

# 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  
January 12, 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 **January 12, 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 1-3/Consent Agenda
- \* Consent Agenda

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

Rev. Harold Reed of St. Andrews Presbyterian 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 and Samuel. Absent: Councilmember Mouton. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

## Proclamations, Presentations, Recognitions

**"First Responders Appreciation Day"** - January 17, 2016 - Proclamation read by Mayor Ames; accepted by Robert Kocot, Grand Knight of Council 951 as well as other Knights

**Public Comment:** Persons may speak on scheduled agenda items 1-3/Consent Agenda.

**Jude Paredez                      10620 Gage Rd.                      Beaumont TX**

Spoke in regards to the worksession on the Cattail Marsh, stated that cattail marsh is the drain to the sewage plant and when the wind blows off the gulf everyone in the South end knows that, we should not be trying to lure tourist to that area, if the City has extra money it should be used to pay down the million dollar debt that the City has put on the tax payers

## CONSENT AGENDA

- \* Approval of minutes – December 22, 2015

\* Confirmation of committee appointments – **Resolution – 16 - 001**

Jeff Beaver would be appointed to the Board of Adjustment (Zoning). The term would commence January 12, 2016 and expire January 11, 2018. (Mayor Becky Ames)

Tom Rowe would be appointed as an Alternate on the Board of Adjustment (Zoning). The term would commence January 12, 2016 and expire January 11, 2018. (Mayor Becky Ames)

Lee Smith would be appointed as an Alternate on the Board of Adjustment (Zoning). The term would commence January 12, 2016 and expire January 11, 2018. (Mayor Becky Ames)

Lauren Williams-Mason would be appointed as an Alternate on the Planning and Zoning Commission. The term would commence January 12, 2016 and expire September 30, 2017. (Mayor Becky Ames)

Shahidah Rahman would be appointed to the Community Development Advisory Committee. The term would commence January 12, 2015 and expire September 30, 2017. (Councilmember Audwin M. Samuel)

Christy Amuny – Alternate would be reappointed to the Board of Adjustment (Zoning). The current term would expire March 23, 2017. (Mayor Becky Ames)

Clint Walters – Alternate would be reappointed to the Planning and Zoning Commission. The current term would expire September 30, 2017. (Mayor Becky Ames)

Frank Messina, Jr. – Alternate would be reappointed to the Planning and Zoning Commission. The current term would expire September 30, 2017. (Mayor Becky Ames)

- A) Approve a resolution accepting the Certified Tax Roll Summary for the tax year 2015 (fiscal year 2016) – **Resolution – 16 - 002**
- B) Approve the purchase of firefighter protective clothing from Casco Industries, Inc., of Houston – **Resolution – 16 - 003**
- C) Approve the award of a contract for refurbishing and remounting one ambulance body to Frazer, Ltd., of Bellaire – **Resolution – 16 - 004**
- D) Authorize the City Manager to sign an agreement with Richard James, III, and The Sports Society for American Health to hold the 2016 Gusher Marathon on February 27, 2016 – **Resolution – 16 – 005**
- E) Authorize the City Manager to apply for and receive funding through U. S. Department of Homeland Security, 2016 Emergency Management Performance Grant program **Resolution – 16 – 006**
- F) Authorize the settlement of the claim of Duc Duy Au – **Resolution – 16 - 007**

- G) Authorize the City Manager to sign an amendment to the Collective Bargaining Agreement with the Beaumont Professional Firefighters' Local 399  
**Resolution – 16 – 008**

Councilmember Pate 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**

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

#### **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.

At the City Council meeting on December 8, 2015, staff conducted a work session where the prospect of an ordinance allowing for transportation network companies in the City of Beaumont was discussed. A draft ordinance was provided for Council's information. Since that time some changes have been made to the previously presented drafts. The most significant changes are additional definitions and clarification of the insurance requirements at Section 6.06.019. These changes were made to conform to the new requirements for a TNC and TNC Drivers as adopted in the last session of the legislature, which became effective on January 1, 2016. The other changes are nonsubstantive in nature.

Approval of the ordinance.

Mayor Pro Tem Getz moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE RENUMBERING CHAPTER 6, ARTICLE 6.06 PAWNSHOPS AND PAWNBROKERS TO ARTICLE 6.11 PAWNSHOPS AND PAWNBROKERS; ADOPTING A NEW ARTICLE 6.06 TRANSPORTATION NETWORK COMPANIES OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS TO MAKE CHANGES AND ADDITIONS RELATING TO TRANSPORTATION NETWORK COMPANIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING A PENALTY.** Councilmember Wright seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Ordinance 16 - 001**

2. Consider a resolution authorizing the award of a bid to LD Construction of Beaumont for the Eleventh Street Asphalt Resurfacing Project from Laurel Avenue to College Street.

The section of Eleventh Street from Laurel Avenue to College Street is a heavily traveled, four (4) lane roadway, that has experienced numerous failures and after continual repair efforts now requires resurfacing to extend the life of the roadway.

On Thursday, July 16, 2015, bids were solicited for furnishing all labor, materials, equipment and supplies for the project. Three (3) bids were received as follows:

<b>Contractor</b>	<b>Location</b>	<b>Bid</b>
LD Construction	Beaumont, Texas	\$955,488.53
APAC	Beaumont, Texas	\$1,098,791.47
Allco	Beaumont, Texas	\$1,282,438.39

A total of 120 calendar days are allocated for the completion of the project. LD Construction is a Certified MBE/HUB company.

Approval of resolution.

Councilmember Samuel moved to APPROVE A RESOLUTION THAT THE BID SUBMITTED BY LD CONSTRUCTION, OF BEAUMONT, TEXAS, IN THE AMOUNT OF **\$955,488.53** FOR A CONTRACT FOR THE ELEVENTH STREET ASPHALT RESURFACING PROJECT FROM LAUREL AVENUE TO COLLEGE STREET AND THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH LD CONSTRUCTION, OF BEAUMONT, TEXAS. 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 - 009**

3. Consider a resolution approving the award of a contract to Gulf Coast L & L and Garden of Gethsemane Nursery & Landscaping for grounds maintenance and litter removal at various City parks and street triangles.

This contract is divided into four (4) sections and provides for grounds maintenance for neighborhood parks and street triangles throughout the City. The contract is for one (1) year with the option of two (2) extensions of one (1) year each. The contract provides for mowing, trimming, trash removal, maintenance of landscaping plant materials and other functions. Maintenance takes place on a weekly basis during growing season and bi-weekly during non-growing season for the parks, and bi-weekly and monthly for the triangles.

Gulf Coast L & L of Beaumont was the low qualified bidder for Sections I, II, and III but chose to only contract Sections I and II. Garden of Gethsemane Nursery & Landscaping of Beaumont is the qualified low bidder on Section IV and the next qualified low bidder on Section III and chose to contract both sections.

The current contract with Garden of Gethsemane for all four (4) sections was awarded at a total annual cost of \$217,002. The new contract will add Klein Park, Colliers Ferry Park, the New Public Health Department, Best Years Center, and various triangles to the list that are not on the current contract. Bids were requested from twelve (12) vendors with four (4) responding.

Approval of the resolution.

Councilmember Mouton moved to APPROVE A RESOLUTION THAT THE BID SUBMITTED BY GULF COAST L & L, OF BEAUMONT, TEXAS, FOR SECTIONS I AND II AND BY GARDEN OF GETHSEMANE NURSERY AND LANDSCAPING, OF BEAUMONT, TEXAS, FOR SECTION III AND IV FOR A ONE (1) YEAR CONTRACT WITH ANNUAL RENEWAL OPTIONS NOT TO EXCEED TWO (2) RENEWALS FOR GROUNDS MAINTENANCE AND LITTER REMOVAL FOR CITY PARKS AND STREET TRIANGLES MOWING DEVELOPED VACANT CITY-OWNED AND ABANDONED PROPERTIES, AND THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE CONTRACTS WITH GULF COAST L&L, OF BEAUMONT, TEXAS, AND GARDEN OF GETHSEMANE NURSERY AND LANDSCAPING, OF BEAUMONT, 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 16 – 010**

## **WORK SESSION**

- \* Review and discuss the possibility of constructing a boardwalk at Cattail Marsh.

Dean Conwell, Director of Convention and Visitors Bureau along with Dr. Joe Majdalani, Public Works Director discussed the possibility of constructing a boardwalk at Cattail Marsh. Dean

Conwell discussed a 8' wide boardwalk along with a 2' viewing platform along with an education center (the education center will be built with funds raised by the Magnolia Garden Club). The wildlife diversity was discussed it will have birds, reptiles, amphibians, mammals and plants. There will be nature and birding advertising done by the CVB, the advertisement will show and discuss birding trails, visitor and hotel information for Southeast Texas. There was also discussion in regards to the 2016 Beaumont Birding Events that will take place in the month of April, 2016. The value of Nature Tourism, Lower Texas Coast and upper Texas Coast was also discussed. Dr. Majdalani discussed the proposed boardwalk and viewing platforms with the public access parking along with the elevation view.

## **COMMENTS**

- \* Councilmembers/City Manager comment on various matters
- \* Public Comment (Persons are limited to 3 minutes)

## **COUNCILMEMBER COMMENTS**

- COUNCILMEMBER MOUTON - WISHED EVERYONE A HAPPY NEW YEAR, HAPPY TO BE BACK AND SERVING EVERYONE IN 2016**
- COUNCILMEMBER SAMUEL - WISHED ALL OF THE CITIZENS AND STAFF A HAPPY NEW YEAR, INTRODUCED MYESHA LEE WHO IS A PARALEGAL STUDENT AT LAMAR UNIVERSITY, SHE IS DOING HER INTERNSHIP WITH THE CITY OF BEAUMONT AS WELL AS WITH HIS OFFICE**
- COUNCILMEMBER PATE - WISHED EVERYONE A HAPPY NEW YEAR, COMMENTED ON LAMAR UNIVERSITY FOOTBALL AND CADE HARRINGTON, ANNOUNCED LAMAR UNIVERSITY MEN AND WOMEN BASKETBALL GAMES ON SATURDAY, THE WOMEN PLAY AT 2:00 P.M., AND THE MEN AT 4:30 P.M., ENCOURAGED EVERYONE TO ATTEND**
- COUNCILMEMBER WRIGHT - WISHED EVERYONE A HAPPY NEW YEAR, STATED THAT ALL CITIZENS CAN CALL HER OR ANY COUNCILMEMBER WITH ANY ISSUES NO MATTER HOW SMALL OR BIG**
- MAYOR PRO TEM GETZ - WISHED EVERYONE A HAPPY NEW YEAR, CONGRATULATED COUNCILMEMBER PATE AND SHERRENE COOK ON BEING CROWNED REGAL KING AND QUEEN AS WELL AS PRESIDING OVER THE KREWE DÉJÀ VU DU MONDE BALL IN LAKE CHARLES, LA, CONGRATULATED THE CALDWOOD NEIGHBORHOOD ASSOCIATION FOR REVITALIZING THEIR NEIGHBORHOOD ASSOCIATION, THEY WILL START MEETING AGAIN MONTHLY, ALSO CITIZENS HAVE MET IN**

**WILLOWCREEK, THEY WILL START THEIR MEETINGS AGAIN SOON, ALSO COMMENTED ON THE FATE OF THE DOWNTOWN LIBRARY AND THAT THERE HAS BEEN NO DECISIONS MADE REGARDING THE LIBRARY**

**COUNCILMEMBER GUIDROZ -**

**WISHED EVERYONE A HAPPY NEW YEAR, CONGRATULATED THE KNIGHTS FOR THE FINE WORK THEY DO HERE IN THE CITY, COMMENTED ON LAMAR UNIVERSITY BASKETBALL TEAM**

**CITY ATTORNEY COOPER -**

**NONE**

**CITY MANAGER HAYES -**

**NONE**

**MAYOR AMES -**

**WISHED EVERYONE A HAPPY NEW YEAR**

**Public Comments** (Persons are limited to three minutes)

**Dora Nisby**

**4520 Corley**

**Beaumont TX**

Stated that she is a member of the Library Commission as well as the Friends of the Public Library Commission and a member of the Tyrrell Historical Library Association, spoke in regards to the Downtown Library, said it would be like driving the last nail in the coffin to revitalize downtown, stated that statistics show that the Downtown Library is the most utilized library next to the R.C. Miller Library, asked that Council reconsider closing the main library

**Linda Esch**

**5870 Cole Rd.**

**Beaumont TX**

Spoke in favor of keeping the Downtown Library, stated that it's very important and a very good resource for the citizens

**Joyce Bowman**

**902 East Drive**

**Beaumont TX**

Spoke in favor of keeping the Downtown Library, stated that it kept downtown going when it was built, she has brought her kids to that library, it should be a destination for schools to bring the kids for library tours, room for them to do craft, they can have lunch under the beautiful oak trees when they are done with their tour, it's her hope that the library isn't taken away

**Mike Mahood**

**P.O. Box 20572**

**Beaumont TX**

Spoke on behalf of Friends of the Public Library Commission, stated that taking away the Downtown Library and building a small e-library isn't the answer, if a new library is built

downtown adjacent to the Best Years Center it should be at least as large as the main library

**Jude Paredez**

**10620 Gage Rd.**

**Beaumont TX**

Supported keeping the downtown library, stated that on January 8, 2016, an apparent incident of abuse of the homeless by the Beaumont Police was observed, it is probably hard enough just to be homeless, they should not have to face harassment as well, report incidents of homeless abuse to the Adult Protective Services or the Civilian Review Board, refer homeless persons to the Church of Blessed Bread at 409-351-2401, rooms are available, wished everyone a Happy New Year

**Linda Cooper**

**1655 Rikisha Lane**

**Beaumont TX**

Stated that she is a member of the Library Commission and the Terrell Historic Library Association, stated that she is concerned with the lack of information that is being shared with the commission in regards to the plans with the libraries, would like to know what's going on and as a member of the Commission would like to be kept abreast of what will happen to the Downtown Library, want to help in any way needed, stated that the City has some of the best library's in this area, there is no substitute that will replace the library that is located downtown, is in favor of e-library and stated that they will be visiting several e-libraries in Houston just to see how they are, but nothing will replace the main library downtown

**Paula Blazek**

**2534 Long**

**Beaumont TX**

Stated that she lives in the Oaks Historic District, the main library serves her area, stated that she has heard her neighbors state that they bring their kids to the library downtown and would not want to see it leave, also stated that it was a centrally located right across the street from the Children's Museum, adjacent to the Julie Rogers and down the street from the Energy Museum, there is really no replacement of the Downtown Library with an e-library, asked that the City maintain the structure and use of this library

Open session of meeting recessed at 2:37 p.m.

## **EXECUTIVE SESSION**

- \* Discuss and deliberate economic development negotiations regarding a business entity proposing a hotel and water park development at Ford Park as authorized by Section 551.087 of the Government Code.
- \* 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

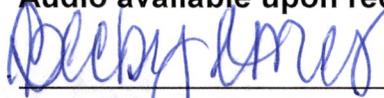
Minutes – January 12, 2016

- \* Consider matters related to the deliberation of the purchase, exchange, lease or value of real property in accordance with Section 551.072 of the Government Code, to wit:

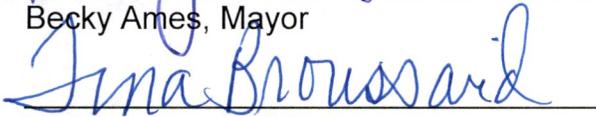
Beaumont Public Library  
801 Pearl Street  
Beaumont, Texas

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



# ABSTENTION AFFIDAVIT

THE STATE OF TEXAS §  
COUNTY OF JEFFERSON §

I, Robin Mouton, as a member of the Beaumont (City Council) Commission, or Board) make this affidavit and hereby on oath state the following: I, and/or a person or persons related to me, have a substantial interest in a business entity that would be peculiarly affected by a vote or decision of the Beaumont (City Council) Commission, or Board) as those terms are defined in V.T.C.A., Local Government Code, § 171.002.

The business entity is: Rezoning from RS to GC-MD  
(Name)

4050 to 4060 Washington Blvd.  
(Address)

("I," or name of relative and relationship) Robin Mouton have/has a substantial interest in this business entity for the following reasons: (check all of which are applicable.)

- Ownership of 10 percent or more of the voting stock or shares of the business entity.
- Ownership of either 10 percent or more or \$15,000 or more of the fair market value of the business entity.
- Funds received from the business entity exceed 10 percent of (my, her, his) \_\_\_\_\_ gross income for the previous year.
- Real property is involved, and (I, he, she) I have an interest which is an equitable or legal ownership with a fair market value of at least \$2,500.
- A relative of mine, within the first or second degree by blood or marriage, has a substantial interest in the business entity or property that would be affected by a decision of the public body of which I am a member.

Upon filing of this affidavit with the City Clerk, I affirm that I will abstain from voting on any decision involving this business entity and from any further participation on this matter whatsoever.

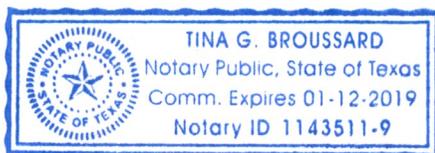
Signed this the 2nd day of February, 2016.

Robin Mouton  
Signature of Official

Councilmember Ward IV  
Title

BEFORE ME, the undersigned authority, on this day personally appeared Robin Mouton and on oath stated that the facts hereinabove stated are true to the best of his/her knowledge or belief.

SWORN to and subscribed before me on this the 2nd day of February, 2016.



Tina G. Broussard  
Notary Public in and for the State of Texas