHT NOW FOR STATE SENATOR, EARLY VOTING HAS STARTED AND WILL END MAY 6, 2014, ELECTION DAY IS MAY 10, 2014

**COUNCILMEMBER SAMUEL -**

TO GOD BE THE GLORY FOR ANOTHER GREAT DAY IN BEAUMONT

**COUNCILMEMBER SMITH -**

ENCOURAGED CITIZENS TO COME OUT TO THE RELAY FOR LIFE EVENT AT OZEN HIGH SCHOOL, THANKED DR. HANI TOHME, HAS BEEN RECEIVING A LOT OF PHONE CALLS COMPLIMENTING HIS CREW AND THE GENEROSITY THAT THEY ARE SHOWING THE CITIZENS, ALSO ASKED FOR THE TIME FRAME FOR REPAIRS TO BEGIN ON AVENUE A

**CITY ATTORNEY COOPER -**

NONE

**CITY MANAGER HAYES -**

NONE

**MAYOR AMES -**

COMMENTED ON THE GOLF TOURNAMENT THAT JUST ENDED FOR THE CHAMBER OF COMMERCE, ENCOURAGED EVERYONE TO ATTEND THE LOBSTER FEST ON FRIDAY, MAY 2, 2014, AT THE BEAUMONT CIVIC CENTER, AS WELL AS THE

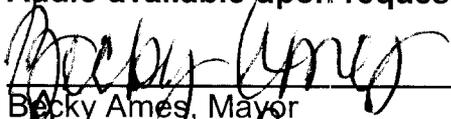
MEDITERRANEAN FESTIVAL ON SATURDAY, MAY 3, 2014, AS WELL AS RELAY FOR LIFE AT OZEN HIGH SCHOOL ON SATURDAY, CONDOLENCES TO THE FAMILY OF JC GIGLIO, MENTIONED THE MUSIC STUDIO FESTIVAL THAT WAS DOWNTOWN OVER THE WEEKEND, ST. ELIZABETH HOSPITAL AND THE EVENT FEATURING REBA MCINTYRE, THAT WAS A GREAT SUCCESS, STATED THAT THERE ARE THREE EVENTS COMING UP WHERE CITIZENS CAN RUN, WALK AND RIDE IN THE NEXT FEW WEEKS, ENCOURAGED EVERYONE TO PARTAKE IN THESE EVENTS

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

None

There being no Executive Session, Council adjourned at 2:23 p.m..

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



Becky Ames, Mayor



Tina Broussard, City Clerk

