

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
July 21, 2015
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 **July 21, 2015**, 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 1-6/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 as well as 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

"ADA Celebration Week" - July 9 – 25, 2015 - Proclamation read by Councilmember Guidroz; accepted by Kenneth Semien with the Beaumont Area Council of the Blind and members of other organizations

"National Hospitality House Week" – July 19-25, 2015 – Proclamation read by Mayor Ames; accepted by Bel Lamb, Executive Director of the Anayat House, Inc. and board members; along with Morgan Walston, Executive Director of Albert E. & Gena Reaud Guest House

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 1-6/Consent Agenda.

None

CONSENT AGENDA

- * Approval of minutes – **July 14, 2015**

* Confirmation of committee appointments – **Resolution 15 - 138**

Karl Duerr would be reappointed to the Police Department Community Advisory Committee. The current term would expire July 11, 2017. (Mayor Pro Tem Mike Getz)

Douglas Rathgeber would be reappointed to the Police Department Community Advisory Committee. The current term would expire July 11, 2017. (Mayor Pro Tem Mike Getz)

Raymond Ambres would be reappointed to the Community Development Advisory Committee. The current term would expire December 18, 2016. (Mayor Becky Ames)

- A) Approve the renewal of an annual maintenance agreement with SirsiDynix related to software used in Library System – **Resolution 15 - 139**
- B) Approve the assignment of a contract for concession services from Treat America Food Services to WOW Food Concept – **Resolution 15 - 140**
- C) Authorize the granting of two Pipeline Agreements with Enterprise Beaumont Marine West, LP – **Resolution 15 - 141**

Councilmember Getz moved to approve the Consent Agenda. Councilmember Wright 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 amending Section 2.03.075 of the Code of Ordinances to add one Assistant Chief's position and delete one Officer position within the Beaumont Police Department.

Prior to 2012, the Police Department operated with three Captains and without an Assistant Chief. Chief Singletary added one assistant chief position, and later, removed a captain position. Currently, the department is operating with one assistant chief and two captains. Chief Singletary, in an effort to further restructure the command staff of the department, is requesting to remove one currently vacant Grade I Officer position and add a second Grade V Assistant Chief.

Funds are available in the Police Department budget.

Approval of amending the ordinance.

Councilmember Pate moved to ADOPT AN ORDINANCE ENTITLED AN ORDINANCE AMENDING SECTION 2.03.075 OF THE CODE OF ORDINANCES BY DECREASING THE NUMBER OF GRADE 1 OFFICER POSITIONS FROM ONE HUNDRED NINETY-NINE (199) TO ONE HUNDRED NINETY-EIGHT (198) AND ADDING THE NUMBER OF GRADE V ASSISTANT CHIEF POSITIONS IN THE BEAUMONT POLICE DEPARTMENT FROM ONE (1) TO TWO (2); PROVIDING FOR SEVERABILITY AND PROVIDING FOR REPEAL. Councilmember Guidroz seconded the motion.

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

NAYS: NONE

MOTION PASSED

Ordinance 15 - 024

2. Consider a resolution approving an annual contract for the purchase of aluminum sulfate from Brenntag Southwest, Inc., of Houston for use by the Water Utilities Department.

Bids were requested for an annual contract to provide aluminum sulfate, which is used to clarify and purify the City's water supply.

Due to changing water conditions the Water Utilities Department requested pricing for aluminum sulfate and aluminum sulfate modified with the addition of copper sulfate at two percent (2%) concentration. The addition of copper sulfate reduces the buildup of algae within the plant clarifiers and improves the general taste of the water. While it is anticipated that only the copper sulfate enhanced product will be used, the structure of the bid allows the water plant to order the specific concentration of materials as needed.

Five (5) vendors were solicited; five (5) responded. Brenntag Southwest, Inc., of Houston was the low bid. They have been a provider of this material and have satisfactorily serviced this contract in prior years. There are no local vendors providing this material. The estimated total price above represents the anticipated requirement for 2,000 dry tons of the copper sulfate enhanced material. The bid price of \$222.22 per ton is a decrease of approximately \$1.32 below the current contract price.

Water Utilities Fund.

Approval of resolution.

Councilmember Getz moved to APPROVE A RESOLUTION THAT THE BID SUBMITTED BY BRENNTAG SOUTHWEST, INC. OF HOUSTON, TEXAS, FOR AN ANNUAL CONTRACT FOR THE PURCHASE OF ALUMINUM SULFATE FOR USE BY THE WATER UTILITIES DEPARTMENT FOR AN ESTIMATED AMOUNT OF \$444,440 BE ACCEPTED BY THE CITY OF BEAUMONT; AND THAT THE CITY MANAGER BE AND IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH BRENNTAG SOUTHWEST, INC. OF HOUSTON, TEXAS. Councilmember Wright seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 15 - 143

3. Consider a resolution approving the award of a contract for collection services to Municipal Services Bureau of Austin.

The City of Beaumont's Central Collections Division of the Finance Department is responsible for central cashier services, billing, and collection services. The division is responsible for billing EMS runs to insurance companies, Medicare, Medicaid and individuals (self-pay) and pursuing the collections of the related payments. In addition, the division is responsible for billing and collecting miscellaneous receivables. Customers are billed at the time of service with subsequent statements sent at 30, 60, and 90 day intervals. Once the City has exhausted all collection efforts, accounts are sent to the contracted collection agency. Accounts are typically turned over to the collection agency once they are at least 90 days delinquent. During the fiscal year ended September 30, 2014, the City accrued \$2,872,223 in delinquent accounts.

Requests for Proposal were sent to nineteen (19) vendors. The City received five (5) responses. The responses were evaluated by City staff and the best score was received by Municipal Services Bureau (MSB) for Central Collections. MSB will charge the City seventeen percent (17%) for their services. The contract is for one (1) year with two (2) one year options to renew. The contract was previously held by Professional Finance Company with a commission rate of twenty percent (20%).

MSB will charge seventeen percent (17%) of funds actually collected by their efforts.

Approval of resolution.

Councilmember Guidroz moved to APPROVE A RESOLUTION THAT THE PROPOSAL SUBMITTED BY GILA, LLC, D/B/A MUNICIPAL SERVICES BUREAU, OF AUSTIN, TEXAS, FOR A ONE (1) YEAR CONTRACT FOR COLLECTION SERVICES OF DELINQUENT CENTRAL COLLECTIONS FEES, WITH TWO (2) ONE (1) YEAR RENEWAL OPTIONS BE ACCEPTED BY THE CITY OF BEAUMONT; AND THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH GILA, LLC, D/B/A MUNICIPAL SERVICES BUREAU, OF AUSTIN, TEXAS. Councilmember Mouton seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 15 – 143

4. Consider a resolution approving the award of a contract to McCreary, Veselka, Bragg and Allen of Round Rock for collection services related to Municipal Court.

Among other court-related functions, the Municipal Court Division of the Finance Department processes payments of fines, processes overdue notices of outstanding fines, establishes payments plans, and processes warrants issued for non-payment of outstanding fines. An overdue account goes into warrant status at 30 days past due and is turned over to a collection agency at 60 days past due. A statutory collection fee of 30% is attached to the amount past due and is paid by the defendant upon payment of the past due fine. Municipal Court's current collection agency is Linebarger, Goggan, Blair, & Sampson.

Requests for Proposal were sent to nineteen (19) vendors. The City received five (5) responses. The responses were evaluated by City staff and the highest score was received by McCreary, Veselka, Bragg and Allen (MVBA). MVBA will charge the statutory amount of 30%. Each contract is for one (1) year with two (2) one year options to renew.

The statutory collection fee is paid by the defendant.

Approval of resolution.

Councilmember Wright moved to APPROVE A RESOLUTION THAT THE PROPOSAL SUBMITTED BY MCCREARY, VESLKA, BRAGG AND ALLEN, P.C., OF ROUND ROCK, TEXAS, FOR A ONE (1) YEAR CONTRACT FOR COLLECTION SERVICES OF DELINQUENT MUNICIPAL COURT FINES AND FEES, WITH TWO (2) ONE (1) YEAR RENEWAL OPTIONS BE ACCEPTED BY THE CITY OF BEAUMONT; AND THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH MCCREARY, VESLKA, BRAGG AND ALLEN, P.C., OF ROUND ROCK, TEXAS. Councilmember Mouton seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 15 – 144

5. Consider approving an agreement with BKD, LLP, of Houston, for auditing services.

The Beaumont City Charter states "no auditor or firm of auditors shall serve as auditor for the City of Beaumont for more than four (4) consecutive years." Whitley Penn, PC audited the fiscal year 2014 financial statements, which was the fourth and final year of their agreement. City staff solicited, reviewed, and analyzed responses to requests for proposal (RFP) from four (4) accounting firms. Proposals were evaluated based upon three sets of criteria: mandatory elements, technical qualifications, and price. BKD met the criteria as set forth in the RFP to serve as auditor. Audit services will commence with fiscal year ended September 30, 2015 and may be extended by mutual consent to fiscal years 2016,

2017 and 2018. Interim work is scheduled to begin in August and the audit reports are scheduled to be completed before March 31, 2016.

The contract amount including expenses will not be greater than \$75,000 for the first year. Funds will be available in the Finance Department's FY2016 budget for this expenditure. Fees for the audits of fiscal years 2016, 2017, and 2018 will be \$77,250, \$79,500, and \$82,000, respectively. Whitley Penn was paid \$89,500 for auditing fiscal year 2014.

Approval of resolution.

Councilmember Mouton moved to APPROVE A RESOLUTION THAT THE FIRM BKD, LLP, OF HOUSTON, TEXAS, BE AND IT IS HEREBY DESIGNATED AS THE INDEPENDENT AUDITING FIRM FOR THE CITY OF BEAUMONT IN THE AMOUNT OF NO GREATER THAN \$75,000 FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015 WITH AN OPTION TO RENEW ON A YEAR-TO-YEAR BASIS FOR A PERIOD NOT TO EXCEED THREE (3) ADDITIONAL YEARS, UPON MUTUAL CONSENT OF BOTH PARTIES. FEES FOR THE AUDITS OF FISCAL YEARS 2016, 2017, AND 2018 WILL BE \$77,250, \$79,500, AND \$82,000, RESPECTIVELY; AND, THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE THE CONTRACT WITH BKD, LLP. Councilmember Pate seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 15 – 145

6. Consider a resolution approving a lease between the City of Beaumont and Tyrrell Park Stables LLC of Beaumont for the Tyrrell Park stables and associated pastures.

Requests for Proposal were provided to six (6) vendors to lease the Tyrrell Park Stables including the barn and associated pastures north of the stables road to Downs Road extended. Tyrrell Park Stables, LLC provided the sole response. The facility will be used to board and train horses as well as a venue for riding lessons.

The lease is for one year with three (3) one-year renewals. The monthly lease payment of \$350 is to start thirty (30) days after the move-in date. The vendor will be responsible for all utilities during the term of the contract.

Approval of resolution.

Councilmember Pate moved to APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF BEAUMONT AND TYRRELL PARK STABLES, LLC, OF BEAUMONT, TEXAS, FOR A ONE (1) YEAR LEASE, WITH THREE (3) ANNUAL OPTIONS TO RENEW FOR A PERIOD OF ONE (1) YEAR, IN THE MONTHLY AMOUNT OF \$350, PLUS UTILITIES, FOR TYRRELL PARK STABLES AND ASSOCIATED PASTURES TO BOARD AND TRAIN HORSES AS WELL AS PROVIDE A VENUE FOR RIDING LESSONS AT TYRRELL PARK. Councilmember Wright seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 15 – 146

COUNCILMEMBER COMMENTS

COUNCILMEMBER MOUTON - THANKED EVERYONE FOR ATTENDING THE COUNCIL MEETING

COUNCILMEMBER SAMUEL - NONE

COUNCILMEMBER PATE - HEARTS AND PRAYERS GO OUT TO THE THOSE IN CHATTANOOGA, THANKED EVERYONE FOR THE BIRTHDAY WISHES, IT'S ALWAYS A GREAT DAY IN BEAUMONT, THANKED KINSEL FORD FOR THEIR SUPPORT OF THE JAZZ FEST THAT TOOK PLACE OVER THE WEEKEND

COUNCILMEMBER WRIGHT - STATED SHE ALSO CELEBRATED A BIRTHDAY LAST WEEK, THANKED EVERYONE FOR HER BIRTHDAY WISHES, CARDS AND GIFTS, THANKED ALL OF THE CONSTITUENTS OF BEAUMONT FOR LETTING HER SERVE THEM

MAYOR PRO TEM GETZ - ANNOUNCED THE DOWLEN/WEST NEIGHBORHOOD ASSOCIATIONS REGULAR MONTHLY MEETING, TUESDAY, JULY 21, 2015, THEIR SPECIAL GUEST WILL BE INTERIM WATER UTILITIES DIRECTOR, MOLLY VILLAREAL, AT ROGERS PARK COMMUNITY CENTER, SOCIAL HOUR WILL BEGIN AT 6:00 P.M., THE MEETING WILL START AT 7:00 P.M.

COUNCILMEMBER GUIDROZ - PLEDGED THAT HE WOULD TREAT EVERY PERSON THAT CALLED HIM AS IF THEIR PROBLEM WAS HIS PROBLEM, HE HAS RECEIVED CALLS FROM CONSTITUENTS THAT THANK HIM FOR WHATEVER HE HAS HELPED THEM WITH, HE IN TURN TELLS THEM THAT IT'S THE DEPARTMENT HEADS THAT MAKE THINGS HAPPEN, WANTED TO THANK ALL DEPARTMENT HEADS AND THE CITY MANAGER FOR ALL OF THEIR HELP

CITY ATTORNEY COOPER - NONE

CITY MANAGER HAYES - NONE

MAYOR AMES -

ATTENDED THE UNITED STATES TWIRLING ASSOCIATION TOURNAMENT THAT WAS HELD HERE IN BEAUMONT, THIS WAS AN ECONOMIC DEVELOPMENT/TOURISM EVENT, THE CVB PLAYED A BIG ROLE IN GETTING THEM HERE, IT WAS A GREAT EVENT

Public Comments (Persons are limited to three minutes)

Rodney Denclau

3030 French Rd. #425

Beaumont TX

Commented on the Dannebaum Station, the water fountain isn't working, requested that the fountain be repaired, stated it gets hot when citizens are waiting on the bus

Denise Hinz

3030 French Rd.

Beaumont TX

Wished a belated birthday to Councilmembers Pate and Wright, thanked Chris Boone, Community Development Director, who spoke to the residents in regards to what the City is doing for the handicap, also thanked the Mayor for all of her hard work for them as well

Open session of meeting recessed at 2:15 p.m.

EXECUTIVE SESSION

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

City of Beaumont and Beaumont Transit Company vs. Payne's Wrecker Service, Inc. d/b/a Payne & Sons Body Shop & Wrecker and Russell Huff

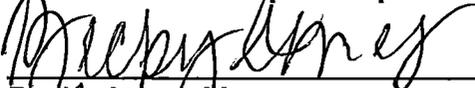
Bob Shaw d/b/a Bob Shaw Consulting Engineers v. The City of Beaumont; No. B-195,144

Cathy Taylor vs. City of Beaumont; Cause No. 123,753

Claim of FiberLight, LLC

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

