

MINUTES - CITY OF BEAUMONT

W.L. Pate, Jr., At-Large
Dr. Alan B. Coleman, Mayor Pro Tem
Audwin Samuel, Ward III
Tyrone E. Cooper, City Attorney

BECKY AMES, MAYOR
CITY COUNCIL MEETING
October 7, 2014
Kyle Hayes, City Manager

Gethrel 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 **October 7, 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 1-2/Consent Agenda
- * Consent Agenda

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

Councilmember Samuel 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 Coleman, Councilmembers Getz, Wright, Pate, Samuel and Smith. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

Proclamations, Presentations, Recognitions

Presentation - Roy West, President and Chairman of the Crimestoppers of Jefferson and Hardin Counties spoke regarding the 26th Annual State Crimestoppers Conference

"National Arts and Humanities Month" - October, 2014 - Proclamation read by Councilmember Smith; accepted by Jana Fulbright, Vice President, Jefferson County Southeast Texas Arts Council

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 1-2/Consent Agenda.

None

CONSENT AGENDA

- * Approval of minutes – September 30, 2014

* Confirmation of committee appointments - **None**

- A) Approve the renewal of an annual maintenance agreement with SunGard Public Sector for software support for use by all City Departments – **Resolution 14 - 223**
- B) Approve a payment and waiving the interest related to a paving lien dated March 10, 1931 on property at 1637 Avenue H, legally described as Joachimi L13 B12 - **Resolution 14 - 224**

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

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

NAYS: NONE

MOTION PASSED

GENERAL BUSINESS

1. Consider a resolution approving a change order to the contract with Allco, Inc. for the South Park Drainage Improvement Project.

On April 9, 2013, by Resolution No. 13-082, City Council awarded Allco, LLC, of Beaumont, Texas, the contract for South Park Drainage Improvements in the amount of \$12,330,865. This project includes the installation and replacement of storm sewer boxes and pipes which will significantly increase the capacity of the present drainage system.

In mid April of 2014, a subcontractor hired by Allco, LLC to install two (2) 72” drainage pipes under the KCS Railroad Company tracks, encountered a 60” active process water supply line owned by ExxonMobil that was not shown on the original construction plans.

City staff has worked continually with ExxonMobil, Allco LLC., KCS Railroad Company, Lamar University, Texas General Land Office, and the consulting engineer Mark Whiteley & Associates, in an effort to resolve the issue.

The contractor will be utilizing a Hybrid Bore Process to install two new water lines under the railroad tracks. Due to the depth of the bore, special shoring is required. The cost of the bore and associated parts and labor is \$3,508,262.11. Due to these unexpected circumstances, it is necessary to offset the additional cost of the Hybrid Bore. The original plans have been modified to delete a section of the project resulting in a credit of \$3,180,539.36. Therefore, the requested Change Order No. 8 is an additional \$327,722.75. The recommended change order has been reviewed by the General Land Office and the City’s consulting engineer.

Hurricane Ike Disaster Recovery Program Funds, administered by the Texas General Land Office, are available at this time in the amount of \$10,116,834. The remainder of

\$2,740,915.28 will be paid for by the City from the Capital Program. The City is working with the General Land Office to secure additional Hurricane Ike Recovery Program funds for this project.

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. 8 FOR ADDITIONAL WORK, THEREBY INCREASING THE CONTRACT AMOUNT BY \$327,722.75 FOR A TOTAL CONTRACT AMOUNT OF \$12,857,749.28 FOR THE SOUTH PARK DRAINAGE IMPROVEMENT PROJECT.**

Councilmember Smith seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 14 - 225

2. Consider granting a solid waste collection and transportation service franchise to Sprint Waste Services, L.P.

On January 1, 2014, Triangle Waste (a wholly-owned subsidiary of Sprint Waste Services, LP) merged into Sprint Waste Services, LP. Triangle Waste has a solid waste franchise agreement with the City of Beaumont but due to the legal change in corporate structure and merger with Sprint Waste Services, LP, it is necessary for the company to obtain a franchise agreement with the City in the name of Sprint Waste Services, LP. According to City Ordinance 22.05.101, no person shall engage in the business of collecting, hauling or transporting, in the city, any garbage, waste or refuse, without first having obtained a franchise from the City. Seven (7) entities currently have nonexclusive franchise agreements with the City and are doing business in this area.

The requested franchise is generally the same as those previously approved by City Council. It provides for a term of one year from its effective date and a franchise fee of seven percent (7%) of gross revenues received for service. It also requires the entity to indemnify the City of Beaumont and provide insurance which names the City of Beaumont as a named insured.

According to City Charter, franchise ordinances require readings at three (3) separate Council meetings, with the third not less than thirty (30) days from the first reading. The ordinance does not take effect until sixty (60) days after its adoption on the third and final reading. After passage, the ordinance must be published for four (4) consecutive

weeks in a newspaper of general circulation in the city. All publication costs are paid by the franchisee.

This is the third reading of the franchise ordinance. The first reading occurred on August 26, 2014 and the second on September 9, 2014.

A franchise fee of seven percent (7%) of gross receipts is paid into the General Fund.

Approval of resolution.

Councilmember Getz moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A FRANCHISE FOR SOLID WASTE COLLECTION AND TRANSPORTATION SERVICES TO SPRINT WASTE SERVICES, L.P.** Councilmember Wright seconded the motion.

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

NAYS: NONE

MOTION PASSED

Ordinance 14 - 041

3. Consider an ordinance for a zone change from RS (Residential Single Family Dwelling) to LI (Light Industrial) District and a specific use permit to allow a metal sandblasting and coating facility at 7625 Washington Boulevard.

Robert Dean Fontenot is requesting the zone change and specific use permit.

The Fontenots own approximately forty (40) acres at 7625 Washington Blvd., this request is for ±21.51 acres of the total area. The Fontenots purchased this property approximately fifteen (15) years ago and immediately opened for business. Staff has no record of permits pulled for this business. The property includes a barn, used for their sandblasting business, which is located in an area previously used for oil and gas drilling. Mr. Fontenot contends that this oil and gas drilling operation created a “dead zone” where vegetation no longer grows, making the land unsuitable for agricultural purposes. The proposed use employs two or three employees and operates from 8 AM to 4:30 PM, Monday through Friday. Sand blasting is considered similar to other metal working uses for the purposes of zoning.

One of the primary concerns for this request is spot zoning. The reasons being:

1. The request is not in compliance with the comprehensive plan. The subject property is designated as a neighborhood growth unit.

John Robinson	495 N. 1st. St.	Beaumont TX
Item #23	495 N. 1 st St.	
Gladys Briggs Gamblin	4160 Pradice St.	Beaumont TX
Item #57	685 Royal (Commercial)	
Jasper and Paula Leaven	127 Pinelake	Sour Lake TX
Item #39	3270 Lampassas	
Pat Patterson	4595 St. Louis	Beaumont TX
Item #45	3265 Nora	
Cuba Franklin	2440 Omaha St.	Beaumont TX
Item #47	2440 Omaha St.	
J.T. Haynes	P.O. Box 963	Beaumont TX
Item #67	330 Todd & Storage	
Mary A. Brown	8045 Evangeline Lane	Beaumont TX
Item #67	330 Todd & Storage	
Samy Soliman	1275 McFaddin St.	Beaumont TX
Item #67	330 Todd & Storage	
J.R. Williamson	120 21st. St.	Beaumont TX
Item #68	120 21 st St.	
Alfred Arredondo	1267 Van Buren St.	Beaumont TX
Item #70	1267 Van Buren St.	
Ako Nelson	3890 Youngstown	Beaumont TX
Item #71	3890 Youngstown	

Item # 21

Closed: 3:22 p.m.

- 4. Consider an ordinance and a resolution 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.

These structures have been inspected by the Building Codes Division and found to be unsafe structures as defined by the City of Beaumont’s Code of Ordinances, Chapter 24, Article 24.04 Unsafe Substandard Structures, Division 1, Sec. 14.04.001 of the 2009 International Property Maintenance Code. Additionally, these structures have deteriorated to a condition that they are no longer considered suitable for repair. City may incur the cost of demolition. Sources may include General funds, Community Development Block Grant (CDBG) funding, and a grant with the Southeast Texas Regional Planning Commission and the Texas General Land Office (GLO).

Approval of the ordinance and resolution.

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 #17, 21, 23, 39, 45, 67, 68, 70 AND 71, TO ENTER INTO A 150 DAY WORK PROGRAM ON THE DANGEROUS STRUCTURES LIST, ITEMS #47 AND 57 WERE REMOVED; PROVIDING FOR SEVERABILITY AND PROVIDING FOR A PENALTY.** Councilmember Samuel seconded the motion.

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

NAYS: NONE

MOTION PASSED

Ordinance 14 - 053

Councilmember Pate moved to **APPROVE A RESOLUTION THAT THE CITY COUNCIL FINDS AFOREMENTIONED SEVENTY-ONE (71) STRUCTURES TO BE UNSAFE STRUCTURES AND DECLARES THEM TO BE PUBLIC NUISANCES AND ORDERS THAT THE STRUCTURES BE RAZED.** Councilmember Samuel seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 14 – 226

COUNCILMEMBER COMMENTS

MAYOR PRO TEM COLEMAN -	COMMENTED ON DOGTOBER FEST AND THE FIRE SAFETY FESTIVAL, THANKED MAIN ST. AND THE FIRE DEPARTMENT FOR THEIR HARD WORK AND A GREAT WEEKEND
COUNCILMEMBER GETZ -	CONGRATULATED THE CITY OF BEAUMONT FOR BEING RECOGNIZED AS A SCENIC CITY
COUNCILMEMBER WRIGHT -	THANKED EVERYONE FOR ALL OF THEIR WELL WISHES, PRAYERS, FOOD AND CARDS ON HER SPEEDY RECOVERY, VERY HAPPY TO BE BACK
COUNCILMEMBER PATE -	COMMENTED ON DOGTOBER FEST TO THE FIRE SAFETY FESTIVAL, THANKED THE SPONSORS FOR MAKING BOTH A SUCCESS, REMINDED EVERYONE THAT LAMAR UNIVERSITY WILL BE PLAYING THIS WEEKEND, THE GAME WILL START AT 6:00 P.M., ENCOURAGED EVERYONE TO COME OUT AND SUPPORT THEM
COUNCILMEMBER SAMUEL -	STATED THAT IN 1974 LAMAR UNIVERSITY WAS 7-3
COUNCILMEMBER SMITH -	ANNOUNCED THE GIFT OF LIFE 5K RUN ON SATURDAY, OCTOBER 11, 2014, ALSO REQUESTED INFORMATION ABOUT THE DD6 PROJECT IN TYRELL PARK, RECEIVED PHONE CALLS FROM THE RESIDENTS WHO ARE CONCERNED THAT THE WORK HAS STOPPED DUE TO FUNDING, WOULD LIKE TO KNOW IF THAT INFORMATION IS ACCURATE, ASKED THE CITY MANAGER IF HE COULD CHECK ON THE STATUS OF THE PROJECT
CITY ATTORNEY COOPER -	NONE
CITY MANAGER HAYES -	NONE
MAYOR AMES -	NONE

Public Comments (Persons are limited to three minutes)

Stuart Yoes

3535 Calder

Beaumont TX

Spoke to Council in regards to Item # 3 on the Agenda and the rezoning of that property, pointed out that the original plan was to originally rezone .74 acres, as the request move through the process somehow the acreage changed to 21 acres, letters were sent out, none of the neighbors objected and there were several supporters for the rezoning

Addrenna Arline

275 East Gill

Beaumont TX

Spoke to Council in regards to dangerous structure Item #24 275 E. Gill & Shed, Ms. Arline wasn't aware that she needed to speak during the public hearing section of the meeting.

The Mayor then reopened the Public Hearing so that Council may speak with Ms. Arline in regards to her property

Public Hearing Re-opened at 3:21 p.m.

Addrenna Arline

275 East Gill St.

Beaumont TX

Item #24 275 East Gill

Public Hearing Closed at 3:38 p.m.

Open session of meeting recessed at 3:39 p.m.

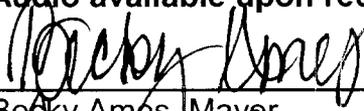
EXECUTIVE SESSION

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

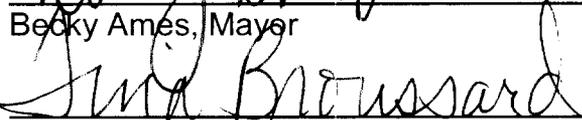
Russell Brister vs. City of Beaumont; Cause No. D-194,574

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

