

MINUTES - CITY OF BEAUMONT

W.L. Pate, Jr., At-Large
Dr. Alan B. Coleman, Mayor Pro Tem
Audwin Samuel, Ward III
Tyrone E. Cooper, City Attorney

BECKY AMES, MAYOR
CITY COUNCIL MEETING
September 23, 2014
Kyle Hayes, City Manager

Gethrel Wright, At-Large
Michael D. Getz, Ward II
Jamie Smith, Ward IV
Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on **September 23, 2014**, 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, 12-17/Consent Agenda
- * Consent Agenda

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

Pastor John Burk of the Father's House 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 Coleman, Councilmembers Getz, Pate and Samuel. Absent: Councilmembers Wright and Smith. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

Proclamations, Presentations, Recognitions

"Pray Beaumont Day" - September 28, 2014 - Proclamation read by Councilmember Samuel; accepted by Pastor John Burk

Public Comment: Persons may speak on scheduled agenda items 1-5, 12-17/Consent Agenda.

CONSENT AGENDA

- * Approval of minutes - **September 16, 2014**
- * Confirmation of committee appointments - **None**
- A) Approve the write-off of uncollectible water accounts totaling \$25,022.79 for which each individual account exceeds \$1,000 – **Resolution 14 - 200**
- B) Authorize the execution of a License to Encroach Agreement with Halliburton Energy Services, Inc. through their agent ENTACT, LLC – **Resolution 14 - 201**

- C) Authorize the execution of a License to Encroach Agreement with Judith Rich for an existing structure located at 2394 Angelina Street – **Resolution 14 - 202**

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

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

GENERAL BUSINESS

1. Consider an ordinance adopting the FY 2015 Budget by a record vote.

Article VI, Section 8 of the City Charter states that “the budget shall be adopted by the favorable votes of at least a majority of all members of the Council.” Section 9 states that “the budget shall be finally adopted not later than the twenty-seventh (27th) day of the last month of the fiscal year. Should the Council take no final action on or prior to such day, the budget as submitted by the City Manager shall be deemed to have been finally adopted by the Council.”

Section 102.007 of the Government Code requires the vote to adopt a budget to be a record vote. In addition, the adopted budget will contain a cover page that includes the statement on whether the budget will raise more, less or the same amount of property taxes as the prior year, the record vote of each member of council by name, property tax rates for the preceding and current fiscal years, the effective tax rate, the effective maintenance and operations rate, the rollback tax rate, and the debt rate, along with the amount of debt secured by property taxes. This information is required to be posted on the city’s website and remain there for one year after adoption of the budget.

The proposed FY 2015 Budget was submitted to Council on August 12, 2014, and reviewed during a work session on August 26, 2014. A public hearing was held on August 26, 2014, which met the requirements of the Charter and state law.

Approval of ordinance.

Record Vote:

Mayor Ames – Yes
Mayor Pro Tem Coleman – Yes
Councilmember Getz – Yes
Councilmember Wright – Absent
Councilmember Pate – Yes
Councilmember Samuel – Yes
Councilmember Smith - Absent

Ordinance 14 -042

2. Consider a resolution adopting the 2015 Capital Program.

Article VI, Section 20 states that “the Council shall, by resolution, adopt the Capital Program with or without amendment after the public hearing and on or before the twenty-seventh (27th) day of the last month of the current fiscal year.”

The proposed 2015 Capital Program was originally submitted to Council on May 13, 2014. It was revised and submitted to Council on August 12, 2014, and reviewed during a work session on August 26, 2014. A public hearing was also held on August 26, 2014.

Approval of resolution.

Councilmember Samuel moved to **APPROVE A RESOLUTION THAT THE FY 2015 CAPITAL PROGRAM IS HEREBY ADOPTED. A PUBLIC HEARING WAS HELD AUGUST 26, 2014.** Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Resolution 14 - 203

3. Consider an ordinance accepting the tax roll and establishing the property tax rate for the tax year 2014 (FY 2015).

The Jefferson County Appraisal District submitted the Certified Tax Roll on July 25, 2014, in the amount of \$6,891,134,490. Based on this taxable value, a property tax rate of \$0.69/\$100 valuation for the tax year 2014 (FY 2015) is proposed, which is the current rate. The tax rate would be apportioned \$0.47/\$100 assessed valuation to the General Fund and \$0.22/\$100 assessed valuation to the Debt Service Fund.

Approval of ordinance.

Councilmember Getz moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE ACCEPTING THE TAX ROLL FOR THE CITY OF BEAUMONT; ESTABLISHING A TAX RATE; PROVIDING FOR LEVYING, ASSESSING AND COLLECTING OF AD VALOREM TAXES FOR THE TAX YEAR 2014 (FY2015); PROVIDING FOR SEVERABILITY AND PROVIDING FOR REPEAL.** Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Ordinance 14 – 043

Record Vote:

Mayor Ames – Yes
Mayor Pro Tem Coleman – Yes
Councilmember Getz – Yes
Councilmember Wright – Absent
Councilmember Pate – Yes
Councilmember Samuel – Yes
Councilmember Smith - Absent

4. Consider an ordinance ratifying the budgeted property tax increase reflected in the FY 2015 Budget.

Section 102 of the Local Government Code includes the following: “Adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate required by Chapter 26, Tax Code, or other law.”

Approval of ordinance.

Councilmember Pate moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE RATIFYING THE BUDGETED PROPERTY TAX INCREASE REFLECTED IN THE FY 2015 BUDGET**. Councilmember Samuel seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Ordinance 14 - 044

5. Consider an ordinance amending the FY 2014 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:

The Fleet Fund is currently expected to have expenditures come in slightly under budget this fiscal year. However, to ensure that this fund does not exceed budgeted expenditures at year-end due to an unforeseen vehicle or equipment repair or inventory adjustment, it is recommended the budget be amended to include an additional \$70,000 in operating costs.

There is sufficient fund balance to cover this appropriation. This fund was previously amended by Council on August 5, 2014 to transfer out excess fund balance.

The Municipal Transit Fund was previously amended by Council on August 5, 2014 to increase expenditures by \$325,000. At this time, the fund is expected to exceed budgeted expenditures by an additional \$345,000. While there has been an increase in labor costs due to employee turnover, the most significant increase is in the liability insurance. Prior to 2013, the liability insurance policy had a \$100,000 deductible. Claims in 2011 and 2012 were not greater than the deductible. When CCL went out for bids in 2013, the premiums had gone up significantly and the best option was a policy with no deductible; however the premiums were approximately \$230,000 more than in prior years. CCL just completed bidding the liability insurance for 2014. The premium paid in August of 2014 was 45% higher than the 2013 premium. In addition, a claim incurred under the policy prior to 2013 in the amount of \$78,000 was paid in July. This claim and the increase in premiums were not known when preparing the FY 2014 Budget or at the time the first amendment was brought to Council on August 5, 2014. In addition, CCL is installing a new accounting software package effective October 1, 2014 and are attempting to pay all of the company's payables prior to September 30, 2014. These expenditures are approximately \$120,000 and would have otherwise been charged to the FY 2015 Budget. Because the fund does not have sufficient revenues or fund balance to offset this additional appropriation, a transfer from the General Fund is required.

As indicated in the explanation of the budget amendment for the Municipal Transit Fund, a transfer of \$345,000 from the General Fund is needed to cover the additional appropriation. This fund was last amended on August 5, 2014.

The Confiscated Goods Fund, a Special Revenue Fund, is expected to exceed budgeted expenditures by \$100,000. This fund accounts for monies seized by divisions in the Police Department, such as the Narcotics Division, that are restricted for specific expenditures related to the same and governed by state and federal regulations. Budgeted expenditures are based on projected seizures. Funds confiscated this fiscal year were more than projected in the budget and more expenditures were incurred.

The Tyrrell Historical Trust Fund is expected to exceed budgeted expenditures by \$10,000. This is also a special revenue fund that budgets its expenditures based on projected revenue. Revenues received during the year were more than projected and more expenditures were incurred.

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 2014 TO APPROPRIATE ADDITIONAL EXPENDITURES AND REVENUES IN THE MUNICIPAL TRANSIT FUND, CONFISCATED GOODS FUND, AND TYRRELL HISTORICAL TRUST FUND; TO APPROPRIATE ADDITIONAL EXPENDITURES IN THE FLEET FUND AND GENERAL FUND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEAL.** Mayor Pro Tem Coleman seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Ordinance 14 - 045

6. Consider an ordinance for a zone change from RS (Residential Single Family Dwelling) to LI (Light Industrial) District and a specific use permit to allow a metal sandblasting and coating facility at 7625 Washington Boulevard. - **Tabled**

Robert Dean Fontenot is requesting the zone change and specific use permit.

The Fontenot's own approximately forty (40) acres at 7625 Washington Blvd., this request is for ±21.51 acres of the total area. The Fontenot's purchased this property approximately fifteen (15) years ago and immediately opened for business. Staff has no record of permits pulled for this business. The property includes a barn, used for their sandblasting business, which is located in an area previously used for oil and gas drilling. Mr. Fontenot contends that this oil and gas drilling operation created a "dead zone" where vegetation no longer grows, making the land unsuitable for agricultural purposes. The proposed use employs two or three employees and operates from 8 AM to 4:30 PM, Monday through Friday. Sand blasting is considered similar to other metal working uses for the purposes of zoning.

One of the primary concerns for this request is spot zoning. The reasons being:

1. The request is not in compliance with the Comprehensive Plan. The subject property is designated as a neighborhood growth unit.
2. The request is not consistent with the zoning or land use of the surrounding area, existing uses in the area are primarily residential. The surrounding land use is residential to the north, Crescent on Walden is located to the southeast and land to the west and northwest have been developed residentially.
3. Rezoning would not serve a public purpose furthering public health, safety, morals or general welfare.

At a Joint Public Hearing held September 15, 2014, the Planning Commission recommended 5:2 to deny a zone change from RS (Residential Single Family Dwelling) to LI (Light Industrial) District with a specific use permit for a sandblasting shop at 7625 Washington Boulevard.

7. Consider an ordinance approving a specific use permit to allow a warehousing and distribution of composite materials in a GC-MD (General Commercial-Multiple Family Dwelling District at 3140 S. 11th Street.

United Worldwide Resources and Spectra Composites has applied for a specific use permit.

Spectra Composites is a nationwide distributor of composite materials and associated products and plans to use the property at 3140 S. 11th Street for the collection and distribution of materials to be transported by either company trucks or third party common carrier trucks. Certain chemical product is received in tanker trucks and stored in drum

containers. Both hazardous and non-hazardous products will be handled at this location. All material storage, staging and assembly will be accomplished inside the building. Products will then be shipped to customers. No product will be created or manufactured at this location. Normal hours of operation are from 8 a.m. to 4:30 p.m., with an occasional truck arriving as early as 7 a.m.

At a Joint Public Hearing held September 15, 2014, the Planning Commission recommended 7:0 to approve a specific use permit to allow a a warehousing and distribution of composite materials in a GC-MD (General Commercial-Multiple Family Dwelling) District at 3140 S. 11th Street, subject to the following condition:

1. An 8' wood privacy fence be constructed and/or maintained where the site abuts RM-H properties that are developed and where a natural barrier does not currently exist.

Approval of ordinance, subject to the following condition:

1. An 8' wood privacy fence be constructed and/or maintained where the site abuts RM-H properties that are developed and where a natural barrier does not currently exist.

Councilmember Pate moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW WAREHOUSING AND DISTRIBUTION OF COMPOSITE MATERIALS IN A GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT AT 3140 S. 11TH STREET IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Samuel seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Ordinance 14 -- 046

8. Consider an ordinance approving a specific use permit to allow a church in an RCR (Residential Commercial and Revitalization) District at 1312 Franklin.

Yanina Nunez has applied for a specific use permit.

Ms. Nunez would like to use the former Eagles Lodge #116 located at 1312 Franklin, as a church. Iglesia Odres Nuevas is a holistic ministry wishing to conduct regular services and outreach in the community. Regular services consist of Sunday, 10:30 a.m. worship; Tuesday, 7 p.m. classes; and Thursday 7 p.m. prayer meeting. The congregation consists of approximately 60 members.

At a Joint Public Hearing held September 15, 2014, the Planning Commission recommended 7:0 to approve a specific use permit to allow a church in an RCR (Residential Commercial and Revitalization) District at 1312 Franklin.

Approval of ordinance.

Mayor Pro Tem Coleman moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A CHURCH IN AN RCR (RESIDENTIAL COMMERCIAL AND REVITALIZATION) DISTRICT AT 1312 FRANKLIN STREET IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Ordinance 14 - 047

9. Consider an ordinance approving a specific use permit to allow a community garden in an RM-M (Residential Multiple Family Dwelling-Medium Density) District at 3840 Travis and 4590 Concord.

Elaine Shellenberger, on behalf of Nutrition & Services for Seniors', has applied for a specific use permit.

The request is for a community/donation garden on Nutrition & Services for Seniors' property at 3840 Travis Street. This garden would allow the center to offer fresh produce to their clients. This request fits their mission of assisting seniors and the disabled in leading quality lives while maintaining dignity and independence. The gardens would occupy that area previously designated for expansion of the parking lot and an additional office building.

At a Joint Public Hearing held September 15, 2014, the Planning Commission recommended 7:0 to approve a specific use permit to allow a community garden in an RM-M (Residential Multiple Family Dwelling-Medium Density) District at 3840 Travis and 4590 Concord.

Approval of ordinance.

Mayor Pro Tem Coleman moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING SPECIFIC USE PERMIT TO ALLOW A COMMUNITY GARDEN IN AN RM-M (RESIDENTIAL MULTIPLE FAMILY DWELLING – MEDIUM DENSITY) DISTRICT AT 3840 TRAVIS DRIVE AND 4590 CONCORD ROAD IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Ordinance 14 - 048

- 10. Consider an ordinance approving a specific use permit to allow a gaming room in an NC (Neighborhood Commercial) District at 3225 Park Street.

Paul Nguyen has applied for a specific use permit.

Mr. Nguyen would like to operate a gaming facility containing 36 eight-liner machines and a convenience store at 3225 Park Street. Customers would only be able to receive food and drinks (non-alcoholic), not to exceed \$5 in value, as prizes. Hours of operation will be from 9 a.m. until 12 a.m. or later if customers are still present.

At a Joint Public Hearing held September 15, 2014, the Planning Commission recommended 6:1 to approve a specific use permit to allow a gaming room in an NC (Neighborhood Commercial) District at 3225 Park Street.

Approval of ordinance.

Councilmember Pate moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A GAMING ROOM IN AN NC (NEIGHBORHOOD COMMERCIAL) DISTRICT AT 3225 PARK STREET IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Mayor Pro Tem Coleman seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Ordinance 14 - 049

- 11. Consider an ordinance approving a specific use permit to allow a second dwelling unit on property zoned RS (Residential Single Family Dwelling) District at 7990 Collier Road.

Mr. Robert LeJeune has applied for a specific use permit.

The dwelling is intended to be used as a mother-in-law quarters for aged relatives currently living out of state. They rely on others for shopping, paying bills and doctor’s visits as they no longer own a car nor do they possess a drivers license.

At a Joint Public Hearing held September 15, 2014, the Planning Commission recommended 7:0 to approve a specific use permit to allow a second dwelling unit on property zoned RS (Residential Single Family Dwelling) District at 7990 Collier Road with the following conditions:

- 1. The mother-in-law quarters will not be leased.
- 2. The mother-in-law quarters shall not be on a separate electrical meter.
- 3. A waiver be granted to the landscape buffer and screening requirements.
- 4.

Approval of ordinance with the following conditions:

1. The mother-in-law quarters will not be leased.
2. The mother-in-law quarters shall not be on a separate electrical meter.
3. A waiver be granted to the landscape buffer and screening requirements.

Councilmember Getz moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A SECOND DWELLING UNIT IN AN RS (RESIDENTIAL SINGLE FAMILY DWELLING) DISTRICT AT 7900 COLLIER ROAD IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Mayor Pro Tem Coleman seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Ordinance 14 – 050

12. Consider an ordinance abandoning a portion of Wall Street located between the northwest right-of-way line of Pearl Street and the east right-of-way line of Orleans Street.

The City of Beaumont Public Works Department has requested the abandonment.

Due to existing storm sewer located under this portion of Wall Street, the City's Engineering Division has requested the retention of an easement. The City is in the process of assembling the full tract in order to sell the property.

At a Regular Meeting held September 15, 2014, the Planning Commission recommended approval 8:0 of the abandonment with the retention of an easement.

Approval of ordinance with the retention of an easement.

Councilmember Pate moved to **ADOPT AN ORDINANCE VACATING AND ABANDONING A PORTION OF WALL STREET LOCATED BETWEEN THE NORTHWEST RIGHT-OF-WAY LINE OF PEARL STREET AND THE EAST RIGHT-OF-WAY LINE OF ORLEANS STREET, CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Getz seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Ordinance 14 - 051

13. Consider an ordinance abandoning a 10' x ~555' dedicated waterline easement at 410 Interstate-10 South.

Del Papa/Dist. Co. applied for the abandonment of a 0.125 acre waterline easement.

Mr. Troy Whitehead, representing Del Papa/Dist. Co., states that the company is completing warehouse improvements causing the existing waterline to be relocated to a new easement. The existing water line easement is no longer required. The easement was a waterline exclusive easement.

At a Regular Meeting held September 15, 2014, the Planning Commission recommended approval 8:0 of the abandonment.

Approval of ordinance.

Councilmember Samuel moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE VACATING AND ABANDONING A 10'X ~ 555' DEDICATED WATERLINE EASEMENT AT 410 IH-10 SOUTH, CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Mayor Pro Tem Coleman seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Ordinance 14 - 052

14. Consider a resolution approving the write-off of uncollectible delinquent accounts.

This request is in accordance with the write-off policy previously approved by City Council. The policy gives Council the final authority to write-off an individual account receivable identified as uncollectible with a balance due that exceeds \$1,000.00. Accounts included are for transactions prior to May 01, 2012 and collection efforts have been unsuccessful. A summary by receivable type is shown below.

EMS Ambulance Charges - \$474,011.42

These charges from ambulance transports include uninsured claims or co-pay and deductibles that the customer is responsible for. The original charge dates range from 2010 to 2012. The accounts were sent to the collection agency but have remained uncollectible for at least one year.

Weed Abatement Charges - \$38,573.23

Charges included in this total were sent to the collection agency and have been uncollectible for at least one year. Original charge dates range from 2010 to 2012.

Total to be written off - \$512,584.65

If at any time an account becomes collectible after having been written off, the receivable shall be adjusted accordingly. The balance of the account shall be reinstated and payments shall be applied to that balance.

Approval of resolution.

Councilmember Pate moved to **APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE WRITE-OFF OF THE FOLLOWING UNCOLLECTABLE DELINQUENT ACCOUNTS TOTALING \$512,584.65 FOR WHICH EACH INDIVIDUAL ACCOUNT EXCEEDS \$1,000.** Mayor Pro Tem Coleman seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Resolution 14 - 204

15. Consider a resolution authorizing an agreement with H. W. Lochner, Inc. for the design of improvements at the Beaumont Municipal Airport.

On September 24, 2013, by Resolution No. 13-211, City Council awarded H. W. Lochner, Inc., of Kansas City, Missouri a contract for the Beaumont Municipal Airport Development Plan to assess existing conditions, evaluate future aviation demand, and provide the framework needed to guide the City in developing the airport aviation demand. Based on the Development Plan, the City plans to construct a 12,000 SF Hangar with 2,500 SF office; 8-unit T-Hangar; removal of two (2) existing T-Hangars, and the relocation of parallel taxiway.

H.W. Lochner, Inc. will produce an architect/engineer's design report, construction plans, contract documents/technical specifications, tabulation of construction quantities, and engineer's opinion of probable construction costs and project budget for the Project.

H.W. Lochner, Inc. will perform all services in accordance with good architectural and engineering practice and applicable published design criteria of the FAA, primarily FAA Advisory Circular 150/5300-13A, "Airport Design" with Change 1 dated 02/26/2014 and Advisory Circular 150/5370-10F, "Standards for Specifying Construction of Airports", and all applicable building codes and standards.

Municipal Airport Fund.

Approval of Resolution.

Councilmember Pate moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH H.W. LOCHNER, INC., OF KANSAS CITY, MISSOURI, IN THE AMOUNT OF \$244, 200 FOR THE DESIGN OF IMPROVEMENTS AT THE BEAUMONT MUNICIPAL AIRPORT.** Councilmember Samuel seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Resolution 14 - 205

16. Consider a resolution approving the award of two annual contracts to supply ready mix concrete and heavy construction materials.

Administration recommends the award of annual contracts to Martin Marietta, Inc., of Beaumont, as primary vendor; and Knife River, Inc. of Beaumont, as secondary vendor. Total contract value is based on estimated usage over the next twelve (12) months at the contracted unit pricing for each bidder. The bid tabulation is attached.

Five (5) vendors were solicited and two (2) companies submitted bids. The materials are used by multiple City departments for general construction, street repair/replacement and water and sewer projects. This contract combines the requirements of each affected department under a single heavy materials contract rather than having multiple contracts for the same materials for several departments. Both vendors have held all or portions of this contract previously.

Primary and secondary vendors are recommended because the low bidder, Martin Marietta, Inc., is not open for business on weekends, and City work often occurs over the weekend.

General Fund, Water Fund, and Capital Program.

Approval of resolution.

Councilmember Coleman moved to **APPROVE A RESOLUTION THAT THE BIDS SUBMITTED BY MARTIN MARIETTA, INC., OF BEAUMONT, TEXAS, AND KNIFE RIVER INC., OF BEAUMONT, TEXAS, FOR A ONE (1) YEAR CONTRACT TO SUPPLY READY MIX CONCRETE AND HEAVY CONSTRUCTION MATERIALS FOR USE BY MULTIPLE CITY DEPARTMENTS FOR GENERAL CONSTRUCTION, STREET REPAIR/REPLACEMENT AND WATER AND SEWER PROJECTS FOR AN ESTIMATED AMOUNT OF \$869,000 DELIVERED/\$534,400 PICKUP AND \$1,010,800 DELIVERED/\$659,800 PICKUP, RESPECTIVELY, BE ACCEPTED BY THE CITY OF BEAUMONT AS PRIMARY AND SECONDARY CONTRACTS.** Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Resolution 14 - 206

17. Consider a resolution approving the award of a contract for emergency standby products, services, and debris removal to CrowderGulf of Theodore, Alabama.

On July 14, 2009, with Resolution 09-211, Council awarded three contracts for emergency standby products, services, and debris removal to DRC Emergency Services (primary), Byrd Brothers Emergency Services (secondary) and CERES Environmental Services (tertiary). The contract was for three (3) years with three (3) one-year renewals. July of 2014 was the last renewal of the 2009 contract. Byrd Brothers Emergency Services did not execute the final renewal of the contract.

FEMA requires a minimum of two vendors be under contract to provide this emergency service. Based on prior hurricanes, the City should maintain three vendors for this service to be adequately prepared. CrowderGulf was the fourth bidder in 2009 for these services. CrowderGulf agreed to honor the pricing provided in response to bid number PF0209-21 in 2009 for a contract that will terminate July 14, 2015 to coincide with the primary and secondary contracts. CERES will become the secondary contract and CrowderGulf will become the tertiary contract.

Budgetary impact of awarding this contract is contingent upon the occurrence of a declared emergency and the degree of resources needed at that time.

Approval of resolution.

Councilmember Samuel moved to **APPROVE A RESOLUTION THAT THE BID SUBMITTED BY CROWDERGULF, OF THEODORE, ALABAMA, FURNISHING EMERGENCY STANDBY PRODUCTS, SERVICES, DEBRIS REMOVAL, AS NEEDED UNTIL THE CONTRACT TERMINATION DATE OF JULY 14, 2015 SHOULD BE ACCEPTED AND THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH CROWDERGULF, OF THEODORE, ALABAMA.** Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Resolution 14 - 207

COUNCILMEMBER COMMENTS

COUNCILMEMBER SMITH - ABSENT

COUNCILMEMBER SAMUEL - STATED THAT HE HAD A NEW ADDITION TO THE SAMUEL FAMILY, ELAINA ROSE WHITMORE, CONGRATULATED MAYOR PRO TEM COLEMAN ON BEING A FINALIST WITH THE UT DENTAL SCHOOL, ANNOUNCED A FEDERATION OF NEIGHBORHOODS FROM WARD 3 MEETING THIS COMING THURSDAY, SEPTEMBER 25, 2014, CITY HALL, 1ST FLOOR CONFERENCE ROOM AT 5:30 P.M.

COUNCILMEMBER PATE - **COMPLIMENTED THE LOCAL TEXAS A & M AGGIE CLUB WHO FOR 55 YEARS HAS IDENTIFIED OUTSTANDING TEACHERS IN THIS AREA, REMINDED EVERYONE ABOUT LUNCH ON THE LAKE ON MONDAY'S, ANNOUNCED THAT THERE WILL BE A JAZZ FEST ON THURSDAY, SEPTEMBER 25, 2014, AT THE EVENT CENTRE FROM 5:00 P.M. TO 8:00 P.M., THE JAZZ INNOVATORS WILL THE PERFORMERS, ON SATURDAY LAMAR UNIVERSITY WILL BE PLAYING SAM HOUSTON, IT WILL ALSO BE FAMILY DAY, THEY WILL ALSO HAVE THE PLAYERS REUNION AND WILL BE RECOGNIZING PLAYERS FROM 1964**

COUNCILMEMBER WRIGHT - **ABSENT**

COUNCILMEMBER GETZ - **CONGRATULATED COUNCILMEMBER SAMUEL ON THE NEW ADDITION TO HIS FAMILY, ALSO CONGRATULATED ST. ANDREWS ON THEIR 60TH ANNIVERSARY, ENCOURAGED CITIZENS TO TAKE ADVANTAGE OF THE TOWN HALL MEETINGS AND COFFEE WITH THE BISD SUPERINTENDENT, ANNOUNCED THE TWO TOWN HALL MEETINGS, THERE ARE TWO MEETINGS LEFT, ONE AT WEST BROOK HIGH SCHOOL ON SEPTEMBER 30, 2014, OZEN HIGH SCHOOL ON OCTOBER 7, 2014 BOTH START AT 6:00 P.M., THERE ARE TWO COFFEE MEETINGS, WEDNESDAY AT ROY GUESS ELEMENTARY AND ONE AT SOUTH PARK MIDDLE SCHOOL ON SEPTEMBER 30, 2014, BOTH MEETINGS WILL START AT 9:00 A.M.**

MAYOR PRO TEM COLEMAN - **CONGRATULATED COUNCILMEMBER SAMUEL (POPPY) ON THE NEW ADDITION TO HIS FAMILY, ANNOUNCED THE GIFT OF LIFE FUN RUN ON THE OCTOBER 11, 2014**

CITY ATTORNEY COOPER - **NONE**

CITY MANAGER HAYES - **THANKED COUNCIL, LAURA CLARK, TODD SIMONEAUX, KRISTIN MATTINGLY AND CAROL WILSON FOR ALL OF THEIR HARD WORK ON THE FY 2015 BUDGET**

MAYOR AMES - **ANNOUNCED DOGTOBER FEST THIS WEEKEND**

Public Comments (Persons are limited to three minutes)

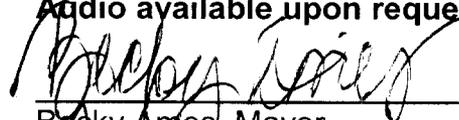
Landry Rountree **1516 South Major Dr.** **Beaumont TX**

Spoke regarding the Beaumont Police Department and 390 summons totaling \$145,000, stated that he's unable to pay this fee, feels that he's being retaliated against

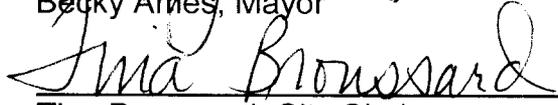
Commented on traffic during business hours from Interstate-10 from East to West along Harrison Ave., this is a dangerous area because cars are parked on both sides of the roads on weekdays from 7:15a.m. to 5:15 p.m., the 3300 block of Harrison which is a generous road is not wide enough for traffic to safely pass cars parked on both sides of the road, stated that BISD has a huge parking lot, he has counted over 100 empty parking places in the parking lot during the hours of 7:15 a.m. to 5:15 p.m., stated that the congested medical district along Harrison between Interstate-10 and 11th street does not allow cars to park on either side of the road, he proposed, in fact urged, City Council to mandate the 3300 block of Harrison between 19th and Interstate-10 as a no parking zone for the safety of BISD employees as well as vehicles that use the 3300 block of Harrison during working hours

With there being no Executive Session, Council adjourned at 3:09 p.m.

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



Becky Ames, Mayor



Tina Broussard, City Clerk

