



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
September 13, 2016
Kyle Hayes, City Manager

Gethrel Wright, At-Large
Michael D. Getz, Ward II
Robin Mouton, Mayor Pro Tem
Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on **September 13, 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 1-5/Consent Agenda
- * Consent Agenda

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

Pastor Carl Vickery of Calvary Tabernacle Church gave the invocation. Councilmember Wright 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. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

Proclamations, Presentations, Recognitions

"Preparedness Month" - September, 2016 - Proclamation read by Councilmember Pate; accepted by Shaqueena Nobles, with the City of Beaumont Emergency Management

"Gift of Life" - September, Ovarian Cancer Awareness Month, October, Breast Cancer Awareness Month and September 13, 2016, Julie Rogers Gift of Life Program Day - Proclamation read by Mayor Ames; accepted by Norma Sampson and other members of the Julie Rogers Gift of Life Program

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.

Scott Walker

4460 Thomas Glen

Beaumont TX

Spoke to Council in regards to Item #2 on the Agenda; Council to approve Change Order No. 14 to the contract with the Texas Department of Transportation (TxDOT) for the Concord Road Project, stated that he sold a portion of his land to the City and was told that there would be curbs and sidewalks if this portion of the property was constructed and now he's finding out that this isn't the case would like someone to explain exactly what this change order entails

CONSENT AGENDA

- * Approval of minutes – September 6, 2016
- * Confirmation of committee appointments – **None**
- A) Approve the award of an annual contract to Gulf Coast Electric Company, Inc. of Beaumont for electrical services – **Resolution 16 - 164**
- B) Authorize the City Manager to enter into an interlocal agreement with Region VIII Education Service Center, The Interlocal Purchasing System – **Resolution 16 - 165**
- C) Approve a resolution accepting payment for weed liens dated between January 8, 1987 and August 21, 1989 and waiving interest for property located at 2980 S. Major Drive – **Resolution 16 - 166**
- D) Authorize the City Manager to execute all documents necessary to accept grant funds from the Texas Department of Transportation for the traffic safety "Safe and Sober S.T.E.P." project – **Resolution 16 - 167**
- E) Authorize the City Manager to execute all documents necessary to accept funding from the Texas Department of State Health Services related to influenza surveillance activities – **Resolution 16 – 168**

Councilmember Guidroz moved to approve the Consent Agenda. Councilmember Wright 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 a resolution approving a three year contract with Beaumont Transit Company of Beaumont for the Management of the Beaumont Municipal Transit system.

The Beaumont Municipal Transit system currently operates a fleet of eighteen (18) buses, eleven (11) paratransit vans, and four (4) support vehicles.

A Request for Proposal (RFP) was sent to five (5) potential responders and posted on the City website. Two responses were received. Both responses were evaluated according to the criteria provided in the RFP. Beaumont Transit Company received the high score. The owner, William J. Munson, has been a Manager for the Beaumont Municipal Transit system for over thirty (30) years.

The contract provides for a term of three (3) years with two (2) successive one-year extensions. The cost of the final year of the existing contract with CCL Management, Inc., is \$195,000. The annual amount in the proposed three year contract is 205,300 each year. This is \$10,300 or 5% more than the final year of the existing contract.

Price Structure	Per Year
Management Fee	\$40,000
General Manager	\$85,300
Accounting Services	\$24,000
Payroll Services	\$ 4,000
Purchasing Services	\$ 6,000
Travel Costs	\$ 4,000
Other Indirect Costs	\$42,000
TOTAL	\$205,300

Other Indirect costs includes pension administration, group insurance administration, and provision of computers and associated software, along with overhead costs.

Municipal Transit Fund.

Approval of the resolution.

Councilmember Pate moved to APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES A THREE (3) YEAR CONTRACT WITH TWO (2) SUCCESSIVE ONE (1) YEAR RENEWAL OPTIONS WITH BEAUMONT TRANSIT COMPANY, OF BEAUMONT, TEXAS FOR THE MANAGEMENT OF THE BEAUMONT MUNICIPAL TRANSIT SYSTEM IN THE TOTAL AMOUNT OF \$615,900; AND BE IT

FURTHER RESOLVED THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH BEAUMONT TRANSIT COMPANY, OF BEAUMONT, TEXAS. Councilmember Guidroz seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 16 - 169

2. Consider a resolution approving Change Order No. 14 to the contract with the Texas Department of Transportation (TxDOT) for the Concord Road Project.

Texas Department of Transportation (TxDOT) is managing the Concord Road Project. On July 26, 2012, TxDOT entered into an agreement with Tradeco Infraestructura, Inc. in the amount of \$11,284,746.71 for the Concord Road Project.

On June 10, 2015, Tradeco delivered a voluntary letter of default to TxDOT abandoning and terminating the contract. The Surety Bond held by American Home Assurance Company, is acting in its capacity as the Surety for Tradeco and has chosen Texas Sterling Construction Co., as the Completion Contractor. On September 1, 2015, Texas Sterling Construction Co., was given the Notice to Proceed with a Substantial Completion Date set at November 23, 2016.

Previous Change Order Nos. 1, 2, 3, 4, and 5 in the amount of \$126,767.20 were approved by City Council resulting in a new contract amount of \$11,411,510.91. Change Order Nos. 6, 7, 8, and 9 were executed by the City Manager resulting in a reduction to the contract in the amount of (-\$36,329.04) making the total contract amount \$11,375,181.87. On April 5, 2016, by Resolution No. 16-061, City Council approved the City Manager to execute Change Order No. 10 to revise quantities for items relating to the realignment of sanitary sewer lines from Dowlen Road to Garner Road to avoid conflict with established utilities. The change order was \$55,461.32 making the new contract amount \$11,430,643.19. Change Order Nos. 11, 12 and 13 were executed by the City Manager resulting in a reduction to the contract in the amount of (-\$17,444.26) making the new contract amount \$11,413,198.93.

The proposed Change Order No. 14, would reflect eliminating proposed storm sewer/inlets and proposed concrete pavement on Alignment B of the Concord Loop. Roadway intersection tie-ins were modified such that 620 feet of existing roadway will remain in place and will be planed and overlaid with asphalt pavement. If approved, Change Order No. 14 would result in a decrease of (-\$375,231.43) to the contract making the new contract amount \$11,037,967.50.

Capital Program.

Approval of resolution.

Councilmember Samuel moved to APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY TO EXECUTE CHANGE ORDER NO. 14 FOR ADDITIONAL WORK, THEREBY DECREASING THE CONTRACT AMOUNT BY **(\$375,231.43)** FOR A TOTAL CONTRACT AMOUNT OF **\$11,037,967.50** FOR THE CONCORD ROAD PROJECT. 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 - 170

3. Consider a resolution rejecting all bids for the Beaumont Municipal Airport New AVGAS and Jet-A-Self Serve Dispensing Skid Installation Project, Bid No. PW0716 - 20.

On September 1, 2016, at 2:00 P.M., in City Council Chambers, two (2) bids were received for the Beaumont Municipal Airport New AVGAS and Jet-A-Self Serve Dispensing Skid Installation Project.

H.W. Lochner evaluated the two (2) bids in terms of content, bid amount and bidder's qualifications, and have found the bids received are higher than the Engineer's Estimate by approximately 55% in comparison to similar projects recently advertised and awarded statewide. It is the recommendation of H.W. Lochner to reject all bids.

It is the recommendation of the City of Beaumont Public Works to reject this bid and rebid at a later date.

FAA approved Oil and Gas Revenues.

Approval of resolution.

Councilmember Pate moved to APPROVE A RESOLUTION THAT THE CITY COUNCIL DOES HEREBY REJECT THE BIDS FOR THE BEAUMONT MUNICIPAL AIRPORT NEW AVGAS AND JET-A-Self SERVE DISPENSING SKID INSTALLATION PROJECT. Councilmember Guidroz seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 16 – 171

4. Consider a resolution authorizing the City Manager to execute an Interlocal Agreement with Jefferson County Drainage District No. 6 related to the City of Beaumont Master Drainage Plan Study.

On June 14, 2016, by Resolution No. 16-108, City Council authorized the City Manager to apply and receive grant funding if awarded through the Texas Water Development Board (TWDB) for an expansion of the scope of the final phase of the Master Drainage Plan Study. In the Texas Water Development Board (TWDB) Meeting on August 25, 2016, the City of Beaumont was awarded \$287,000 in Disaster Contingency Funding.

In addition to the grant funding Jefferson County Drainage District No. 6 has committed to contribute \$75,000 towards the study. The Interlocal Agreement will provide previously completed drainage studies, geotechnical reports, models and available GIS data to be shared between the City and JCDD6 to expand the scope of work for phase III of the project.

Approval of resolution.

Councilmember Getz moved to APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO APPLY FOR AND RECEIVE GRANT FUNDING FOR THE CITY OF BEAUMONT THROUGH THE TWDB IN THE AMOUNT OF **\$287,000** FOR AN EXPANSION OF THE SCOPE OF THE FINAL PHASE OF A THREE (3) PHASE DUTY STUDY, WITHIN THE CITY'S LIMITS, OF ITS CURRENT DRAINAGE INFRASTRUCTURE AND AREAS PRONE TO FLOOD RISK. Councilmember Pate seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 16 – 172

5. Consider a resolution approving a contract with Porter's Carpet, Inc. of Beaumont for new floor covering at the Beaumont Public Library.

Bids were obtained through the formal bid process and the apparent low bidder was Porter's Carpet, Inc.

The Main Library was built in 1975 and the current flooring on the entry and upper levels was installed in 1998. The current carpeting is 18 years old and showing lots of wear and tear from the daily traffic flow. In addition, when the carpet was previously replaced it was cut around the book shelves and now that some of the shelving has been relocated there are exposed sections of older carpet causing an unsightly appearance.

Capital Reserve.

Approval of resolution.

Mayor Pro Tem Mouton moved to APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE PURCHASE OF NEW FLOOR COVERING TO BE INSTALLED AT THE BEAUMONT PUBLIC LIBRARY (MAIN LIBRARY), LOCATED AT 801 PEARL, FROM PORTER'S CARPET, INC., OF BEAUMONT, TEXAS, IN THE AMOUNT OF \$75,040.54. Councilmember Wright seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 16 – 173

PUBLIC HEARING

* Receive comments on the 2016 (FY 2017) Proposed Tax Rate

Open: 2:12 p.m.

Jason Marshburn

1070 Monterrey Dr.

Beaumont TX

Stated that he does support the current tax rate which is \$0.69/\$100 of valuation, but that's it that's the top number, also wanted to know why the City of Beaumont is the only city that doesn't offer homestead exemption, stated Council needs to look into that, also stated that he would like to see all the streets paved, needs to keep the tax rate where it is and not go any higher, would also like to see the sales tax come in higher

Close: 2:14 p.m.

PUBLIC HEARING

* Receive comments related to the 2015 Consolidated Annual Performance and Evaluation Report (CAPER)

Open: 2:15 p.m.

None

Close: 2: 15 p.m.

COMMENTS

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

COUNCILMEMBER COMMENTS

COUNCILMEMBER GUIDROZ -

NONE

COUNCILMEMBER GETZ -

STATED THAT JULIUS ROSENWALD WAS THE CEO OF SEARS IN THE EARLY PART OF THE 20TH CENTURY, A MOVIE WAS MADE ABOUT THIS REMARKABLE MAN'S LIFE, HE HAD NO CHILDREN AND NO HEIRS, WHAT HE DID WITH HIS SIZEABLE FORTUNE WAS TO BUILD OVER 5,000 SCHOOLS FOR AFRICAN AMERICAN CHILDREN IN THE JIM CROW SOUTH SO THAT THEY WOULD HAVE AN OPPORTUNITY GO TO SCHOOL AND BECOME EDUCATED, THERE IS A MOVIE THAT WAS MADE AFTER HIM DEPICTING THIS STORY THAT WILL BE PLAYED AT THE JEFFERSON THEATRE ON WEDNESDAY, SEPTEMBER 14, 2016, AT 7:30 P.M., TICKETS ARE \$5.00, THIS IS PART OF A FUNDRAISER FOR TEMPLE EMANUEL, ON THURSDAY, SEPTEMBER 15, 2016, THERE WILL BE A DINNER AT THE EVENT CENTRE WHERE MR. ROSENWALD'S GRANDDAUGHTER WILL BE THE GUEST SPEAKER, INVITED THE COMMUNITY TO COME OUT SEE THE MOVIE AS WELL AS ATTEND THE DINNER, ALSO MADE COMMENTS REGARDING A NEWSPAPER ARTICLE HE READ REGARDING THE COUNTY AND THE MANAGEMENT OF FORD PARK

COUNCILMEMBER WRIGHT -

COMMENTED ON A 911 MEMORIAL CEREMONY SHE ATTENDED AT CALVARY TABERNACLE ON SUNDAY, STATED IT WAS HEART-WARMING AND THE COUNTRY WILL NEVER FORGET WHAT HAPPENED, WANTED TO CONGRATULATE ALL OF THE FIRST RESPONDERS AND WANTED THEM TO KNOW HOW PROUD SHE IS OF THEM, STATED THAT IT'S BEEN FIFTEEN YEARS AND IT WILL NEVER BE FORGOTTEN, STATED THAT THIS WASN'T A BLACK ISSUE, IT WASN'T A WHITE ISSUE, IT WAS A GREY ISSUE, ALL ASHES, THIS BROUGHT THE COUNTRY TOGETHER DURING THIS TIME, SOMETIMES WE WONDER WHY THE DIVISION IS HAPPENING AGAIN, EVERYONE SHOULD THINK ABOUT WHAT BROUGHT US TOGETHER

COUNCILMEMBER PATE -	MADE COMMENTS ON 911, THINKS THAT EVERYONE SHOULD READ HISTORY SO THAT WE REMEMBER DAYS LIKE DECEMBER 7, 1941, JULY 4, 1776, AND SEPTEMBER 11, 2001, REALIZED THAT EVERY SINGLE DAY SOMEONE IS PUTTING THEIR LIFE ON THE LINE SO THAT WE COULD SIT IN THIS AIR CONDITIONED BUILDING AND TALK ABOUT HOW WE WANT TO MOVE OUR CITY FORWARD, WITHOUT THEIR SACRIFICE WE WOULDN'T BE HERE AT ALL, WE NEED TO GET DOWN ON OUR KNEES EVERY SINGLE DAY AND THANK GOD WE LIVE IN AMERICA, NOBODY IS TRYING TO GO SOMEPLACE ELSE, ALSO COMMENTED ON LAMAR UNIVERSITY FOOTBALL
COUNCILMEMBER SAMUEL -	NONE
MAYOR PRO TEM MOUTON -	WELCOMED MAYOR AMES BACK AND WISHED HER A HAPPY BELATED BIRTHDAY
CITY ATTORNEY COOPER -	NONE
CITY MANAGER HAYES -	NONE
MAYOR AMES -	NONE

Public Comments (Persons are limited to three minutes)

John Guidry	161 E. Caston	Beaumont TX
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Spoke to Council in regards to his high water bill and wanted to know why on last month his water bill was \$42.00, his current bill is \$87.00, he was told by the water department that if he doesn't pay the bill he will have his water turned off and will have to pay a deposit to have it reconnected, thinks that this isn't fair to people on fixed income

William Johnson	1045 Madison Ave.	Beaumont TX
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Had concerns in regards to two vacant lots on both sides of his home, stated that both lots haven't been cut since October, 2015, the lots were just cut in July, stated that he had about 5 inches of grass stacked up along his fence and about an inch in his yard, whoever cut the grass went around in circles throwing the grass on his property, also had watermelons growing on his fence and the watermelons along his fence were cut as well, isn't happy about that, he was also wanting to be compensated for the watermelons

Talsha Davis	P.O. Box 7288	Beaumont TX
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Spoke in regards to the red brick sidewalks, wanted to know if the bricks were paid for by FEMA or by the City as well as the landscaping, wanted to know what has the landscaping brought to the City, this is the time that we should actually take into consideration spending, stated that money could be used in other places, also spoke regarding there being a sidewalk issue at the living center behind Conn's, there also needs to be a crossing walk for them to cross the street

Scott Walker

4460 Thomas Glen

Beaumont TX

Commented on the property that he owned and sold to the City, gave a copy of a survey and map of the property that was sold, stated that he didn't hear Council mention anything about sidewalks in that area, the sidewalks are needed, wanted to know if change order #14 addressed sidewalks or not

Open session of meeting recessed at 2:36 p.m.

EXECUTIVE SESSION

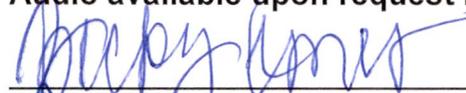
- * Consider matters related to contemplated or pending litigation in accordance with Section 551.071 of the Government Code:

City of Beaumont v. Richard James III and The Sports Society for American Health

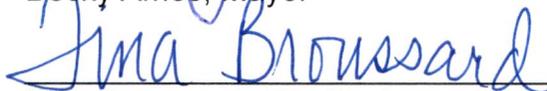
Claim of Nyjuma Howard

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

