

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
March 1, 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 **March 1, 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 1-5/Consent Agenda
- * Consent Agenda

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

Pastor Dwight Benoit of Magnolia Missionary Baptist Beaumont 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

"American Red Cross Month" - March, 2016 - Proclamation read by Mayor Ames; accepted by Chester Jourdan, Director of the American Red Cross of Southeast Texas

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

Public Comment: Persons may speak on scheduled agenda items 1-5/Consent Agenda.

None

CONSENT AGENDA

- * Approval of minutes – **February 23, 2016**
- * Confirmation of committee appointments – **Resolution 16 - 038**

Keely Kinsel will replace Carrie May who was appointed to fill the unexpired term of Cindy Meyers, Humane Society Representative on the Animal Health Advisory Committee. The term would commence March 1, 2016 and expire September 30, 2017. (Mayor Becky Ames)

- A) Authorize the City Manager to execute a Standard Utility Agreement with the Texas Department of Transportation for the relocation of an existing 20" waterline along Major Drive north of IH-10 – **Resolution 16 - 039**
- B) Approve a resolution accepting payment for a paving lien dated May 23, 1931 on property legally described as Arlington Addition, ½ L7 and L8 of Block 21, and waiving interest – **Resolution 16 - 040**

Councilmember Pate moved to approve the Consent Agenda. Councilmember Mouton 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 resolution authorizing the City Manager to enter into a financing agreement with Wells Fargo Bank related to the financing of various equipment and for the construction of a new landfill cell.

The FY 2016 Budget included financing the following equipment:

Equipment	Dept/Div	Amount
Vactor	Water Utilities	\$ 330,258
Paving Machine	Streets & Drainage	385,165
Sweeper	Streets & Draiage	279,999
Refuse Trucks	Solid Waste	3,548,436
Landfill Cell Expansion		1,411,638
Total		\$ 5,955,496

Wells Fargo, N.A., the City’s depository bank, proposed a financing agreement structured in compliance with Texas Local Government Code, Chapter 271, which allows the City to “execute, perform, and make payments under a contract with any person for the use or the purchase or other acquisition of personal property, or financing thereof” and to make payments “from a pledge of all or any part of any revenues, funds, or taxes available to the governmental agency.” The agreement is a five-year term loan with fixed interest rate of 1.8%, secured by a pledge of the net revenues in the Solid Waste Fund, within the limits provided by law. The Payments will be drafted automatically on a monthly basis. In addition, the City may prepay the loan without penalty at any amount at any time. There are no closing fees and the vendor invoices will be paid directly by the bank.

The total estimated principal and interest over the five year term is \$6,231,975; interest of \$276,479.23 and principal of \$5,955,496. The debt service will be paid from the following Funds:

Fund	Percentage	Total Debt Service
Water Utilities Fund	6%	\$ 373,918.50
Capital Reserve Fund	11%	685,517.25
Solid Waste Fund	83%	5,172,539.25
Total	100%	\$ 6,231,975.00

Approval of resolution.

Councilmember Guidroz moved to APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A FIVE (5) YEAR FINANCING AGREEMENT WITH WELLS FARGO BANK WITH A FIXED INTEREST RATE OF 1.8% TO FINANCE UP TO \$5,955,496 FOR EQUIPMENT AND VEHICLE PURCHASES FOR THE WATER UTILITIES DEPARTMENT, STREETS & DRAINAGE DIVISION AND SOLID WASTE DIVISION. Councilmember Samuel seconded the motion.

AYES: MAYOR AMES, COUNCILMEMBERS GUIDROZ, PATE, SAMUEL AND MOUTON

NAYS: MAYOR PRO TEM GETZ AND COUNCILMEMBER WRIGHT

MOTION PASSED

Resolution 16 - 041

2. Consider a resolution authorizing the award of a bid to LD Construction of Beaumont for the North Main Street (From Calder Avenue to Pine Street) and Pine Street (From Main Street to Miller Street) Surface Rehabilitation Project.

The sections of North Main Street from Calder Avenue to Pine Street and Pine Street from Main Street to Miller Street are heavily traveled, two (2) lane roadways, that have experienced numerous failures and after continual repair efforts now require resurfacing to extend the life of the roadway.

On Thursday, February 18, 2016, bids were solicited for furnishing all labor, materials, equipment and supplies for the project. Four (4) bids were received as follows:

Contractor	Location	Bid
LD Construction	Beaumont, Texas	\$339,189.65
APAC	Beaumont, Texas	\$473,730.75
A-1 Construction Services	Houston, Texas	\$499,596.00
ALLCO, Inc.	Beaumont, Texas	\$541,054.00

A total of 90 calendar days are allocated for the completion of the project. LD Construction is a Certified MBE/HUB company.

Capital Program.

Approval of resolution.

Councilmember Pate moved to APPROVE A RESOLUTION THAT THE BID SUBMITTED BY LD CONSTRUCTION, OF BEAUMONT, TEXAS, IN THE AMOUNT OF \$339,189.65 FOR A CONTRACT FOR THE SURFACE REHABILITATION PROJECT FOR NORTH MAIN STREET (FROM CALDER AVENUE TO PINE STREET) & PINE STREET (FROM MAIN STREET TO MILLER STREET) BE ACCEPTED BY THE CITY OF BEAUMONT; AND THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH LD CONSTRUCTION, OF BEAUMONT, TEXAS. 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

Resolution 16 - 042

3. Consider a resolution approving the purchase of sodium hydroxide from DXI, Inc. for use by the Water Department.

Sodium hydroxide is used to purify the City's water supply. The Water Utilities Department expects to purchase approximately five hundred (500) dry tons of this material during the term of this contract.

Formal bids were requested from nine (9) vendors for a six (6) month contract to supply sodium hydroxide. Seven (7) bids were received. Low bid of \$172,375 was submitted by DXI, Inc., of Houston. This represents an \$85.25/ton decrease in the price of this material over last contract. DXI, Inc., has previously held this contract. There are no local vendors of this commodity.

Water Utilities Fund.

Approval of the resolution.

Councilmember Guidroz moved to APPROVE A RESOLUTION THAT THE BID SUBMITTED BY DXI, INC., OF HOUSTON, TEXAS, FOR A SIX (6) MONTH CONTRACT FOR THE PURCHASE OF SODIUM HYDROXIDE IN THE ESTIMATED TOTAL EXPENDITURE OF \$172,375 BE ACCEPTED BY THE CITY OF BEAUMONT; AND THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH DXI, INC. Councilmember Mouton seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 16 – 043

4. Consider a resolution approving the purchase of five defibrillators from Physio-Control, Inc. of Redmond, Washington for use by the EMS Division and the Fire Department.

The defibrillators are used by the Emergency Medical Services (EMS) Division and the Fire Department as a complete acute cardiac care response system designed for basic and advanced life support. In order for first responders to provide a quicker response to the patients, EMS and the Fire Department utilize the same type of equipment that is manufactured, warranted, and maintained, by Physio-Control.

Pricing was obtained from Physio-Control as a sole source provider. Three units in EMS and two in the Fire Department will be replaced due to age and wear. Three units will be traded-in at a credit of \$5,000 per unit and two units will be traded-in at a credit of \$3,506.36 per unit toward the cost of the new units.

Capital Reserve Fund.

Approval of the resolution.

Councilmember Wright moved to **APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE PURCHASE OF FIVE (5) LP15V4 MONITOR/DEFIBRILLATORS FOR USE BY EMERGENCY MEDICAL SERVICES (EMS) AND THE FIRE DEPARTMENT FROM PHYSIO-CONTROL, INC., OF REDMOND, WASHINGTON, A SOLE SOURCE PROVIDER, IN THE AMOUNT OF \$140,836.74.** Councilmember Mouton seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 16 - 044

5. Consider a resolution offering support for the proposed Lumberton Senior Village Housing Community, a proposed Housing Tax Credit project located in the city's extraterritorial jurisdiction.

Lumberton Senior Village, LTD is requesting support for their application to the Texas Department of Housing and Community Affairs (TDHCA) for use of tax credit funds for the construction of a seventy-six (76) unit housing development at the northwest corner of

Mitchell Road and Smith League Road.

According to TDHCA's scoring criteria, outlined in the Qualified Allocation Plan (QAP), projects that receive support from the local governing body would receive a more favorable rating during the evaluation process.

This item is being recommended by Mayor Pro-Tem Mike Getz and Councilmember Claude Guidroz.

Mayor Pro Tem Getz moved to APPROVE A RESOLUTION THAT THE CITY OF BEAUMONT, ACTION THROUGH ITS GOVERNING BODY, HEREBY CONFIRMS THAT IT SUPPORTS THE PROPOSED LUMBERTON SENIOR VILLAGE HOUSING COMMUNITY LOCATED AT THE NORTHWEST CORNER OF MITCHELL ROAD AND SMITH LEAGUE ROAD AND THAT THIS FORMAL ACTION HAS BEEN TAKEN TO PUT ON RECORD THE OPINION EXPRESSED BY THE CITY OF BEAUMONT ON MARCH 1, 2013, FOR ON BEHALF OF THE GOVERNING BODY, KYLE HAYES, CITY MANAGER, IS HEREBY AUTHORIZED, EMPOWERED, AND DIRECTED TO CERTIFY THIS RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS. Councilmember Guidroz seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 16 – 045

WORK SESSION

- * Review and discuss the appointment of members to the Historic Landmark Commission

Kyle Hayes, City Manager, reviewed and discussed the appointment of members to the Historic Landmark Commission. It was stated that the members of the Historic Landmark Commission shall be appointed for a term of two (2) years, expiring on September 30 of odd numbered years. Vacancies shall be filled for the remainder of the unexpired term of any member whose place becomes vacant for any cause. The Historic Landmark Commission shall consist of nine (9) members appointed by the City Council. The members shall be from the City Planning Commission, a licensed architect, a licensed attorney, a professional historian, a member of the Beaumont Heritage Society, a Jefferson County Historical Commission and three members shall be appointed from the community at large. All members shall have knowledge and experience of the architectural, archaeological, cultural, social, economic, ethnic and political history of Beaumont

COMMENTS

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

COUNCILMEMBER COMMENTS

COUNCILMEMBER GUIDROZ -

CONGRATULATED THE **RED CROSS** AND EVERYONE THAT WAS RECOGNIZED DURING THE PROCLAMATION SESSION OF THE MEETING, CONGRATULATED **RICHARD AND AMY JAMES** FOR ALL THAT THEY DID IN REGARDS TO THE **GUSHER MARATHON**, AS WELL AS **VIRGINIA JORDAN** AND THE CITIZENS IN **OLD TOWN** ON THE NEWSPAPER ARTICLE IN THE **BEAUMONT ENTERPRISE**, THEY HAVE DONE A LOT OF WORK TO REJUVENATE THE **OAKS HISTORIC DISTRICT**

MAYOR PRO TEM GETZ -

CONGRATULATED COUNCILMEMBER **PATE**, WHO HAS BEEN NAMED **2ND VICE PRESIDENT** TO THE **TEXAS ASSOCIATION OF MAYORS AND CITY COUNCILMEMBERS** AND ALSO **MODERATOR** OF THE **TEXAS MUNICIPAL LEAGUE**, ALSO CONGRATULATED THE **RED CROSS** AND THEIR ACCOMPLISHMENTS

COUNCILMEMBER WRIGHT -

VERY PROUD OF THE SUCCESS OF THE **GUSHER MARATHON**, HOWEVER SHE RECEIVED NUMEROUS CALLS DUE THE **I-10** EXIT TO DOWNTOWN BEING CLOSED DUE TO THE MARATHON, DOESN'T THINK A MAJOR EXIT SHOULD BE CLOSED FOR AN INTERNAL EVENT, COMMENTED ON THE AFFORDABLE INCOME HOUSING AND THEIR WANTING TO COME TO THE CITY DUE TO THE TAX CREDITS, STATED THAT THERE WAS A PRIVATE COMPLEX ON **4TH AND VIRGINIA** THAT COULD ALSO USE THE TAX CREDITS TO BRING THIS COMPLEX BACK ON LINE, ALSO COMMENTED ON THE DETOUR SIGNS ON THE **AVENUE A** PROJECT, STATED THE DETOUR SIGNS ARE INADEQUATE, ASKED THAT THE CONTRACTORS GO OUT AND CHANGE THE DETOUR DIRECTIONS, STATED IT'S ANOTHER GREAT DAY IN **BEAUMONT**

COUNCILMEMBER PATE -

REMINDED EVERYBODY THAT IT'S ELECTION DAY AND ENCOURAGED EVERYONE TO GO OUT AND EXERCISE THEIR RIGHT AND PRIVILEGE TO VOTE, COMMENTED ON **DELI DAYS** AT **TEMPLE EMANUEL**, COMPLIMENTED EVERYONE THAT WAS INVOLVED WITH THE **GUSHER MARATHON**, ANNOUNCED THE **BEACH BOYS** CONCERT ON **SATURDAY, MARCH 5, 2016**, ALSO COMMENTED ON **LAMAR UNIVERSITY'S** NEW BASEBALL

COACH, AS WELL AS LT. GENERAL MARVIN BRAILSFORD WHO SPOKE AT LAMAR UNIVERSITY

COUNCILMEMBER SAMUEL -

COMMENTED ON THE AFFORDABLE HOUSING TAX CREDIT PROGRAM, STATED THAT WHAT THE COUNCIL HAS DONE TODAY IS TO SAY THAT THEY NO LONGER NEED AFFORDABLE HOUSING IN THE CITY OF BEAUMONT, ESPECIALLY THOSE THAT ARE SEEKING TAX CREDITS, THE COUNCIL'S ACTION TO TAKE NO ACTION APPEARS TO ONLY ADDRESS THOSE THAT OPPOSED THE PROGRAMS OR PROJECTS BEING PLACED IN THEIR COMMUNITIES, STATED THAT IT DISTURBS HIM BECAUSE OVER THE YEARS WHEN THERE HAS BEEN A NEED AND A NEED WAS IDENTIFIED AND PLACED IN OTHER AREAS OF THE CITY IT WAS ALRIGHT, BUT NOW THAT THE FEDERAL GOVERNMENT IS SAYING THESE PROJECTS NEED TO BE IN IMPACTED AREAS AND AREAS WITH OPPORTUNITY IT HAS BECOME A PROBLEM AND NOW WE ARE SAYING WE DON'T NEED ANY MORE AFFORDABLE HOUSING TAX CREDIT PROGRAMS IN OUR CITY, THANKED ALL OF THE CITIZENS THAT CAME OUT TO THE FEDERATION MEETING AT THE STERLING PRUITT CENTER, ALSO COMMENTED ON HIS UNCLE LT. GENERAL MARVIN BRAILSFORD WHO SPOKE AT LAMAR UNIVERSITY

COUNCILMEMBER MOUTON -

CONGRATULATED COUNCILMEMBER PATE AS MODERATOR FOR TML, AS WELL AS COUNCILMEMBER SAMUEL ON A WELL-ATTENDED FORUM ON LAST WEEK, ALSO THANKED HIM FOR THE WORK THAT HE IS DOING WITH OTHER CITIZENS IN THE COMMUNITY TO POLICE THE KIDS IN PARKDALE MALL, IN OBSERVANCE OF BLACK HISTORY MONTH SHE STATED SHE ATTENDED EXXONMOBIL AND LAMAR UNIVERSITY PROGRAMS WHERE THEY HONORED LIVING LEGENDS IN THE CITY, CONGRATULATED BOBBY PATTERSON AND BARBARA LYNN, ENJOYED A SPEECH BY LT. GENERAL BRAILSFORD WHO SPOKE AT LAMAR UNIVERSITY, EXPRESSED GLADNESS TO HAVE THE GUSHER MARATHON DOWNTOWN, STATED THAT IT TOOK HER 45 MINUTES TO TRY TO GET THROUGH DOWNTOWN BEAUMONT FOR A FUNERAL, CONGRATULATED THE RED CROSS, INFORMED COUNCILMEMBER WRIGHT THAT SHE'S WORKING WITH THE OWNER OF LINCOLN TERRACE THAT IS NOW MAPLE ESTATE TO GET SOME ASSISTANCE WITH TAX CREDITS, CONGRATULATED OZEN HIGH SCHOOL WHO IS STATE BOUND

CITY ATTORNEY COOPER - NONE

CITY MANAGER HAYES - NONE

MAYOR AMES - NONE

Public Comments (Persons are limited to three minutes)

Teresa Bowyer 1111 Timbergrove Ln. Houston TX

Spoke in regards to the Old Dowlen Cottages' stated that the construction project proposed by her company would have added 90 affordable senior units to the City's stock and that the project would have served seniors in need of affordable housing, she stated that the market is still underserved in Beaumont, also stated that she believes there is room for more affordable senior living units, the construction would have generated an estimated \$71,000 tax bill annually and feels this is a missed opportunity for the City

Terry Bennett 5210 Bigner Rd. Beaumont TX

Spoke to Council in regards to horseback riders on Bigner Rd., Lucas, Concord etc., the riders are holding up traffic, at times there are three to four riders that are riding in the street, there have been several calls made to the Police Department and to Animal Control, both have stated that there is no ordinance against riding horses in City, this is a safety hazard and a health concern because the horses are pooping in the street, something needs to be done about this right away, also stated that he hopes that his tax dollars aren't being used to fight a law suit against Fair Housing

Open session of meeting recessed at 2:43 p.m.

EXECUTIVE SESSION

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

Joshua Bean, Nancy Hulett and Elizabeth Alexander vs. City of Beaumont and Edward Stuart; Cause No. E-197,245

Coriana Hayes v. City of Beaumont; No. A-197,953

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

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

Becky Ames

Becky Ames, Mayor

Tina Broussard

Tina Broussard, City Clerk

