

MINUTES - CITY OF BEAUMONT

W.L. Pate, Jr., At-Large
Claude Guidroz, Ward II
Audwin Samuel, Ward III
Tyrone E. Cooper, City Attorney

BECKY AMES, MAYOR
CITY COUNCIL MEETING
June 2, 2015
Kyle Hayes, City Manager

Gethrel Wright, At-Large
Michael D. Getz, Ward II
William R. Sam, Sr. Ward IV
Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on **June 2, 2015**, at the City Hall Council Chambers, 801 Main Street, Beaumont, Texas, at 1:30 p.m. to consider the following:

OPENING

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- * Invocation Pledge of Allegiance Roll Call
- * Presentations and Recognition
- * Public Comment: Persons may speak on scheduled agenda items 2-3/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 and the pledge. Roll call was made by Tina Broussard, City Clerk.

Present at the meeting were Mayor Ames, Councilmembers Guidroz, Getz, Wright, Pate, Samuel and Sam. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

Proclamations, Presentations, Recognitions

"Men's Health Month" - June, 2015 - Proclamation read by Councilmember Samuel; accepted by Norma Sampson, Gift of Life Executive Director and others from Gift of Life

"Hurricane Preparedness Week" - May 24-30, 2015 - Proclamation read by Mayor Ames; accepted by Tim Ocnaschek, City of Beaumont Emergency Management Coordinator

Presentations

Kyle Hayes, City Manager, recognized Christopher Lewis, who is a part-time employee in Finance, for a job well done and being an asset to the City of Beaumont

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 2-3/Consent Agenda.

None

CONSENT AGENDA

* Approval of minutes – **May 19, 2015**

* Confirmation of committee appointments – **Resolution 15 – 094**

Sina Nejad would be reappointed to the Planning and Zoning Commission. The current term would expire September 19, 2016. (Councilmember Mike Getz)

Roy West would be reappointed to the Small Business Revolving Loan Fund Board. The current term would expire January 28, 2017. (Councilmember Mike Getz)

A) Approve a resolution approving a contract with Texas Liqua Tech Services, Inc. for a new roof system at Fire Station No. 10 located at 3855 Washington Blvd. – **Resolution 15 - 095**

B) Approve a resolution approving the purchase of additional network drive storage from Sigma Solutions for use in all City Departments – **Resolution 15 - 096**

C) Authorize the City Manager to accept maintenance of the street, storm sewer, water and sanitary sewer improvements in Barrington Heights Phase X, Subdivision – **Resolution 15 - 097**

D) Authorize the execution of a Memorandum of Understanding with the Texas General Land Office – **Resolution 15 - 098**

E) Approve a resolution approving an agreement with RBC Capital Markets, LLC (RBC CM) for financial advisory services – **Resolution 15 - 099**

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

AYES: MAYOR AMES, COUNCILMEMBERS GUIDROZ, GETZ, WRIGHT, PATE, SAMUEL AND SAM

NAYS: NONE

MOTION PASSED

GENERAL BUSINESS

1. Consider a request to rezone Amelia Meadows Section One from GC-MD-2 General Commercial-Multiple Family Dwelling-2) to RS (Residential Single Family Dwelling) District.

Sam Parigi, representing George A. Dishman, Jr. and Carol Ann Dishman Buckley, has requested a zone change for the properties located at 7965, 7975, 7985, & 7995 Pevitot Road. In January of 2007, the Dishman's rezoned the property to GC-MD-2 with the hope of acquiring more property. When the additional property did not become available, the decision was made the following year to plat residential lots along Pevitot Road. As the Dishman's are now prepared to sell the lots for residential development, it became apparent that the commercial zoning would not allow single family dwellings. Rezoning the property to RS (Residential Single Family Dwelling) would allow the lots to be developed as intended.

At a Joint Public Hearing held May 18, 2015, the Planning Commission recommended 5:0 to rezone Ameila Meadows Section One from GC-MD-2 (General Commercial-Multiple Family Dwelling-2) to RS (Residential Single Family Dwelling) District.

Approval of ordinance.

Councilmember Wright moved to ADOPT AN ORDINANCE ENTITLED AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS, AND IN PARTICULAR THE BOUNDARIES OF THE ZONING DISTRICTS, AS INDICATED UPON THE ZONING MAP OF BEAUMONT, TEXAS, BY CHANGING THE ZONING OF PROPERTY PRESENTLY ZONED GC-MD-2 (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING-2) DISTRICT TO RS (RESIDENTIAL SINGLE FAMILY DWELLING) DISTRICT FOR PROPERTY LOCATED AT 7965, 7975, 7985, AND 7995 PEVITOT ROAD, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING A PENALTY. Councilmember Getz seconded the motion.

AYES: MAYOR AMES, COUNCILMEMBERS GUIDROZ, GETZ, WRIGHT, PATE, SAMUEL AND SAM

NAYS: NONE

MOTION PASSED

Ordinance 15 - 015

2. Consider a resolution authorizing the City Manager to execute Change Order No. 4, accept maintenance and authorize final payment to Brystar Contracting, Inc., for the Seventh Street Pavement Widening and Drainage Improvement Project.

On April 30, 2013, by Resolution No. 13-095, City Council awarded Brystar Contracting of Beaumont, Texas the contract for the Seventh Street Pavement Widening and Drainage Improvement Project in the amount of \$6,075,569.65.

Previous Change Orders 1-3, in the amount of \$718,357.15 increased the original contract amount to \$6,793,926.80. Change Order No. 4 is required to adjust the estimated quantities to reflect the actual quantities used in the completion of the project. A decrease in the amount of (\$156,471.95) would make the new contract amount \$6,637,454.85. The project has been inspected by the Engineering Division and found to be complete in accordance with the provisions and terms set out in the contract. Acceptance of

maintenance and approval of the final payment in the amount of \$306,288.69 is recommended.

The MBE participation in the performance of the contract total is \$1,469,466.41. The MBE participation represents 22.14% of the final contract amount. A copy of Schedule C identifying the MBE participation is attached.

Street Improvements for Airport Royalties Fund.

Approval of resolution.

Councilmember Pate moved to APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE CHANGE ORDER NO. 4 ADJUSTING QUANTITIES USED TO COMPLETE THE PROJECT, THEREBY DECREASING THE CONTRACT AMOUNT BY **(\$156,471.95)** FOR A REVISED TOTAL CONTRACT AMOUNT OF **\$6,637,454.85**; AND BE IT FURTHER RESOLVED THAT THE SEVENTH STREET PAVEMENT WIDENING AND DRAINAGE IMPROVEMENT PROJECT BE AND THE SAME IS HEREBY ACCEPTED; AND BE IT ALSO RESOLVED THAT THE CITY MANAGER IS HEREBY AUTHORIZED TO MAKE FINAL PAYMENT IN THE AMOUNT OF **\$306,288.69** TO BRYSTAR CONTRACTING, INC. Councilmember Getz seconded the motion.

AYES: MAYOR AMES, COUNCILMEMBERS GUIDROZ, GETZ, WRIGHT, PATE, SAMUEL AND SAM

NAYS: NONE

MOTION PASSED

Resolution 15 - 100

3. Consider a resolution authorizing the City Manager to award a bid to Bruce's General Construction, Inc. of Beaumont for the Best Years Center Parking Lot No. 2 Project.

One bid was received on May 14, 2015 for this project. The bid total is shown below.

Contractor	Location	Bid
Bruce's General Construction, Inc.	Beaumont	\$188,780.50

A total of 90 calendar days is allocated for the completion of the project. Bruce's General Construction, Inc., is a registered Minority Business Enterprise (MBE) in the City of Beaumont and a member of Texas Historically Underutilized Business (HUD) Program.

The parking lot will provide for an estimated 40 spaces. The additional spaces are needed for the new Best Year's Center that will be constructed adjacent to the Event Centre.

Capital Program.

Approval of resolution.

Councilmember Sam moved to APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE AWARD OF A CONTRACT TO BRUCE'S GENERAL CONSTRUCTION, INC., OF BEAUMONT, TEXAS, IN THE AMOUNT OF \$188,780.50 FOR THE BEST YEARS CENTER PARKING LOT NO. 2 PROJECT. Councilmember Wright seconded the motion.

AYES: MAYOR AMES, COUNCILMEMBERS GUIDROZ, GETZ, WRIGHT, PATE, SAMUEL AND SAM

NAYS: NONE

MOTION PASSED

Resolution 15 - 101

WORKSESSION

- * Review and discuss a request from local hospitals to create a Municipal Local Provider Participation Fund which would allow the hospitals to receive supplemental payments from the Federal and/or State government for uncompensated care

Carlos Zafarini, spoke to Council in regards to the Local Provider Participation Fund, stated that this is the first time this fund would be done in Texas. Now is the best time to move forward with the Participation Fund and create a partnership with the City of Beaumont.

COUNCILMEMBER COMMENTS

COUNCILMEMBER SAM -

THANKED THE CITY MANAGER FOR ALL THAT HE DOES AND ASKED THAT HE CONTINUE TO DO WHAT HE DOES, ALSO COMMENTED ON THE ATTENDANCE OF THE VETERANS MEMORIAL SERVICE IT WAS VERY WELL ATTENDED AND A BEAUTIFUL SERVICE AND VERY PROUD TO BE A PART OF IT

COUNCILMEMBER SAMUEL -

NONE

COUNCILMEMBER PATE -

STATED THAT ON THIS PAST SUNDAY, SOME OTHER PLACE DEDICATED THE BETTY CABALA RESOURCE CENTER, ANNOUNCED ON THURSDAY, JUNE 3, 2015, WILL BE MOVIE NIGHT INSTEAD OF FRIDAY NIGHT AT THE JEFFERSON THEATRE, GHOSTBUSTERS WILL BE PLAYING

COUNCILMEMBER WRIGHT -

COMMENTED ON THE ADOPTION OF ANIMALS AT THE ANIMAL SHELTER, ENCOURAGED ANYONE THAT IS INTERESTED AND CAN ADOPT AN ANIMAL TO DO SO, THERE ARE SO MANY THAT ARE IN NEED OF ADOPTION, DOES NOT WANT TO SEE THEM PUT TO SLEEP, GAVE CONDOLENCES TO THE FAMILY OF DR. ONEY FITZPATRICK, THANKED CHRIS LEWIS' FAMILY FOR

SUCH A WONDERFUL SON AND ENJOYS WORKING WITH HIM, THANKED THE GIFT OF LIFE FOR ALL THAT THEY DO IN ALL AREAS, THANKED DR. JOE MAJDALANI, PUBLIC WORKS DIRECTOR FOR TAKING CARE OF THE POT HOLES ON 4TH AND CARTWRIGHT IN SUCH A FAST MANNER

COUNCILMEMBER GETZ -

CONGRATULATED ALL OF THE COLLEGE AND HIGH SCHOOL GRADUATES, ALSO COMMENTED ON SIGNS THAT ARE POSTED THROUGHOUT THE CITY TO TAKE SPANISH CLASSES ETC., FOR A FEE, STATED THAT R.C. MILLER LIBRARY IS OFFERING CLASSES TO LEARN TO SPEAK SPANISH, FRENCH AND HEBREW, ALL CLASSES ARE FREE OF CHARGE

COUNCILMEMBER GUIDROZ -

STATED HE HAS BEEN WARMLY RECEIVED BY SO MANY PEOPLE IN THE COMMUNITY, WANTED TO THANK KYLE HAYES, CITY MANAGER AND HIS STAFF FOR ALL THAT THEY DO, STATED THAT IMMEDIATELY UPON TAKING OFFICE THERE WERE FOUR PROBLEMS THAT HE WAS FACED WITH, HE LEFT TO GO OUT OF TOWN AND UPON HIS RETURN TWO OF THE PROBLEMS WERE ALREADY TAKEN CARE OF, HE TRULY APPRECIATES THE QUICK RESPONSE BY STAFF

CITY ATTORNEY COOPER -

NONE

CITY MANAGER HAYES -

NONE

MAYOR AMES -

COMMENTED ON THE DEDICATION OF THE BETTY CABALA RESOURCE CENTER AND SOME OTHER PLACE, THANKED CHRISTOPHER LEWIS FOR HIS HARD WORK AND HOPES HIS SERVICE WITH THE CITY OF BEAUMONT CONTINUES, GAVE CONDOLENCES TO THE FAMILY OF DR. ONEY FITZPATRICK, DR. FITZPATRICK DID SO MUCH WITH THE ROTARY CLUB, HE WILL BE GREATLY MISSED

Public Comments (Persons are limited to three minutes)

James Hansard

1265 Sandwood Ln.

Beaumont, TX

Spoke in regards to the Best Years Center and the location as well as the demographics, stated that he thinks that the Center should be located in the West End, also commented on the parking in regards to the seniors to get to the Best Years Center, it's too far away for most seniors to walk to the center, if the Center is located downtown you will lose a lot of citizens that will visit the center

Landry Rountree

1565 S. Major Dr.

Beaumont TX

Congratulated Christopher Lewis for his accomplishments, talked in regards to the City Beaumont in regards to litigation, stated that within 15 meetings this Council has met and discussed over 17 pending or possible litigations, stated that there's a better way to

operate a city, stated that the City could do much better than this, stated that Beaumont is a great place and would like to see it continue to be a great place, stated that this City has got to get a yes attitude toward individuals and small businesses or this city will die, when you oppress people they will leave

Vernon Durden

2110 Westbury Rd.

Beaumont TX

Thanked Council for their support of Jimmy Singletary, Police Chief; announced that there will be a meeting tonight at Theodore Johns Library where the Police Chief will once again meet with the members of the community to help with some problems so that citizens and the Police Department can better understand each other so that it can be another great day in Beaumont

Open session of meeting recessed at 2:33 p.m.

EXECUTIVE SESSION

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

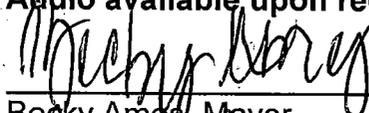
Claim of Brenda Anderson and Kevin Cyprien

United States of America vs. City of Beaumont, Texas; Civil Action No. 1:15CV201

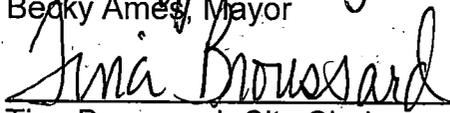
Hani Tohme vs. City of Beaumont

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

