BEAUMONT
TEXAS

MINUTES - CITY OF BEAUMONT

W.L. Pate, Jr., At-Large	**BECKY AMES, MAYOR**	Gethrel Wright, At-Large
Claude F. Guidroz, Ward I	CITY COUNCIL MEETING	Michael D. Getz, Ward II
Audwin Samuel, Ward III	August 2, 2016	Robin Mouton, Mayor Pro Tem
Tyrone E. Cooper, City Attorney	Kyle Hayes, City Manager	Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on **August 2, 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 1-2/Consent Agenda
* Consent Agenda

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

Pastor Kevin Trinkle of Baptist Hospital Chaplain Office 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 Mouton, Councilmembers Guidroz, Getz, Wright, Pate and Samuel (arrived at 1:33 p.m.). Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

Proclamations, Presentations, Recognitions

Announce the signing ceremony with Fire Chief Anne Huff and representatives from the Texas Forest Service for the Community Wildfire Protection Plan

Public Comment: Persons may speak on scheduled agenda items 1-2/Consent Agenda.

None

CONSENT AGENDA

* Approval of minutes – July 26, 2016

* Confirmation of committee appointments – **Resolution 16 – 135**

Margaret Adams would be appointed to the Small Business Revolving Loan Fund Board. The term would commence August 2, 2016 and expire September 30, 2017. (Councilmember Gethrel Williams-Wright)

A) Authorize the City Manager to accept maintenance and authorize final payment to Shirley & Sons Construction Co. of Cleveland for the Cattail Marsh Boardwalk Project - **Resolution 16 - 136**

B) Authorize the City Manager to execute all documents necessary for an affiliation agreement between the City of Beaumont and Lamar University - **Resolution 16 - 137**

C) Authorize the City Manager to enter into an agreement with the Texas Department of Transportation to contribute right-of-way clearing funds - **Resolution 16 - 138**

D) Amend Resolution No. 16-080 adding language required for the grant application related to the Texas Automobile Burglary and Theft Prevention Authority Fund - **Resolution 16 - 139**

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

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

NAYS: **NONE**

MOTION PASSED

GENERAL BUSINESS

1. Consider an ordinance amending the FY 2016 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 proposed amendments are as follows:

The General Liability Fund is an internal service fund that accounts for all of the payments related to claims, settlements and lawsuits brought against the City. The City has settled several lawsuits this fiscal year amounting to more than was anticipated in the current year's budget. An amendment to the budget is necessary in order to appropriate additional funds for such settlements. Internal service funds are funded through transfers from the departments that they support. There have been no transfers to the General Liability Fund

since FY 2014; however transfers from the General Fund $700,000, Water Fund $200,000 and Solid Waste Fund $200,000, totaling $1,100,000 are being proposed this fiscal year to reinforce the fund for FY 2017.

General Liability Fund	Original Budget	Proposed Amendment	Amended Budget
Total Expenditures	$939,200	$460,800	$1,400,000
Total Revenues	$5,000	$1,100,000	$1,105,000

The Fleet Fund is another internal service fund used by the City. It accounts for maintenance and repairs of vehicles and equipment used by all city departments. User fees for parts, labor, and fuel, for example, are charged to the respective departments through a markup of the cost incurred. Historically the revenue generated from the markup charged to the departments for the cost of fuel has offset where the markup for the parts and labor may have fallen short. FY 2016 is the second year of very low fuel prices which has led to less revenue to offset other operations. It is proposed that $700,000 be transferred into the Fleet Fund from the General Fund $300,000, Water Fund $150,000 and Solid Waste Fund $250,000 to make up the shortfall in revenue for FY 2016 and in lieu of a transfer in FY 2017.

Fleet Fund	Original Budget	Proposed Amendment	Amended Budget
Total Revenues	$9,071,200	$700,000	$9,771,200

In addition to the $700,000 transfer to the General Liability Fund and $300,000 to the Fleet Fund, a transfer in the amount of $150,000 to the Henry Homberg Golf Course Fund is also proposed in order to strengthen the fund balance for the next fiscal year. Therefore, an amendment is proposed in the General Fund to appropriate the transfers totaling $1,150,000.

General Fund	Original Budget	Proposed Amendment	Amended Budget
Total Expenditures	$118,538,300	$1,150,000	$119,688,300

The Water Fund is being amended in order to appropriate transfers of $200,000 to the General Liability Fund and $150,000 to the Fleet Fund.

Water Fund	Original Budget	Proposed Amendment	Amended Budget
Total Expenditures	$48,319,900	$350,000	$48,669,900

The Solid Waste Fund is being amended in order to appropriate transfers of $200,000 to the General Liability Fund and $250,000 to the Fleet Fund.

Solid Waste Fund	Original Budget	Proposed Amendment	Amended Budget
Total Expenditures	$10,667,400	$450,000	$11,117,400

The Henry Homberg Golf Course Fund is expected to fall short of budgeted revenues by over $63,000 in FY 2016 due to an extremely wet winter and spring season. In addition, the budget for FY 2017 anticipates expenditures in excess of revenues. For these two reasons, a transfer from the General Fund is proposed in FY 2016.

Henry Homberg Golf Course Fund	Original Budget	Proposed Amendment	Amended Budget
Total Revenues	$601,200	$150,000	$751,200

The Tyrrell Historical Library Fund received a large donation for a project to mitigate water intrusion in the building. An amendment to this fund will be necessary in order to appropriate the expenditures for the project and to recognize the donation received to pay for this project.

Tyrrell Historical Fund	Original Budget	Proposed Amendment	Amended Budget
Total Revenues	$20,500	$179,500	$200,000
Total Expenditures	$20,500	$179,500	$200,000

In June 2016, the City issued 2016 General Obligation Refunding Bonds. The refunding was not appropriated in the FY 2016 Budget because the timeline and amount were not known at the time the budget was prepared. The amendment is needed to reflect the bond refunding.

Debt Service Fund	Original Budget	Proposed Amendment	Amended Budget
Total Expenditures	$16,553,800	$49,700,000	$66,253,800
Total Revenues	$15,737,000	$49,700,000	$65,437,000

The Hotel Occupancy Tax Fund accounts for the operations of the Conventions and Visitors Bureau funded by hotel occupancy taxes. The proposed amendment in the Hotel Occupancy Tax Fund is to appropriate the fund's commitment of $150,000 for the cattail marsh boardwalk project.

Hotel Occupancy Tax Fund	Original Budget	Proposed Amendment	Amended Budget

Total Expenditures	$ 2,668,800	$150,000	$ 2,818,800

Councilmember Guidroz moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE AMENDING THE FISCAL BUDGET OF THE CITY OF BEAUMONT FOR THE FISCAL YEAR 2016 TO APPROPRIATE ADDITIONAL EXPENDITURES AND REVENUES IN THE GENERAL LIABILITY, TYRRELL HISTORICAL AND DEBT SERVICE FUNDS; TO APPROPRIATE ADDITIONAL EXPENDITURES IN THE GENERAL, WATER, SOLID WASTE, AND HOTEL OCCUPANCY TAX FUNDS; AND TO APPROPRIATE ADDITIONAL REVENUES TO THE FLEET AND HENRY HOMBERG GOLF COURSE FUNDS; AND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEAL.** Councilmember Samuel seconded the motion.

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

NAYS: **NONE**

MOTION PASSED

Ordinance 16 - 037

2. Consider a resolution authorizing the City Manager to execute Change Order No. 1, accept maintenance, and authorize final payment to LD Kemp Excavating, Inc. for the Cell 2 Construction Project).

On December 8, 2015, by Resolution No. 15-277, City Council awarded LD Kemp Excavating, Inc. of Fort Worth, Texas the contract for the Cell 2 Construction Project in the amount of $1,411,638.40.

Change Order No. 1, is required to adjust the estimated quantities in the contract to reflect the actual quantities used in the completion of the project. The adjustment in quantities results in an overall decrease of $110,416.23 (-7.82%) and a final contract value of $1,301,222.17. The project has been inspected and found to be complete in accordance with the provisions and terms set forth in the contract. Acceptance of maintenance, approval of Change Order No. 1, and final payment in the amount of $237,202.79 is recommended.

Councilmember Pate moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER IS HEREBY AUTHORIZED TO EXECUTE CHANGE ORDER NO. 1 FOR ADDITIONAL WORK, THEREBY DECREASING THE CONTRACT AMOUNT BY ($110,416.23) FOR A TOTAL CONTRACT AMOUNT OF $1,301,222.17 FOR THE SOLID WASTE LANDFILL CELL 2 CONSTRUCTION PROJECT AND TO MAKE FINAL PAYMENT IN THE AMOUNT OF $237,202.79 TO L.D. KEMP EXCAVATING, INC., OF FORT WORTH, TEXAS.** Councilmember Getz seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 16 – 140

WORK SESSION

* **Review and discuss reallocating a $1,000,000 earmark for the Washington (Langham to Major) Project towards four street rehabilitation projects, specifically the Tyrrell Park Loop; 11th Street between IH-10 and Delaware; 7th Street between IH-10 and Dollinger; and Washington between Langham and Major Drive**

City Manager, Kyle Hayes, discussed the repurpose of a federal earmark for Washington Boulevard between Langham and Major Drive. In the 2005, two federal earmarks were designated for the Washington Project, one earmark was in the amount of $1,000,000 and another was in the amount of $2,080,000. Texas Department of Transportation administers the federal funding and has indicated that the $1,000,000 can be repurposed. The first earmark was for Washington between Langham and Major (estimate of $400,000); the second earmark was 7th Street between IH-10 and Dollinger (estimate of $450,000); the third earmark was Tyrell Park Loop (estimate of $250,000); the fourth earmark was 11th Street between IH-10 and Delaware with an estimate of $350,000. The four projects total an estimated $1,450,000. The City would pay approximately $450,000 awards the improvements out of the Street Rehabilitation Program.

* **Review and discuss the spending of two earmarks for the Washington (Langham to Major) Project and the Dowlen Road (College to Walden) Project**

City Manager, Kyle Hayes, discussed the change of scope on federal earmarks for Washington Boulevard, between Langham Road and Major Drive and Dowlen Road between College Street and Walden Road. In 2005, two additional federal earmarks were designated for the Washington and Dowlen Road Projects. One earmark was in the amount of $2,080,000, for Washington Boulevard and another was in the amount of $2,764,800 for Dowlen Road. Texas Department of Texas administers the federal funding and has indicated that the two projects must be let by August 2017. The Washington Project estimated cost would be $13,4000.00, and the earmark amount is $2,080,000. The federal dollars spent would be $187,000.00, and the available federal funds will be $1,893,000 with the city's required match in the amount $520,000.00. The Dowlen project estimated cost is $15,500,000 with an earmark of $2,764,000. The federal dollars spent would be $216,000.00 and the available federal funds will be $2,548,000.00, with the city's required match in the amount of $691,000.00. The two earmarks are utilized for improvements on Washington Boulevard where the Dowlen Road extension would go through, the City could use approximately $4.4 Million in available earmarks and $1.2 million in City matching dollars from the Capital Program.

* **Review and discuss allowing the rental of paddle boats or boards and other water craft at the Event Centre Lake**

Chris Boone, Community Development Director, spoke regarding the rental of paddle boats or boards and other water craft at the Event Centre Lake. There was discussion of proposals to date, which included a private operator, renting: paddle boats and stand-up paddle boards for a (1) one year trial period, with (2) two year exclusive rights. The private operator would provide 6-12 boats. The proposed price would be $10.00 for 30 minutes. Life vest and waivers will be provided as well as a $1 million liability policy as well as the stand- up paddle boards. There were several issues that could arise such as overcrowding if multiple vendors were allowed. Allowing non-commercial use which would consist of private citizens with SUP's, there would also be an issue of storage, coordination with Event Centre events and damage to the fountain. There was discussion as to several decisions that would need to be made, such as allowing commercial vendors, allowing multiple commercial vendors, as well as allowing non-commercial use which would include private citizens with SUP's.

* **Review and discuss the City's Weed Abatement Program**

Chris Boone, Community Development Director, spoke regarding weed abatement. There was discussion of program and goals and objectives, enforcement activities, 2015 statistics on weeds, litter, junk motor vehicles and general nuisances. The process of weed enforcement was discussed, as well as the 2015 statistics on weed abatement, weed inspections, notices issued, owner compliance, city compliance and charges filed. There was also discussion on privately owned lots, and how much was billed to the owners, the cost to the city, the amount repaid to the city, fines paid at Municipal Court, and abandoned privately owned lots and city lots that are owned by Jefferson County. The program challenges were discussed as well as enforcement improvements short-term and possible future improvements long-term.

COMMENTS

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

COUNCILMEMBER COMMENTS

COUNCILMEMBER GUIDROZ - CONGRATULATED FIRE CHIEF ANNE HUFF FOR PRESENTING THE COMMUNITY FIRE PROTECTION PLAN, ALSO CONGRATULATED THE CFO, LAURA CLARK, AS WELL AS THE COMMUNITY DEVELOPMENT DIRECTOR, CHRIS BOONE, ON THEIR PRESENTATIONS TO COUNCIL, THANKED LD CONSTRUCTION CO., WHO WAS RESPONSIBLE FOR THE DEVELOPMENT OF THE CATTAIL MARSH PROJECT, THE PROJECT WAS COMPLETED UNDER BUDGET, COMPLETION OF THE PROJECT WAS DONE IN 50 DAYS INSTEAD OF 90 DAYS

COUNCILMEMBER GETZ - ANNOUNCED MOVIE NIGHT ON FRIDAY, AUGUST 5, 2016, AT THE JEFFERSON THEATRE, FERRIS BUELLER'S DAY OFF, ENCOURAGED EVERYONE TO TRY AND BE THERE

COUNCILMEMBER WRIGHT - HAD QUESTIONS IN REGARDS TO THE 3000 - 3100 OF AVENUE A, STATED THE ENTIRE SECTION WILL BE CLOSED UNTIL NOVEMBER, WOULD LIKE TO KNOW IF THAT IS ACCURATE, STATED THAT IF SO THE LENGTH OF TIME FOR THE CLOSURE IS EXCESSIVE, ALSO STATED THAT SHE HAS A PROBLEM WITH RECEIVING INFORMATION ON CERTAIN THINGS AT THE TAIL END, WOULD LIKE TO KNOW THINGS BEFORE IT COMES TO COUNCIL WHEN DEALING WITH A DEVELOPER, DOESN'T LIKE HOW CERTAIN THINGS ARE PRESENTED TO HER

COUNCILMEMBER PATE - THANKED EXXONMOBIL FOR THEIR CONTRIBUTIONS TO THE COMMUNITY, COMPLIMENTED DEAN CONWELL, DIRECTOR OF THE CONVENTION AND VISITORS BUREAU AND ALL THAT HE AND HIS STAFF DOES, STATED THAT HE HAS SPOKEN TO THE CITY MANAGER AND DEAN CONWELL IN REGARDS TO THE CITY PREPARING A SMALL VIDEO THAT THE HOTELS CAN HAVE ON ALL OF THEIR TELEVISIONS THAT GUESTS CAN VIEW AS TO ALL OF THE VENUES THAT GUESTS CAN VISIT WHILE STAYING IN OUR CITY, WOULD ALSO ENCOURAGE THEM TO HAVE THIS VIDEO PLAY ON THE ACCESS CHANNEL AND ON THE WEB SITE, MADE COMMENTS IN REGARDS TO LAMAR UNIVERSITY FOOTBALL

COUNCILMEMBER SAMUEL - THANKED THE TEXAS DEPARTMENT OF TRANSPORTATION AND STAFF FOR ALL OF THEIR HARD WORK WITH THE CITY, MADE COMMENTS REGARDING THE CONCORD ROAD PROJECT

MAYOR PRO TEM MOUTON - COMMENTED ON THE WONDERFUL TIME SHE HAD ON LAST FRIDAY NIGHT FOR MOVIE NIGHT AT THE JULIE ROGERS THEATRE AND THAT SHE WILL BE IN ATTENDANCE THIS FRIDAY NIGHT, ENCOURAGED CITIZENS TO ATTEND AS WELL, MADE COMMENTS IN REGARDS TO COUNCIL WORKING TOGETHER, STATED THAT THEY ALL LOVE THE CITY OF BEAUMONT AND BELIEVES THAT THEY CAN WORK TOGETHER TO SOLVE THE PROBLEMS WITHIN THE CITY, ESPECIALLY WITH THE BLIGHTED AREAS AND THE WEED ABATEMENT ISSUES

CITY ATTORNEY COOPER - STATED THAT ON LAST WEEK THERE WAS A STATEMENT MADE BY COUNCILMEMBER GETZ, HE STATED THAT HE LEARNED THAT THE CITY OF BEAUMONT HAD BEEN SUED AND THE SUIT WAS AGAINST CITY OF BEAUMONT, CITY MANAGER AND THE

POLICE DEPARTMENT, ALLEGATIONS WERE THAT COUNCILMEMBER SAMUEL AND HIS LAW FIRM HAD FILED THE LAWSUIT AND IMPLICATED SOME UNETHICAL CONDUCT, WANTED TO CLARIFY THAT THERE HAS NOT BEEN A SUIT FILED AGAINST THE CITY OF BEAUMONT, THERE WAS NO FILING LAST WEEK AND NOTHING HAS BEEN FILED AS OF TODAY, COUNCILMEMBER SAMUEL IS NOT INVOLVED ANY LAWSUITS AGAINST THE CITY OF BEAUMONT

CITY MANAGER HAYES - STATED THAT TUCKER FERGUSON, ENGINEER WITH THE TEXAS DEPARTMENT OF TRANSPORTATION IS IN THE AUDIENCE ALONG WITH STAFF, THANKED THEM FOR BEING IN ATTENDANCE AT THE MEETING AND FOR ALL THAT THEY ARE DOING TO HELP WITH THE EARMARKED MONEY

MAYOR AMES - COMMENTED ON THE GREAT THINGS THAT ARE GOING ON IN THE CITY AND ALL OF THE RIBBON CUTTINGS THAT THEY HAVE ATTENDED

Public Comments (Persons are limited to three minutes)

None

Open session of meeting recessed at 4:09 p.m.

EXECUTIVE SESSION

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

Architectural Alliance, Inc. as it relates to the Fire Station No. 2 and Fire Station No. 11 Projects

Claim of City of Beaumont vs. Allco, LLC; Beaumont Tennis Center

Potential Claim against APAC-Texas, Inc.

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