

# 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 12, 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 12, 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 Vernon P. Tubbs of First Full Gospel Baptist Church gave the invocation, Greg Bowling, Boy Scout and sophomore at Monsignor Kelly Catholic High School 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 and Mouton. Absent: Councilmember Audwin Samuel. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

Councilmember Samuel was absent due to work.

## Proclamations, Presentations, Recognitions

**Recognized Lamar University Staff:** Dr. Cruse Melvin, Vice President of Finance and Operations; Michael Ruland, Associate Vice President for Facilities Management; Jason Henderson, Athletic Director and oversee the Montagne Center; and Assistant Police Chief Gary Rash, the Mayor extended City's appreciation to Lamar University and staff for the assistance given to shelter evacuees from Orange County and the City of Orange in collaboration with City of Beaumont Emergency Management during the flood

**Recognized the Human Society:** Monica Lee, Public Relations and Development Director for the Human Society introduced the Board of Directors as well as thanking City officials, the Fire, Police and EMS and Beaumont Animal Services for all they did to assist during the fire at the shelter, they went beyond the call of duty, there was also two shelters dogs introduced Mrs. Piggy and Biscuit, they are two of the 13 dogs that survived the fire at the shelter

**“Annual Spring Into Action Day”** - April 15, 2016 - Proclamation read by Mayor Ames; accepted by Roger Bemis, Principal of Monsignor Kelly Catholic High School, the Student Council, along with some staff and parents

**“Global Youth Service Days”** - April 15-17, 2016 - Proclamation read by Councilmember Wright; accepted by Annie Bell, Coordinator with IEA – Inspire, Encourage and Achieve, and Leticia Coleman along with student Jazz Wade

**“National Crime Victims’ Rights Week”** - April 10-16, 2016 - Proclamation read by Mayor Pro Tem Getz; accepted by Misty Craver, Program Director with the Jefferson County Victims Assistance Center

**“Fair Housing Month”** - April, 2016 - Proclamation read by Councilmember Guidroz; accepted by Chris Boone, Community Development Director with the City of Beaumont

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

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

#### **CONSENT AGENDA**

- \* Approval of minutes – April 5, 2016
- \* Confirmation of committee appointments - **None**
- A) Approve a resolution authorizing the City Manager to execute all documents necessary for an affiliation agreement between the City of Beaumont and Lee College – **Resolution 16 - 063**
- B) Approve a resolution authorizing the City Manager to execute all documents necessary for an affiliation agreement between the City of Beaumont and Texas A & M Engineering Extension Service – **Resolution 16 - 064**
- C) Approve an amendment to the existing Commercial Card Agreement with JPMorgan Chase Bank, N.A. extending the term for two years and allowing for three additional one-year renewals – **Resolution 16 - 065**

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

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

**NAYS: NONE**

**MOTION PASSED**

## GENERAL BUSINESS

1. Consider a request to allow additional time for a specific use permit for an animal shelter and adoption center in a PUD (Planned Unit Development) District on property located on the west side of Major Drive 1 ½ miles north of Highway 105.

The Humane Society of Southeast Texas was granted a specific use permit by Beaumont City Council in June of 2014.

The applicant plans to offer a facility that will not only enhance the behavior and physical health of the animals, but become a destination for the community. A park like setting will accommodate walking trails as well as a dog park open to the public.

The hours of operation for the shelter would be typically 8 a.m. to 5 p.m. seven days per week with adoption hours starting at 11 a.m. Tuesday through Saturday and 1 p.m. on Sunday. Plans are to maintain 150 ft. of naturally wooded landscaping between the shelter and its neighbors and play yards for dogs would be located a minimum of 400 ft. from adjacent residential neighborhoods.

At a Joint Public Hearing held June 16, 2014, the Planning Commission recommended 5:0 to approve and on June 24, 2016, City Council voted 6:0 to approve a specific use permit to allow an animal shelter and adoption center, subject to the following condition:

1. A natural buffer being 150 ft. wide by 900 ft. in depth along the south property line be delineated on the site plan and remain undisturbed.

Due to a fire at their current location, the applicant is seeking an extension of two years as allowed by Section 28.04.001(g) of the City of Beaumont Ordinances, for good cause.

Approval of the two year extension.

Councilmember Pate moved to **ADOPT AN ORDINANCE AUTHORIZING A TWO YEAR EXTENSION OF A SPECIFIC USE PERMIT TO ALLOW AN ANIMAL SHELTER AND ADOPTION CENTER IN A PUD (PLANNED UNIT DEVELOPMENT) DISTRICT ON PROPERTY LOCATED ON THE WEST SIDE OF MAJOR DRIVE 1 ½ MILES NORTH OF HIGHWAY 105 IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Mouton seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Ordinance 16 - 022**

- 2. Consider a resolution authorizing the award of a bid to Shirley & Sons Construction Co., Inc. of Cleveland for the construction of the Cattail Marsh Boardwalk.

This project shall provide for the construction of a treated timber boardwalk and viewing platforms at the City of Beaumont's Cattail Marsh constructed wetland. The boardwalk will be constructed in Cell 2, located at the northwest corner of Cattail Marsh and shall extend approximately 560 feet, from the west side levee, across Cell 2.

On March 31, 2016 eight (8) formal bids were received.

<b>Contractor</b>	<b>Bid Amount</b>	<b>Location</b>
Shirley & Sons Construction Co., Inc.	\$228,800.00	Cleveland, TX
Signature Bridge, Inc.	\$245,513.00	Mentor, OH
L&L General Contractors	\$265,447.00	Beaumont, TX
Deztex Industrial Services, LLC	\$282,378.00	Port Arthur, TX
Crawley Shoreline Construction Inc.	\$317,780.00	Baytown, TX
Brystar Contracting, Inc.	\$357,800.00	Beaumont, TX
BDS Constructors, LLC, d/b/a MK Constructors	\$390,700.00	Vidor, TX
ALLCO LLC	\$485,001.00	Beaumont, TX

A total of 90 calendar days are allocated for the completion of the project.

Approval of resolution.

Councilmember Guidroz moved to APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH SHIRLEY & SONS CONSTRUCTION CO., INC., OF CLEVELAND, TEXAS, IN THE AMOUNT OF \$228,800 FOR THE CATTAIL MARSH BOARDWALK PROJECT FOR THE CONSTRUCTION OF A TREATED TIMBER BOARDWALK AND VIEWING PLATFORMS AT THE CITY OF BEAUMONT'S CATTAIL MARSH CONSTRUCTED WETLAND. Councilmember Wright seconded the motion.

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

**NAYS:           NONE**

**MOTION PASSED**

**Resolution 16 - 066**

- 3. Consider an ordinance authorizing the issuance and sale of City of Beaumont Tax Note, Series 2016, to finance the construction of the new landfill cell.

On December 8, 2015 with Resolution No.15-277, Council approved a contract for the Landfill Cell 2 Construction Project in the amount of \$1,411,638. On March 1, 2016, City Council approved a financing agreement for the purchase of several pieces of equipment. The construction of the landfill cell was included in the listing of items to be financed; however, the tax note is a more appropriate option for financing such an improvement. Therefore, the construction of the landfill cell was removed from that financing. A tax note is similar to a general obligation bond, but is secured by specified or constrained revenue sources rather than all revenue sources of the government. In this case, the revenues of the Solid Waste Fund are pledged.

The tax note will be issued at an interest rate of 1.84% to be repaid over a five year term.

Approval of the ordinance.

Councilmember Pate moved to **ADOPT AN ORDINANCE OF THE CITY OF BEAUMONT, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF BEAUMONT, TEXAS, TAX NOTE, SERIES 2016; LEVYING A TAX IN PAYMENT THEREOF; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.** Councilmember Guidroz seconded the motion.

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

**NAYS:            NONE**

**MOTION PASSED**

#### **Ordinance 16 – 023**

4. Consider a resolution providing for the reimbursement of capital expenditures incurred prior to financing.

On December 8, 2015 with Resolution No.15-277, Council approved a contract for the Landfill Cell 2 Construction Project. Construction of the cell began in February with the first progress payment being made on March 9, 2016. Because the payment was required prior to the financing being secured, a reimbursement resolution is warranted in order to allow the City to reimburse itself out of the proceeds of the financing. Such reimbursement resolutions are routine and have been approved in prior years when financing equipment as well as when incurring costs related to projects prior to issuing certificates of obligation and water revenue bonds.

Approval of the resolution.

Mayor Pro Tem Getz moved to **APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES PROVIDING FOR THE REIMBURSEMENT OF CAPITAL EXPENDITURES INCURRED PRIOR**



**John Andrew**

**6610 Poppy Dr.**

**Lumberton TX**

Item #61 11155 Pine Haven

Public Hearing Closed – 2:36 p.m.

5. Consider an ordinance declaring certain structures to be dangerous structures and ordering their removal within 10 days or authorizing the property owner to enroll the dangerous structure in a work program.

These structures have been inspected by the Building Codes Division and found to be unsafe structures as defined by the City of Beaumont's Code of Ordinances, Chapter 24, Article 24.04 Unsafe Substandard Structures, Division 1, Sec. 14.04.001 of the 2009 International Property Maintenance Code. Additionally, these structures have deteriorated to a condition that they are no longer considered suitable for repair.

Approval of the Ordinance.

Councilmember Guidroz moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE FINDING CERTAIN STRUCTURES TO BE PUBLIC NUISANCES AND ORDERING THEIR DEMOLITION REMOVAL OR REPAIR, AS WELL AS TO ALLOW PROPERTY OWNERS OF ITEMS #2, 16, 20 AND 30, TO ENTER INTO A 150 DAY WORK PROGRAM, ITEM #61 WAS PULLED; PROVIDING FOR SEVERABILITY AND PROVIDING FOR A PENALTY.** Mayor Pro Tem Getz seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Ordinance 16 – 024**

## **PUBLIC HEARING**

- \* Receive comments from applicants for Public Services and Public Facilities Program funding as well as public comments concerning the proposed 2016 Community Development Block Grant Program

Public Hearing Open – 2:38 p.m.

**Carolyn Fernandez**

**2140 Hazel**

**Beaumont TX**

Spoke on behalf of Catholic Charities of Southeast Texas

<b>Christina Morris</b>	<b>2390 Dowlen Rd.</b>	<b>Beaumont TX</b>
Spoke on behalf of Gift of Life		
<b>Paula O'Neal</b>	<b>11 Winchester Crt.</b>	<b>Beaumont TX</b>
Spoke on behalf of Henry's Place/Some Other Place		
<b>Elaine Shellenberger</b>	<b>4590 Concord</b>	<b>Beaumont TX</b>
Spoke on behalf of Nutrition Services for Senior		
<b>Dan Maher</b>	<b>3845 S. MLK Parkway</b>	<b>Beaumont TX</b>
Spoke on behalf of Southeast Texas Food Bank		
<b>Annie Bell</b>	<b>20 N. 11<sup>th</sup> St.</b>	<b>Beaumont TX</b>
Spoke on behalf of IEA – Inspire, Encourage and Achieve		
<b>Margot Gage</b>	<b>2390 Linson St.</b>	<b>Beaumont TX</b>
Spoke on behalf of Young American Overseas		
<b>Angie Kannada</b>	<b>3550 Fannin St.</b>	<b>Beaumont TX</b>
Spoke on behalf of Family Services of Southeast Texas		
<b>Brenda Garrison</b>	<b>810 Hospital Dr. #190</b>	<b>Beaumont TX</b>
Spoke on behalf of Child abuse and Forensic Services		
<b>Richard Patterson</b>	<b>12945 Basswood Ln.</b>	<b>Beaumont TX</b>
Spoke on behalf of AARP/Experience Corp.		
<b>Gary Hidalgo</b>	<b>700 North St.</b>	<b>Beaumont TX</b>
Spoke on behalf of The Arc of Greater Beaumont		
<b>Paula Hill</b>	<b>2060 Irving</b>	<b>Beaumont TX</b>
Spoke on behalf of Southeast Texas Family Resource Center		

Vivian Ballou

700 North St., Suite D

Beaumont TX

Spoke on behalf of Tender Loving Care/Legacy CDC

Public Hearing Closed – 3:35 p.m.

## WORK SESSIONS

- \* Review and discuss the responses to the Request for Proposals for private warranty programs available for customer water/sewer lines

Laura Clark, Chief Financial Officer, reviewed and discussed the Request for Proposals for private warranty programs available for customer water/sewer lines. Ms. Clark stated that back in December she did a second Worksession on warranty programs for water/sewer service lines, Council requested at that time that a Request for Qualifications be put out, this was done. Two RFQ's were received one from Utilities Service Partners and the other was from Home Serve. Ms. Clark discussed several high- lighted questions that Council had. There was discussion as to what the warranty of each company covers, replacement of landscaping if any as they found it, how would the contractors be chosen, the claims process, denial rate, and annual caps if any per incident, each vendor would like to do a partnership with the city. Council did ask questions of both representatives from Utilities Service Partners and Home Serve

- \* Review and discuss the construction and/or repair of sidewalks throughout the City of Beaumont - **Postponed**

## COMMENTS

- \* Councilmembers/City Manager/City Attorney comments on various matters

## COUNCILMEMBER COMMENTS

COUNCILMEMBER MOUTON -

STATED THAT THE CITY HAD A SUCCESSFUL TRASH OFF ON SATURDAY, CONGRATULATED THE SON OF PASTORS DEANNA AND KENNEDY ANDREWS, KENNEDY BRIGHTON ANDREWS WHO IS 11 YEARS OLD WAS THE WINNER OF AN ESSAY HE WROTE ENTITLED "A CHANGED MAN THAT CHANGED ME", RECOGNIZED MR. SPIVEY WHO WAS IN ATTENDANCE AT THE MEETING

COUNCILMEMBER SAMUEL -

ABSENT

<b>COUNCILMEMBER PATE -</b>	<b>ANNOUNCED LAMAR UNIVERSITY'S BASEBALL GAME ON FRIDAY, APRIL 15, 2016, THEY WILL BE PLAYING McNEESE STATE UNIVERSITY, APPRECIATED THE CITIZENS THAT PARTICIPATED IN THE TEXAS TRASH OFF</b>
<b>COUNCILMEMBER WRIGHT -</b>	<b>PROUD OF THE CITIZENS FOR THE SUCCESSFUL TRASH OFF, ATTENDED THE GIRLS HAVEN PROGRAM ON SATURDAY, THE PROGRAM WAS SPONSORED BY THE JUNIOR LEAGUE</b>
<b>MAYOR PRO TEM GETZ -</b>	<b>COMMENTED ON THE TEXAS TRASH OFF ON SATURDAY, READ AN EDITORIAL FROM THE BEAUMONT ENTERPRISE DATED OCTOBER, 2007, REGARDING TOWN HALL MEETINGS, STATED THAT HE THINKS IT WOULD BE A GOOD IDEA TO HAVE QUARTERLY CITY COUNCIL MEETINGS WHERE THERE IS A SMALLER AGENDA AND HAVE THEM IN EACH INDIVIDUAL WARD</b>
<b>COUNCILMEMBER GUIDROZ -</b>	<b>AGREED WITH MAYOR PRO TEM GETZ THAT HAVING QUARTERLY MEETINGS IN EVERY WARD WOULD BE A GOOD IDEA, STATED THAT RYAN SLOTT HAS BEEN WORKING WITH A YOUNG HISPANIC KID NAME MARCO HERNANDEZ WHO HAS SOME REALLY GREAT IDEAS, LENNY CABALLERO IS WORKING WITH THE HISPANIC COMMUNITY ON HAVING A HISPANIC FESTIVAL SET FOR MAY 14, 2016, MORE INFORMATION WILL BE FORTH-COMING, COMMENTED ON LAMAR UNIVERSITY'S BASEBALL GAME ON FRIDAY, THEY WILL BE PLAYING McNEESE STATE UNIVERSITY, THE LAMAR MEN'S TENNIS TEAM WILL BE PLAYING ON WEDNESDAY, AT 3:30 P.M., THEY WILL BE PLAYING TEXAS A &amp; M, ANNOUNCED THE GIFT OF LIFE CHAMPAGNE AND RIBS, ENCOURAGED EVERYONE TO ATTEND</b>
<b>CITY ATTORNEY COOPER -</b>	<b>NONE</b>
<b>CITY MANAGER HAYES -</b>	<b>ANNOUNCED THAT 282 CITIZENS SHOWED UP FOR THE TEXAS TRASH OFF, 2100 POUNDS OF TRASH WAS PICKED, THANKED COUNCIL, SPONSORS, CITIZENS AND EMPLOYEES THAT WORKED REALLY HARD ON THE EVENT</b>
<b>MAYOR AMES -</b>	<b>NONE</b>

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

**Lafayette Spivey**

**6010 Chandler Dr.**

**Beaumont TX**

Stated that he has spoken to Council in the past in regards to Liberia Park, asked that Council would consider grandfathering that park, the park needs to be advanced, if it was decided that the cover over the basketball court was rotten and removed that's fine but the cover needs to be replaced, stated that the citizens in that area don't want to have to go to another park in another part of town

Open session of meeting recessed at 4:55 p.m.

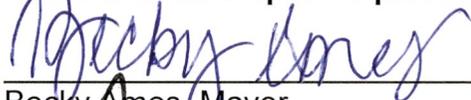
**EXECUTIVE SESSION**

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

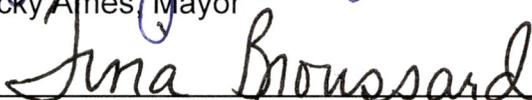
United States of America vs. City of Beaumont, Texas; Civil Action  
No. 1:15CV201

There being no action taken in Executive Session, Council adjourned.

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



Becky Ames, Mayor



Tina Broussard, City Clerk

