

BEAUMONT

TEXAS

**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS OCTOBER 6, 2015 1:30 P.M.**

CONSENT AGENDA

- * Approval of minutes – September 29, 2015
- * Confirmation of committee appointments

- A) Approve a resolution terminating the lease agreement with Weingarten Realty/Eastex Venture for the WIC Satellite Office

- B) Authorize the acceptance of a ten foot (10') wide Exclusive Water Line Easement located at 4975 Fannett Road

- C) Authorize the acceptance of a Road Access Easement for Windcastle Drive

- D) Approve a resolution terminating the Lease with Jacquelyn Cake (Primary), Doxey-Pleasant Properties, LLC, and Colin M. Sheppard (Secondary) for the EMS Med No. 1 Station

BEAUMONT

— T E X A S —

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Laura Clark, Chief Financial Officer

MEETING DATE: October 6, 2015

REQUESTED ACTION: Council consider a resolution terminating the lease agreement with Weingarten Realty/Eastex Venture for the WIC Satellite Office.

BACKGROUND

Currently the Public Health Department operates the WIC Satellite Office at 4890 Dowlen Road, in the Target Shopping Center. That office will soon relocate to the new Public Health Department facility on College Street. The anticipated move-in date is by December 2015.

The Lease provides that the Tenant may cancel the Lease upon thirty (30) days' written notice to Landlord, if appropriate funds are not approved. The State funds that currently pay for the rent for the satellite location will cease when WIC relocates to the new City-owned facility. The monthly rental payment is \$3,233.33 and the Lease is scheduled to expire on March 31, 2016.

FUNDING SOURCE

Not applicable.

RECOMMENDATION

Approval of the resolution.

RESOLUTION NO.

WHEREAS, on April 1, 2014, the City Council of the City of Beaumont, Texas, passed Resolution No. 14-068 authorizing the City Manager to execute a three (3) year lease agreement renewal, commencing on April 1, 2014 and expiring on March 31, 2016, with Weingarten Realty (Landlord) for \$3,233.33 per month for property located at 4890 Dowlen Road, Beaumont, Texas, for the Women's, Infants and Children (WIC) satellite office; and,

WHEREAS, the WIC satellite office anticipates relocating to the new Public Health Department facility located on College Street by December 2015; and,

WHEREAS, the lease agreement with Weingarten Realty provides that the Tenant may cancel the lease upon thirty (30) days' written notice to the Landlord, if appropriate funds are not approved; and,

WHEREAS, the State funds that currently pay for the rent for the satellite location will cease when WIC relocates to the new Public Health Department facility; and,

WHEREAS, the City Council finds that the site is no longer financially viable and it is in the public interest to terminate the lease agreement with Weingarten Realty for property located at 4890 Dowlen Road, Beaumont, Texas, which was used as the Women's, Infants and Children (WIC) satellite office;

NOW, THEREFORE, BE IT RESOLVED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the lease agreement with Weingarten Realty for property located at 4890 Dowlen Road, Beaumont, Texas, which was used as the Women's, Infants and Children (WIC) satellite office is hereby terminated.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 6th day of October, 2015.

- Mayor Becky Ames -

BEAUMONT

TEXAS

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Dr. Joseph Majdalani, P.E., Public Works Director *JM*

MEETING DATE: October 6, 2015

REQUESTED ACTION: Council consider a resolution authorizing the acceptance of a ten foot (10') wide Exclusive Water Line Easements.

BACKGROUND

Scannell Properties #223, LLC has agreed to convey a ten foot (10') wide exclusive Water Line Easements to the City of Beaumont. The easement is described as being a 0.383 acre tract situated in the Samuel Stivers Survey, Abstract No. 51. The fire line is needed in the event of an emergency for the 124,800 square foot American Tire Distributors Facility located at 4975 Fannett Road.

FUNDING SOURCE

Not applicable.

RECOMMENDATION

Approval of resolution.

RESOLUTION NO.

WHEREAS, Scannell Properties #223, LLC has agreed to convey one (1) ten foot (10') wide exclusive water line easement, said easement being a 0.383 acre tract situated in the Samuel Stivers Survey, Abstract No. 51, as described and shown in Exhibit "1," attached hereto, to the City of Beaumont for a fire line in the event of an emergency for the 124,800 square foot American Tire Distributors Facility located at 4975 Fannett Road: and,

WHEREAS, the City Council has considered the purpose of said conveyance and is of the opinion that the acceptance of said conveyance is necessary and desirable and that same should be accepted;

NOW, THEREFORE, BE IT RESOLVED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT one (1) ten foot (10') exclusive water line easement conveyed by Scannell Properties #223, LLC, being a 0.383 acre tract situated in the Samuel Stivers Survey, Abstract No. 51, as described and shown in Exhibit "1," attached hereto, be and the same is hereby, in all things, accepted for the stated purpose.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 6th day of October, 2015.

- Mayor Becky Ames -

business operations on the Grantor's adjacent property and/or Grantor's ingress and egress thereto.

Grantor reserves the right to continue to use and enjoy the surface of the Easement Area for all purposes that do not interfere with or interrupt the use or enjoyment of the Easement by Grantee for the purposes provided herein, including but not limited to the right to place surfacing materials over and across the Easement Area and to use the same for parking areas, driveways, walkways or sidewalks, landscaping and/or lighting; provided, however, no permanent buildings may be placed on the Easement Area. Notwithstanding the foregoing, Grantee shall not be responsible for the repair and replacement of any improvements placed by Grantor within the Easement Area and the same shall be repaired and maintained by Grantor, at Grantor's sole cost and expense.

The conveyance of the Easement granted herein is made by Grantor and accepted by Grantee subject to any and all existing easements, covenants, rights-of-way, conditions, restrictions, outstanding mineral interests and royalty interests, if any, in the Easement Area of record in the office of the County Clerk of the County of Jefferson (collectively, the "Permitted Exceptions").

This Easement may be amended or terminated only by the written consent of the parties hereto, or their respective successors and assigns.

TO HAVE AND TO HOLD the above described easement and right-of-way unto the said CITY OF BEAUMONT, its successors and assigns forever, by, through, or under Grantor, but not otherwise, subject to the Permitted Exceptions.

[Signature Page Follows]

EXECUTED this _____ day of _____, 2015.

GRANTOR:

Scannell Properties #223, LLC
an Indiana Limited Liability Company

By: Scannell Properties #223, LLC
an Indiana Limited Liability Company

By: _____
Printed Name: James C. Carlino
Title: Managing Partner

ACKNOWLEDGMENT

STATE OF INDIANA X

COUNTY OF HAMILTON X

This instrument was acknowledged before me on this the _____ day of _____, 2015, by James C. Carlino, Managing Partner of Scannell Properties #223 LLC, General Partner of Scannell Properties #223, LLC, an Indiana Limited Liability Company, known to me to be the person name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated as the act and deed of said partnership and its general partner.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2015.

Notary Public, State of Indiana

RETURN TO: City of Beaumont
Antoinette Hardy - Engineering
P. O. Box 3827
Beaumont, TX 77704



ARCENEAUX WILSON & COLE LLC

Engineering • Surveying • Planning

EXHIBIT "A"

PAGE 1 of 4

**DESCRIPTION OF A TRACT OF LAND
CONTAINING 0.383 ACRE OF LAND, MORE OR LESS
OUT OF THE SAMUEL STIVERS SURVEY, ABSTRACT No. 51
JEFFERSON COUNTY, TEXAS**

Being a 0.383 acre tract or parcel of land in the Samuel Stivers Survey, Abstract No. 51, Jefferson County, Texas, a portion of that certain tract of land (called "256.555 acres") designated "Tract I" and described in that certain instrument to B & L International, LLC, recorded in Clerk's File No. 2011020108 of the Official Public Records of Jefferson County, Texas, and the said tract herein described being more particularly described by metes and bounds as follows:

FOR LOCATIVE PURPOSES COMMENCING at a 1/2" iron pipe found in the south right-of-way line of Texas State Highway No. 124 for the most northerly west corner of said 256.555 acres tract, having a Texas State Plane Coordinate Value of North 13,956,381.24' and East 3,503,811.14';

THENCE North 69 deg. 55 min. 49 sec. East, along and with the said south right-of-way line of Highway No. 124, a total distance of 183.78 feet, to the **POINT OF BEGINNING** of the herein described tract of land, having a Texas State Plane Coordinate Value of North 13,956,444.31' and East 3,503,983.76';

THENCE continuing North 69 deg. 55 min. 49 sec. East, along and with the said south right-of-way line of Highway No. 124, a total distance of 10.00 feet, to an angle point corner of the herein described tract of land;

THENCE South 20 deg. 02 min. 05 sec. East, a total distance of 46.21 feet, to an angle point corner of the herein described tract of land;

THENCE North 69 deg. 57 min. 55 sec. East, a total distance of 19.20 feet, to an angle point corner of the herein described tract of land;

THENCE South 20 deg. 02 min. 05 sec. East, a total distance of 10.00 feet, to an angle point corner of the herein described tract of land;

THENCE South 69 deg. 57 min. 55 sec. West, a total distance of 19.20 feet, to an angle point corner of the herein described tract of land;

THENCE South 20 deg. 02 min. 05 sec. East, a total distance of 537.34 feet, to an angle point corner of the herein described tract of land;

THENCE North 69 deg. 57 min. 55 sec. East, a total distance of 355.61 feet, to an angle point corner of the herein described tract of land;



THENCE North 20 deg. 02 min. 05 sec. West, a total distance of 593.56 feet, to an angle point corner of the herein described tract of land;

THENCE North 70 deg. 03 min. 56 sec. East, a total distance of 10.00 feet, to an angle point corner of the herein described tract of land;

THENCE South 20 deg. 02 min. 05 sec. East, a total distance of 28.17 feet, to an angle point corner of the herein described tract of land;

THENCE North 69 deg. 57 min. 55 sec. East, a total distance of 13.23 feet, to an angle point corner of the herein described tract of land;

THENCE South 20 deg. 02 min. 05 sec. East, a total distance of 10.00 feet, to an angle point corner of the herein described tract of land;

THENCE South 69 deg. 57 min. 55 sec. West, a total distance of 13.23 feet, to an angle point corner of the herein described tract of land;

THENCE South 20 deg. 02 min. 05 sec. East, a total distance of 555.37 feet, to an angle point corner of the herein described tract of land;

THENCE North 69 deg. 57 min. 55 sec. East, a total distance of 12.63 feet, to an angle point corner of the herein described tract of land;

THENCE along a curve to the right having a radius of 482.50 feet, a central angle of 01 deg. 11 min. 23 sec., an arc length of 10.02 feet, a chord bearing of South 16 deg. 34 min. 07 sec. East and a chord length of 10.02 feet to an angle point corner of the herein described tract of land;

THENCE South 69 deg. 57 min. 55 sec. West, a total distance of 449.48 feet, to an angle point corner of the herein described tract of land;

THENCE North 20 deg. 02 min. 05 sec. West, a total distance of 10.00 feet, to an angle point corner of the herein described tract of land;

THENCE North 69 deg. 57 min. 55 sec. East, a total distance of 61.85 feet, to an angle point corner of the herein described tract of land;

THENCE North 20 deg. 02 min. 05 sec. West, a total distance of 593.61 feet, returning back to the **POINT OF BEGINNING** and containing 0.383 acre of land, more or less.

EXHIBIT "A"

PAGE 2 OF 4



NOTE:

Dimensions indicated hereon are based upon G.P.S. Surveying, tied to the Trimble RTK Network, referenced to the (NAD 1983) Texas State Plane Coordinate System, South Central Zone (4204).
Grid scale factor: 0.999937472.

See accompanying Plat.

Prepared: August 14, 2015

Job No. ADB-010

By: 
E. James Verrett,
Texas Registered Professional Land Surveyor No. 1781



EXHIBIT "A"

PAGE 3 OF 4

BEAUMONT

TEXAS

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Dr. Joseph Majdalani, P.E., Public Works Director *JM*

MEETING DATE: October 6, 2015

REQUESTED ACTION: Council consider a resolution authorizing the acceptance of a Road Access Easement.

BACKGROUND

Windemere Development Company granted Jefferson County Drainage District No. 6 (JCDD6) property on Ditch No. 1004-A1 and in exchange JCDD6 would place box culverts for Windcastle Drive, a city street, across said ditch. Consequently, JCDD6 would need to grant the City an easement for Windcastle Drive, which has been constructed. It is necessary for the City of Beaumont to accept this Road Access Easement to allow access for emergency response vehicles and public access into this subdivision.

The Access Road Easement is described as being a 0.107 acre tract of land lying in the David Easley Survey, Abstract No. 20, Beaumont, Jefferson County, Texas, being comprised of a 0.095 acre tract out of Tract 1 (1.432 acres) and a 0.012 acre tract out of Tract 2 (3.647 acres) conveyed to Jefferson County Drainage District No. 6 of record in County Clerk's File No. 200811123 of the Official Public Records of Jefferson County, Texas, and 0.107 acre tract being more particularly described on Exhibit "A" attached.

JCDD6 will maintain and repair its respective portion of the property.

FUNDING SOURCE

Not applicable.

RECOMMENDATION

Approval of resolution.

RESOLUTION NO.

WHEREAS, Jefferson County Drainage District No. 6 (JCDD6) has agreed to convey a road access easement, said easement being a 0.107 acre tract of land lying in the David Easley Survey, Abstract No. 20, Beaumont, Jefferson County, Texas, being comprised of a 0.095 acre tract out of Tract 1 (1.432 acres) and a 0.012 acre tract out of Tract 2 (3.647 acres) conveyed to Jefferson County Drainage District No. 6 of record in County Clerk's File No. 200811123 of the Official Public Records of Jefferson County, Texas, and a 0.107 acre tract as described and shown in Exhibit "1," attached hereto, to the City of Beaumont to allow access for emergency response vehicles and public access upon completion of the construction of Windcastle Drive; and,

WHEREAS, the City Council has considered the purpose of said conveyance and is of the opinion that the acceptance of said conveyance is necessary and desirable and that same should be accepted;

NOW, THEREFORE, BE IT RESOLVED BY THE
CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT a road access easement, said easement being a 0.107 acre tract of land lying in the David Easley Survey, Abstract No. 20, Beaumont, Jefferson County, Texas, being comprised of a 0.095 acre tract out of Tract 1 (1.432 acres) and a 0.012 acre tract out of Tract 2 (3.647 acres) conveyed to Jefferson County Drainage District No. 6 of record in County Clerk's File No. 200811123 of the Official Public Records of Jefferson

County, Texas, and a 0.107 acre tract as described and shown in Exhibit "1," attached hereto, be and the same is hereby, in all things, accepted for the stated purpose.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 6th day of October, 2015.

- Mayor Becky Ames -

ROAD ACCESS EASEMENT

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF JEFFERSON §

THAT JEFFERSON COUNTY DRAINAGE DISTRICT NO. 6, hereafter called GRANTOR, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), in hand paid by the CITY OF BEAUMONT, the receipt of which is hereby acknowledged by GRANTOR, and upon the further consideration of the benefits that will accrue to the lands owned by the GRANTOR adjoining the land hereinafter described, and upon the further considerations hereinafter stated, does hereby GRANT and CONVEY unto the CITY OF BEAUMONT hereinafter called GRANTEE, whose mailing address is P.O. Box 3827, Beaumont, Texas 77704, its successors and assigns, a perpetual right-of-way, privilege and easement on, under and across that tract or parcel of land (the Easement Tract) situated in Jefferson County, Texas, more particularly described as follows, to-wit:

BEING a 0.107-acre tract of land lying in the David Easley Survey, Abstract No. 20, Beaumont, Jefferson County, Texas, being comprised of a 0.095-acre tract out of Tract 1 (1.432 acres) and a 0.012-acre tract out of Tract 2 (3.647 acres) conveyed to Jefferson County Drainage District No. 6 of record in County Clerk's File No. 2008011123 of the Official Public Records of Jefferson County, Texas, said 0.107-acre tract being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference.

Giving and Granting to the said GRANTEE, its successors and assigns, the right and authority to go upon the Easement Tract hereinbefore described and use same to install and maintain the Northwest Parkway Roadway and related appurtenances.

Grantor, its successors and assigns, reserve the right to make improvements, perform maintenance and construction on the Easement Tract or premises described herein where such is deemed necessary by the Grantor. Grantor shall in no case be liable to Grantee for any damage or injury to the improvements located upon said Easement Tract which may be caused by or result from operations undertaken by Grantor, and no claim or right to compensation shall accrue from any such damage.

Grantee, its successors and assigns, will not do, or cause to be done, anything to impede or obstruct the flow of water through the Grantor's right-of-way.

This instrument was prepared from information furnished by the parties and no examination has been made and no opinion has been given by the firm preparing this instrument as to the title to or the description of the property involved.

TO HAVE AND TO HOLD the above described Easement Tract and right-of-way unto the said CITY OF BEAUMONT, its successors and assigns perpetually, so long as it shall be used for the purpose of installing and maintaining the Windcastle Drive roadway and related

appurtenances. Immediately upon cessation of its use for said purposes by GRANTEE, its successors or assigns, then all rights granted herein shall terminate forthwith, and shall revert to GRANTOR, its/their heirs, administrators, legal representatives, successors or assigns.

WITNESS the execution hereof on this the 15th day of September, 2015.

GRANTOR:

BY:

Joshua W. Allen, Sr.

JOSHUA W. ALLEN, SR.
President, Board of Directors
Jefferson County Drainage District No. 6

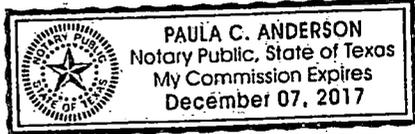
THE STATE OF TEXAS §

COUNTY OF JEFFERSON §

This instrument was acknowledged before me on the 15th day of September, 2015, by Joshua W. Allen, Sr., President of the Board of Directors for the Jefferson County Drainage District No. 6.

Paula C. Anderson

Notary Public, State of Texas



GRANTEE:

BY:

Printed Name: _____

Title: _____

THE STATE OF TEXAS §

COUNTY OF JEFFERSON §

This instrument was acknowledged before me on the _____ day of _____ 2015, by _____, the _____ for The City of Beaumont.

Notary Public, State of Texas

After Recording Return To:
Richard P. LeBlanc, Jr., General Manager
Jefferson County Drainage District No. 6
P.O. Box 20078, Beaumont, Texas 77720
JCDD6/pa

Fittz & Shipman

INC.

Ronald D. Fittz, P.E., R.P.L.S. (1948-1987)
Terry G. Shipman, P.E., Chairman
Billy J. Smith, Jr., President

Consulting Engineers and Land Surveyors
Donald R. King, P.E.
Mitchell Lee Brackin R.P.L.S.

August 31, 2015

Field Note Description:

Being a 0.107 acre tract of land lying in the DAVID EASLEY SURVEY, Abstract No. 20 in Jefferson County, Texas, being comprised of a 0.095 acre tract out of Tract 1 (1.432 acres) and a 0.012 acre tract out of Tract 2 (3.647 acres) conveyed to Jefferson County Drainage District No. 6 (DD6) of record in County Clerk's File No. 2008011123 of the Official Public Records of Jefferson County, Texas, said 0.107 acres being more particularly described as follows:

COMMENCING at the Northeast corner of the said DD6 - 1.432 acre tract, being an "ell" corner at the Southwest corner of that certain 10.085 acre tract of land described in an instrument to Beaumont Trace SMV L.P. of record in County Clerk's File No. 2011023955 of the said Official Public Records and being the Northwest corner of Windemere Business Park Subdivision of record in County Clerk's File No. 2009008842 of the said Official Public Records;

THENCE S 00°42'36" E with the East line of the said DD6 - 1.432 acre tract, the West line of the said 10.085 acre tract and the West line of the said Windemere Business Park Subdivision for a distance of 5.00' to the North right-of-way line of Windcastle Drive (a 60' public roadway) and being the Northeast corner and **POINT OF BEGINNING** of the herein described tract;

THENCE S 00°42'36" E with the East line of the said DD6 - 1.432 acre tract, the West line of the said Windemere Business Park Subdivision, crossing the said Windcastle Drive and with the East line of the herein described tract for a distance of 60.00' to the South right-of-way line of the said Windcastle Drive and being the Southeast corner of the herein described tract;

THENCE N 80°44'48" W, over and across the said DD6 - 1.432 acre tract, over and across the said DD6 - 3.647 acre tract and with the South line of the herein described tract for a distance of 76.15' to the West line of the said DD6 - 3.647 acre tract, the East line of Windemere Subdivision Section Three of record in County Clerk's File No. 2015023510 of the said Official Public Records and being on the South right-of-way line of Windcastle Drive (being a 50' wide public roadway) and being the Southwest corner of the herein described tract;

THENCE N 00°42'36" W with the West line of the said DD6 - 3.647 acre tract, the East line of the said Windemere Subdivision Section Three, crossing the said Windcastle Drive and with the West line of the herein described tract for a distance of 50.00' to the Northwest corner of the herein described tract;

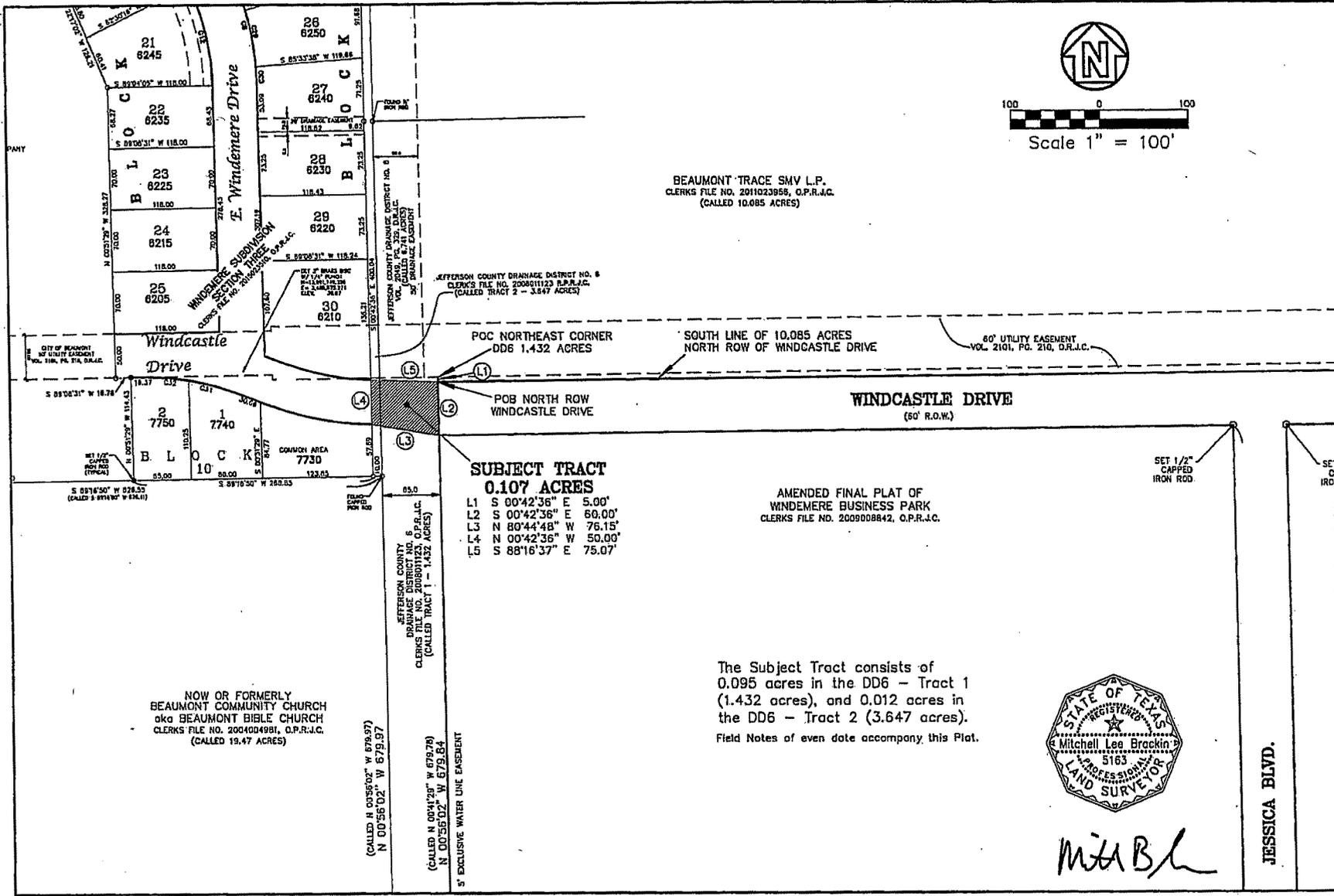
THENCE S 88°16'37" E, over and across the said DD6 - 3.647 acre tract, over and across the said DD6 - 1.432 acre tract and with the North line of the herein described tract for a distance of 75.07' to the point and place of beginning, containing in area, 0.107 acres of land, more or less.

(Plat of even date accompanies this Field Note Description. Job No. 079841DD6Xing.doc)

1405 Cornerstone Court • Beaumont, Texas 77706 • (409) 832-7238 • fax (409) 832-7303
Tx Board of Prof Engineers Firm No. 1160 • Tx Board of Prof Land Surveyors Firm No. 100186

EXHIBIT A

0.107-Acre Road Access Easement to City of Beaumont



BEAUMONT TRACE SMV L.P.
CLERKS FILE NO. 2011023958, O.P.R.J.C.
(CALLED 10.085 ACRES)

JEFFERSON COUNTY DRAINAGE DISTRICT NO. 8
CLERKS FILE NO. 200801123 R.P.A.L.C.
(CALLED TRACT 2 - 3.647 ACRES)

POC NORTHEAST CORNER
DD6 1.432 ACRES

SOUTH LINE OF 10.085 ACRES
NORTH ROW OF WINDCASTLE DRIVE

60' UTILITY EASEMENT
VOL. 2101, PG. 210, O.P.R.J.C.

WINDCASTLE DRIVE
(60' R.O.W.)

**SUBJECT TRACT
0.107 ACRES**

- L1 S 00°42'36" E 5.00'
- L2 S 00°42'36" E 60.00'
- L3 N 80°44'48" W 76.15'
- L4 N 00°42'35" W 50.00'
- L5 S 88°16'37" E 75.07'

AMENDED FINAL PLAT OF
WIDEMERE BUSINESS PARK
CLERKS FILE NO. 2009008842, O.P.R.J.C.

The Subject Tract consists of
0.095 acres in the DD6 - Tract 1
(1.432 acres), and 0.012 acres in
the DD6 - Tract 2 (3.647 acres).
Field Notes of even date accompany this Plat.

NOW OR FORMERLY
BEAUMONT COMMUNITY CHURCH
aka BEAUMONT BIBLE CHURCH
CLERKS FILE NO. 2004004981, O.P.R.J.C.
(CALLED 19.47 ACRES)

(CALLED N 00°56'02" W 679.97'
N 00°56'02" W 679.97')

(CALLED N 00°41'29" W 679.78'
N 00°56'02" W 679.84')

EXCLUSIVE WATER LINE EASEMENT



Scale 1" = 100'



M.L.B.

JESSICA BLVD.

PROJECTS\07984.0001 Windemere Sect. 3\07984\00006565.dwg Sep 08, 2015 06:55am

Fitz & Shipman
INC.
Consulting Engineers and Land Surveyors
1405 CORNERSTONE COURT, BEAUMONT, TEXAS
(409) 832-7235 FAX (409) 832-7203
TABLET FROM JIBSO • 1311 S. PEARL RIDGE

PROJECT NAME: Windemere Development
Beaumont, Texas
Jefferson County

SHEET NO. **SH 1**
PROJECT NO. 07984.0001
DATE: 8-8-15

BEAUMONT

— T E X A S —

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Laura Clark, Chief Financial Officer *LC*

MEETING DATE: October 6, 2015

REQUESTED ACTION: Council consider a resolution approving the termination of the Lease with Jacquelyn Cake (Primary), Doxey-Pleasant Properties, LLC, and Colin M. Sheppard (Secondary) for the EMS Med No. 1 Station.

BACKGROUND

Currently the Public Health Department operates EMS Med No. 1 at 2510 North 11th Street, Suite "A", and one-third (1/3) of the adjacent parking lot. That operation will soon move to the Laurel Street location when EMS Headquarters relocates to the new Public Health Department facility on College Street. The anticipated move-in date is by December 2015.

The EMS Med No. 1 Lease provides that the Tenant may cancel the Lease upon ninety (90) days' written notice to Landlord. The monthly rental payment is \$1,520.00 and the Lease is scheduled to expire on June 30, 2016.

FUNDING SOURCE

The Laurel Street location is owned by the City.

RECOMMENDATION

Approval of the Resolution.

RESOLUTION NO.

WHEREAS, on May 14, 2013, the City Council of the City of Beaumont, Texas, passed Resolution No. 13-106 authorizing the City Manager to execute a three (3) year lease agreement, commencing on July 1, 2013 and expiring on June 30, 2016, with Doxey-Pleasant Properties, LLC (Landlord) for \$1,520 per month for property located at 2510 North 11th Street, Suite "A," and one-third (1/3) of the adjacent parking lot, Beaumont, Texas, for operation of EMS Med Station No. 1; and,

WHEREAS, EMS Med No. 1 anticipates relocating to the Laurel Street location when EMS Headquarters relocates to the new Public Health Department facility located on College Street in December 2015; and,

WHEREAS, the lease agreement with Doxey-Pleasant Properties, LLC provides that the Tenant may cancel the lease upon ninety (90) days written notice to the Landlord; and,

WHEREAS, the City Council finds that the site is no longer financially viable and it is in the public interest to terminate the lease agreement with Doxey-Pleasant Properties, LLC for property located at 2510 North 11th Street, Suite "A," and one-third (1/3) of the adjacent parking lot, Beaumont, Texas, which was used for operation of EMS Med Station No. 1;

NOW, THEREFORE, BE IT RESOLVED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the lease agreement with Doxey-Pleasant Properties, LLC for property located at 2510 North 11th Street, Suite "A," and one-third (1/3) of the adjacent parking lot, Beaumont, Texas, which was used for operation of EMS Med Station No. 1 is hereby terminated.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 6th day of October, 2015.

- Mayor Becky Ames -

BEAUMONT

TEXAS

REGULAR MEETING OF THE CITY COUNCIL COUNCIL CHAMBERS OCTOBER 6, 2015 1:30 P.M.

AGENDA

CALL TO ORDER

- * Invocation Pledge Roll Call
- * Presentations and Recognition
- * Public Comment: Persons may speak on scheduled agenda items 5-9/Consent Agenda
- * Consent Agenda

GENERAL BUSINESS

1. Consider a request for a Specific Use Permit to allow HIV screening, prevention and intervention in an RCR-H (Residential Conservation Revitalization-Historic) District at 2261 North Street
2. Consider a request for a Specific Use Permit to allow a warehouse and internal storage facility in a GC-MD (General Commercial-Multiple Family Dwelling) at 4960 Washington Boulevard
3. Consider a request for a Specific Use Permit to allow an after school tutoring program (Alice D. Weiner Children Center) in an RM-H (Residential Multiple Family Dwelling-Highest Density District) at 2205 Washington Boulevard
4. Consider a request to abandon a 0.0781 acre portion of a general utility easement at 1610 IH-10 East
5. Consider a resolution approving a contract with Placo, LTD. of Lumberton for the Sewer Plant-Clarifiers Rehabilitation Project
6. Consider a resolution authorizing the City Manager to execute an agreement with CDM Smith, Inc. of Houston to continue management of the Municipal Separate Storm Sewer System (MS4) Permit
7. Consider a resolution authorizing the City Manager to execute Change Order No. 1, accept maintenance and authorize final payment to LD Construction for the East Lucas Street Asphalt Resurfacing Project (Idylwood to Magnolia)

8. Consider a resolution awarding annual contracts to multiple vendors for the purchase of traffic marking materials
9. Consider a resolution approving an annual contract to four vendors for mowing privately-owned and vacant property

COMMENTS

- * Councilmembers/City Manager comment on various matters
- * Public Comment (Persons are limited to 3 minutes)

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Mitchell Normand at 880-3777 three days prior to the meeting.

October 6, 2015

Consider a request for a Specific Use Permit to allow HIV screening, prevention and intervention in an RCR-H (Residential Conservation Revitalization-Historic) District at 2261 North Street

BEAUMONT

TEXAS

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Chris Boone, Planning & Community Development Director

MEETING DATE: October 6, 2015

REQUESTED ACTION: Council consider a request for a Specific Use Permit to allow HIV screening, prevention and intervention in an RCR-H (Residential Conservation Revitalization-Historic) District at 2261 North Street.

BACKGROUND

Land Manor, Inc. PALM Center, would like to use the property at 2261 North Street for prevention and intervention services including HIV screenings. PALM Center is a program of the Texas Department of State Health Services. Traffic for these services will usually be by appointment only. All screenings will be conducted between the hours of 8am and 5pm, Monday thru Friday.

Land Manor is requesting a waiver to any additional landscaping or screening requirements as to maintain previous harmony with the neighboring properties.

At a Joint Public Hearing held September 21, 2015, the Planning Commission recommended 6:1 to approve a request to allow HIV screening, prevention and intervention in an RCR-H (Residential Conservation Revitalization-Historic) District at 2261 North Street, subject to the following conditions:

1. RPZ required to be installed.
2. Health inspections approved.
3. Scope of activity shall be limited to that outlined in applicant's letter.

FUNDING SOURCE

Not applicable.

RECOMMENDATIONS

Approval of ordinance, subject to the following conditions:

1. RPZ required to be installed.
2. Health inspections approved.
3. Scope of activity shall be limited to that outlined in applicant's letter.

And with a waiver to the landscape buffer and screening requirements.

SPECIFIC USE PERMIT APPLICATION
BEAUMONT, TEXAS
(Chapter 28, City Codes)

TO: THE PLANNING COMMISSION AND CITY COUNCIL, CITY OF BEAUMONT, TEXAS

APPLICANT'S NAME: Land Manor, INC

APPLICANT'S ADDRESS: 4655 COLLIER BEAUMONT TX 77706

APPLICANT'S PHONE #: 409-838-3946 FAX #: 838-4298

NAME OF OWNER: James G Phelan

ADDRESS OF OWNER: 3195 NORTH ST BEAUMONT TX 77702-1419

LOCATION OF PROPERTY: 2261 NORTH ST.

LEGAL DESCRIPTION OF PROPERTY:

LOT NO. ALL L10 W 1/2 L9 E10' OF L11 OR TRACT _____

BLOCK NO. B5 PLAT _____

ADDITION Averill SURVEY _____

NUMBER OF ACRES 0.2927 NUMBER OF ACRES _____

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed for a specific use permit, and a complete legal field note description.

PROPOSED USE: HIV Screenings, Prevention and Intervention Services ZONE: ~~R~~ RCR-H

ATTACH A LETTER describing all processes and activities involved with the proposed uses.

ATTACH A SITE PLAN drawn to scale with the information listed on the top back side of this sheet.

ATTACH A REDUCED 8 1/2" X 11" PHOTOCOPY OF THE SITE PLAN.

THE EIGHT CONDITIONS listed on the back side of this sheet must be met before City Council can grant a specific use permit. **PLEASE ADDRESS EACH CONDITION IN DETAIL.**

ATTACH THE APPROPRIATE APPLICATION FEE:

LESS THAN 1/2 ACRE.....	\$250.00
1/2 ACRE OR MORE AND LESS THAN 5 ACRES.....	\$450.00
5 ACRES OR MORE.....	\$650.00

I, being the undersigned applicant, understand that all of the conditions, dimensions, building sizes, landscaping and parking areas depicted on the site plan shall be adhered to as amended and approved by City Council.

SIGNATURE OF APPLICANT: JG Phelan DATE: 8/27/15

SIGNATURE OF OWNER: JG Phelan (IF NOT APPLICANT) DATE: 8/27/15

PLEASE TYPE OR PRINT AND SUBMIT TO:

CITY OF BEAUMONT
PLANNING DIVISION
801 MAIN STREET, ROOM 201
BEAUMONT, TX 77701

FILE NUMBER: 2241-P

DATE RECEIVED: _____

Phone - (409) 880-3764
Fax - (409) 880-3133

PLEASE MAKE NOTE ON REVERSE SIDE OF CONDITIONS TO BE MET REGARDING THE SITE PLAN AND LETTER OF PROPOSED USES AND ACTIVITIES.

LAND MANOR, INC.

Treatment & Rehabilitation Facilities Since 1969

LAND MANOR INC. PALM CENTER

2261 NORTH STREET

BEAUMONT, TEXAS 77701

APPLICATION FOR SPECIFIC USE PERMIT

To: City of Beaumont, Texas

Planning Commission and City Council

August 26, 2015

Narrative of Processes and Activities

Land Manor Inc. PALM Center is a program of the Texas Department of State Health Services contracted to provide HIV screenings and prevention and intervention services in Jefferson, Orange, Hardin, Jasper, Newton and Tyler counties. These services are provided to improve the health status of persons who have put themselves as high risk for HIV or other communicable diseases. Land Manor Inc. PALM Center provides prevention and education services and links these individuals to other services in Texas that may improve each individual's quality of life. The bulk of our services are conducted out in the community on an outreach basis.

Land Manor Inc. has been present in the community since 1969 and the PALM Center has been operational in this general vicinity since 1988. Services to be offered are confidential and anonymous to persons who desire HIV screening and referral.

The Structure at 2261 North was constructed in 1961 as a commercial building and has only served as a commercial location.

The proposed location will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity nor diminish or impair property values. Traffic for these services will usually be by appointment only and we restrict access to the grounds due to the need for confidential nature of medical screening and case management regarding HIV.

The establishment of this specific use for this establishment will not disrupt, impede nor negatively affect any additional development in this vicinity nor affect the improvement of any surrounding vacant properties. All screenings will be conducted between the hours of 8:00am and 5:00pm Monday thru Friday as appointments dictate.

**P.O. Box 7250
Beaumont, Texas 77726-7250
Phone: 409-838-3946 Fax: 409-838-4298**

There will be no new construction, re-modeling or re-design of any of the existing facilities and will continue to have adequate utilities and be able to access roads (North Street to the immediate North and 7th Street to the Northwest of the office location. The location has established appropriate drainage as has been the occasion from the previous tenant and current Lessor of the property Mr. James G. Phelan as with his former audiology business at this location.

All driveways allow for adequate access and egress from the location with private covered parking (10) in the rear of the location. The area allows for more than adequate movement of client vehicle and does not affect the movement of the general public traffic.

The location of PALM at 2261 North will be without any threat of nuisance nor has occasion for offensive odors, fumes, dust, noise and/or vibration. PALM is certified by the Center Medicare and Medicaid as a Clinical Laboratory Improvement lab for HIV screening. We are governed by contract with the Texas Department of State Health Services.

Lighting is such that it does not disturb or affect any neighboring properties. No changes in lighting structure has or will be made from the original condition such as presenting for leasing from previous tenant and Land Lord, Mr. James G. Phelan.

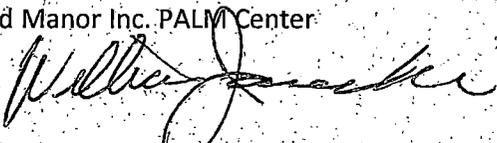
Landscaping will not be remodeled, reshaped or defaced in any shape or form as to maintain previous integrity, harmony and compatibility with the existing neighboring vicinity and properties. If any additional screening is required Land Manor ask for a waiver from the requirements.

This proposed use is in accordance with the Comprehensive Plan as required by the Article 28.03.018 for Historic-Cultural Landmark Preservation Overlay District.

Respectfully submitted:

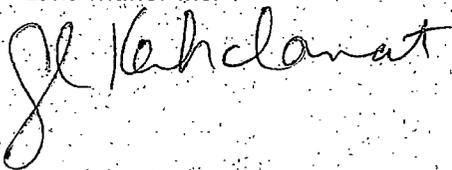
William James, LCDC- Program Director

Land Manor Inc. PALM Center



Ms. Cheryl Kahclamat - Executive Director

Land Manor Inc.



ORDINANCE NO.

ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW HIV SCREENING, PREVENTION AND INTERVENTION IN AN RCR-H (RESIDENTIAL CONSERVATION REVITALIZATION-HISTORIC) DISTRICT AT 2261 NORTH STREET IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.

WHEREAS, Land Manor, Inc. has applied for a specific use permit to allow HIV screening, prevention and intervention in an RCR-H (Residential Conservation Revitalization-Historic) District at 2261 North Street, being the west ½ of Lot 9, the east 10' of Lot 11 and all of Lot 10, Block 5, Averill Addition, Beaumont, Jefferson County, Texas, containing 0.293 acres, more or less, as shown on Exhibit "A," attached hereto; and,

WHEREAS, the Planning and Zoning Commission of the City of Beaumont considered the request and is recommending approval of a specific use permit to allow HIV screening, prevention and intervention in an RCR-H (Residential Conservation Revitalization-Historic) District at 2261 North Street, subject to the following conditions:

- RPZ required to be installed.
- Health inspections approved.
- Scope of activity shall be limited to that outlined in applicant's letter.

; and,

WHEREAS, the City Council is of the opinion that the issuance of such specific use permit is in the best interest of the City of Beaumont and its citizens;

NOW, THEREFORE, BE IT ORDAINED

BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this ordinance are hereby, in all things, approved and adopted; and,

Section 1.

That a specific use permit to allow HIV screening, prevention and intervention in an RCR-H (Residential Conservation Revitalization-Historic) District at 2261 North Street, being the west ½ of Lot 9, the east 10' of Lot 11 and all of Lot 10, Block 5, Averill Addition, Beaumont, Jefferson County, Texas, containing 0.293 acres, more or less, as shown on Exhibit "A," is hereby granted to Land Manor, Inc., its legal representatives, successors and assigns, as shown on Exhibit "B," attached hereto and made a part hereof for all purposes, subject to the following conditions:

- RPZ required to be installed.
- Health inspections approved.
- Scope of activity shall be limited to that outlined in applicant's letter.

Section 2.

That the specific use permit herein granted is expressly issued for and in accordance with each particular and detail of the site plan attached hereto as Exhibit "B" and made a part hereof for all purposes.

Section 3.

Notwithstanding the site plan attached hereto, the use of the property herein above described shall be in all other respects subject to all of the applicable regulations contained in Chapter 28 of the Code of Ordinances of Beaumont, Texas, as amended, as well as comply with any and all federal, state and local statutes, regulations or ordinances which may apply.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 6th day of October, 2015.

- Mayor Becky Ames -

File 2241-P: A request for a Specific Use Permit to allow HIV screening, prevention and intervention in an RCR-H (Residential Conservation Revitalization-Historic) District.

Location: 2261 North Street

Applicant: Land Manor, Inc.

N

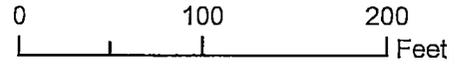
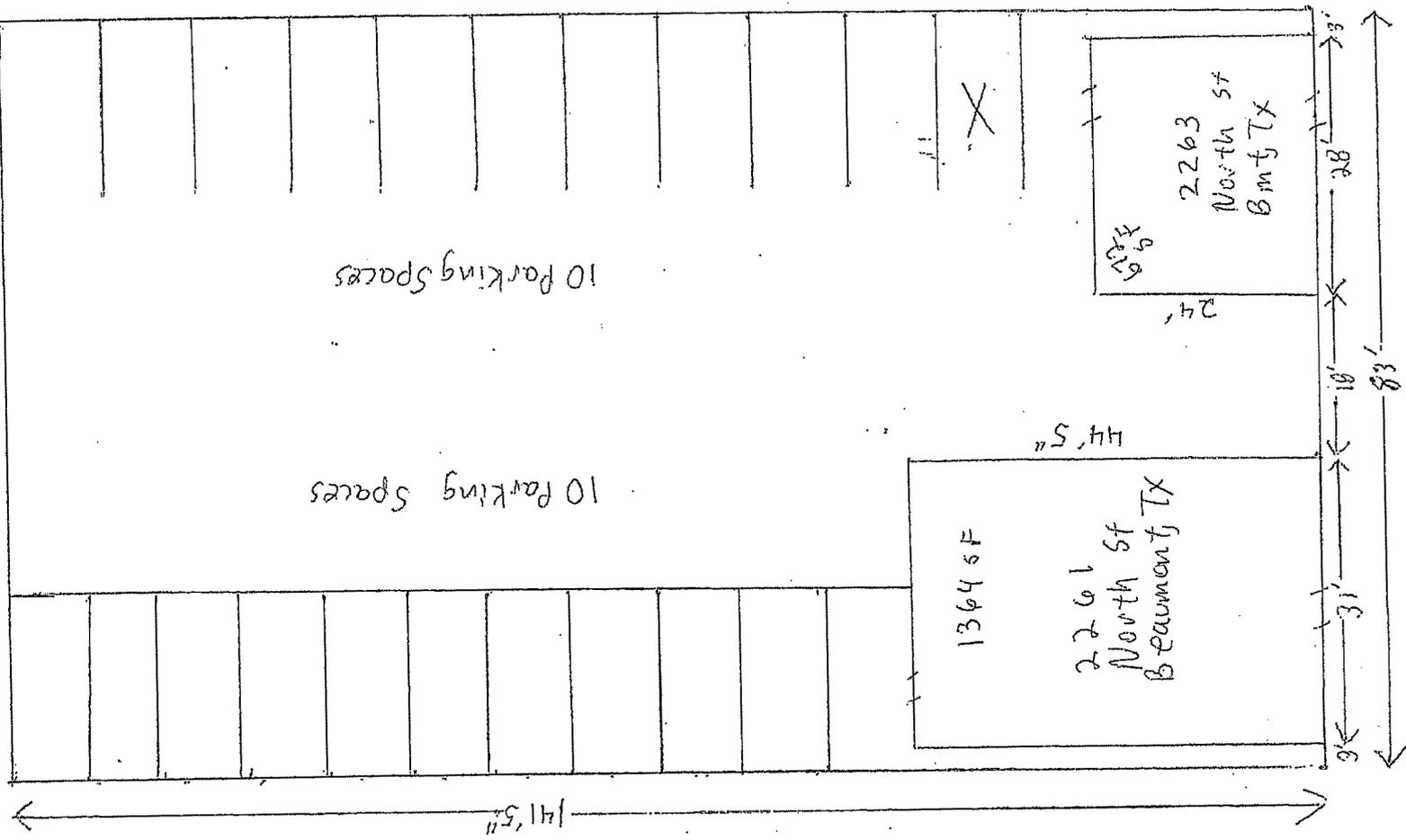


EXHIBIT "A"

Site Plan
2261 North Street
Beaumont, TX 77701



Scale - 1/4" = 4 ft

North Street
EXHIBIT "B"

October 6, 2015

Consider a request for a Specific Use Permit to allow a warehouse and internal storage facility in a GC-MD (General Commercial-Multiple Family Dwelling) at 4960 Washington Boulevard

BEAUMONT

TEXAS

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Chris Boone, Planning & Community Development Director

MEETING DATE: October 6, 2015

REQUESTED ACTION: Council consider a request for a Specific Use Permit to allow a warehouse and internal storage facility in a GC-MD (General Commercial-Multiple Family Dwelling) at 4960 Washington Boulevard.

BACKGROUND

William Ford Dishman, representing Milton Seiler, LLC, would like to use the property at 4960 Washington Boulevard for warehousing and storage. Milton Seiler, LLC, would store various items such as, but not limited to, pumps, gearboxes, heat exchangers, valves, gears and fans. Critical spares that there is no room to store at the plant, but indoor and/or climate controlled storage is preferred. This property was previously used for manufacturing.

At a Joint Public Hearing held September 21, 2015, the Planning Commission recommended 7:0 to approve a request to allow a warehouse and internal storage facility in a GC-MD (General Commercial-Multiple Family Dwelling) at 4960 Washington Boulevard.

FUNDING SOURCE

Not applicable.

RECOMMENDATIONS

Approval of ordinance.

**SPECIFIC USE PERMIT APPLICATION
BEAUMONT, TEXAS**

(Chapter 28, City Codes)

TO: THE PLANNING COMMISSION AND CITY COUNCIL, CITY OF BEAUMONT, TEXAS

APPLICANT'S NAME: William Ford Dishman

APPLICANT'S ADDRESS: P.O. Box 12776, Bmt., Tx 77726

APPLICANT'S PHONE #: 409-553-7486 FAX #: 409-600-2850

NAME OF OWNER: Blue Crow Properties (Milton Seiler)

ADDRESS OF OWNER: 4960 Washington, Bmt., Tx 77705

LOCATION OF PROPERTY: 4960 Washington

LEGAL DESCRIPTION OF PROPERTY:

LOT NO. _____ OR TRACT 3

BLOCK NO. _____ PLAT Block A Washington Pl.

ADDITION _____ SURVEY C. Williams A-59

NUMBER OF ACRES _____ NUMBER OF ACRES 0.6886

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed for a specific use permit, and a complete legal field note description.

PROPOSED USE: internal storage ZONE: GLMA

ATTACH A LETTER describing all processes and activities involved with the proposed uses.

ATTACH A SITE PLAN drawn to scale with the information listed on the top back side of this sheet.

ATTACH A REDUCED 8 1/2" X 11" PHOTOCOPY OF THE SITE PLAN.

THE EIGHT CONDITIONS listed on the back side of this sheet must be met before City Council can grant a specific use permit. **PLEASE ADDRESS EACH CONDITION IN DETAIL.**

ATTACH THE APPROPRIATE APPLICATION FEE:

LESS THAN 1/2 ACRE.....	\$250.00
1/2 ACRE OR MORE AND LESS THAN 5 ACRES.....	\$450.00
5 ACRES OR MORE.....	\$650.00

I, being the undersigned applicant, understand that all of the conditions, dimensions, building sizes, landscaping and parking areas depicted on the site plan shall be adhered to as amended and approved by City Council.

SIGNATURE OF APPLICANT: William Ford Dishman DATE: 8/27/15

SIGNATURE OF OWNER: _____ (IF NOT APPLICANT) DATE: _____

PLEASE TYPE OR PRINT AND SUBMIT TO:

CITY OF BEAUMONT
PLANNING DIVISION
801 MAIN STREET, ROOM 201
BEAUMONT, TX 77701

FILE NUMBER: 2240-P

DATE RECEIVED: _____

Phone - (409) 880-3764
Fax - (409) 880-3133

PLEASE MAKE NOTE ON REVERSE SIDE OF CONDITIONS TO BE MET REGARDING THE SITE PLAN AND LETTER OF PROPOSED USES AND ACTIVITIES.

FORD DISHMAN

Attorney at Law
P.O. Box 12776
Beaumont, Texas 77726
Phone: (409) 553-7486
Fax: (409) 600-2850
fdishmanlaw@gmail.com

August 28, 2015

City of Beaumont
Planning Division
801 Main Street, Room 201
Beaumont, Texas 77701

ATTN.: Chris Boone

REF.: Specific Use Permit
4960 Washington Blvd.
0.6886 Acre Tract or Parcel of Land out of and a part of Tract 3, Block A,
Washington Place, Volume 14, Page 196, Map Records, C. Williams Survey,
Abstract No. 59, Beaumont, Jefferson County, Texas

Dear Mr. Boone:

Please find attached the Specific Use Permit Application along with a site plan and the fee for the above referenced tract.

The tenant, with the owner's approval, proposes to use the property located at 4960 Washington Blvd. as a warehouse and storage facility. This has been a commercial building since it was built in 1991. Mallard Control Co. owned and occupied the building and used it for manufacturing and fabrication prior to the previous tenant. There is no intention of using this building for anything more than a warehouse and storage facility even though it had previously been used for more industrial type work. Currently, the companies surrounding the area do similar type of work as the tenant plans to do with a few being their direct competition.

The following comments address the eight conditions as required by the City's Specific Use Permit:

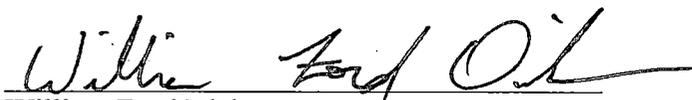
- The proposed specific use will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values

within the immediate vicinity. This building has had similar work done in it previously.

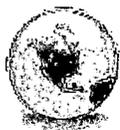
- The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property.
- There are existing adequate utilities, access roads, drainage and other necessary supporting facilities.
- As noted per the site plan design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development. Based on the required parking we plan to have 9 spots with one spot designated as a handicapped space. We are using the requirement of three parking spaces per employee. There will only be three employees working at this building.
- There will be no offensive odor, fumes, dust, noise or vibration caused by the proposed use of this building.
- There is no directional lighting for this site.
- Because this is an existing building that has been on this lot for many years, there is limited existing landscaping; however, it is compatible with the surrounding area. We are requesting a waiver from any further landscaping under this requirement because of the industrial surroundings all around.
- The proposed use is in accordance with the Comprehensive Plan. As stated above, there are currently businesses in the near vicinity of this building with similar use.

If you have any questions or need any additional information please do not hesitate to call.

Respectfully,



William Ford Dishman
Attorney at Law



Fwd: Washington Blvd Storage
Ford Dishman
to:
award
09/14/2015 02:11 PM
Hide Details
From: Ford Dishman <fdishmanlaw@gmail.com>
To: award@ci.beaumont.tx.us

Good Afternoon,

I am forwarding you this email from one of the employees for Milton Seiler regarding what will be stored at the Washington property we have discussed. Please let me know if you have any further questions or if there is anything else I can do. I look forward to hearing back from you.

Respectfully,

Ford Dishman

----- Forwarded message -----

From: **Michael Mudd** <MMudd@miltonseiler.com>
Date: Fri, Sep 11, 2015 at 11:04 AM
Subject: Washington Blvd Storage
To: "fdishmanlaw@gmail.com" <fdishmanlaw@gmail.com>

Ford,

We will be storing the following. It is really impossible to say until we get it in...It is critical spares that they may not have room for at the plant, but need inside storage and/or climate controlled storage.

Examples of what it could be....

Pumps

Motors

Gearboxes

Heat Exchangers

Valves

Gears

fans

Various equipment from the plant...

ORDINANCE NO.

ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO A WAREHOUSE AND INTERNAL STORAGE FACILITY IN A GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT AT 4960 WASHINGTON BOULEVARD IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.

WHEREAS, William Ford Dishman, on behalf of Milton Seiler, LLC, has applied for a specific use permit to allow a warehouse and internal storage facility in a GC-MD (General Commercial-Multiple Family Dwelling) District at 4960 Washington Boulevard, being Tract 6 (out of Tract 3), Block A, Washington Place Addition, Beaumont, Jefferson County, Texas, containing 0.689 acres, more or less, as shown on Exhibit "A," attached hereto; and,

WHEREAS, the Planning and Zoning Commission of the City of Beaumont considered the request and is recommending approval of a specific use permit to allow a warehouse and internal storage facility in an GC-MD (General Commercial-Multiple Family Dwelling) District at 4960 Washington Boulevard; and,

WHEREAS, the City Council is of the opinion that the issuance of such specific use permit is in the best interest of the City of Beaumont and its citizens;

NOW, THEREFORE, BE IT ORDAINED

BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this ordinance are hereby, in all things, approved and adopted; and,

Section 1.

That a specific use permit to allow a warehouse and internal storage facility in a GC-MD (General Commercial-Multiple Family Dwelling) District at 4960 Washington

Boulevard, being Tract 6 (out of Tract 3), Block A, Washington Place Addition, Beaumont, Jefferson County, Texas, containing 0.689 acres, more or less, as shown on Exhibit "A," is hereby granted to Milton Seiler, LLC, its legal representatives, successors and assigns, as shown on Exhibit "B," attached hereto and made a part hereof for all purposes.

Section 2.

That the specific use permit herein granted is expressly issued for and in accordance with each particular and detail of the site plan attached hereto as Exhibit "B" and made a part hereof for all purposes.

Section 3.

Notwithstanding the site plan attached hereto, the use of the property herein above described shall be in all other respects subject to all of the applicable regulations contained in Chapter 28 of the Code of Ordinances of Beaumont, Texas, as amended, as well as comply with any and all federal, state and local statutes, regulations or ordinances which may apply.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 6th day of October, 2015.

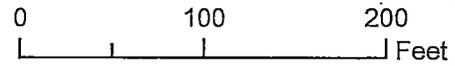
- Mayor Becky Ames -

File 2240-P: A request for a Specific Use Permit to allow a warehouse and internal storage facility in a GC-MD (General Commercial-Multiple Family Dwelling) District.

Location: 4960 Washington Boulevard

Applicant: William Dishman

N



Legend

 2240P

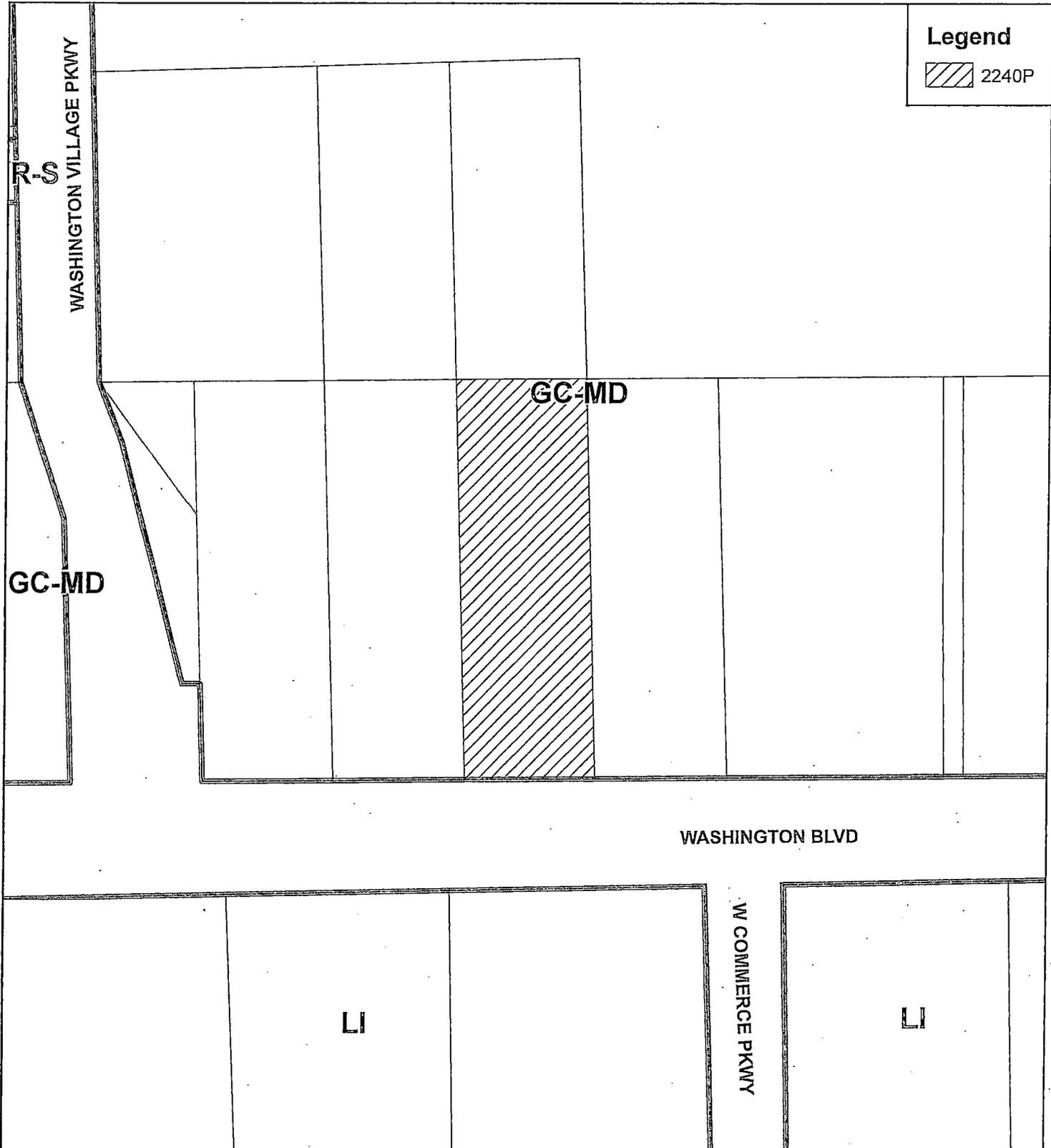


EXHIBIT "A"

REMAINDER of 99.9374 ACRES
DON LIGHTFOOT
F.C. No. 103-78-2256
OPRJ

UNABLE TO FND OR SET
ROD DUE TO FENCE POST
FENCE POST BEARS
S31°43'48"W 0.22'
FENCE POST BEARS
N82°30'53"E 0.26'

CALLED 0.549 ACRES
KIMBERLY LYNN DEAN
C.F. No. 200344153
OPRJ

UNABLE TO FND OR SET
ROD DUE TO FENCE POST
FENCE POST BEARS
S43°09'51"E 0.25'
CALL S88°43'20"E 100.00'
FND S88°50'03"E 100.24'

CALL S88°43'20"E 100.00'
FND S88°42'50"E 100.00'

SCALE 1"=50'

ORIGINAL LOT LINE
CALC. CORNER
15' REAR
SETBACK
PER PLAT

4.16 FND 1/2" I. ROD
FND 1/2" I. ROD
N83°34'51"E 0.44'

METAL BUILDING

BLOCK A

CALLLED 1.2323 ACRES
RAWSON, LP.
C.F. NO. 2007039310
OPRJ

CALLLED 0.6885 ACRES
TRACT ONE
VARITECH SERVICES, LTD.
a Texas limited partnership
C.F. No. 98-9811597
OPRJ

TRACT 2

CALL NORTH 300.08'
FND N00°00'24"W 300.08'

TRACT 3

FND 0.6886 ACRES
CALLLED 0.6889 ACRES
MALLARD CONTROL COMPANY
C.F. No. 2000048106
OPRJ

FND S00°00'11"E 300.07'
CALL S00°00'40"E 300.08'

PROTRUSION NOTE:

- ① CONC. PARKING PROTRUDES 2.72' ONTO ADJOINING PROPERTY.
- ② 3/4" WATER LINE PROTRUDES 3.5" ONTO ADJOINING PROPERTY.
- ③ BUILDING PROTRUDES FROM 2.54' TO 4.84' ONTO 15' REAR SETBACK.

POB

FND SCRIBED "X" IN CONCRETE

20' BUILDING SETBACK PER PLAT

FND 1/2" I. ROD

FND N88°43'20"W 99.91'
REF. BEARING
CALL N88°43'20"W 99.99'

FND N88°43'20"W 99.98'
CALL N88°43'20"W 100.00'

FND 1/2" I. ROD
10' SWBT EASEMENT PER PLAT & VOL. 2197, PG. 53 DRJC

WASHINGTON BLVD.
(80' ROW)

EXHIBIT "B"
REFER TO EXHIBIT "A"
FOR FIELD NOTE DESCRIPTION

TO SOUTHEAST TEXAS TITLE COMPANY, BLUE CROW PROPERTIES, LTD. AND TO THE CHICAGO TITLE INSURANCE COMPANY.

4960 WASHINGTON BLVD.
BEAUMONT, TEXAS 77707

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVER-LAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHTS-OF-WAY EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY. ALL EASEMENTS SHOWN AND NOTED PER SOUTHEAST TEXAS TITLE COMPANY G.F. No. 5SET60283

0.6886 Acre Tract or Parcel of Land Out of and Part of Tract 3, Block A Washington Place Volume 14, Page 196, Map Records C. Williams Survey, Abstract No. 59 Beaumont, Jefferson County, Texas.

Owner: BLUE CROW PROPERTIES, LTD.

Census Tract: 13.01

DATE SURVEYED: DECEMBER 14, 2007

REVISED PER ATTORNEY'S COMMENTS: FEBRUARY 11, 2008

In accordance with the Flood Hazard Boundary Map, Department of Housing and Urban Development.

Community No.: 480457
Panel No.: 0040 D
Date of FIRM: 8-6-02

This property lies in Zone "X" (white). Location on map determined by scale on map. Actual field elevation not determined. Mark W. Whiteley and Associates does not warrant nor subscribe to the accuracy or scale of said maps.

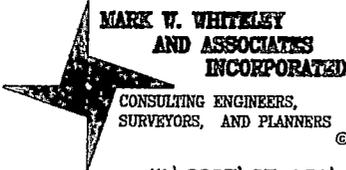
Zone "X" (white) are areas determined to be outside 500-year flood plain.

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Thomas S. Rowe



THOMAS S. ROWE - REGISTERED PROFESSIONAL LAND SURVEYOR No. 5728



BOX 5492
BEAUMONT, TEXAS 77726-5492
409-892-0421

3250 EASTEX FRWY.
BEAUMONT, TEXAS 77703
(FAX) 409-892-1346

W:\2007\07-L39\07-L39.DWG\CD

EXHIBIT "B"

FILE NO. 07-L39

October 6, 2015

Consider a request for a Specific Use Permit to allow an after school tutoring program (Alice D. Weiner Children Center) in an RM-H (Residential Multiple Family Dwelling-Highest Density District) at 2205 Washington Boulevard

BEAUMONT

TEXAS

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Chris Boone, Planning & Community Development Director

MEETING DATE: October 6, 2015

REQUESTED ACTION: Council consider a request for a Specific Use Permit to allow an after school tutoring program (Alice D. Weiner Children Center) in an RM-H (Residential Multiple Family Dwelling-Highest Density District) at 2205 Washington Boulevard.

BACKGROUND

Clarissa Provost would like to open a non-profit after school tutoring/mentor program in her home at 2205 Washington Boulevard. The program will be for children from 11-17 years of age and will operate from 3pm - 6pm, Monday - Thursday. Activities will include tutoring, homework supervision and assistance, mentoring and college/career counseling. Participants will not be charged. The applicant is requesting a waiver to the required perimeter screening and landscape buffer. An existing 4' chain link fence divides the subject property from neighboring properties.

At a Joint Public Hearing held September 21, 2015, the Planning Commission recommended 7:0 to approve a request to allow an after school tutoring program (Alice D. Weiner Children Center) in an RM-H (Residential Multiple Family Dwelling-Highest Density District) at 2205 Washington Boulevard, subject to the following conditions:

1. All requirements set forth by City Health, Building and Fire Departments be met.
2. Add 6' landscaped strip for the full length of the parking area as required by ordinance.

FUNDING SOURCE

Not applicable.

RECOMMENDATIONS

Approval of ordinance, subject to the following conditions:

1. All requirements set forth by City Health, Building and Fire Departments be met.
2. Add 6' landscaped strip for the full length of the parking area as required by ordinance.

And with a waiver to the landscape buffer and screening requirements.

**SPECIFIC USE PERMIT APPLICATION
BEAUMONT, TEXAS**

(Chapter 28, City Codes)

TO: THE PLANNING COMMISSION AND CITY COUNCIL, CITY OF BEAUMONT, TEXAS
APPLICANT'S NAME: Clarissa Provost (Alice D. Weiner Children's)
APPLICANT'S ADDRESS: 1450 Amelia 2205 Washington CTR
APPLICANT'S PHONE #: 409 673-4154 FAX #: _____
NAME OF OWNER: Clarissa Provost
ADDRESS OF OWNER: 1450 Amelia
LOCATION OF PROPERTY: 2205 Washington Blvd
LEGAL DESCRIPTION OF PROPERTY:
LOT NO. L11 OR TRACT _____
BLOCK NO. B1 PLAT _____
ADDITION Booker Heights SURVEY _____
NUMBER OF ACRES 0.129 NUMBER OF ACRES _____

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed for a specific use permit, and a complete legal field note description.

PROPOSED USE: Afterschool tutoring/mentor ZONE: RmH

ATTACH A LETTER describing all processes and activities involved with the proposed uses.

ATTACH A SITE PLAN drawn to scale with the information listed on the top back side of this sheet.

ATTACH A REDUCED 8 1/2" X 11" PHOTOCOPY OF THE SITE PLAN.

THE EIGHT CONDITIONS listed on the back side of this sheet must be met before City Council can grant a specific use permit. PLEASE ADDRESS EACH CONDITION IN DETAIL.

ATTACH THE APPROPRIATE APPLICATION FEE:

LESS THAN 1/2 ACRE.....	\$250.00
1/2 ACRE OR MORE AND LESS THAN 5 ACRES.....	\$450.00
5 ACRES OR MORE.....	\$650.00

I, being the undersigned applicant, understand that all of the conditions, dimensions, building sizes, landscaping and parking areas depicted on the site plan shall be adhered to as amended and approved by City Council.

SIGNATURE OF APPLICANT: Clarissa Provost DATE: 7-22-15
SIGNATURE OF OWNER: Clarissa Provost (IF NOT APPLICANT) DATE: _____

PLEASE TYPE OR PRINT AND SUBMIT TO: CITY OF BEAUMONT
PLANNING DIVISION
801 MAIN STREET, ROOM 201
BEAUMONT, TX 77701

FILE NUMBER: _____
DATE RECEIVED: _____

Phone - (409) 880-3764
Fax - (409) 880-3133

PLEASE MAKE NOTE ON REVERSE SIDE OF CONDITIONS TO BE MET REGARDING THE SITE PLAN AND LETTER OF PROPOSED USES AND ACTIVITIES.

Clarissa Provost Clover
1450 Amelia
Beaumont, Texas 77707

August 20, 2015

Planning Commission and City Council
Manager
City of Beaumont
801 Main Street, Room 201
Beaumont, Texas 77701

Dear Sir or Madam:

The purpose of this letter is to state that the eight conditions for a specific use permit are met. Respectfully submitted as an officer of Alice D. Weiner Children Center a non-profit organization extending educational support to our community youth.

(A). The property located at 2205 Washington will be compatible and not injurious to the use or enjoyment of other property, nor diminish or impair values. The use is the hours of 3:00 pm - 6:00 pm for tutorials, an after school program. (B). The Alice D. Weiner Children Center will not impede normal or orderly development or improvement of surrounding vacant property. (C). Yes, adequate utilities, access roads, drainage and other supporting facilities have been or will be provided upon completion of street repairs. (D). Design, location and of rear drop of /pick up point and parking provides for safe and convenient movement vehicle and pedestrian traffic with no adverse affects. (E). All nuisance prevention measures have been taken, students remain inside for tutorials, eliminating noise , vibration. (F). Directional lighting will be provided in front and back of establishment so there is no disturbance or adverse affect on neighboring properties. (G). There will be sufficient landscaping and fencing to insure harmony and compatibility to adjacent property. We are asking for a waiver of a masonry or wood fence to surround property, due to the fact only activities outside will be drop off and pickup of youth. (H). The proposed use of 2205 Washington Blvd is in accordance with a Comprehensive Plan. Special note regarding fencing: We have immediate neighbors signatures endorsing such in the neighborhood. Also, We are asking that the request of having a wood or masonry fence be waived being their is already fencing surrounding property.

Please contact me at the above address if you have any questions or need additional information. I can be contacted by phone at 409-673-4154 or 409-600-5406.

A WAIVER FOR THE LAND SCAPING BUFFER

Clarissa Provost-Clover
1450 Amelia
Beaumont, Texas 77707

July 28, 2015

City of Beaumont Planning Division
Board members
City of Beaumont
801 Main Street, Room 201
Beaumont, Texas 77701

Dear Sir or Madam:

I am writing this to the planning board requesting the approval of a specific use permit. The property located at 2205 Washington in which the permit is being requested is to operate a non-profit educational after school program for youth 11-17 years of age. Operation hours will be Monday - Thursday from 3pm - 6pm. During the described hours area youth will be offered targeted academic support (homework, tutorials, peer tutorials, study strategies, and other research base materials), social support (mentoring), and career exploration (computer based, bring a student to work, college requirements, community careers, and other avenues). Research continues to show when students get off track, more so high school youth, they are more likely to drop out of school. Our organization hope to support and promote in our youth a commitment to academic achievement, service and responsibility. Our center will be non-discriminatory, open to students free of charge.

Myself, parents and others in our community, have seen and heard some of the challenges facing our youth. Our organization has formed to support and service youth as they challenged academically. The future of our city, community, families and individuals must be invested in our youth not later but now.

We have contacted and have signatures of neighboring property owners encouraging and endorsing such organization in the neighborhood. We have meet the conditions and explained that the operation of and after school program will not diminish or impair their property. Sufficient buffering is already in place. Neighbors invite the organization to the neighborhood and have acknowledged this is an organization needed and wanted in the their community.

Signature *Soumya's BBA II Anita Akisan 8/5*
Address: *2197 Washington Blvd* Date: *8-5-15* Contact:
Anita Akisan

Please contact me at the above address if you have any questions or need additional information. I can be contacted by phone at 409-673-4154.

Clarissa Provost-Clover
1450 Amelia
Beaumont, Texas 77707

July 28, 2015

City of Beaumont Planning Division
Board members
City of Beaumont
801 Main Street, Room 201
Beaumont, Texas 77701

Dear Sir or Madam:

I am writing this to the planning board requesting the approval of a specific use permit. The property located at 2205 Washington in which the permit is being requested is to operate a non-profit educational after school program for youth 11-17 years of age. Operation hours will be Monday - Thursday from 3pm - 6pm. During the described hours area youth will be offered targeted academic support (homework, tutorials, peer tutorials, study strategies, and other research base materials), social support (mentoring), and career exploration (computer based, bring a student to work, college requirements, community careers, and other avenues). Research continues to show when students get off track, more so high school youth, they are more likely to drop out of school. Our organization hope to support and promote in our youth a commitment to academic achievement, service and responsibility. Our center will be non-discriminatory, open to students free of charge.

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We have contacted and have signatures of neighboring property owners encouraging and endorsing such organization in the neighborhood. We have meet the conditions and explained that the operation of and after school program will not diminish or impair their property. Sufficient buffering is already in place. Neighbors invite the organization to the neighborhood and have acknowledged this is an organization needed ~~and wanted in the their~~ community.

Signature: *Clarissa Provost-Clover*
Address: 2170 Washington Date: 7-28-15 Contact:
409 832-8145

Please contact me at the above address if you have any questions or need additional information. I can be contacted by phone at 409-673-4154.

Clarissa Provost-Clover
1450 Amelia
Beaumont, Texas 77707

July 28, 2015

City of Beaumont Planning Division
Board members
City of Beaumont
801 Main Street, Room 201
Beaumont, Texas 77701

Dear Sir or Madam:

I am writing this to the planning board requesting the approval of a specific use permit. The property located at 2205 Washington in which the permit is being requested is to operate a non-profit educational after school program for youth 11-17 years of age. Operation hours will be Monday - Thursday from 3pm - 6pm. During the described hours area youth will be offered targeted academic support (homework, tutorials, peer tutorials, study strategies, and other research base materials), social support (mentoring), and career exploration (computer based, bring a student to work, college requirements, community careers, and other avenues). Research continues to show when students get off track, more so high school youth, they are more likely to drop out of school. Our organization hope to support and promote in our youth a commitment to academic achievement, service and responsibility. Our center will be non-discriminatory, open to students free of charge.

Myself, parents and others in our community, have seen and heard some of the challenges facing our youth. Our organization has formed to support and service youth as they challenged academically. The future of our city, community, families and individuals must be invested in our youth not later but now.

We have contacted and have signatures of neighboring property owners encouraging and endorsing such organization in the neighborhood. We have meet the conditions and explained that the operation of and after school program will not diminish or impair their property. Sufficient buffering is already in place. Neighbors invite the organization to the neighborhood and have acknowledged this is an organization needed and wanted in the their community.

Signature Julian Viga

Address: 2225 Washington Blvd Date: 7/28/15 Contact: 409 454-3112
409-365-8193

Please contact me at the above address if you have any questions or need additional information. I can be contacted by phone at 409-673-4154.

ORDINANCE NO.

ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW AN AFTER SCHOOL TUTORING PROGRAM (ALICE D. WEINER CHILDREN CENTER) IN AN RM-H (RESIDENTIAL MULTIPLE FAMILY DWELLING-HIGHEST DENSITY) DISTRICT AT 2205 WASHINGTON BOULEVARD IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.

WHEREAS, Clarissa Provost has applied for a specific use permit to an after school tutoring program (Alice D. Weiner Children Center) in an RM-H (Residential Multiple Family Dwelling-Highest Density) District at 2205 Washington Boulevard, being Lot 1, Block 8, Booker Heights, Beaumont, Jefferson County, Texas, containing 0.129 acres, more or less, as shown on Exhibit "A," attached hereto; and,

WHEREAS, the Planning and Zoning Commission of the City of Beaumont considered the request and is recommending approval of a specific use permit to an after school tutoring program (Alice D. Weiner Children Center) in an RM-H (Residential Multiple Family Dwelling-Highest Density) District at 2205 Washington Boulevard; subject to the following conditions:

- All requirements set forth by City Health, Building and Fire Departments be met.
- Add 6' landscaped strip for the full length of the parking area as required by ordinance. .
- A waiver be granted to the landscape buffer and screening requirements.

; and,

WHEREAS, the City Council is of the opinion that the issuance of such specific use permit is in the best interest of the City of Beaumont and its citizens;

NOW, THEREFORE, BE IT ORDAINED

BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this ordinance are hereby, in all things, approved and adopted; and,

Section 1.

That a specific use permit to allow an after school tutoring program (Alice D. Weiner Children Center) in an RM-H (Residential Multiple Family Dwelling-Highest Density) District at 2205 Washington Boulevard, being Lot 1, Block 8, Booker Heights, Beaumont, Jefferson County, Texas, containing 0.129 acres, more or less, as shown on Exhibit "A," is hereby granted to Clarissa Provost, her legal representatives, successors and assigns, as shown on Exhibit "B," attached hereto and made a part hereof for all purposes, subject to the following conditions:

- All requirements set forth by City Health, Building and Fire Departments be met.
- Add 6' landscaped strip for the full length of the parking area as required by ordinance. .
- A waiver be granted to the landscape buffer and screening requirements.

Section 2.

That the specific use permit herein granted is expressly issued for and in accordance with each particular and detail of the site plan attached hereto as Exhibit "B" and made a part hereof for all purposes.

Section 3.

Notwithstanding the site plan attached hereto, the use of the property herein above described shall be in all other respects subject to all of the applicable regulations contained in Chapter 28 of the Code of Ordinances of Beaumont, Texas, as amended,

as well as comply with any and all federal, state and local statutes, regulations or ordinances which may apply.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 6th day of October, 2015.

- Mayor Becky Ames -

File 2239-P: A request for a Specific Use Permit to allow an after school tutoring program (Alice D. Weimer Children Center) in an RM-H (Residential Multiple Family Dwelling-Highest Density District).

Location: 2205 Washington Boulevard

Applicant: Clarissa Provost

N

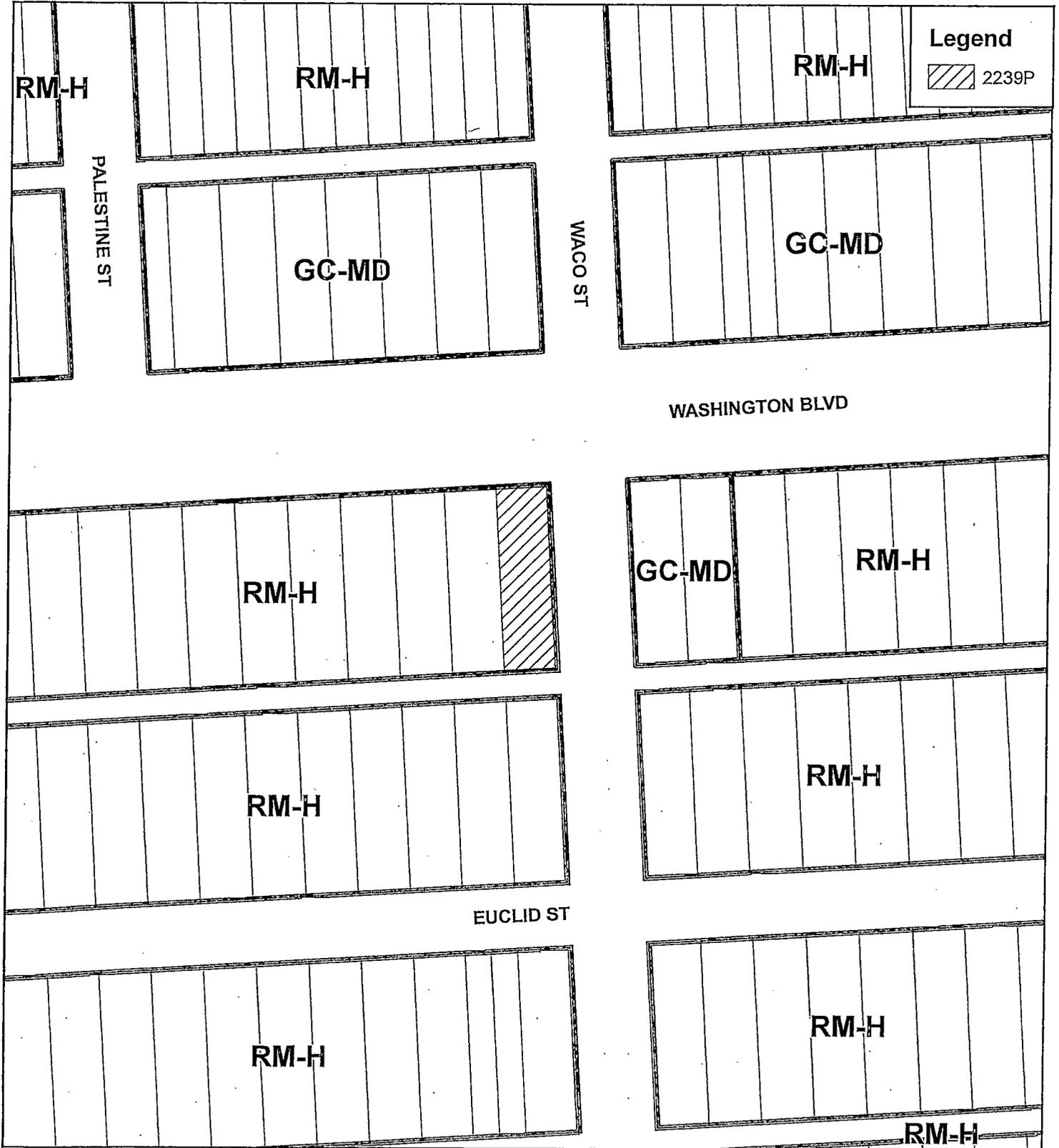
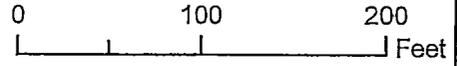


EXHIBIT "A"

October 6, 2015

Consider a request to abandon a 0.0781 acre portion of a general utility easement at 1610 IH-10 East

BEAUMONT

TEXAS

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Chris Boone, Director of Planning and Community Development
CIB

MEETING DATE: October 6, 2015

REQUESTED ACTION: Council consider a request to abandon 0.0781 acre portion of a general utility easement at 1610 IH-10 East.

BACKGROUND

Anthony M. Leger of Soutex Surveyors & Engineers is requesting an abandonment of the general utility easement located at 1610 IH-10 East, on behalf of Shujat Holding Company. The easement was created when a portion of Isla Street was abandoned in 1982. In 2001, Spurg, L.L.C. received a permit to construct the existing convenience store on a portion of the subject easement. A 20'x84' portion of the building sits within the easement. Site plans submitted for the permit did not show any existing easements.

An application for abandonment, submitted in 2002, was presented to the Commission with a recommendation for denial. Entergy and Southwestern Bell both had objections to the abandonment. In August, another request was brought to the Commission and denied. Although Entergy no longer took issue with the request, AT&T and Time Warner Cable wished to retain the easement. The applicant was informed that a written statement from AT&T releasing the easement would be necessary for further review.

At a Joint Public Hearing held September 21, 2015, the Planning Commission recommended 7:0 to approve a request to abandon a 0.0781 acre portion of the general utility easement at 1610 IH-10 East.

FUNDING SOURCE

Not applicable.

RECOMMENDATION

Approval of ordinance.



SOUTEX

SURVEYORS & ENGINEERS

TBPE Firm No. F-5755
TBPLS Firm No. 10123800
LA EF.0005711

3737 Doctors Drive
Port Arthur, Texas 77642
Office (409) 983.2004
Fax (409) 983.2005

August 26, 2015

City of Beaumont
PLANNING DIVISION
801 Main Street, Suite 201
Beaumont, TX 77701
Phone: 409-880-3764
Fax: 409-880-3133

Ref: Abandonment of Utility Easement: 0.0781 Acre of Land, Part of the James Drake Survey, A-18, Jefferson County, Texas.

Owner Info: SHUJAT HOLDINGS, a Texas Corporation
2950 Turtle Creek Drive
Port Arthur, Texas 77642

Transmitted herewith is a re-submittal request for a partial abandonment of the above referenced property. After meeting with AT & T to address any possible objection or change in the lines, we received a letter of "No Objection" on August 24, 2015. Please let us know if there is anything further needed for approval.

Thank you,

Anthony M. Leger
Vice-President
Soutex Surveyors & Engineers

SHUJAT HOLDING COMPANY

2950 Turtle Creek Dr.
Port Arthur TX 77642

Phone 409.727.6700
Fax 409.727.2322

July 21st 2015

TO WHOM IT MAY CONCERN:

I, authorize Anthony Leger to sign on my behalf as Agent and submit application to the City of Beaumont.

If you have any questions please feel free to contact me.

Regards,



Shujat A. Swati
President



Eddie B. Cook
*Manager-Engineering Design
Construction & Engineering
(SWBT)*

AT&T Texas
555 Main - Room 208
Beaumont, Texas. 77701

T: 409-839-6950
F: 409-839-6904
ecc5030@att.com

Aug 24, 2015

City of Beaumont
Planning Division
801 Main Street, Suite 201
Beaumont, Texas 77701

RE: 1610 IH-10

To Whom It May Concern:

AT&T has no objections to abandon part of the utility easement at 1610 IH-10
in the James Drake Survey, A-18, Jefferson County, Texas.

Should you have any further questions, please contact me at 409/839-6950.

Sincerely,

Eddie Cook

Eddie Cook

eddie.cook@att.com

Stacey

ENERGY

From: Morrish, Christopher <cmorri32@entergy.com>
Sent: Wednesday, June 24, 2015 2:11 PM
To: stacey@soutexsurveyors.com
Subject: FW: ABANDONMENT Approval:1610 I 10 East, BMT

Please see below email

Thanks,
Chris Morrish
Agent, Right Of Way (Trans), Construction Mgmt - TX/Lcharl
cmorri32@entergy.com
Office (409)-347-5061
Cell (337)-377-4935

From: Morrish, Christopher
Sent: Wednesday, June 24, 2015 2:11 PM
To: 'randall@sautax.net'
Cc: HARRINGTON, AL J
Subject: RE: ABANDONMENT Approval:1610 I 10 East, BMT

After further review Entergy does not object the city abandoning this portion of its ROW.

Thanks,
Chris Morrish
Agent, Right Of Way (Trans), Construction Mgmt - TX/Lcharl
cmorri32@entergy.com
Office (409)-347-5061
Cell (337)-377-4935

From: Morrish, Christopher
Sent: Wednesday, June 24, 2015 10:14 AM
To: HARRINGTON, AL J
Subject: Re: ABANDONMENT Approval:1610 I 10 East, BMT

We would not want to abandon this ROW.

Thanks,
Chris Morrish

On Jun 24, 2015, at 9:59 AM, HARRINGTON, AL J <aharrin@entergy.com> wrote:

Chris,

Please see email from Stacey.....I would not feel right answering on your behalf. You trump distribution.....

Stacey

TIME WARNER

From: Larive, Adam <adam.larive@twcable.com>
Sent: Tuesday, June 23, 2015 4:07 PM
To: Stacey
Subject: RE: ABANDONMENT Approval:1610 I 10 East, BMT

Time Warner Cable, Approval of Abandonment.

Adam LaRive

Construction Coordinator

 Time Warner Cable

602 N. Hwy 69
Nederland Tx. 77627
Phone: (409) 720-5565
Fax: (409) 727-5050
Cell: (409) 284-3765
adam.larive@twcable.com

From: Stacey [mailto:Stacey@soutexsurveyors.com]
Sent: Friday, June 19, 2015 10:50 AM
To: aharrin@entergy.com; sandra.goodall@centerpointentergy.com; hg4734@att.com; Larive, Adam; dscanant@dd6.org; rmiranda@ci.beaumont.tx.us; jmcneel@ci.beaumont.tx.us; dnewsome@ci.beaumont.tx.us; tgill@ci.beaumont.tx.us
Subject: ABANDONMENT Approval:1610 I 10 East, BMT

Please see the attached Drawing and Metes & Bounds for : 1610 I-10 East Beaumont, TX.
Our client: SHUJAT HOLDINGS Inc., purchased the Convenient Store that had been Built prior OVER the Utility Easement many years ago.
We are asking for the specified 0.0781 Acres of Easement to be ABANDONED officially.
Could you all look at the drawing and let us know of approval or opposition.
Thank You,

Stacey Garza
SOUTEX SURVEYORS & ENGINEERS
3737 Doctors Drive
Port Arthur, TX 77642
(409) 983-2004
(409) 983-2005 fax
stacey@soutexsurveyors.com

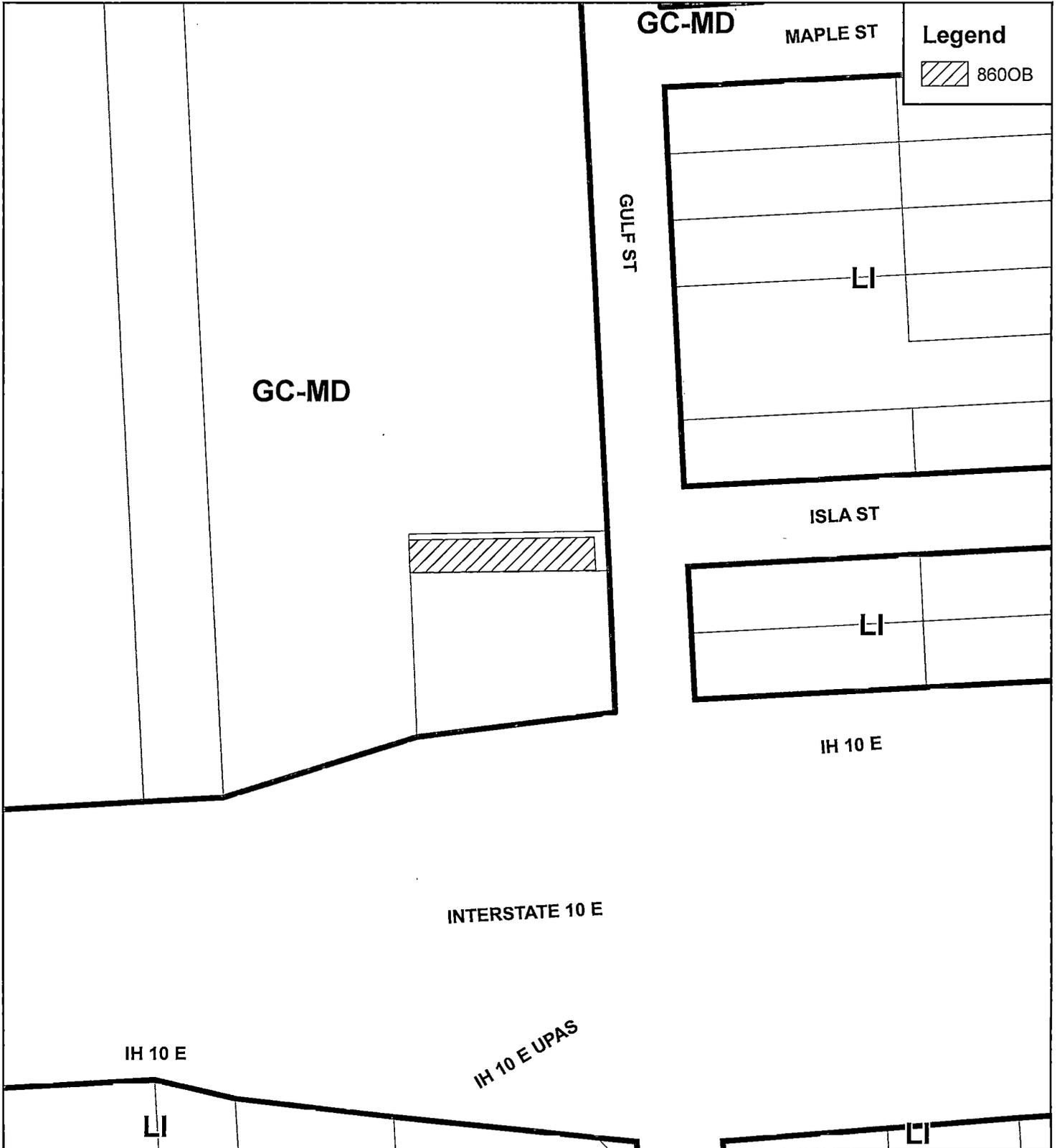
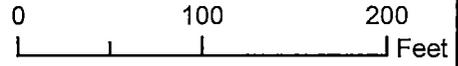
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File 860-OB: A request to abandon 0.0781 acre portion of a general utility easement.

Location: 1610 IH 10 East

Applicant: Anthony M. Leger, Soutex Surveyors & Engineers

N



ORDINANCE NO.

ENTITLED AN ORDINANCE VACATING AND ABANDONING A 0.0781 ACRE PORTION OF A GENERAL UTILITY EASEMENT LOCATED AT 1610 IH-10 EAST, CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.

WHEREAS, Shujat Hold Company has requested the abandonment of a 0.0781 acre portion of a general utility easement located at 1610 IH-10 East, City of Beaumont, Jefferson County, Texas, as described in Exhibit "A" and shown on Exhibit "B," attached hereto; and,

WHEREAS, the City Council has considered the purpose of said abandonment and is of the opinion that the general utility easement is no longer necessary for utility purposes and the abandonment of said general utility easement is in the best interest of the City and should be granted;

NOW, THEREFORE, BE IT ORDAINED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT a 0.0781 acre portion of a general utility easement located at 1610 IH-1-East, City of Beaumont, Jefferson County, Texas, as described in Exhibit "A" and shown on Exhibit "B," attached hereto, be and the same is hereby vacated and abandoned and that title to such property shall revert to and become the property of the persons entitled thereto by law.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 6th day of
October, 2015.

- Mayor Becky Ames -

LEGAL DESCRIPTION FOR ORDINANCE PURPOSES

BEING 0.0781 acre of land, part of the James Drake Survey, Abstract No. 18, Jefferson County, Texas; being part of a (Called 0.4885) acre tract of land conveyed to Shujat Holding Company, recorded in File No. 2015017567, Official Public Records, Jefferson County, Texas, and part of a 60' wide utility easement to the City of Beaumont, recorded in Volume 2402, Page 373, Deed Records, Jefferson County, Texas; said 0.0781 acre tract being more fully described by metes and bounds as follows, to wit:

COMMENCING at an "X" in concrete set on the intersection of the West line of a dedicated public right of way known as Gulf Street and the North line of a dedicated public right of way known as Interstate Highway 10 for the Southeast corner of the (Called 0.4885) acre tract, having State Plane Coordinate Values of N: 13978553.43, E: 3513693.60;

THENCE, North 03 deg., 21 min., 33 sec., West (Called North 00 deg., 02 min., 44 sec., West), on the West right of way line of said Gulf Street, a distance of 100.00' to a point being the Southeast corner of said City of Beaumont easement; from which an "X" mark in concrete found for the Northeast corner of the (Called 0.4885) acre tract bears North 03 deg., 21 min., 33 sec., West (Called North 00 deg., 02 min., 44 sec., West), a distance of 29.61';

THENCE, South 86 deg., 36 min., 37 sec., West, on the South line of said City of Beaumont easement, a distance of 10.00' to a point for corner being the POINT OF BEGINNING and Southeast corner of the herein described tract, having State Plane Coordinate Values of N: 13978652.70, E: 3513677.76;

THENCE, South 86 deg., 36 min., 37 sec., West, on the South line of said City of Beaumont easement, a distance of 139.76' to a point for corner on the West line of the (Called 0.4885) acre tract for the Southwest corner of the herein described tract; from which a 60D nail, capped "F&S", for the Southwest corner of the (Called 0.4885) acre tract bears South 03 deg., 12 min., 33 sec., East (Called South 00 deg., 01 min., 38 sec., East), a distance of 125.20';

THENCE, North 03 deg., 12 min., 33 sec., West (Called North 00 deg., 01 min., 38 sec., West), on the West line of the (Called 0.4885) acre tract, a distance of 24.14' to a point for corner being the Northwest corner of the herein described tract; from which a 1/2" steel rod found for the Northwest corner of the (Called 0.4885) acre tract bears North 03 deg., 12 min., 33 sec., West (Called North 00 deg., 01 min., 38 sec., West), a distance of 5.00';

THENCE, North 86 deg., 36 min., 37 sec., East, a distance of 139.68' to a point for comer being the Northeast comer of the herein described tract;

THENCE, South 03 deg., 21 min., 33 sec., East, a distance of 24.58' to the POINT OF BEGINNING and containing 0.0781 acre of land, more or less.

Note: Bearings, distances, coordinates and acreage are based on State Plane Coordinate Grid System, Texas South-Central Zone, NAD 83 (Epoch 2011) (U.S. Survey Feet), having a convergence angle of 02 deg., 23 min., 40 sec., a scale factor of 0.999951377, and a reference to NGS monument AJ8221.

October 6, 2015

Consider a resolution approving a contract with Placo, LTD. of Lumberton for the Sewer Plant-Clarifiers Rehabilitation Project

BEAUMONT

TEXAS

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Amalia Villarreal, P.E., Interim Water Utilities Director AV

MEETING DATE: October 6, 2015

REQUESTED ACTION: Council consider a resolution approving a contract with Placo, LTD. of Lumberton, Texas, in the amount of \$3,298,432.21 for the Sewer Plant – Clarifiers Rehabilitation Project.

BACKGROUND

The proposed project shall provide for the removal and replacement of tow (2) primary and two (2) secondary clarifier mechanisms, four (4) total, including all electrical installations, walkways, scum baffles, pressure washing, and appurtenances. The base bid also includes the rehabilitation of existing 36-inch diameter yard piping. The additive items shall provide for the removal and replacement of existing slide gates and replacement of damaged weirs. The award is for Base Bid Items No. 1, 4 thru 15; Alternative Bid Items 2A and 3A; and Additive Items No. 16, 17, and 27.

Following screening and grit removal at the sewer treatment plant headworks, the wastewater flows slowly through the primary clarifiers where most settleable solids settle down to the bottom. As the wastewater continues through the treatment process, it enters the secondary clarifiers that again allow for any solids to settle to the bottom. These existing clarifiers and related yard piping were installed in the early to mid-1950s, with some rehabilitation work done on them in 1996.

The MBE participation will be with the following: Standard Cement Mat, Inc. of Houston, Texas; T-Gray Utility & Rehab Co., LLC of Cypress, Texas; and Gulf Coast Electric Co., Inc., of Beaumont, Texas. The total amount of the subcontracts is \$460,091.00, which represents 13.95% of the total bid.

FUNDING SOURCE

Capital Program.

RECOMMENDATION

Approval of the resolution.

September 28, 2015

Ms. Molly Villarreal, P.E.
Interim Water Utilities Manager
City of Beaumont
1350 Langham Rd.
Beaumont, Texas 77707

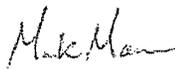
Re: City of Beaumont
Sewer Plant – Clarifiers Rehabilitation Project
Recommendation of Award

Dear Ms. Villarreal,

Bids were received on Thursday, September 17, 2015 for the above referenced project. This project is to remove and replace 4 of the existing 8 clarifier mechanisms, including pipe rehabilitation and influent gate replacements associated with the clarifiers. Schaumburg & Polk, Inc. has reviewed the submitted bids and recommends that the project be awarded for Base Bid Items No. 1, and 4 thru 15; Alternative Bid Items 2A and 3A; plus Additive Items No. 16, 17, and 27 to Placo, LTD. of Lumberton Texas for a total contract amount of \$3,298,432.31.

Please find attached a copy of the Bid Tabulation for your use. If you have any questions or require any additional information please contact me.

Sincerely,
SCHAUMBURG & POLK, INC.



Mark Mann, P.E.
Project Manager

Enclosures

cc: Mr. John Plake, Placo LTD.
Mr. Jeffrey G. Beaver, P.E., Schaumburg & Polk Inc

**BID TABULATION
CITY OF BEAUMONT
JEFFERSON COUNTY, TEXAS
SEWER PLANT CLARIFIERS
REHABILITATION PROJECT**

BID OPENING DATE: Thursday, September 17, 2015

Item	Qty	Unit	Description	ALLCO P.O. Box 3684 Beaumont, TX 77704		PLACO, LTD. P.O. Box 8120 Lumberton, TX 77657	
				Unit Price	Item Total	Unit Price	Item Total
1.	1	LS	Mobilization, including payment bond, performance bond, insurance, erection of field office and moving equipment to project, all in strict conformance with plans and specifications; NOT TO EXCEED 3% OF TOTAL PROJECT BID for,	\$90,000.00	\$90,000.00	\$100,000.00	\$100,000.00
2.	1	LS	Furnish all labor, material and equipment to REHABILITATE TWO (2) PRIMARY CLARIFIER UNITS, by removal and replacement of the clarifier mechanism with ENVIRODYNE SYSTEMS INC. equipment including the bridge, scum removal, all electrical conduit and conductors, control panels, appurtenances, pressure washing, removal of all sludge and debris, surface preparation, coating and provide all new complete and operable clarifier mechanisms including new bridge, all electrical conduit and conductors, control panels, and all necessary appurtenances all in strict accordance	\$1,111,514.14	\$1,111,514.14	\$1,029,842.84	\$1,029,842.84
3.	1	LS	Furnish all labor, material and equipment to REHABILITATE TWO (2) FINAL CLARIFIER UNITS, by removal and replacement of the clarifier mechanism with ENVIRODYNE SYSTEMS INC. equipment, including the bridge, scum removal, all electrical conduit and conductors, control panels, appurtenances, pressure washing, removal of all sludge and debris, surface preparation, coating and provide all new complete and operable clarifier mechanisms including new bridge, structure modifications all electrical conduit and conductors, control panels, and all necessary appurtenances all in strict accordance with the plans and specifications for,	\$1,100,216.35	\$1,100,216.35	\$1,026,038.39	\$1,026,038.39
4.	600	LF	LINE B & N - Furnish all labor, material and equipment to rehabilitate 36" diameter concrete yard piping by C.I.P.P. complete in place, all depths, including liner pipe, connection/terminations, setup fees, surface restoration, testing and necessary appurtenances, all in strict accordance with plans and specifications for.	\$650.00	\$390,000.00	\$218.00	\$130,800.00
5.	600	LF	Clean and Televis (Pre-construction) all existing 36" lines for rehabilitation by pipeburst/CIPD, all sizes, all depths, all in accordance with plans and specifications for,	\$75.00	\$45,000.00	\$24.00	\$14,400.00
6.	381	LF	Clean and Televis (Pre-construction) all existing 8" lines for rehabilitation by pipeburst/CIPD, all sizes, all depths, all in accordance with plans and specifications for,	\$25.00	\$9,525.00	\$22.50	\$8,572.50
7.	600	LF	Televis (Post-construction) all existing 36" lines for rehabilitation by pipeburst/CIPD, all sizes, all depths, all in accordance with plans and specifications for,	\$10.00	\$6,000.00	\$17.00	\$10,200.00
8.	381	LF	Televis (Post-construction) all existing 8" lines for rehabilitation by pipeburst/CIPD, all sizes, all depths, all in accordance with plans and specifications for,	\$5.00	\$1,905.00	\$22.50	\$8,572.50

**BID TABULATION
CITY OF BEAUMONT
JEFFERSON COUNTY, TEXAS
SEWER PLANT CLARIFIERS
REHABILITATION PROJECT**

BID OPENING DATE: Thursday, September 17, 2015

Item	Qty	Unit	Description	ALLCO P.O. Box 3684 Beaumont, TX 77704		PLACO, LTD. P.O. Box 8120 Lumberton, TX 77657	
				Unit Price	Item Total	Unit Price	Item Total
9.	1	LS	Special shoring, as required for trench safety, furnished and installed, complete in place, all in strict accordance with the plans and specifications for.	\$150,000.00	\$150,000.00	\$4,800.00	\$4,800.00
10.	1	LS	Trench Safety Plan, in accordance with Specification Item No. 2010 as prepared and sealed by a Texas Registered Engineer, including required geotechnical engineering soils report, all in strict accordance with plans and specifications for.	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00
11.	300	LF	Trench Safety System, trench safety protection for all excavations over five-feet deep, designed, furnished and installed, complete and in place, including shoring, trench boxes, or other approved means and ways in strict accordance with plans and specifications for.	\$10.00	\$3,000.00	\$10.00	\$3,000.00
12.	1	LS	Bypass Pumping, provide all temporary discharge and suction lines, fittings, connections, caps, plugs, pumping units, controls, labor and equipment, all in accordance with the plans and specifications for.	\$290,301.45	\$290,301.45	\$835,000.00	\$835,000.00
13.	1,020	LF	Rehabilitate Primary Clarifier (No. 2 & 3) Effluent Launderers, including all labor, materials, cleaning, scum removal, all in accordance with plans and specifications for.	\$263.97	\$269,249.40	\$290.00	\$295,800.00
14.	1	LS	ALLOWANCE - Groundwater Control, including all labor and materials, well pointing, pumping, as directed by Owner/Engineer. Reimbursement based on supplied	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00
15.	1	LS	ALLOWANCE - CONSTRUCTION INCIDENTALS, as uncovered during construction, and as directed by OWNER/Engineer.	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00
TOTAL BASE BID ITEMS 1 Thru 15				\$3,512,711.34		\$3,513,526.23	
2A	1	LS	Furnish all labor, material and equipment to REHABILITATE TWO (2) PRIMARY CLARIFIER UNITS, by removal and replacement of the clarifier mechanism with Evoqua/Envirex Equipment including the bridge, scum removal, all electrical conduit and conductors, control panels, appurtenances, pressure washing, removal of all sludge and debris, surface preparation, coating and provide all new complete and operable clarifier mechanisms including new bridge, all electrical conduit and conductors, control panels, and all necessary appurtenances all in strict accordance with the plans and	\$1,220,982.00	\$1,220,982.00	\$811,452.47	\$811,452.47
3A	1	LS	Furnish all labor, material and equipment to REHABILITATE TWO (2) FINAL CLARIFIER UNITS, by removal and replacement of the clarifier mechanism Evoqua/Envirex Equipment, including the bridge, scum removal, all electrical conduit and conductors, control panels, appurtenances, pressure washing, removal of all sludge and debris, surface preparation, coating and provide all new complete and operable clarifier mechanisms including new bridge, structure modifications all electrical conduit and conductors, control panels, and all necessary appurtenances all in strict accordance with the plans and specifications for.	\$1,208,010.00	\$1,208,010.00	\$821,062.62	\$821,062.62
TOTAL ALTERNATE BID ITEMS 2A & 3A				\$2,428,992.00		\$1,632,515.09	

**BID TABULATION
CITY OF BEAUMONT
JEFFERSON COUNTY, TEXAS
SEWER PLANT CLARIFIERS
REHABILITATION PROJECT**

BID OPENING DATE: Thursday, September 17, 2015

Item	Qty	Unit	Description	ALLCO P.O. Box 3684 Beaumont, TX 77704		PLACO, LTD. P.O. Box 8120 Lumberton, TX 77657	
				Unit Price	Item Total	Unit Price	Item Total
16.	4	EA	Primary Clarifier Distribution Box - Remove and Replace existing Slide Gates, complete in place, including all labor, materials, equipment, concrete repairs, fasteners, electric actuators, electrical and controls, and necessary appurtenances, all in strict accordance with plans and specifications for.	\$28,799.27	\$115,197.08	\$21,516.35	\$86,065.40
17.	4	EA	Final Clarifier Distribution Box - Remove and Replace existing Slide Gates, complete in place, including all labor, materials, equipment, concrete repairs, fasteners, electric actuators, electrical and controls, and necessary appurtenances, all in strict accordance with plans and specifications for.	\$29,066.77	\$116,267.08	\$21,818.33	\$87,273.32
18.	1,020	LF	Rehabilitate Primary Clarifier (No. 1 & 4) Effluent Launderers , including all labor, materials, cleaning, scum removal, all in accordance with plans and specifications for.	\$376.08	\$383,601.60	\$290.00	\$295,800.00
19.	90	LF	LINE W1 - Furnish all labor, material and equipment to rehabilitate 8" diameter primary clarifier scum lines by Remove and Replace , complete in place, all depths, including connection to existing lines and manholes, surface restoration, testing and necessary appurtenances, all in strict accordance with plans and specifications for.	\$237.39	\$21,365.10	\$399.00	\$35,910.00
20.	338	LF	LINES Y - Furnish all labor, materials and equipment to abandon 8" diameter final clarifier sludge lines in place by plugging and filling with grout all in strict accordance with the plans and specifications for.	\$80.80	\$27,310.40	\$17.00	\$5,746.00
21.	338	LF	LINES Y - Furnish all labor, materials and equipment to install new 8" SDR-17 HDPE final clarifier sludge lines by Directional Drill or Bore Method complete in place, all depths, connection to existing lines and sludge pockets, surface restoration, cutting and patching of clarifier bottom slab, testing and necessary appurtenances, all in strict accordance with plans and specifications for.	\$286.80	\$96,938.40	\$125.00	\$42,250.00
22.	8	EA	Clarifier Sludge Pockets - Furnish all labor, materials and equipment to install new 8" clarifier sludge line connection to sludge pockets, including cutting and patching of clarifier bottom slab, and necessary appurtenances, all in strict accordance with plans and specifications for.	\$10,530.62	\$84,244.96	\$18,000.00	\$144,000.00
23.	1	EA	Primary Clarifier Manhole (C) - Furnish all labor, material and equipment to remove and replace existing manholes with new 3' x 3' precast concrete junction box including excavation, backfill, bottom RC slab, connection to all incoming and outgoing pipes, sluice gates, 2" fiberglass grating, sluice gates and operates, all in strict accordance with the plans and specifications for.	\$92,647.59	\$92,647.59	\$116,000.00	\$116,000.00

**BID TABULATION
CITY OF BEAUMONT
JEFFERSON COUNTY, TEXAS
SEWER PLANT CLARIFIERS
REHABILITATION PROJECT**

BID OPENING DATE: Thursday, September 17, 2015

Item	Qty	Unit	Description	ALLCO P.O. Box 3684 Beaumont, TX 77704		PLACO, LTD. P.O. Box 8120 Lumberton, TX 77657	
				Unit Price	Item Total	Unit Price	Item Total
24.	1	EA	Primary Clarifier Manhole (D)- Furnish all labor, material and equipment to remove and replace existing manholes with new 3' x 3' precast concrete junction box including excavation, backfill, bottom RC slab, connection to all incoming and outgoing pipes, sluice gates, 2" fiberglass grating, sluice gates and operates, all in strict accordance with the plans and specifications for,	\$92,647.59	\$92,647.59	\$116,000.00	\$116,000.00
25.	352	LF	LINE W - Furnish all labor, material and equipment to rehabilitate 8" diameter cast iron sludge piping by C.I.P.P. complete in place, all depths, including liner pipe, connection/terminations, setup fees, surface restoration, testing and necessary appurtenances, all in strict accordance with plans and specifications for.	\$150.00	\$52,800.00	\$122.00	\$42,944.00
26.	206	LF	LINE X - Furnish all labor, material and equipment to rehabilitate 8" diameter cast iron sludge piping by C.I.P.P. complete in place, all depths, including liner pipe, connection/terminations, 45 degree fittings, spool pieces, setup fees, surface restoration, testing and necessary appurtenances, all in strict accordance with plans and specifications	\$150.00	\$30,900.00	\$129.00	\$26,574.00
27.	450	LF	REPLACEMENT WIERS - Furnish all labor, material and equipment to install new wier sections (non-metallic) to replace damaged sections as directed, all in strict accordance with plans and specifications for.	\$37.89	\$17,050.50	\$77.63	\$34,933.50
TOTAL ADITIVE ITEMS (Items 16-27)				\$1,130,970.30		\$1,033,496.22	
Bid Schedule				Y		Y	
Informaiton Required of Bidders				Y		Y	
Conflict of Interest				Y		Y	
Schedule C				Y		Y	

The Bid Proposals submitted have been reviewed, and to the best of my knowledge this is an accurate

Signature

Mark Mann



Date

9/28/15

CITY OF BEAUMONT

SCHEDULE C
SCHEDULE OF MBE PARTICIPATION

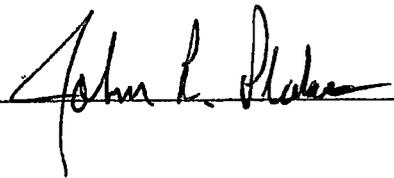
Placo, Ltd.

VENDOR NAME

<i>CERTIFIED MBE CONTRACTOR</i>	<i>ADDRESS</i>	<i>TYPE OF WORK</i>	<i>AGREED PRICE</i>
Standard Cement Mat., Inc.	5710 W. 34th St. Houston, Texas 77092	Launder Restoration	\$ 219,300.00
T-Gray Utility & Rehab Co., LLC	P. O. Box 2176 Cypress, TX 77410	CIPP	\$ 132,791.00
Gulf Coast Electric Co., Inc.	2005 Pecos Beaumont, Texas 77701	Electrical Subcontractor	\$ 108,000.00

The undersigned will enter into a formal agreement with MBE Contractors for work listed in this schedule conditioned upon execution of a contract with the City of Beaumont.

NOTE: 1. This schedule should be submitted with your bid.

SIGNATURE 

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF BEAUMONT:

THAT the City Council hereby approves the award of a contract to Placo, LTD, of Lumberton, Texas, in the amount of \$3,298,432.21 for the Sewer Plant-Clarifiers Rehabilitation Project. The proposed project shall provide for the removal and replacement of two (2) primary and two (2) secondary clarifier mechanisms.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 6th day of October, 2015.

- Mayor Becky Ames -

October 6, 2015

Consider a resolution authorizing the City Manager to execute an agreement with CDM Smith, Inc. of Houston to continue management of the Municipal Separate Storm Sewer System (MS4) Permit

BEAUMONT

TEXAS

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Dr. Joseph Majdalani, P.E., Public Works Director

MEETING DATE: October 6, 2015

REQUESTED ACTION: Council consider a resolution authorizing the City Manager to execute an agreement with CDM Smith, Inc. of Houston, Texas in the amount of \$260,000 to continue management of the Municipal Separate Storm Sewer System (MS4) Permit for the City of Beaumont.

BACKGROUND

On October 16, 2012, by Resolution No. 12-249, City Council awarded CDM Smith, Inc. of Houston, Texas an agreement for Professional Engineering Services to manage the Municipal Separate Storm Sewer System (MS4) Permit. The manager of the permit conducts dry and wet weather screenings of our five major outfalls in the City. Under the permit, the City is required to submit an annual report to the Texas Commission on Environmental Quality and the EPA, summarizing activities and results of the screenings and other inspections conducted throughout the year which CDM Smith, Inc., will complete on the City's behalf.

FUNDING SOURCE

General Fund-Public Works Department.

RECOMMENDATION

Approval of resolution.

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE

CITY OF BEAUMONT:

THAT the City Manager be and he is hereby authorized to execute an Engineering Services Agreement between the City of Beaumont and CDM Smith, Inc., of Houston, Texas, in an amount not to exceed \$260,000, to manage the Municipal Separate Storm Sewer System (MS4) Permit on behalf of the City of Beaumont. The agreement is substantially in the form attached hereto as Exhibit "A" and made a part hereof for all purposes;

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 6th day of October, 2015.

- Mayor Becky Ames -

ENGINEERING SERVICES AGREEMENT

STATE OF TEXAS §

COUNTY OF JEFFERSON §

CITY OF BEAUMONT §

AGREEMENT FOR

**Engineering and Related Services
for
Municipal Separate Storm Sewer System Permit**

SECTION 1

This Agreement made and entered into in Beaumont, Jefferson County, Texas between the City of Beaumont, a Municipal Corporation in the State of Texas, hereinafter termed "City" and CDM Smith, duly licensed, and practicing under the laws of the State of Texas, hereinafter termed "Engineer", said Agreement being executed by the City pursuant to the City Charter and Ordinances and Resolutions of the City Council, and by said Engineer for the Engineering Services hereinafter set forth in connection with the above designated Project for the City of Beaumont.

I. General

A. Detailed Project Description

The Engineer will manage the Municipal Separate Storm Sewer System (MS4) Permit for the City of Beaumont. The Engineer will conduct all representative monitoring, calibrate flow meters, conduct required dry and wet weather screenings, and Industrial monitoring. The Engineer will prepare and submit an Annual Report to the TCEQ and EPA and represent the City on permit renewal modifications. The Engineer will conduct employee training at City departments and provide Storm Water Management Program (SWMP) implementation activities for Best Management Practices (BMPs). The Engineer will assist the City on Industrial facility inspections and construction site audits when needed. The Engineer shall update and maintain herbicide and pesticide compliance along with data management. Engineer will perform other duties as required by the MS4 Permit.

B. The Engineer shall not commence work on this proposed Project until he has been notified in writing to proceed.

The Engineer, in consideration for the compensation herein provided, shall render all professional services, including any associated subconsultants, necessary for the development of the Project to completion, as provided in this Agreement.

II. Basic Services

- A. Meet with the City to determine the schedule for project.
- B. Conduct all required monitoring.
 - 1. Representative monitoring.
 - a. Preparation for sampling events, including procurement and maintenance of sampling equipment as required by the City.
 - b. Collect composite samples during three seasonal events at five locations.
 - c. Submit samples to appropriate laboratory including sample preservation, chain of custody, and sample volume calculations based on flow estimates developed using DD6 stage measurements.
 - d. Analyze laboratory data and compile DMR forms for data submission to the TCEQ/EPA via the MS4 Annual Report.
 - e. Inform the City of any problems with associated collections and methods to resolve problems.
 - 2. Dry weather screening (20% of all outfalls in given year or greater; or on alternative schedule as agreed upon with City of Beaumont).
 - a. Onsite test kit analysis of dry weather flows as per project standard operating procedures.
 - b. Reporting of illicit discharges and tracking elimination efforts as per project standard operating procedures.
 - c. Review and confirm previously identified outfalls
 - d. Development of drainage area delineations for outfalls as requested by the City
 - e. Inform the City of any problems with associated screenings or discharges and methods to resolve problems.
 - 3. Wet weather screening (per schedule defined in Bacteria Reduction Plan and/or permit).
 - a. Identification of and field investigation of wet weather screening locations
 - b. Field sample collections and test kit analysis.
 - c. Reporting of illicit discharges and tracking elimination efforts.
 - d. Inform the City of any problems with associated screenings or discharges and methods to resolve problems.
 - 4. Industrial monitoring (conducted if deemed necessary by inspection or other requirements).
 - a. Assist City with industrial monitoring as requested
If request, perform laboratory sample collection and preservation as well as laboratory submission and chain of custody documentation.
 - b. If requested by City, analyze laboratory results for prioritized facility inspection.
 - c. Inform the City of any problems with associated industrial screenings or discharges.
 - 5. Landfill MSGP monitoring (conducted during wet weather screenings as required by Multi-Sector General Permit).

- a. Laboratory sample collection and preservation.
 - b. Laboratory submission and chain of custody documentation.
 - c. Inform the City of results and any problems with associated industrial screenings or discharges.
- C. Development and submission of Annual Report.
- 1. Conduct DD6 and City of Beaumont departmental meetings and quarterly data requests to assess compliance as required
 - 2. Gather required data for the annual report using tracking spreadsheets and submit methods of improvement as needed.
 - 3. Provide Draft of annual report to City staff by January 15, 2016
 - 4. Submit MS4 Annual Report to TCEQ by February 1, 2016
- D. Storm Water Management Program Implementation.
- 1. Conduct employee training at city departments or during one annual training event.
 - 2. SWMP Implementation Activities for BMPs.
 - a. Implement SWMP activities for Permit Year 4 as requested by City
 - b. SWMP review and identification of implementation priorities.
 - c. Update guidance documents, inspection forms and outreach materials.
- E. Inspection Services.
- 1. Industrial Facility Inspections. As requested by City, one engineer will attend industrial inspections with City inspector.
 - a. Preparation and initial facility research.
 - b. Facility compliance records review.
 - c. Review Facility benchmark monitoring records and record information into centralized tracking spreadsheet.
 - d. Facility walk-through and inspection report completion.
 - e. Review correspondence with industrial facility.
 - f. Implementation of associated enforcement actions and related correspondence.
 - 2. Construction Site Audits. As requested by City, one engineer will attend industrial inspections with City inspector.
 - a. Municipal construction site audits to assess compliance with TCEQ construction general permit.
- F. Permit Renewal.
- 1. Preliminary investigations and coordination with TCEQ for permit renewal
 - 2. Preparation of permit application and fact sheet (if requested)
 - 3. Review of draft permit
 - 4. General permit renewal modifications as needed.
 - 5. Represent City in permit negotiations with TCEQ/EPA.
 - 6. SWMP modifications.
- G. Herbicide and Pesticide Compliance
- 1. Conduct departmental meetings to assess compliance.
- H. Data Management.
- 1. Maintain tracking spreadsheet for annual reporting.

2. Develop database and GIS map for tracking major outfalls inventory.
3. Special Services *(not applicable to this agreement)*
4. Additional Services

All work that will be performed by the Engineer at the request of the City that is described in this paragraph and not included in the paragraphs above, shall constitute Additional Services. Additional Services shall include, but are not limited to the following:

- a. Services required by the City in any litigation or other controversy as an expert witness, including actual testimony time, stand-by waiting time, preparation of engineering data and reports or depositions and consulting with the City or its attorney.
 - b. Preparation of any special reports, applications for permits or grants, and appearances before any regulatory agencies or public hearings.
 - c. Any revisions of previously approved work.
 - d. Any travel and subsistence to points other than Engineer's or City's Offices and Project site.
 - e. Preparation of exhibits.
 - f. Additional services due to significant changes in scope of Project or its design including but not limited to changes in size, complexity, or character of construction as agreed to by both parties. These tasks may be authorized at the direction of the Public Works Director.
5. Coordination
 - a. The Engineer shall hold monthly conferences with the Public Works Director, hereinafter termed "Director", or his representatives to the end that the Project as developed shall have the full benefit of the City's experience and knowledge of existing needs and facilities, and be consistent with its current policies and standards. To assist the Engineer in this coordination, the City shall make available for the Engineer's use in planning and designing the project all existing plans, maps, field notes, statistics, computations, and other data in its possession relative to existing facilities and to this particular Project, at no cost to the Engineer. However, any and all such information shall remain the property of the City and shall be returned if instructed to do so by the Director.
 - b. The Director will act on behalf of the City with respect to the work to be performed under this Agreement. He shall have complete authority to transmit instructions, receive information, interpret and define the City's policies and decisions with respect to materials, equipment, elements and systems pertinent to Engineer's services.

- c. The City will give prompt written notice to the Engineer whenever the City observes or otherwise becomes aware of any defect (error or omission) in the Engineer's services or any development that affects the scope or timing of Engineer's services.
- d. The Engineer shall promptly report, in writing, to the City of any development that would affect the scope or timing of the Project.

6. Fee Schedule

a. General

For and in consideration of the services to be rendered by the Engineer in this Agreement, the City shall pay and the Engineer shall receive the compensation hereinafter set forth for the Engineer's services described in Sections II, III, and IV.

B. Basic and Special Services

The basis of compensation for Basic and Special Services shall be at the standard hourly rates and expenses as provided in the Schedule of Hourly Rates and Expenses shown on Attachment A. The Engineer agrees that the total services and expenses shall not exceed \$260,000 without the City's prior written authorization.

C. Additional Services

Compensation for Additional Services that are authorized by the Director shall be determined based on the standard hourly rates and expenses as shown in Attachment A and shall not exceed an amount to be determined at the time the Additional Services are requested.

1. City Payments

- a. Payments shall be made to the Engineer based on the several phases as described above and in accordance with the following:
 - i. One hundred percent (100%) of the amount due the Engineer for work performed in each phase shall be payable on a monthly basis.
- b. Payment shall be made within thirty (30) days after submittal of the request for payment for work performed.
- c. The City reserves the right to make an audit of charges claimed for this agreement for services.

2. Revisions to Drawings and Specifications (*not applicable to this agreement*)

The Engineer shall make, without additional expense to the City over and above the basic fee, such revisions to the Design Phase as may be required to meet the needs of the City. After approval of the Design Phase by the City, any revisions, additions, or other modifications made at the City's request that involves extra services and expenses to the Engineer shall be subject to additional compensation to the Engineer for such extra services and expenses.

3. Ownership of Documents

All documents including the original drawings, estimates, specifications, field notes and data, will remain the property of the Engineer as instruments of service. However, it is to be understood that the City shall have free access to all such information with the right to make and retain copies of drawings and all other documents including field notes and data. Any re-use without specific written verification or adaptation by Engineer will be at City's sole risk and without liability or legal exposure to Engineer.

4. Termination

Either party to this Agreement may terminate the Agreement by giving the other thirty (30) days notice in writing and in accordance with the following procedure:

- a. Upon delivery of such notice by either party to the party, and upon expiration of the thirty day period, the Engineer shall discontinue all services in connection with the performance of this Agreement and shall proceed to cancel promptly all existing orders and contracts insofar as such others or contracts are chargeable to this Agreement. As soon as practicable after receipt of notice of termination, the Engineer shall submit a statement, showing in detail the services performed under this Agreement to the date of termination. The Owner shall then pay the Engineer promptly that proportion of the prescribed charge to which the service actually performed under this Agreement is applicable and useable to this Project, less such payments on account of the charges as have been previously made. Copies of specifications prepared under this Agreement shall be delivered to the City when and if this Agreement is terminated, but subject to the restrictions, as to their use, as set forth in Section VIII.
- b. Failure by the Engineer to comply with the submittal of the statement, and documents as required above shall constitute a waiver by the Engineer of any and all rights or claims to collect any monies that the Engineer may rightfully be entitled to for services performed under this Agreement.

5. Engineer's Warranty

The Engineer warrants that he has not employed or retained any company or person other than a bona fide employee working solely for the Engineer to solicit or secure this Contract, and that he has not for the purpose of soliciting or securing this Contract paid or agreed to pay any company or person, other than a bona fide employee working solely for the Engineer, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of this contract.

6. Equal Employment Opportunity

The Engineer agrees to follow the Minority Business Enterprise requirements and/or develop an Affirmative Action Plan as set forth by the City.

7. Assignment or Transfer of Interest

The Engineer shall not assign or transfer its interest in the Contract without the written consent of the City.

8. Indemnification/Liability

The Engineer shall save and hold harmless the City from all claims and liability due to activities of himself, his agents, or employees, performed under this Contract and which result from a negligent act, error or omission of the Engineer or of any person employed by the Engineer. The Engineer shall also save harmless the City from any and all expenses, including attorney fees which might be incurred by the City in litigation or otherwise resisting said claim or liabilities which might be imposed on the City as result of such activities by the Engineer, his agents, or employees and for which the Engineer is found to be legally liable.

The Engineer shall, within one week after signing the contract and before any work shall start, furnish the city with certificates of insurance naming the City as additional insured satisfactory to the City indicating the existence of Statutory Workmen's Compensation Insurance, and comprehensive General Liability Insurance. Such insurance shall be at the Engineer's expense. The limits shall be as follows:

Comprehensive General Liability and Auto Liability Insurance shall not be less than \$1,000,000.00 per incident / \$1,000,000.00 per occurrence.

These certificates shall contain a provision that the City shall be notified thirty (30) days before cancellation of the insurance. The Engineer shall maintain such insurance in force during the life of the contract and no modification or change of insurance carriage and provision shall be made without thirty (30) days written advance notice to the City.

9. Estimates of Cost

Since the Engineer has no control over the cost of labor, materials, or equipment or over the contractor's methods of determining prices, or over competitive bidding or market conditions, his opinions of probable Project Cost or Construction Cost provided for herein are to be made on the basis of his experience and qualifications and represent his best judgment as a design professional familiar with the construction industry but the Engineer cannot and does not guarantee that proposals, bids or the construction cost will not vary from opinions of probable cost prepared by him.

10. Interest in City Contracts Prohibited

No officer or employee of the City shall have a financial interest, direct or indirect, in any Contract with the City, or shall be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies or service, except on behalf of the City as an officer or employee.

11. Entire Agreement

This Agreement represents the entire and integrated Agreement between the City and Engineer and supersedes all prior negotiation, representatives, or agreements, either oral or written. This Agreement may be amended only by written instrument signed by both the City and Engineer.

SECTION 2

IN WITNESS WHEREOF, the City of Beaumont has lawfully caused these presents to be executed by the hand of the City Manager of said City, and the corporate seal of said City to be hereunto affixed and this instrument to be attested by the City Clerk, and the said Engineer, acting by the hand of Tobin Maples thereunto authorized signee title, does now sign, execute and deliver this document.

Done at Beaumont, Texas, on this 28th day of September, A.D. 2015.

CDM SMITH

CITY OF BEAUMONT

By: Tobin Maples
Principal

By: _____
City Manager

Attest: Jackie D. Kespehl

Attest: _____

ATTACHMENT A

SCHEDULE OF HOURLY RATES
AND EXPENSE

**CDM Schedule of Hourly Billing Rates
October 1, 2015 through September 30, 2016**

	Hourly Rates
Clerical	\$85.00
Staff Support Services	\$105.00
Senior Support Services	\$140.00
Technical/Professional Services:	
Technician I	\$100.00
Technician II	\$125.00
Professional I	\$110.00
Professional II	\$120.00
Professional III	\$140.00
Professional IV	\$150.00
Professional V	\$160.00
Senior Professional	\$175.00
Principal/Associate/Senior Technical Specialist	\$190.00
Officer/Senior Technical Consultant	\$210.00

**CDM Schedule of Hourly Billing Rates
October 1, 2015 through September 30, 2016**

Chica & Associates

Technical/Professional Services:

Clerical/Administrative	\$53.00
Engineering Technician	\$71.00
EIT	\$80.00
Project Engineer	\$110.00
Senior Project Engineer	\$140.00
Project Manager	\$163.00

All sub-consultants (OP) expenses are subject to a handling/administrative charge of 10%. Other project related (ODC) expenses are also subject to a 10% administrative charge.

Monthly invoices will be generated using the above billing rates.

October 6, 2015

Consider a resolution authorizing the City Manager to execute Change Order No. 1, accept maintenance and authorize final payment to LD Construction for the East Lucas Street Asphalt Resurfacing Project (Idylwood to Magnolia)

BEAUMONT

TEXAS

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Joseph Majdalani, Public Works Director *JM*

MEETING DATE: October 6, 2015

REQUESTED ACTION: Council consider a resolution authorizing the City Manager to execute Change Order No. 1, accept maintenance and authorize final payment to LD Construction in the amount of \$209,815.02 for the East Lucas Street Asphalt Resurfacing Project (Idylwood to Magnolia).

BACKGROUND

On April 14, 2015, by Resolution No. 15-072, City Council awarded LD Construction the contract for East Lucas Street Asphalt Resurface Project (Idylwood to Magnolia) in the amount of \$313,110.50. Change Order No. 1 in the amount of \$21,655.17 is needed to adjust the estimated quantities to reflect the actual quantities used in the completion of the project, which increases the final contract amount to \$334,765.67. The project has been inspected by the Engineering Division and found to be complete in accordance with the provisions and terms set forth in the contract. Acceptance of maintenance, approval of Change Order No. 1, and release of final payment in the amount of \$209,815.02 is recommended.

LD Construction is a registered Minority Business Enterprise. The MBE participation represents 100% of the final contract in the amount of \$334,765.67.

FUNDING SOURCE

Capital Program.

RECOMMENDATION

Approval of resolution.

RESOLUTION NO.15-072

BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF BEAUMONT:

THAT the City Council hereby approves the award of a contract to LD Construction, of Beaumont, Texas, in the amount of \$313,110.50 for the East Lucas Street Asphalt Resurfacing Project (Idylwood to Magnolia).

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 14th day of April, 2015.



A handwritten signature in cursive script, reading "Becky Ames", is written over a horizontal line.

- Mayor Becky Ames -

CITY OF BEAUMONT

CITY OF BEAUMONT
MONTHLY PAYMENT ESTIMATE

PAGE 1 OF 1

PROJECT :	LUCAS STREET ASPHALT RESURFACING PROJEC	NEW CONTRACT AMOUN	\$313,110.50	PERCENT OF TIME USED :	115.00%
CONTRACTOR :	LD CONSTRUCTION	CONTRACT DATE :	April 14, 2015	PERCENT OF WORK COMPLETED :	106.92%
MO ESTIMATE # :	FINAL	CONTRACT CALENDAR DAYS :	60		
PERIOD ENDING :	August 31, 2015	CALENDAR DAYS USED :	69		
CHANGE ORDERS :					

ITEM NO.	DESC CODE	DESCRIPTION	UNIT MEASURE	EST. QTY.	PREVIOUS ESTIMATE	TO DATE ESTIMATE	TOTAL ESTIMATE TO DATE	UNIT PRICE	TOTAL AMOUNT
LUCAS STREET ASPHALT RESURFACING PROJECT									
340	2001	1 1/2 INCH TYPE D ASPH. CONC. LEVEL-UP	SY	14930.00	0.00	0.00	0.00	\$6.30	\$0.00
340	2001	1 1/2 INCH TYPE D ASPH. CONC. LEVEL-UP	TON	1231.73	0.00	1,037.68	1,037.68	\$76.36	\$79,241.02
340	2002	1 TYPE F ASPH. CONC. SURFACE COURSE	SY	15107.00	0.00	15,107.00	15,107.00	\$5.00	\$75,535.00
354	2021	PLANE ASPH. CONC. PAV. (2-INCH TO 5-INCH)	SY	14756.00	14,756.00	2,951.20	17,707.20	\$4.50	\$79,682.40
361	2001	FULL DEPTH CONC. PAVING REPAIR W/ASB	SY	400.00	376.00	216.09	592.09	\$125.00	\$74,011.25
500	2001	MOBILIZATION	LS	1.00	1.00	0.00	1.00	\$15,000.00	\$15,000.00
502	2001	BARRICADE SIGNS AND TRAFFIC HANDLING	MON	2.00	1.25	1.00	2.25	\$2,500.00	\$5,625.00
712	2001	JOINT SEAL	LF	7114.5	0.00	5,671.00	5,671.00	\$1.00	\$5,671.00

GRAND TOTAL AMOUNT OF WORK DONE : \$334,765.67

PREPARED BY:


FOR: RAFAEL MIRANDA, ROADWAY DESIGNER

LESS 5% RETAINAGE : \$0.00

MATERIAL ON HAND \$0.00

SUB TOTAL : \$334,765.67

RECOMMENDED BY:


TAN ZHENG, P.E. CITY ENGINEER

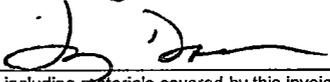
LESS PREVIOUS PAY ESTIMATE : (\$124,950.65)

APPROVED BY:


DR. JOSEPH G. MAJDANI, P.E. PUBLIC WORKS DIRECTOR

AMOUNT DUE THIS ESTIMATE : \$209,815.02

Contractor:



I certify that all work including materials covered by this invoice have been completed or delivered in accordance with Contract documents.

RESOLUTION NO.

WHEREAS, on April 14, 2015, the City Council of the City of Beaumont, Texas, passed Resolution No. 15-072 awarding a contract in the amount of \$313,110.50 to LD Construction, of Beaumont, Texas, for the East Lucas Street Asphalt Resurfacing Project (Idylwood to Magnolia); and,

WHEREAS, Change Order No. 1, in the amount of \$21,655.17, is required to adjust the estimated quantities to reflect the actual quantities used in the completion of the project, thereby increasing the total contract amount to \$334,765.67; and,

WHEREAS, the project has been inspected by the Engineering Division and found to be complete in accordance with the provisions and terms set forth in the contract;

NOW, THEREFORE, BE IT RESOLVED BY THE
CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the City Manager be and he is hereby authorized to execute Change Order No. 1 adjusting quantities used to complete the project as described above, thereby increasing the contract amount by \$21,655.17 for a revised total contract amount of \$334,765.67; and,

BE IT FURTHER RESOLVED THAT the East Lucas Street Asphalt Resurfacing 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 \$209,815.02 to LD Construction, of Beaumont, Texas.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 6th day of
October, 2015.

- Mayor Becky Ames -

October 6, 2015

Consider a resolution awarding annual contracts to multiple vendors for the purchase of traffic marking materials

BEAUMONT

— T E X A S —

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Laura Clark, Chief Financial Officer *YJC*

MEETING DATE: October 6, 2015

REQUESTED ACTION: Council consider a resolution awarding annual contracts to multiple vendors for the purchase of traffic marking materials, in the estimated total amount of \$708,866.88.

BACKGROUND

Bids were requested for an annual contract to supply signage, sign materials, hardware, and specialty paints and thermoplastic materials for use by the Traffic Management Division, and for purchase of various traffic control materials such as markers, portable signs and barricades for use by all City Departments.

Eleven (11) vendors were notified and six (6) responses were received. Specifications were divided into nine (9) material sections, and require that each be awarded to the lowest overall bidder who bids the entire section and complies with the required specifications. There are no local vendors supplying this material.

Total value of the contract is approximately \$119,235.43 (20%) greater than the current contract.

Contracts are recommended as follows:

Section	Vendor	Est. Total Amount
1-Sign Blanks	Osburn Associates, Logan, OH	\$40,563.15
2-Sign Faces	Osburn Associates, Logan, OH	\$17,546.00
3-Finished Signs	Osburn Associates, Logan, OH	\$50,322.65
4-Sheet Material	Osburn Associates, Logan, OH	\$55,049.00
5-Hardware	Trantex, Inc., Houston, TX	\$280,362.50
6-Marking Materials	Trantex, Inc., Houston, TX	\$16,570.50
7-Paint	Pathmark, Inc., San Marcos, TX	\$58,307.00
8-Traffic Control Equipment	Trantex, Inc., Houston, TX	\$30,545.00
9-Thermoplastic Materials	Flint Trading Co., Thomasville, NC	\$159,601.08
TOTAL		\$708,866.88

FUNDING SOURCE

General Fund, Water Utilities Fund and Capital Program.

RECOMMENDATION

Approval of resolution.



**CITY OF BEAUMONT, BEAUMONT, TEXAS
PURCHASING DIVISION BID TABULATION**

Bid Name: ANNUAL CONTRACT FOR TRAFFIC MARKING MATERIALS
Bid Number: BF0715-37
Bid Opening: Thursday, September 10, 2015

Contact Person: Robert (Bob) Hollar, Buyer II
rhollar@ci.beaumont.tx.us
 Phone: 409-880-3758

Vendor City / State Phone or Fax No.		SWARCO COLUMBIA TN (931) 388-5900	FLINT TRADING CO THOMASVILLE, NC (469) 522-5863	TRANTEX, INC. HOUSTON (281) 448-7711	PATHMARK SAN MARCUS (800) 547-0874
SECTION	DESCRIPTION	SECTION TOTAL	SECTION TOTAL	SECTION TOTAL	SECTION TOTAL
1	SIGN BLANKS	NO BID	NO BID	NO BID	\$54,922.45
2	SIGN FACES	NO BID	NO BID	NO BID	NO BID
3	FINISHED SIGNS	NO BID	NO BID	NO BID	NO BID
4	SHEET MATERIAL	NO BID	NO BID	NO BID	\$67,595.00
5	HARDWARE	NO BID	NO BID	\$280,362.50	\$280,400.00
6	MARKING MATERIALS	NO BID	NO BID	\$16,570.50	\$17,158.00
7	PAINT	\$8,860.00	NO BID	\$60,425.30	\$58,307.00
8	TRAFFIC CONTROL EQUIP	NO BID	NO BID	\$30,545.00	\$52,730.50
9	THERMOPLASTIC	\$102,284.10	\$159,601.08	NO BID	\$210,575.00
TOTAL BID			\$159,601.08	\$387,903.30	\$741,687.95

Vendor City / State Phone or Fax No.		Osburn Assoc. Logan, OH 800-523-8917	American Traffic Sfty Orange Pk FL (877) 872-2876	
SECTION	DESCRIPTION	SECTION TOTAL	SECTION TOTAL	
1	SIGN BLANKS	\$40,563.15	NO BID	
2	SIGN FACES	\$17,546.00	NO BID	
3	FINISHED SIGNS	\$50,322.65	NO BID	
4	SHEET MATERIAL	\$55,049.00	\$56,882.10	
5	HARDWARE	\$15,982.50	NO BID	
6	MARKING MATERIALS	NO BID	NO BID	
7	PAINT	NO BID	NO BID	
8	TRAFFIC CONTROL EQUIP	\$34,860.70	NO BID	
9	THERMOPLASTIC	NO BID	NO BID	
TOTAL BID		\$214,304.00	\$56,882.10	TOTAL CONTRACT VALUE \$708,866.88

Notes: Marked in RED indicates did not bid entire section
 Rejected Bid: Vulcva Industries - bid received after closing.,
 No Response: Allied Tube, Custom Products, Traffic Parts, Nioppon Carbide, Centerline Supply

RESOLUTION NO.

WHEREAS, bids were solicited for annual contracts for the purchase of traffic marking materials for use by the Streets and Drainage Division and for the purchase of various traffic control materials for use by all City Departments; and,

WHEREAS, the following vendors submitted bids as shown below and in the unit amounts as shown on Exhibit "A," attached hereto and made a part hereof for all purposes:

Section	Vendor	Est. Total Amount
1-Sign Blanks	Osburn Associates, Logan, OH	\$40,563.15
2-Sign Faces	Osburn Associates, Logan, OH	\$17,546.00
3-Finished Signs	Osburn Associates, Logan, OH	\$50,322.65
4-Sheet Material	Osburn Associates, Logan, OH	\$55,049.00
5-Hardware	Trantex, Inc., Houston, TX	\$280,362.50
6-Marking Materials	Trantex, Inc., Houston, TX	\$16,570.50
7-Paint	Pathmark, Inc., San Marcos, TX	\$58,307.00
8-Traffic Control Equipment	Trantex, Inc., Houston, TX	\$30,545.00
9-Thermoplastic Materials	Flint Trading Co., Thomasville, NC	\$159,601.08
TOTAL		\$708,866.88

; and,

WHEREAS, City Council is of the opinion that the bids submitted by the vendors for the estimated contract total amount of \$708,866.88 as based upon the unit amounts as shown on Exhibit "A," attached hereto and made a part hereof for all purposes should be accepted;

NOW, THEREFORE, BE IT RESOLVED BY THE
CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the bids submitted by the vendors for annual contracts for the purchase of traffic marking materials and traffic control materials in the estimated total amounts shown above and in the unit amounts as shown on Exhibit "A," attached hereto and made a part hereof for all purposes for the estimated total amount of \$708,866.88 be accepted by the City of Beaumont; and,

BE IT FURTHER RESOLVED THAT the City Manager be and he is hereby authorized to execute a contract with each of the vendors listed above for the purposes described herein.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 6th day of October, 2015.

- Mayor Becky Ames -

Bid Name: ANNUAL CONTRACT FOR TRAFFIC MARKING MATERIALS
Bid Number: BF0715-37
Bid Opening: Thursday, September 10, 2015

Contact Person: Robert (Bob) Hollar, Buyer II
 rhollar@ci.beaumont.tx.us
 Phone: 409-880-3758

Vendor City / State Phone or Fax No.		SWARCO COLUMBIA TN (931) 388-5900	FLINT TRADING CO THOMASVILLE, NC (469) 522-5863	TRANTEX, INC. HOUSTON (281) 448-7711	PATHMARK SAN MARCUS (800) 547-0874
SECTION	DESCRIPTION	SECTION TOTAL	SECTION TOTAL	SECTION TOTAL	SECTION TOTAL
1	SIGN BLANKS	NO BID	NO BID	NO BID	\$54,922.45
2	SIGN FACES	NO BID	NO BID	NO BID	NO BID
3	FINISHED SIGNS	NO BID	NO BID	NO BID	NO BID
4	SHEET MATERIAL	NO BID	NO BID	NO BID	\$67,595.00
5	HARDWARE	NO BID	NO BID	\$280,362.50	\$280,400.00
6	MARKING MATERIALS	NO BID	NO BID	\$16,570.50	\$17,158.00
7	PAINT	\$8,860.00	NO BID	\$60,425.30	\$58,307.00
8	TRAFFIC CONTROL EQUIP	NO BID	NO BID	\$30,545.00	\$52,730.50
9	THERMOPLASTIC	\$102,284.10	\$159,601.08	NO BID	\$210,575.00
TOTAL BID			\$159,601.08	\$387,903.30	\$741,687.95

Vendor City / State Phone or Fax No.		Osburn Assoc. Logan, OH 800-523-8917	American Traffic Sfty Orange Pk FL (877) 872-2876	
SECTION	DESCRIPTION	SECTION TOTAL	SECTION TOTAL	
1	SIGN BLANKS	\$40,563.15	NO BID	
2	SIGN FACES	\$17,546.00	NO BID	
3	FINISHED SIGNS	\$50,322.65	NO BID	
4	SHEET MATERIAL	\$55,049.00	\$56,882.10	
5	HARDWARE	\$15,962.50	NO BID	
6	MARKING MATERIALS	NO BID	NO BID	
7	PAINT	NO BID	NO BID	
8	TRAFFIC CONTROL EQUIP	\$34,860.70	NO BID	
9	THERMOPLASTIC	NO BID	NO BID	
TOTAL BID		\$214,304.00	\$56,882.10	TOTAL CONTRACT VALUE \$708,866.88

Notes: Marked in RED indicates did not bid entire section
 Rejected Bid: Vulcvan Industries - bid received after closing.,
 No Response: Allied Tube, Custom Products, Traffic Parts, Nioppon Carbide, Centerline Supply

October 6, 2015

Consider a approving an annual contract to four vendors for mowing privately-owned and vacant property



TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Laura Clark, Chief Financial Officer

MEETING DATE: October 6, 2015

REQUESTED ACTION: Council consider a resolution approving an annual contract to four vendors for mowing privately-owned and vacant property.

BACKGROUND

Privately owned properties are in violation of the City's weed ordinance when uncultivated growth exceeds twelve (12) inches. Property owners are notified of the violation and given a specific time frame to bring the property into compliance. If property owners fail to comply with the ordinance, the City's vendor mows the property and the property owner is fined.

Fourteen (14) vendors were provided bid notices and eight (8) responses were received. The bid specifications divide the City into four (4) sections and City staff determines what section will be awarded to a vendor. A map of the sections is provided.

Section one is to be awarded to Yardboy Lawncare Service of Beaumont, in the estimated amount of \$203,387.08. Section two is to be awarded to SMO Unlimited, of Port Arthur, in the estimated amount of \$88,835.91. Section three is to be awarded to Gulf Coast L&L of Beaumont, with an estimated annual expenditure of \$61,344.67. Section four is to be awarded to Bulldog Excavating, Inc. of Vidor in the estimated amount of \$105,208.48. The contracts are for one (1) year with an extension of two (2) additional one (1) year terms. The bid tabulation is attached.

CIMA of Beaumont is one of the four lowest bidders. Staff recommends that CIMA not be awarded this contract due to lack of performance in the previous contract. On December 10, 2013, Council with Resolution 13-275 suspended the contract with CIMA for three (3) months due to a lapse of automobile insurance while continuing to provide mowing services. On October 28, 2014, with Resolution 14-234, Council terminated CIMA from the contract for this service due to not completing work as specified or in a timely manner. Bid specifications require all vendors must have commercial grade finish mowers as part of their equipment. CIMA does not have a commercial grade finish mower at this time but states that he can purchase one if he receives the contract.

Page 2
Mowing privately-owned and vacant property
October 6, 2015

FUNDING SOURCE

General Fund – Planning and Community Development Department.

RECOMMENDATION

Approval of resolution.

RESOLUTION NO.

WHEREAS, bids were solicited for an annual contract for mowing privately-owned developed and vacant properties; and,

WHEREAS, Yardboy Lawncare Service, of Beaumont, Texas, submitted a bid for an estimated amount of \$203,387.08 for Section 1, North East as shown in Exhibit "A" and in the unit amounts shown on Exhibit "E," attached hereto; and,

WHEREAS, SMO Unlimited, of Port Arthur, Texas, submitted a bid for an estimated amount of \$88,835.91 for Section 2, Miscellaneous as shown in Exhibit "B" and in the amounts shown on Exhibit "E," attached hereto; and,

WHEREAS, Gulf Coast L&L, of Beaumont, Texas, submitted a bid for an estimated amount of \$61,344.67 for Section 3, Charlton Pollard as shown in Exhibit "C" and in the amounts shown on Exhibit "E," attached hereto; and,

WHEREAS, Bulldog Excavating, Inc., of Vidor, Texas, submitted a bid for an estimated amount of \$105,208.48 for Section 4, South East as shown in Exhibit "D" and in the amounts shown on Exhibit "E," attached hereto; and,

WHEREAS, City Council is of the opinion that the bids submitted by Yardboy Lawncare Service, of Beaumont Texas, SMO Unlimited, of Port Arthur, Texas, Gulf Coast L&L, of Beaumont, Texas, and Bulldog Excavating, of Vidor Texas, should be accepted;

NOW, THEREFORE, BE IT RESOLVED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the bids submitted by Yardboy Lawncare Service, of Beaumont, Texas, for an estimated amount of \$203,387.08, SMO Unlimited, of Port Arthur, Texas, for an estimated amount of \$88,835.91, Gulf Coast L&L, of Beaumont, Texas, for an estimated amount of \$61,344.67, and by Bulldog Excavating, Inc., of Vidor, Texas, for an estimated amount of \$105,208.48 for an annual contract for mowing privately-owned developed and vacant properties as shown in Exhibits "A," "B," "C," and "D" and in the unit amounts shown on Exhibit "E" be accepted by the City of Beaumont; and,

BE IT FURTHER RESOLVED THAT the City Manager be and he is hereby authorized to execute a contract with each of the vendors listed above for the purposes described herein.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 6th day of October, 2015.

- Mayor Becky Ames -

Exhibit "B"
Bld No. TF0715-16
Annual Contract for Mowing
Privately-Owned Developed and Vacant Property
SECTION 1

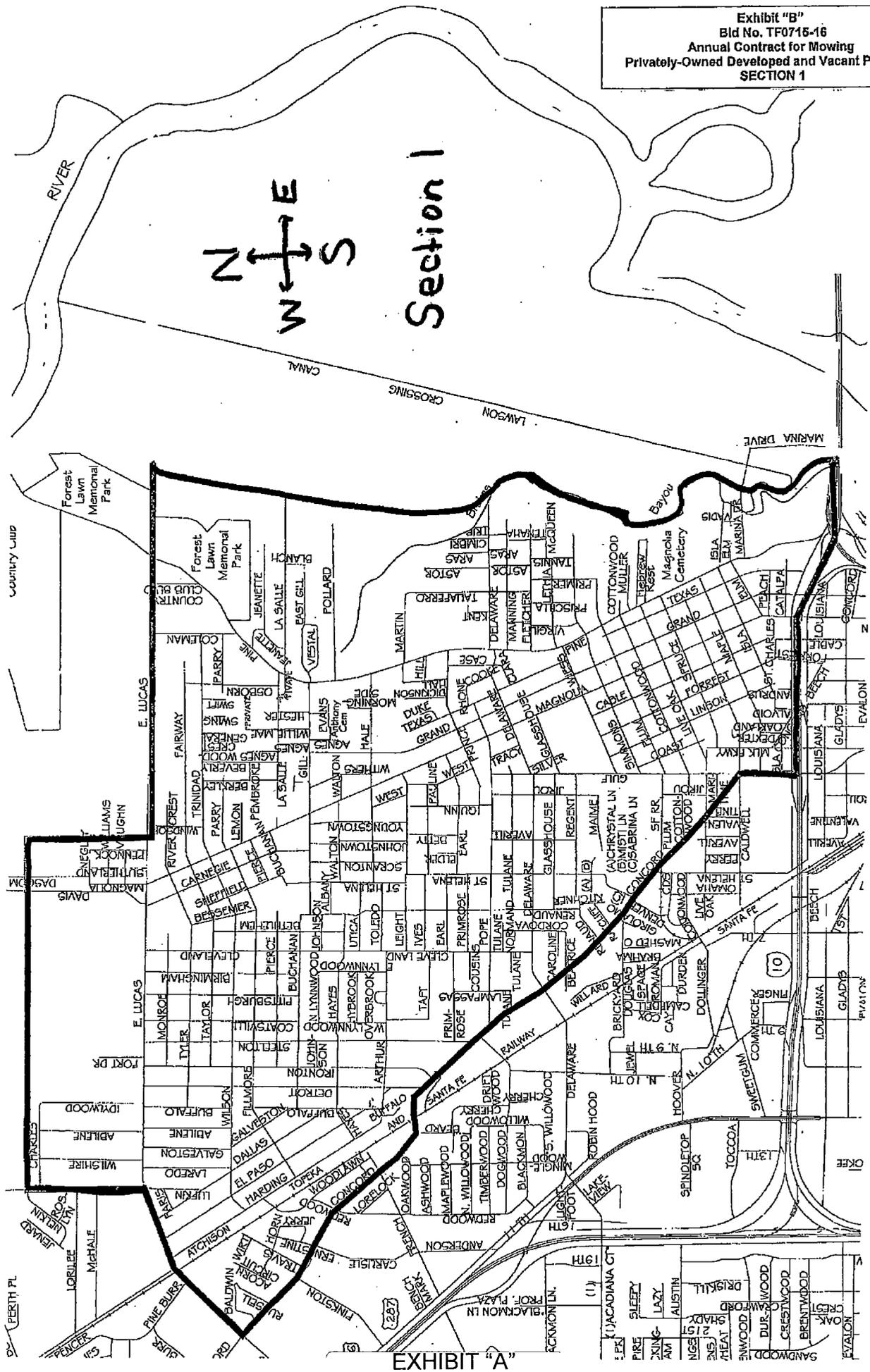
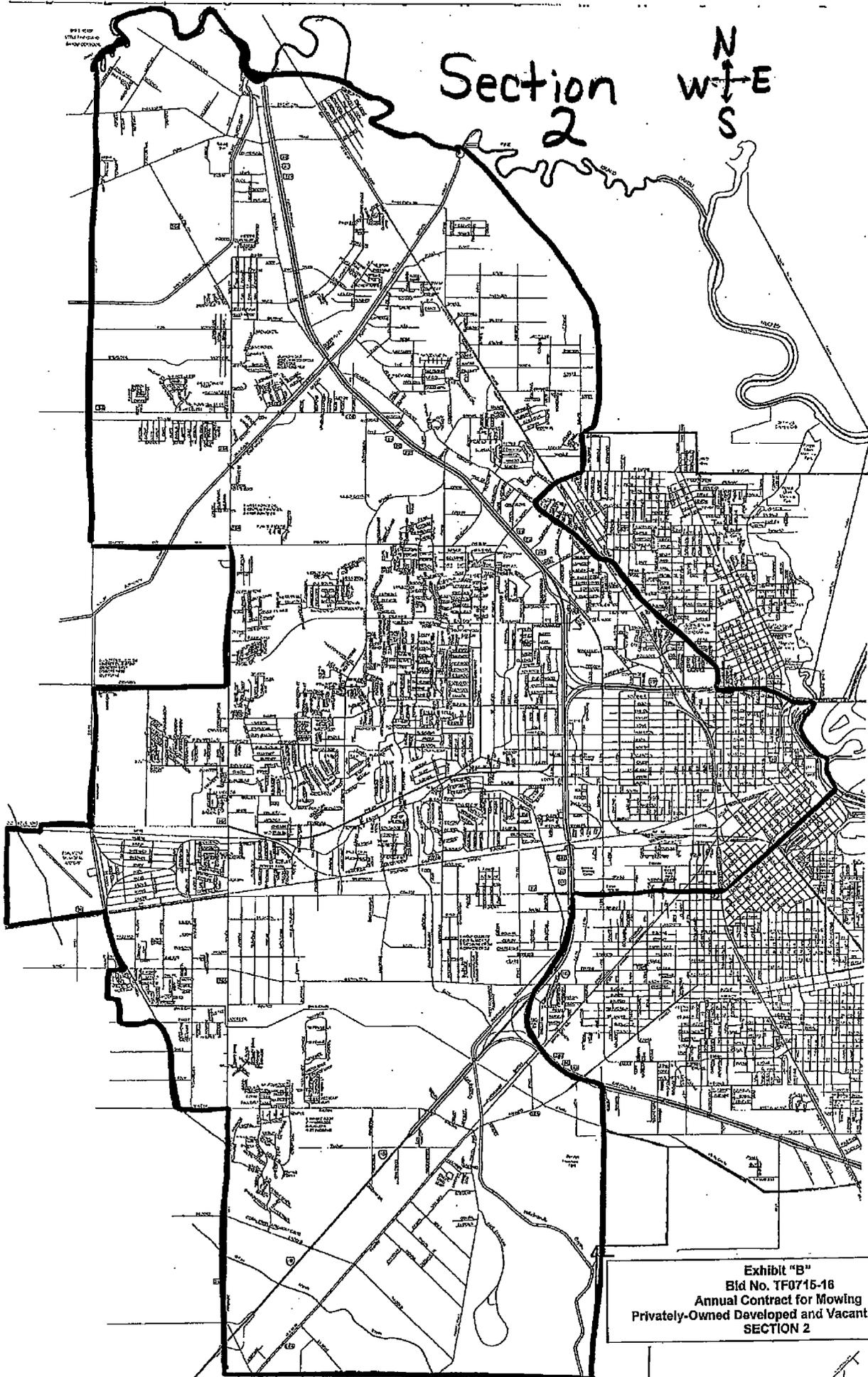


EXHIBIT "A"



Section 2



Exhibit "B"
Bld No. TF0715-16
Annual Contract for Mowing
Privately-Owned Developed and Vacant Property
SECTION 2

EXHIBIT "B"



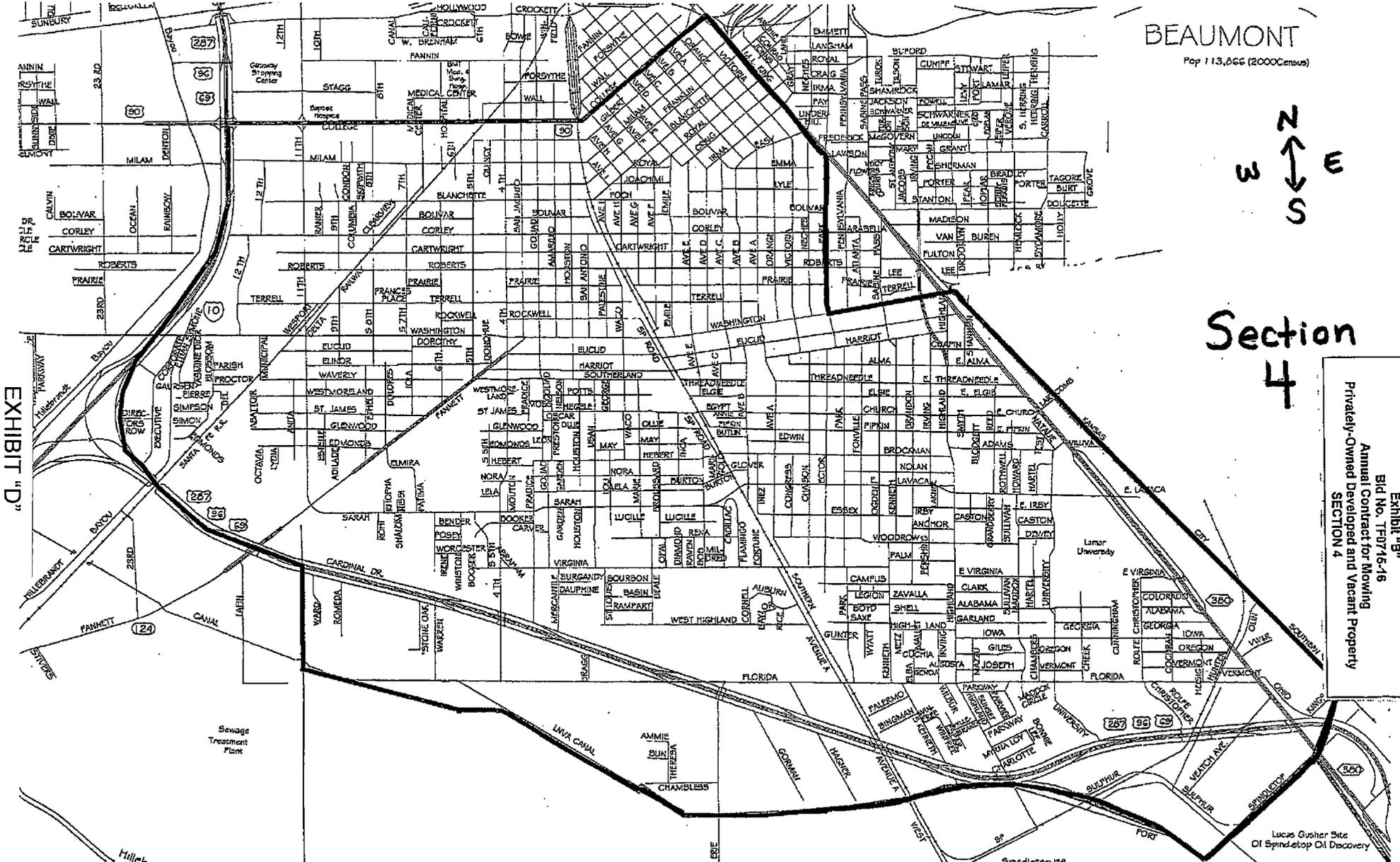
BEAUM
Pop 113,866



Section
3

Privately-Owned
Annual Contract for Housing
Exhibit "B"
Bld. No. TF07-15-16
SECTION 3
Developed and Vacant Property

EXHIBIT "C"



BEAUMONT
Pop 113,866 (2000 Census)



Section
4

Exhibit "B"
Annual Contract for Mowing
Privately-Owned and Vacant Property
SECTION 4

EXHIBIT "D"

Sewage
Treatment Plant

Lucas Gusher Site
Of Spindletop Oil Discovery

Spindletop 111

Bid Name: Annual Contract For Mowing Privately-Owned Developed and Vacant Property
Bid Number: TF0715-16
Bid Opening: Thursday, September 17, 2015 at 2:00 P.M.
Contact Person: Terry Welch Buyer III
 twelch@ci.beaumont.tx.us
 Phone: 409-880-3107

Vendor: City / State: Contact: Fax:	Yardboy Lawncare Service Beaumont, Tx 77707 Timothy Gregory 833-7980		Fabian T. Moyer DBA CIMA Beaumont, Tx 77707 Fabian Moyer		SMO Unlited Port Arthur, Tx 77642 Morris Johnson morrisjohnson4024@yahoo.com		Gulf Coast L & L Beaumont, Tx 77726 Joshua Grammer 293-0685		Bulldog Excavating, Inc Vidor, Tx 77662 Wayne Armstrong 681-9248		
ASSIGNED SECTION	SECTION 1 NE		SECTION 2 MISCELLANEOUS		SECTION 2 MISCELLANEOUS		SECTION 3 Charlton Pollard		SECTION 4 SE		
	Previous Amount Cut	Bid Unit Cost	Previous Amount Cut	Bid Unit Cost	Previous Amount Cut	Bid Unit Cost	Previous Amount Cut	Bid Unit Cost	Previous Amount Cut	Bid Unit Cost	
Price for property - less than 6,500 sq. ft. Minimum Bid	512 Cuts	\$77/ Cutting	103 Cuts	\$85 / Cutting	103 Cuts	\$65 / Cutting	360 Cuts	\$53.50 / Cutting	132 Cuts	\$75 / Cutting	
Price for property - 6,500 sq. ft. or greater up to one acre	18,092,960 sq.ft.	\$0.009 / sq. ft.	7,618,653 sq. ft.	\$0.0089 / sq. ft.	7,618,653 sq. ft.	\$0.01 / sq. ft.	5,237,007 sq. ft.	\$0.008 / sq. ft.	9,890,366 sq. ft.	\$0.0095 / sq. ft.	
Price for property - one (1) acre or greater	3 Parcels total of 330,400 sq. ft.	\$150 / acre	6 Parcels total of 1,035,944 sq. ft.	\$100 / acre	6 Parcels total of 1,035,944 sq. ft.	\$250 / acre	2 Parcels total of 302,820 sq. ft.	\$60 / acre	2 Parcels total of 302,820 sq. ft.	\$225 / acre	
Estimated Total Annual Cost Per Section. Calculated with estimated cut numbers for each section.	\$203,387.08		\$78,929.14		\$88,835.91		\$61,344.67		\$105,208.48		
Total For All Sections With Award To Fabian T. Moyer DBA CIMA:							\$448,869.37				
Total For All Sections With Award To SMO Unlited Instead of Fabian T. Moyer DBA CIMA:							\$458,776.14				

EXHIBIT "E"

CITY OF BEAUMONT, BEAUMONT, TEXAS
PURCHASING DIVISION BID TABULATION

Bid Name: Annual Contract For Mowing Privately-Owned Developed and Vacant Property
Bid Number: TF0715-16
Bid Opening: Thursday, September 17, 2015 at 2:00P.M.
Contact Person: Terry Welch Buyer III
twelch@ci.beaumont.tx.us
 Phone: 409-880-3107

	Vendor: City / State: Contact: Fax/email:	Gulf Coast L & L Beaumont, Tx 77705 Joshua Grammer 293-0685		*JP. Enterprise Beaumont, Tx 77707 James Plummer JamesPenny@AOL.COM		Yardboy Lawncare Service Beaumont, Tx 77701 Perry Gregory 409-833-7980		Fabian T. Moye dba CIMA Beaumont, Tx 77707 Fabian T. Moye	
Desription	Est. Annual Qty *	Unit Price	Ext. Price	Unit Price	Ext. Price	Unit Price	Ext. Price	Unit Price	Ext. Price
Price for property – less than 6,500 sq. ft. Minimum bid	200 cuttings per year	\$53.50 per /cutting	\$10,700.00	\$74.00 / cutting	\$14,800.00	\$77.00 / cutting	\$15,400.00	\$85.00 / cutting	\$17,000.00
Price for property – 6,500 sq. ft. or greater up to one acre.	10,000,000 /sq. ft.	\$0.008 /sq. ft.	\$80,000.00	\$.009 /sq. ft.	\$90,000.00	\$.009 / sq. ft.	\$90,000.00	\$.0089 / sq. ft.	\$89,000.00
Price for property – one (1) acre or greater	1 acre	\$60.00 /acre	\$60.00	\$150.00 / acre	\$150.00	\$150 / acre	\$140.00	\$100.00	\$100.00
Total Bid:			\$90,760.00		\$104,950.00		\$105,550.00		\$106,100.00

	Vendor: City / State: Contact: Fax/email:	Bulldog Excavating Inc. Vidor, Tx 77662 Wayne Armstrong 409-681-9248		SMO Unlimited Port Arthur, Tx 77642 Morris Johnson morrisjohnson4024@yahoo.com		Garden of Gethsemane Nursery & Landscaping LLC Beaumont, Tx 77705 Micheal Alfred 813-2553		Hallmark Lawn & Landscape Beaumont, Tx 77706 Ty Hallmark tyhallmark@hotmail.com	
Description	Est. Annual Qty *	Unit Price	Ext. Price	Unit Price	Ext. Price	Unit Price	Ext. Price	Unit Price	Ext. Price
Price for property - less than 6,500 sq. ft. Minimum bid	200 cuttings per year	\$75.00 / cutting	\$15,000.00	\$65.00	\$13,000.00	\$81.00 / cutting	\$16,200.00	\$115.00 / cutting	\$23,000.00
Price for property - 6,500 sq. ft. or greater up to one acre.	10,000,000 /sq. ft.	\$.0095 / sq. ft.	\$95,000.00	\$.010 / sq. ft.	\$100,000.00	\$.0099 /sq. ft.	\$99,000.00	\$.0015 /sq. ft.	\$150,000.00
Price for property - one (1) acre or greater	1 acre	\$225/ acre	\$225.00	\$ 250.00 /acre	\$250.00	\$ 180.00 / acre	\$180.00	\$ 700.00 / acre	\$700.00
Total Bid:			\$110,225.00		\$113,250.00		\$115,380.00		\$173,700.00

*** QTY'S ARE FOR BID PURPOSES ONLY**

As shown highlighted above, the four lowest qualified Bidders are Gulf Coast L & L, Yardboy Lawncare Service, Bulldog Excavating, Inc., and SMO Unlimited

Your signature below will allow the Purchasing to proceed with the award of this contract to the highlighted vendors above.

Chris Boone, Department Services Director