

# 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  
August 11, 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 **August 11, 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 1-5/Consent Agenda
- \* Consent Agenda

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

Pastor Harmon Dent of Temple of Praise Church of God in Christ 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 Wright, Pate, Samuel and Mouton. Absent: Councilmember Guidroz. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

Councilmember Guidroz was absent due to death in his family.

## Proclamations, Presentations, Recognitions

**"A Tasting of Some Other Place"** - August 18, 2015 - Proclamation read by Councilmember Samuel; accepted by Paula O'Neal, Susan Lagnion, Iris Nathan and others

**"Gift of Life Program Day"** - August 11, 2015 - Proclamation ready by Mayor Ames; accepted by Regina Rogers, Norma Sampson and others

**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.

**Jude Paredez**

**10620 Gage Rd.**

**Beaumont TX**

Spoke to Council regarding Item #1 on the Agenda; the proposed FY 2016 Budget and scheduling a public hearing

## CONSENT AGENDA

- \* Approval of minutes – **August 4, 2015**
- \* Confirmation of committee appointments – **Resolution 15 – 161**

Joseph Brown would be appointed to the Parks and Recreation Advisory Committee. The term would commence August 11, 2015 and expire August 10, 2017. (Councilmember Robin Mouton)

Joris P. Colbert would be appointed to the Planning and Zoning Commission. The term would commence August 11, 2015 and expire August 10, 2018. (Councilmember Robin Mouton)

Ava Graves would be appointed to the Planning and Zoning Commission. The term would commence August 11, 2015 and expire August 10, 2018. (Councilmember Gethrel Williams-Wright)

Paula Blazek would be reappointed to the Historic Landmark Commission. The current term would expire July 23, 2017. (Councilmember W. L. Pate, Jr.)

- A) Authorize the City Attorney to bring suit against Gustavia Joseph a/k/a Gustavia Joseph Turner, Terry L. Brooks, and Charlotta T. Broussard to compel them to comply with the City's Health and Safety Codes – **Resolution 15 - 162**
- B) Authorize the City Attorney to bring suit against Joe Marcus Mejia to compel him to comply with the City's Health and Safety Codes – **Resolution 15 - 163**
- C) Authorize the City Manager to execute an agreement with Lamar University for the placement of fiber optic cable in public right-of-way – **Resolution 15 - 164**
- D) Authorize the City Manager to enter into a contract with Triangle Aids Network for the Continuum of Care (CoC) Grant from the Department of Housing and Urban Development – **Resolution 15 - 165**

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

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

**NAYS:** NONE

**MOTION PASSED**

## GENERAL BUSINESS

1. Consider a resolution receiving the proposed FY 2016 Budget and scheduling a public hearing.

Article VI, Section 2 of the City Charter requires that the proposed budget be submitted to the Council at least 45 days prior to the beginning of the new fiscal year. In addition, Section 4 requires Council to schedule a public hearing on the proposed budget.

The Administration recommends that a public hearing be held on August 25, 2015, at 1:30 p.m. in Council Chambers, located at 801 Main Street. The City Clerk will publish the notice of the public hearing.

Councilmember Pate moved to **APPROVE A RESOLUTION THAT THE PROPOSED FY 2016 BUDGET HAS BEEN RECEIVED AND A PUBLIC HEARING IS HEREBY SCHEDULED FOR AUGUST 25, 2015 AT 1:30 PM IN THE CITY COUNCIL CHAMBERS, CITY HALL, 801 MAIN STREET, BEAUMONT, TEXAS; AND THAT THE CITY CLERK IS TO PUBLISH NOTICE OF SAID HEARING PURSUANT TO THE CHARTER OF THE CITY OF BEAUMONT.** Councilmember Getz seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Resolution 15 - 166**

2. Consider a resolution receiving the proposed 2016 Capital Program and scheduling a public.

The proposed 2016 Capital Program was originally submitted to Council on May 15, 2015. Article VI, Section 20 of the City Charter requires Council to schedule a public hearing on the proposed Capital Program.

The Administration recommends that a public hearing be held on August 25, 2015, at 1:30 p.m. in Council Chambers, located at 801 Main Street. The City Clerk will publish the notice of the public hearing.

Councilmember Getz moved to **APPROVE A RESOLUTION THAT THE PROPOSED FY 2016 CAPITAL PROGRAM HAS BEEN RECEIVED AND A PUBLIC HEARING IS HEREBY SCHEDULED FOR AUGUST 25, 2015 AT 1:30 PM IN THE CITY COUNCIL CHAMBERS, CITY HALL, 801 MAIN STREET, BEAUMONT, TEXAS; AND THAT THE CITY CLERK IS TO PUBLISH NOTICE OF SAID PUBLIC HEARING PURSUANT TO THE CHARTER OF THE CITY OF BEAUMONT.** Councilmember Pate seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Resolution 15 - 162**

3. Consider an ordinance amending the FY 2015 Budget.

In accordance with Article VI of the City Charter, the City Manager shall strictly enforce the provisions of the budget as specified in the ordinance adopting the budget. He shall not authorize or approve any expenditure unless an appropriation has been made in the budget ordinance adopting the budget, and there is an available unencumbered balance of the appropriation sufficient to pay the liability to be incurred. Approving the proposed amendments will ensure that expenditures are within the approved budget.

The details of the amendments are as follows:

Three transfers are proposed from the General Fund. Transfers include \$1,170,000 to the Employee Benefits Fund, \$250,000 to the Henry Homberg Golf Course Fund and \$600,000 to the Municipal Transit Fund. Transfers are required to shore up respective fund balances for the next fiscal year. Please note that the beginning fund balance for FY 2015 was \$1.7 million more than was originally projected in the FY 2015 Budget. In addition, including this proposed transfer of \$2,020,000 to various funds, FY 2015's financial position is expected to be better than budget by \$1.5 million.

<b>General Fund</b>	<b>Original Budget</b>	<b>Proposed Amendment</b>	<b>Amended Budget</b>
Total Expenditures	\$ 115,835,300	\$ 2,020,000	\$ 117,855,300

The City's health plans are self-insured which means the City and employee contributions pay the medical claims incurred on the plan up to \$175,000 when a stop loss insurance policy begins covering the claims. For pharmacy, the City pays the claims from City funds and employee contributions. These costs are accounted for in the Employee Benefits Fund. The budget for this fund is set based on claim trends and the projected cost of healthcare in the next fiscal year. The Employee Benefits Fund has experienced approximately \$1,600,000 more in medical claims, prescription drug costs, and fees related to the Affordable Care Act than was expected in the FY 2015 Budget due to several large medical claims, increased utilization of the prescription drug plan, and rising costs related to specialty drugs. As a result, additional funds are needed in order to pay for the current year expenditures and to stabilize the fund for the next fiscal year. A transfer of \$1,170,000 from the General Fund to the Employee Benefits Fund is being proposed.

<b>Employee Benefits Fund</b>	<b>Original Budget</b>	<b>Proposed Amendment</b>	<b>Amended Budget</b>
Total Expenditures	\$ 20,854,700	\$ 1,600,000	\$ 22,454,700

Total Revenues	\$ 20,231,300	\$ 1,170,000	\$ 21,401,300
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The Henry Homberg Golf Course Fund is expected to fall short of budgeted revenues by over \$130,000 in FY 2015 due to an extremely wet winter and spring season. The budget for FY 2016 continues to have expenditures in excess of revenues, thus a transfer from the General Fund is proposed in FY 2015 to increase the fund balance in preparation of the next fiscal year.

Henry Homberg Golf Course Fund	Original Budget	Proposed Amendment	Amended Budget
Total Revenues	\$ 613,400	\$ 250,000	\$ 863,400

The Municipal Transit Fund continues to experience operational costs in excess of operational and intergovernmental revenues. A transfer from the General Fund is proposed in FY 2015 to increase the fund balance in preparation of the next fiscal year.

Municipal Transit Fund	Original Budget	Proposed Amendment	Amended Budget
Total Revenues	\$ 7,413,600	\$ 600,000	\$ 8,013,600

In July 2015, the City issued 2015 General Obligation Refunding Bonds. The refunding was not appropriated in the FY 2015 Budget because the timeline and amount were not known at the time the budget was prepared. As seen in the table below, revenues are less than expenditures in the original budget for FY 2015 as well as the amended budget, but there is sufficient fund balance to pay the difference.

Debt Service Fund	Original Budget	Proposed Amendment	Amended Budget
Total Expenditures	\$ 16,757,700	\$ 47,300,000	\$ 64,057,700
Total Revenues	\$ 16,287,400	\$ 47,264,200	\$ 63,551,600

Approval of ordinance.

Councilmember Getz moved to ADOPT AN ORDINANCE ENTITLED AN ORDINANCE AMENDING THE FISCAL BUDGET OF THE CITY OF BEAUMONT FOR THE FISCAL YEAR 2015 TO APPROPRIATE ADDITIONAL EXPENDITURES IN THE GENERAL FUND; TO APPROPRIATE ADDITIONAL EXPENDITURES AND REVENUES IN THE EMPLOYEE BENEFITS FUND AND DEBT SERVICE FUND; AND TO APPROPRIATE ADDITIONAL REVENUE TO THE HENRY HOMBERG GOLF COURSE FUND AND MUNICIPAL TRANSIT

**FUND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEAL.** Councilmember Wright seconded the motion.

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

**NAYS:           NONE**

**MOTION PASSED**

**Ordinance 15 – 027**

4. Consider a resolution approving the award of a six month contract to LD Construction, Inc., as primary and APAC-Texas, Inc., as secondary vendor, to supply asphaltic concrete for use in City road repair and construction.

Bids were requested from three (3) local vendors to provide a six (6) month contract for asphaltic concrete to be used by the Streets and Drainage Division. Cold laid asphaltic concrete is used for repairs and repaving of larger street sections. It is estimated that approximately 61,500 tons of hot laid asphaltic concrete and 1,000 tons of cold laid asphaltic concrete will be used during the term of the contract.

Specifications requested unit pricing for both plant pickup by City personnel and job site delivery by the vendor. Bid responses were received from two (2) vendors. LD Construction, Inc., of Beaumont submitted the low bid. Both bidders meet all product requirements specified and have previously held the contract satisfactorily.

Primary and secondary vendors are recommended because paving work cannot be suspended should a vendor not be available to provide the materials. Further, without a secondary vendor and contracted rates, the City will be subject to market rates for materials.

Total value of this contract is estimated to be approximately \$3,765,500, based on the pricing of the lowest bidder.

General Fund, Water Fund and Capital Program.

Approval of resolution.

Councilmember Pate moved to **APPROVE A RESOLUTION THAT THE BIDS SUBMITTED BY LD CONSTRUCTION, INC., OF BEAUMONT, TEXAS, AND APAC-TEXAS, INC., OF BEAUMONT, TEXAS, FOR A SIX (6) MONTH CONTRACT FOR THE PURCHASE OF ASPHALTIC CONCRETE FOR THE PUBLIC WORKS DEPARTMENT, STREETS AND DRAINAGE DIVISION FOR CITY ROAD REPAIR AND BE ACCEPTED BY THE CITY OF BEAUMONT AS PRIMARY AND SECONDARY CONTRACTS, RESPECTIVELY; AND THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE CONTRACTS WITH LD CONSTRUCTION, INC., OF BEAUMONT, TEXAS, AND APAC-TEXAS, INC., OF BEAUMONT, TEXAS.** Councilmember Getz seconded the motion.

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

**NAYS:** NONE

**MOTION PASSED**

**Resolution 15 – 168**

5. Consider a resolution authorizing the City Manager to execute Amendment No. 2 to the Interlocal Agreement.

On October 29, 2013, by Resolution No. 13-252, City Council approved the execution of Amendment No. 1 to the Interlocal Agreement with Jefferson County Drainage District No. 6 (DD #6) for the Lucas SRL Relief Project.

Drainage District No. 6 (DD #6) has completed the work on the Lucas SRL Relief Project in the north end of the City. The district installed box culverts on Abilene Avenue, Lucas Street, Lufkin Avenue, El Paso Avenue, Galveston Avenue, Wilson Street, Dallas Avenue, Fillmore Street, Hayes Street, and Buffalo Avenue. The Water Utilities Department installed new water and sanitary sewer lines to accommodate the installation of the boxes. Public Works resurfaced the afore-mentioned streets where the boxes were installed and added Harding Avenue, Charles Street, Idylwood Avenue, Laredo Avenue, and Wilshire Avenue due to damage from DD #6 equipment and truck traffic entering and exiting the area.

Amendment No. 2 adjusts the estimated construction quantities as described in the original agreement and Amendment No. 1 to reflect the actual quantities installed during the course of construction. The City will invoice DD #6 for one hundred percent (100%) and be reimbursed for ninety percent (90%) up to \$1,701,350.76 for street repairs and \$178,470.31 for utility adjustments. The City will be responsible for the ten percent (10%) local share match.

\$208,869.01 match is available in the General Fund, Water Utilities Fund, and Street Rehabilitation Program.

Approval of resolution.

Councilmember Pate moved to APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE EXECUTION OF AMENDMENT NO. 2 TO THE JEFFERSON COUNTY DRAINAGE DISTRICT NO. 6 (DD #6) INTERLOCAL AGREEMENT FOR THE LUCAS SRL RELIEF PROJECT. Councilmember Getz seconded the motion.

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

**NAYS:** NONE

MOTION PASSED

Resolution 15 – 169

**COUNCILMEMBER COMMENTS**

**MAYOR PRO TEM GETZ -**

ANNOUNCED A TOGA PARTY AT THE JEFFERSON THEATRE ON FRIDAY, AUGUST 14, 2015, MOVIE NIGHT THE ANIMAL HOUSE WILL BE SHOWING, THE DOWLEN/WEST NEIGHBORHOOD ASSOCIATION WILL BE MEETING ON TUESDAY, AUGUST 11, 2015, SOCIAL HOUR AT 6:00P.M., THE BUSINESS MEETING WILL START AT 7:00 P.M., STATED THEY WILL BE MOVING FORWARD WITH PLANS FOR THE CITY WIDE OCTOBERFEST ON OCTOBER 17, 2015, EXPRESSED CONDOLENCES TO COUNCILMEMBER GUIDROZ ON THE LOSS OF HIS BROTHER – IN-LAW

**COUNCILMEMBER WRIGHT -**

THANKED LAURA CLARK, CHIEF FINANCIAL OFFICER AND HER STAFF FOR ALL THAT THEY DO, AS WELL AS THE JULIE ROGERS GIFT OF LIFE PROGRAM FOR ALL THAT THEY DO

**COUNCILMEMBER PATE -**

THANKED THE JULIE ROGERS GIFT OF LIFE AS WELL AS SOME OTHER PLACE PROGRAM FOR ALL THAT THEY DO, COMMENTED ON OCTOBERFEST THAT WILL BE TAKING PLACE FOR THE FIRST TIME IN THE CITY AS WELL AS DOGTOBERFEST, ALSO SPOKE REGARDING LAMAR UNIVERSITY FOOTBALL OPENING SEASON

**COUNCILMEMBER SAMUEL -**

ASKED THAT COUNCIL SUPPORT A WORKSHOP TO LOOK AT WHERE THE CITY IS AS IT RELATES TO THE WATER DEPARTMENT, HAS RECEIVED A NUMBER OF CALLS REGARDING LEAKS THAT HAVE OCCURRING AND THE RESPONSE TIME TO THOSE LEAKS, WOULD LIKE TO SEE WHERE THE CITY IS ON THE AMOUNT OF LEAKS AND HOW LONG THEY ARE LINGERING PRIOR TO ATTENTION, WOULD LIKE TO GET A COMPARATIVE ANALYSIS AS TO WHERE THE CITY WAS LAST YEAR THIS TIME, WHERE THE CITY IS NOW AND HOW THE CITY PROPOSES TO DEAL WITH THE ONGOING PROBLEMS WITH LEAKS THIS SEASON

**COUNCILMEMBER MOUTON -**

GAVE A SPECIAL THANK YOU TO THE JULIE ROGERS GIFT OF LIFE PROGRAM FOR ALL THAT THEY DO, ANNOUNCED THAT THE 100 BLACK WOMEN WILL BE SPONSORING A BACK TO SCHOOL SUPPLY DRIVE AT OUR MOTHER MERCY CATHOLIC CHURCH ON SATURDAY, AUGUST 15, 2015, GAVE CONDOLENCES TO THE FAMILY OF BARBARA LYNN ON THE PASSING OF HER MOTHER



**Cheryl Guillory**

**5555 Ada St.**

**Beaumont TX**

Stated that she spoke to Council on last week in regards to group homes, stated that she has met with all the powers that would be in Code Enforcement, stated that she is under the impression that when a building is built that Building Code inspections are done at that time, stated that she was told by Mr. Koch, if the City was doing inspections the apartment complex would not pass because as a three bed group home, that she is required to have hard wired emergency lighting in the hall way to meet with City Code, noticed that things are becoming more and more difficult when serving people with disabilities, requested that Council review the current ordinance that is in place

Open session of meeting recessed at 2:42 p.m.

### **EXECUTIVE SESSION**

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

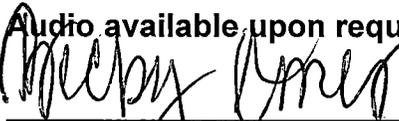
United States of America vs. City of Beaumont, Texas; Civil Action  
No. 1:15CV201

- \* Consider matters related to appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee in accordance with Section 551.074 of the Government Code to wit:

Personnel Matters, specifically Tyrone Cooper

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

