

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
December 22, 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 **December 22, 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 "Big" Jim Salles of West End Baptist Church gave the invocation. Boy Scout Chase Bridgeman 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 Samuel. Absent: Councilmember Mouton. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

Proclamations, Presentations, Recognitions

None

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

CONSENT AGENDA

- * Approval of minutes – December 15, 2015
- * Confirmation of committee appointments - **Resolution – 15 - 300**

Steve McGaha would be appointed to the Convention and Tourism Advisory Board. The term would commence December 22, 2015 and expire September 30, 2017. (Councilmember Audwin M. Samuel).

- A) Authorize the purchase of a track loader and an excavator from Bobcat, Inc. of West Fargo, North Dakota for use by the Streets and Drainage Division and the Parks and

Recreation Department - **Resolution – 15 - 301**

- B) Authorize the purchase of an excavator and a tractor from Kubota Tractor Corporation, of Torrance, California for use by the Water Utilities Department
Resolution – 15 - 302
- C) Approve the purchase of splash pad upgrades for Pine Street Park and Liberia Park -
Resolution – 15 - 303
- D) Authorize the purchase of five mowers from Exmark Mfg. Co., of Beatrice, Nebraska for use in the Parks and Recreation Department and at the Henry Homberg Golf Course -
Resolution – 15 - 304
- E) Authorize the execution of a License to Encroach Agreement with Carolyn Fullerton related to property located at 635 Shakespeare Drive - **Resolution – 15 - 305**
- F) Approve a resolution amending and approving the Alcohol and Substance Abuse Policy for employees of the Beaumont Municipal Transit system - **Resolution – 15 – 306**

Councilmember Samuel moved to approve the Consent Agenda. Councilmember Pate seconded the motion.

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

NAYS: NONE

MOTION PASSED

GENERAL BUSINESS

- 1. Consider an ordinance providing for the renumbering of Chapter 6, Article 6.06 of the Code of Ordinances Pawn Shops and Pawn Brokers to Article 6.11 and adopting a new Article 6.06 of the Code of Ordinances to provide for Transportation Network Companies. –
TABLED

Councilmember Samuel left the meeting at 1:47 p.m.

- 2. Consider a resolution authorizing the purchase of a paving machine from Romco Exchange Co., LLC of Dallas.

The City currently has a small paving machine that does not meet the needs of the Streets and Drainage Division; consequently a large amount of asphalt paving is performed by a contractor. The new paving machine is much larger and will increase efficiency and timeliness as it will more than double the width of one pass of the current machine. The

larger machine will result in shorter traffic closures, increased productivity, and reduced dependence and expense for contractor- provided equipment and personnel.

Pricing was obtained through the Texas Association of School Boards (BuyBoard), a cooperative purchasing association providing cities and political subdivisions with the means to purchase specialized equipment at volume pricing. BuyBoard complies with State of Texas procurement statutes.

Manufacturer two (2) year warranty is provided, with service through Romco Equipment, Inc., of Houston.

Approval of resolution.

Councilmember Wright moved to APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE PURCHASE OF A PAVING MACHINE FOR USE BY THE STREETS AND DRAINAGE DIVISION FROM ROMCO EXCHANGE CO., LLC, OF DALLAS, TEXAS. Mayor Pro Tem Getz seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 15 – 307

Councilmember Samuel returned to the meeting at 1:48 p.m.

3. Consider a resolution authorizing the purchase of a street sweeper from Kinloch Equipment, Inc., of Houston.

The Elgin sweeper will replace unit 4298, which has 3,549 operating hours. In addition to excessive maintenance and unreliability, the sweeper has suffered a major mechanical failure and will be disposed of through the City's surplus equipment program. The Wacker-Neusson roller is a new addition. It is used to compact road base prior to paving. Concrete crews do not have a roller and must borrow or rent one to do this work.

Pricing was obtained through the Texas Association of School Boards (BuyBoard), a cooperative purchasing association providing cities and political subdivisions with the means to purchase specialized equipment at volume pricing. BuyBoard complies with State of Texas procurement statutes. The total purchase price includes the BuyBoard fee of \$2090 which is paid to the vendor.

One (1) year manufacturer warranty is provided, with service through Kenloch Equipment, Inc.

Approval of resolution.

Councilmember Pate moved to **APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE PURCHASE OF A SWEEPER AND ROLLER FOR USE BY THE STREETS AND DRAINAGE DIVISION FROM KINLOCH EQUIPMENT, INC., OF HOUSTON, TEXAS.** Councilmember Wright seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 15 – 308

4. Consider a resolution authorizing the purchase of three backhoes from Mustang Cat, Inc., of Beaumont for use by the Streets and Drainage Division and at the Sewer Treatment Plant.

Two of the three units will be used by the Streets and Drainage Division for preparing roadways for paving. The third unit will be used at the Sewer Treatment Plant to move sludge in and out of the drying beds, removing heavy debris from the high flow pump station, loading trucks for transport to the landfill and in repairing and replacing pumps. The new backhoes are replacing existing equipment that is not reliable and will be disposed of through the City's surplus equipment program.

Pricing was obtained through the Texas Association of School Boards (BuyBoard), a cooperative purchasing association providing cities and political subdivisions with the means to purchase specialized equipment at volume pricing. BuyBoard complies with State of Texas procurement statutes.

Warranty service for 3 years/5,000 hours will be provided by Mustang Cat, Inc., of Beaumont, the local dealer.

Approval of resolution.

Mayor Pro Tem Getz moved to **APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE PURCHASE OF THREE (3) CATERPILLAR BACKHOES FOR USE BY THE STREETS AND DRAINAGE DIVISION AND THE SEWER TREATMENT PLANT FROM MUSTANG CAT, INC., OF BEAUMONT, TEXAS.** Councilmember Guidroz seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 15 – 309

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

PUBLIC COMMENTS

- * Public Comment (Persons are limited to 3 minutes)

G. Cantue

4150 Crow Rd.

Beaumont TX

Commented on the recent issue with the Police Department and the City regarding the Police Officers using a meeting room at the Police Department to have bible study, glad that the City and Police Department settled the issue, stated that there needs to be prayer for all Beaumont Police Officers

H.C. Dent

1575 Montrose

Beaumont TX

Thanked the City Council and the staff for working with the Beaumont Police Officers so that they may continue to have bible study in the meeting room at the police station

EXECUTIVE SESSION – Council recessed at 1:56

- * As authorized by Section 551.087 of the Government Code, to discuss and deliberate economic development negotiations regarding Enterprise Beaumont Marine West, L.P.
- * Consider matters related to contemplated or pending litigation in accordance with Section 551.071 of the Government Code:

Claim of Duc Duy Au

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

Council reconvened at 4:12 p.m.

5. Consider authorizing the City Manager to enter into an agreement with Enterprise Beaumont Marine West, L.P. for economic development incentives under the City's Chapter 380 Economic Development Program.

Chapter 380 of the Texas Local Government Code allows cities to implement economic incentive programs to encourage new businesses as well as project expansions. In June 2014, the City Council established the Chapter 380 Economic Development Program in an effort to encourage significant economic development projects within the city.

Enterprise Beaumont Marine West, L.P. (formerly Oil Tanking) is making improvements in the estimated amount of \$370 Million to store and transport 4.1 million barrels of crude oil. Enterprise owns land and improvements located inside and outside the city limits of Beaumont. Property taxes for property owned by Enterprise that is located outside the city limits is governed by an Industrial Agreement with the City of Beaumont.

Improvements made by Enterprise that are located within the city limits will be governed by the 380 Agreement. The estimated value of improvements being made within the city limits is \$145 Million. The applicant is requesting a 100% abatement of city taxes for ten years, beginning in January 2016. For consideration of the tax abatements being provided, the City has negotiated with Enterprise for payments to be made over a ten-year period. A payment of \$1.0 Million will be made to the City in 2017 and 2018 and payments of \$139,327 will be made each year thereafter from 2019 through 2026.

Approval of the resolution authorizing the City Manager to enter into an agreement with Enterprise Beaumont Marine West, L.P.

Councilmember Pate moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT WITH ENTERPRISE BEAUMONT MARINE WEST, L.P.** Councilmember Wright seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 15 – 310

COMMENTS

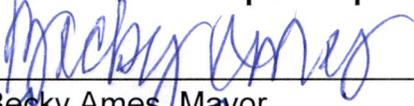
- * Councilmembers/City Manager/City Attorney comments on various matters

COUNCILMEMBER COMMENTS

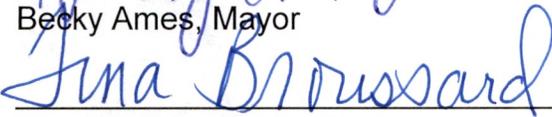
- COUNCILMEMBER GUIDROZ -** COMMENTED ON HIS TIME ON COUNCIL, AND SEVERAL CHRISTMAS CARDS THAT HE RECEIVED, THANKING HIM FOR HIS SERVICE ON COUNCIL, COMMENDED POLICE OFFICER TONY HARDING AND ALL OTHER OFFICERS THAT WANT TO CONTINUE THEIR PRAYER SERVICE WITHIN THE POLICE DEPARTMENT, WISHED EVERYONE A **MERRY CHRISTMAS**
- MAYOR PRO TEM GETZ -** STATED THAT AS WE MOVE THROUGH THIS HOLIDAY SEASON, HOPES THAT EVERYONE HAS THE OPPORTUNITY TO BE SURROUNDED BY LOVED ONES AND FAMILY AND WISHED EVERYONE A **HAPPY 2016**
- COUNCILMEMBER WRIGHT -** HOPES THAT EVERYONE WILL BE SPIRITUAL ABOUT WHAT WE FEEL AND LET THAT LAST THE WHOLE YEAR, APPLAUD THE ADMINISTRATION AND COUNCIL FOR SUPPORTING THE POLICE DEPARTMENT, WISHED EVERYONE A **MERRY CHRISTMAS AND A HAPPY NEW YEAR**, ASKED THAT EVERYONE BE MINDFUL OF THE KIDS THAT WILL BE OUT ON CHRISTMAS DAY
- COUNCILMEMBER PATE -** STATED THAT LAMAR UNIVERSITY HAS A LOT OF THINGS GOING ON THIS HOLIDAY SEASON, BASKETBALL SEASON HAS STARTED, ENCOURAGED EVERYONE TO ATTEND THE HOME GAMES, WISHED EVERYONE A **MERRY CHRISTMAS AND A HAPPY NEW YEAR**
- COUNCILMEMBER SAMUEL -** WISHED EVERYONE A **MERRY CHRISTMAS**
- COUNCILMEMBER MOUTON -** ABSENT
- CITY ATTORNEY COOPER -** NONE
- CITY MANAGER HAYES -** NONE
- MAYOR AMES -** WISHED EVERYONE A **MERRY CHRISTMAS**, IT'S HER CHRISTMAS WISH THAT THE CITY WILL CONTINUE TO SUCCEED OVER THE NEXT TEN YEARS AS IT HAS IN THE LAST TEN YEARS, THAT EVERYONE WILL COME TOGETHER AND WORK TOGETHER FOR THE COMMON GOOD

There being no other business to come before Council, the meeting adjourned at 4:25 p.m.

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



Becky Ames, Mayor



Tina Broussard, City Clerk

