

MINUTES - CITY OF BEAUMONT

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

BECKY AMES, MAYOR
CITY COUNCIL MEETING
April 5, 2016
Kyle Hayes, City Manager

Gethrel Wright, At-Large
Michael D. Getz, Mayor Pro Tem
Robin Mouton, Ward IV
Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on **April 5, 2016**, at the City Hall Council Chambers, 801 Main Street, Beaumont, Texas, at 1:30 p.m. to consider the following:

OPENING

- * Invocation Pledge of Allegiance Roll Call
- * Presentations and Recognition
- * Public Comment: Persons may speak on scheduled agenda items 2-4/Consent Agenda
- * Consent Agenda

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

Pastor "Big" Jim Salles of West End Baptist Church gave the invocation. Mayor Ames led the Pledge of Allegiance. Roll call was made by Tina Broussard, City Clerk.

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

Proclamations, Presentations, Recognitions

"National Safe Digging Month" - April, 2016 - Proclamation read by Councilmember Wright; accepted by Gary Chalk, District Director for CenterPoint Energy

Mayor Ames, announced the Don't Mess with Texas Trash-Off to be held on Saturday, April 9, 2016, from 8:00 a.m., to 10:30 a.m.

Public Comment: Persons may speak on scheduled agenda items 2-4/Consent Agenda.

Don R. Williams

560 Marina Dr.

Beaumont TX

Spoke to Council in regards to Item #4 on the Agenda; stated that the company that the City wants to sell the marina to doesn't have one marina that they operate, commented on a Small Business loan that was taken out in 2009 with the help of the City in the amount of \$555,000.00, since then the Yacht Club has paid the loan down, with a balance of \$430,000.00, the loan is due to be paid off in 2039, not sure if this was divulged to the new perspective owners

John Guedry

760 Bancroft Dr.

Beaumont TX

Spoke to Council in regards to Item #4 on the Agenda; commented on the selling of the Yacht Club and the loan payments that have been paid, has great concern that this item would be considered and would be presented to Council in the manner that it has, doesn't feel that Council has everything they need to make a decision, this sale is not in the best interest of the City or it's citizens

Bruce Walker

795 19th St.

Beaumont TX

Spoke to Council in regards to Item #4 on the Agenda; stated that he is the Director of the Big Thicket Association, the Association runs Neches River ventures and they use the Yacht Club as their base, not speaking for or against the sale, there is concern in regards to the future of the Yacht Club

CONSENT AGENDA

- * Approval of minutes – March 29, 2016
- * Confirmation of committee appointments - **None**
- A) Approve a resolution authorizing the repair of a pump at the Water Treatment Plant by The Reynolds Company of Beaumont – **Resolution 16 - 059**
- B) Approve a resolution authorizing the City Manager to execute all documents necessary for a business support services agreement between the City of Beaumont and PST Services, Inc., a McKesson Company – **Resolution 16 - 060**

Councilmember Pate moved to approve the Consent Agenda. Mayor Pro Tem Getz seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, SAMUEL AND MOUTON

NAYS: NONE

MOTION PASSED

GENERAL BUSINESS

1. Consider a request for a Specific Use Permit to allow a mini storage facility in GC-MD (General Commercial-Multiple Family Dwelling District), at 6160 Delaware Street.

Zachary Rowe of Mark W. Whiteley and Associates has designed and submitted a Mini Storage Facility that the property owner, Mr. Sam Parigi, Jr., would like to construct at 6160 Delaware Street. This development will consist of a three (3) story building. Mr. Parigi does not want the structure to resemble a warehouse and has asked the architect to incorporate materials that will have a more aesthetic appeal, especially for the neighbors to the north. All lighting will be directional so as to not disturb neighboring properties. In addition, a 120

foot wide ditch separates the property from the residential lots to the north.

At a Joint Public Hearing held on March 21, 2016, the Planning Commission recommended 8:0 to approve a Specific Use to allow a mini storage facility in the GC-MD (General Commercial-Multiple Family Dwelling District), at 6160 Delaware Street with the following condition:

Approval of the ordinance subject to the following condition:

1. Submit storm drainage discharge design on construction drawings.

Councilmember Wright moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A MINI STORAGE FACILITY IN A GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT AT 6160 DELAWARE STREET WITH THE CONDITION IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Guidroz seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, SAMUEL AND MOUTON

NAYS: NONE

MOTION PASSED

Ordinance 16 – 020

2. Consider amending Section 2.03.074 of the Code of Ordinances by reducing the number of Grade III (Captain) positions from 47 to 46 and increasing the number of Grade IV (District Chief) positions from 11 to 12 in the Beaumont Fire Department.

A Grade III Captain's position in the Fire Marshal's office is vacated due to a retirement. Chief Huff wishes to delete this vacant position and create a new Grade IV District Chief position.

Approval of the ordinance.

Councilmember Guidroz moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE AMENDING SECTION 2.03.074 OF THE CODE OF ORDINANCES BY REDUCING THE NUMBER OF GRADE III CAPTAIN POSITIONS IN THE BEAUMONT FIRE DEPARTMENT FROM FORTY-SEVEN (47) TO FORTY-SIX (46) AND INCREASING THE NUMBER OF GRADE IV DISTRICT CHIEF POSITIONS IN THE BEAUMONT FIRE DEPARTMENT FROM ELEVEN (11) TO TWELVE (12); PROVIDING FOR SEVERABILITY AND PROVIDING FOR REPEAL.** Mayor Pro Tem Getz seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, SAMUEL AND MOUTON

NAYS: NONE

MOTION PASSED

Ordinance 16 - 021

3. Consider a resolution approving Change Order No. 10 to the contract with the Texas Department of Transportation (TxDOT) for the Concord Road Project.

Texas Department of Transportation (TxDOT) is managing the Concord Road Project. On July 26, 2012, TxDOT entered into an agreement with Tradeco Infraestructura, Inc. in the amount of \$11,284,746.71 for the Concord Road Project.

On June 10, 2015, Tradeco delivered a voluntary letter of default to TxDOT abandoning and terminating the contract. The Surety Bond held by American Home Assurance Company, is acting in its capacity as the Surety for Tradeco and has chosen Texas Sterling Construction Co., as the Completion Contractor. On September 1, 2015, Texas Sterling Construction Co., was given the Notice to Proceed with a Substantial Completion Date set at November 23, 2016.

Previous Change Order Nos. 1, 2, 3, 4, and 5 in the amount of \$126,767.20 were approved by City Council resulting in a new contract amount of \$11,411,510.91. Change Order Nos. 6, 7, 8, and 9 were executed by the City Manager resulting in a reduction to the contract in the amount of (36,329.04) making the total contract amount \$11,375,181.87.

TxDOT is requesting Change Order No. 10 to revise quantities for items relating to the realignment of sanitary sewer lines from Dowlen Road to Garner Road to avoid conflict with established utilities. The proposed change order of \$55,461.32 includes \$7,534.15 for Engineering and Contingency charges. If approved, the total contract amount would be \$11,430,643.19.

Approval of resolution.

Councilmember Samuel moved to APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE CHANGE ORDER NO.10 FOR ADDITIONAL WORK, THEREBY INCREASING THE CONTRACT AMOUNT BY \$55,461.32 FOR A TOTAL CONTRACT AMOUNT OF \$11,430,643.19 FOR THE CONCORD ROAD PROJECT. Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, SAMUEL AND MOUTON

NAYS: NONE

MOTION PASSED

Resolution 16 – 061

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

COMMENTS

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

COUNCILMEMBER COMMENTS

- COUNCILMEMBER GUIDROZ -** ANNOUNCED THAT LAMAR UNIVERSITY BASEBALL TEAM WILL BE PLAYING AT 6:00 P.M., APRIL 5, 2016, ENCOURAGED EVERYONE TO ATTEND, STATED HE RECEIVED A COPY OF A MARCH 20, 2016 ARTICLE FROM THE EXAMINER WHERE THE SOUTH EAST TEXAS TENNIS ASSOCIATION WAS RANKED #6 ON THE LIST IN TERMS OF BRINGING HEADS TO THE BEDS FOR THE YEAR
- MAYOR PRO TEM GETZ -** CONGRATULATED THE AMELIA NEIGHBORHOOD ASSOCIATION FOR HAVING STRONG TURNOUT AT THEIR MONTHLY MEETINGS, ANNOUNCED THAT THE CALDWOOD NEIGHBORHOOD ASSOCIATION WILL BE MEETING ON THURSDAY, APRIL 7, 2016, AT 7:00 P.M., AT THE FIRST CHRISTIAN BAPTIST CHURCH ACROSS FROM CALDWOOD ELEMENTARY SCHOOL, ENCOURAGED ALL CITIZENS TO PARTICIPATE IN THE TEXAS TRASH OFF ON SATURDAY, APRIL 9, 2016
- COUNCILMEMBER WRIGHT -** STATED THAT SHE IS LOOKING FORWARD TO THE TEXAS TRASH OFF ON SATURDAY, THERE ARE PARKS SELECTED IN EACH WARD OF THE CITY, HER MAIN CONCERN IS IN WARD III, FELT THAT THERE SHOULD BE MORE THAN ONE PARK IN THAT WARD DUE TO THE LARGE AREA, VOICED CONCERNED ABOUT THE THREE MINUTE RULE WHEN COMMENTS ARE MADE IN REGARDS TO POSTED AGENDA ITEMS, WONDERING IF SOMETHING IS POSTED SHOULD THE THREE MINUTE RULE BE ENFORCED
- COUNCILMEMBER PATE -** STATED THAT THE TAILGATING STARTS AT 5:00 P.M. FOR THE BASEBALL GAME AT LAMAR UNIVERSITY, COMMENTED ON THE TEXAS TRASH OFF, ENCOURAGED EVERYONE TO TAKE PART IN THE CLEAN-UP
- COUNCILMEMBER SAMUEL -** SPOKE IN REGARDS TO THE PARK THAT WAS SELECTED FOR THE TEXAS TRASH OFF IN WARD III, HIS WARD DOES ENCOMPASS ALL OF DOWNTOWN AS WELL, HOPES THAT NEXT YEAR THERE COULD POSSIBLY BE TWO PARKS FOR WARD III

concerned about citizens that walk, ride bicycles and scooters, sidewalks are really needed, also commented on the school buses and the lack of seatbelts

Lafayette Spivey

6010 Chandler

Beaumont TX

Commented on several parks, the first was Liberia Park, stated that they don't have anything at that park, the entire basketball court has been removed, would like Council to consider getting the basketball court back, also commented on Spratt Park, the restrooms are horrible, help is needed and whomever is supposed to take care of the parks need to do so, if this isn't rectified by the summer then everyone will have to go over to Rogers Park, something needs to be done

Council recessed at 2:26 p.m.

EXECUTIVE SESSION

- * Consider matters related to the deliberation of the purchase, exchange, lease or value of real property in accordance with Section 551.072 of the Government Code, to wit:

Beaumont Yacht Club located at 560 Marina Drive, Beaumont, TX 77703

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

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

Council reconvened at 3:35 p.m.

4. Consider a resolution authorizing the City Manager to execute an earnest money contract and other related documents for the sale of the marina property and improvements located at 560 Marina Drive.

On February 25, 2016, City Council passed a Resolution No. 14-043 accepting the bid submitted by NAI Wheeler for an annual contract for real estate broker services to list and sell City-owned property.

NAI Wheeler has secured five (5) potential buyers who are interested in purchasing the marina property and improvements located at 560 Marina Drive. However, after reviewing all the earnest money contracts, it is in the best interest of the City of Beaumont to execute the earnest money contract with USA Self-Storage Inc., dba The Access Companies with a cash offer in the amount of \$1,475,000.00

USA Self-Storage Inc., dba The Access Companies will deposit \$50,000 as earnest money with Texas Regional Title for a feasibility period of 60 days. If USA Self-Storage Inc., dba the Access Companies terminates the earnest money contract, \$25,000 of the earnest money will not be refunded to USA Self-storage Inc., dba The Access Companies. The date of closing will be fifteen (15) days after the expiration of the feasibility period.

Approval of Resolution.

Councilmember Guidroz moved to APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE AN EARNEST MONEY CONTRACT WITH USA SELF-STORAGE INC., D/B/A THE ACCESS COMPANIES FOR THE SALE OF THE MARINA PROPERTY AND IMPROVEMENTS A/K/A THE BEAUMONT YACHT CLUB LOCATED AT 560 MARINA DRIVE, THE CITY MANAGER IS HEREBY AUTHORIZED TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE SALE OF THE MARINA PROPERTY AND IMPROVEMENTS. Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, SAMUEL AND MOUTON

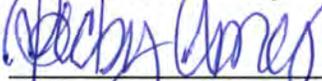
NAYS: NONE

MOTION PASSED

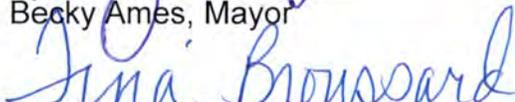
Resolution 16 – 062

There being no further business to come before Council, the meeting adjourned at 3:40 p.m.

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



Becky Ames, Mayor



Tina Broussard, City Clerk

