

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 16, 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 16, 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 1-4/Consent Agenda
- * Consent Agenda

Mayor Ames called the council meeting to order at 1:35 p.m.

Pastor Torey Doucette of New Birth Community Baptist 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 Coleman, Councilmembers Getz, Pate, and Smith. Absent: Councilmembers Wright and Samuel as well as Kyle Hayes, City Manager. Also present were Tyrone Cooper, City Attorney and Tina Broussard, City Clerk.

Proclamations, Presentations, Recognitions

"Constitution Week" - September 17 - 23, 2014 - Proclamation read by Councilmember Getz; accepted by Theresa Heffner-Babb with the National Society of Daughters of the American Revolution of Beaumont

"Julie Rogers Gift of Life Program Day"- September 16, 2014 – Proclamation read by Mayor Ames; accepted by Norma Sampson, Nell McCullum-Morris and Linda Domino with the Julie Rogers Gift of Life Program

Public Comment: Persons may speak on scheduled agenda items 1-4/Consent Agenda.

None

CONSENT AGENDA

- * Approval of minutes – **September 9, 2014**
- * Confirmation of committee appointments - **None**

- A) Approve the award of an annual contract for electrical services to Gulf Coast Electric Company, Inc., of Beaumont – **Resolution 14 - 191**
- B) Approve a resolution reappointing Craig Lively as Chief Magistrate for the Municipal Court of the City of Beaumont – **Resolution 14 – 192**
- C) Approve a resolution authorizing the acceptance of the Cattail Marsh Constructed Wetland Rehabilitation Project for maintenance, approving a change order to the contract with Brystar Contracting, Inc. and authorizing final payment to the contractor – **Resolution 14 - 193**
- D) Authorize the City Manager to enter into a contract with Triangle Aids Network for the Continuum of Care Grant from the Department of Housing and Urban Development – **Resolution 14 - 194**
- E) Authorize the settlement of the lawsuit styled Robert “Bobby” Lorraine vs. City of Beaumont, Texas; Cause No. 122490 – **Resolution 14 - 195**

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

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

NAYS: NONE

MOTION PASSED

GENERAL BUSINESS

1. Consider a resolution authorizing the City Manager to enter into a contract with the Texas Water Development Board to receive funding for the Flood Mitigation Assistance Project Grant.

In the past, the City has utilized grant funding to provide relief to victims of flooding by offering to purchase their homes. Following Hurricane Ike, twelve (12) families benefited from the buyout program and in 2010, six (6) homes benefited from the program. In this current round of Flood Mitigation Assistance funding, the City has applied for and been granted funds in order to offer the owner of the apartment complex at 2505 Sweetgum a buyout opportunity. This property was selected as it is identified as a priority property on the Severe Repetitive Loss list. As with any flood buyout program, participation is strictly voluntary. This grant is part of the Federal Emergency Management Agency (FEMA) work program but is administered in Texas by the TWDB.

Funds for the program, including application, acquisition, relocation and demolition would be available through this grant from the Texas Water Development Board, with no required local match by the City.

Mayor Pro Tem Coleman moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT, WITH THE TEXAS WATER DEVELOPMENT BOARD TO RECEIVE UP TO \$965,626 FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD MITIGATION ASSISTANCE PROJECT GRANT.** Councilmember Smith seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 14 - 196

2. Consider a resolution authorizing the annulment of the award to G & G Enterprises of Beaumont for the construction of the Hike & Bike Trail – Phase II Project.

On July 22, 2014, City Council approved Resolution No.14-159, which conditionally awarding a contract to G & G Enterprises for the construction of the Hike & Bike Trail - Phase II in the amount of \$724,200.01. On August 18, 2014, as part of the contract requirements, G & G Enterprises submitted three (3) executed Disadvantaged Enterprise Program (DBE) Commitment Agreement forms to the City. The City verified with the listed DBE's that they had not signed the DBE forms that were submitted by G & G Enterprises and had not been contacted by G & G Enterprises related to this project, when questioned about these discrepancies the owner of G & G Enterprises had no explanation for how this occurred. He represented that he had bids from these DBE's for this project. The owner of G & G Enterprises was asked to provide the bids in question. However, the owner did not provide those documents, instead he did provide three (3) completed DBE forms that were executed after the City employees met with the owner of G & G Enterprises.

In accordance with the Specifications and Contract Documents, Section 0100, Instructions to Bidders, page 8 paragraph 18 states, *Failure or refusal to enter into an Agreement as herin provided or to conform to any of the stipulated requirements in connection therewith shall be just cause for an annulment of the award and forfeiture of the Bid Security.* In this case the contractor failed to provide the required documentation after being awarded the contract therefore is just cause for an annulment of the award.

Councilmember Pate moved to **APPROVE A RESOLUTION THAT THE AWARD TO G & G ENTERPRISES, OF BEAUMONT, TEXAS, IN THE AMOUNT OF \$724,200.01 FOR THE CONSTRUCTION OF THE HIKE & BIKE TRAIL-PHASE II IS ANNULLED; AND BE IT FURTHER RESOLVED THAT RESOLUTION NO. 14-159 IS HEREBY AND FOREVERMORE RESCINDED.** Councilmember Smith seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 14 – 197

3. Consider a resolution authorizing the conditional award of a bid pending TxDOT concurrence to Bruce's General Construction, Inc. of Beaumont for the construction of the Hike & Bike Trail – Phase II project.

On July 26, 2011, City Council approved a resolution authorizing the City Manager to execute a Local Transportation Project Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) for the Hike & Bike Trail – Phase II project. The Federal Highway Administration (FHWA) awarded \$661,134.00 to the City of Beaumont for 80% match of the estimated project cost and on September 1, 2011 a contract was executed. The City agreed to provide 20% match funds in the amount of \$165,284.00 and 100% of any additional project expenditures.

On Thursday, June 19, 2014 bids were solicited for furnishing all labor, materials, equipment and supplies for the construction of the Hike & Bike Trail – Phase II project.

G&G Enterprises failed to submit the necessary documentation to enter into an agreement with the City. In accordance with the Specifications and Contract Documents, Section 0100, Instructions to Bidders, page 8 paragraph 18 it states, *If the lowest responsive, responsible Bidder refuses or fails to execute the Agreement, the Owner may award the Contract to the second lowest responsive, responsible Bidder.* The second lowest bidder in this case is Bruce's General Construction, Inc., of Beaumont, TX.

To satisfy federal funding requirements, TxDOT will provide a letter of concurrence before final award is granted.

The Federal Highway Administration (FHWA) awarded \$661,134.00 for the project. Funds are available in the Capital Program for the difference.

Councilmember Smith moved to **APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE CONDITIONAL AWARD OF A CONTRACT TO BRUCE'S GENERAL CONSTRUCTION, INC., OF BEAUMONT, TEXAS, IN THE AMOUNT OF \$727,898.92 FOR FURNISHING ALL LABOR, MATERIALS, EQUIPMENT AND SUPPLIES FOR THE CONSTRUCTION OF THE HIKE & BIKE TRAIL-PHASE II PROJECT PENDING TXDOT'S CONCURRENCE OF THE AWARD OF THE CONTRACT TO BRUCE'S GENERAL CONSTRUCTION, INC.** Councilmember Getz seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 14 – 198

4. Consider a resolution approving the award of a contract to Rural Pipe and Supply, Inc. of Jasper for the purchase of brass fittings and gate valves to be used by the Water Utilities Department.

Bids were received from six (6) vendors for an eleven (11) month contract for brass pipe fittings and cast iron gate valves. The eleven (11) month contract period is established to coincide with the expiration of the master water utility inventory contract. The materials are used in the repair and maintenance of existing water and sewer lines and installation of new service lines in order to maintain adequate water and sewer service throughout the City.

Bids were evaluated upon the lowest total price per section on an all or none basis and which provides the best value to the City. Only bidders providing pricing for every item within each section were considered. Pricing is to remain firm for the term of the contract. Specifications also required all bids involving brass materials to quote items that are certified NSF61 lead-free compliant and are of domestic (USA) manufacture.

Requests for local vendor consideration were submitted by Coburn's, Inc., and ACT Pipe & Supply, Inc. However neither calculation resulted in net bids which fell within the five percent (5%) scope of the consideration requirement.

The administration recommends award of an eleven (11) month contract to Rural Pipe and Supply, Inc., of Jasper in the estimated amount of \$275,283.

Mayor Pro Tem Coleman moved to **APPROVE A RESOLUTION THAT THE BID SUBMITTED BY RURAL PIPE & SUPPLY, INC., OF JASPER, TEXAS, FOR AN ELEVEN (11) MONTH CONTRACT FOR THE PURCHASE OF BRASS PIPE FITTINGS AND CAST IRON GATE VALVES FOR USE BY THE WATER UTILITIES DEPARTMENT IN THE ESTIMATED AMOUNT OF \$275,283 BE ACCEPTED BY THE CITY OF BEAUMONT.** Councilmember Pate seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 14 - 199

PUBLIC HEARING

* Receive comments on the 2014 (FY 2015) Proposed Tax Rate

Open: 2:00 p.m.

None

Close: 2:00 p.m.

COUNCILMEMBER COMMENTS

- COUNCILMEMBER SMITH -** COMMENTED ON HIS ATTENDANCE AT THE CHAMBER B-BQ COOK OFF, ALSO HAD A GREAT TIME AT OUR MOTHER OF MERCY BAZAAR THAT TOOK PLACE THIS PAST WEEKEND
- COUNCILMEMBER SAMUEL -** ABSENT
- COUNCILMEMBER PATE -** GAVE CONDOLENCES TO THE FAMILY OF TOM VANCE, ALSO ANNOUNCED THE COPS AND KIDS FUNDRAISER THURSDAY, SEPTEMBER 18, 2014, AT PERFORMANCE CAR AUDIO, 4055 OLD DOWLEN RD. FROM 11:00 A.M. TO 1:00 P.M., ALSO REMINDED EVERYONE ABOUT LUNCH ON THE LAKE EVERY MONDAY AT THE EVENT CENTRE, COMMENTED ON THE FOOTBALL GAME BETWEEN LAMAR UNIVERSITY AND TEXAS A & M, STATED THAT HE LOOKS FORWARD TO THIS WEEK'S FOOTBALL GAME, ENCOURAGED EVERYONE TO ATTEND, MENTIONED THE 9/11 CEREMONY AT FIRE STATION #1 THAT HE ATTENDED
- COUNCILMEMBER WRIGHT -** ABSENT
- COUNCILMEMBER GETZ -** COMMENTED ON THE CHAMBER'S B-BQ COOK OFF, ENJOYED ATTENDING, THE FOOD WAS VERY GOOD, ALSO COMMENTED ON THE MANION PLACE NEIGHBORHOOD ASSOCIATION'S NEWLY ORGANIZED ASSOCIATION, ANNOUNCED THE DOWLEN/WEST NEIGHBORHOOD ASSOCIATION MEETING ON TUESDAY NIGHT AT ROGERS PARK COMMUNITY CENTER
- MAYOR PRO TEM COLEMAN -** GAVE CONDOLENCES TO THE FAMILY OF FRED BESSEL WHO PASSED AWAY ON LAST WEEK, WISHED HIS MIDDLE SON CHRIS A HAPPY 20TH BIRTHDAY, ALSO ENCOURAGED EVERYONE TO SIGN UP FOR THE GIFT OF LIFE 5K FUN RUN WHICH IS COMING UP, PLEASE CALL 833-3663 TO ENTER THE RACE
- CITY ATTORNEY COOPER -** NONE
- CITY MANAGER HAYES -** ABSENT
- MAYOR AMES -** ANNOUNCED THE DOGTOBER FEST WHICH WILL BE HELD ON OCTOBER 20, 2014, COMMENTED ON THE CHAMBER B-BQ, ALSO WANTED EVERYONE TO NEVER FORGET 9/11 13 YEARS AGO AND HOW WE FELT AS AMERICANS WHEN IT HAPPENED, COMMENTED ON A CEREMONY THAT SHE ATTENDED SPONSORED BY LIT "SALUTE TO AMERICAN HERO'S" THE PROGRAM WAS VERY WELL ATTENDED, ON SATURDAY

COWBOY HARLEY HAD A CEREMONY THAT WAS BEAUTIFUL, JUDGE JOHN STEVENS WAS THE KEYNOTE SPEAKER AND ALSO SAW FOOTAGE OF THAT HORRIBLE DAY, GAVE CONDOLENCES TO THE VANCE FAMILY, ANNOUNCED THAT THE LINDBERGH OVERPASS WILL OPEN ON THIS AFTERNOON

Public Comments (Persons are limited to three minutes)

Calude Guidroz

3365 Briar Ct.

Beaumont TX

Spoke to Council in regards to the fees that the City is proposing to charge for the Beaumont Tennis Complex, stated that going from free to a fee can be difficult, stated that he would request an opportunity to work with the Parks and Recreation Department to address some concerns, just to name a few: 1) the ideal time to implement the fee structure would be January, 2015; 2) there are seniors, mostly in the 65 to 85 age groups that use the facility at 7:30 a.m. three to four times a week and should be given some special consideration, they have paid taxes all of their lives; 3) there are students from Lamar and some from our high schools that are on limited incomes; 4) the hours of operation needs some adjustment to be more responsive to the community demand rather than employee continence, we have citizens that will volunteer just as they do in the hospitals to staff early and late hours not covered by paid employees; 5) tennis is a family sport, the hourly rates imposed are very much in line with cities our size but there is no family rate component

Rev. J. D. Roberts

5475 Landry Ln.

Beaumont TX

Invited Mayor and Council to an event sponsored by S.O.C. Children in Motion, Inc., the "Unite and Educate Our Youth" banquet, it will be on October 2, 2014, 7:00 p.m. at the Event Centre, 700 Crockett Street, the keynote speaker will be Dr. John Adolph, Pastor of Antioch Missionary Baptist Church

Jude Paredez

10620 Gage Rd.

Beaumont TX

Commented on the killing of a 93 year old woman in Hern, TX by a police officer, the Texas Rangers were called in to investigate, in Ferguson, TX a citizen Michael Brown was killed by a police officer, the Justice Department is currently investigating, in New York City allegations of police misconduct were reviewed by a federal court, the police were found to have acted in an unconstitutional manner, and reforms have been implemented, recently a senior citizen was unlawfully killed by police here in Beaumont and numerous Beaumont residents have asked that the Justice Department or other independent agencies investigate this killing, we have these questions, why does the Police Chief tolerate falsified affidavits, was all the video evidence presented to the Grand Jury, if the Police have again withheld evidence then the evidence must be presented to the Grand Jury, stated that he will be collecting signatures on a petition to bring the Justice Department to Beaumont, such an investigation must be conducted, stated that citizens of Beaumont pays tens of millions of dollars to fund the police force and they deserve a police force that doesn't kill them, if anyone is interested in bring the Justice Department to Beaumont please contact Texas Tea Party Headquarters at 2915 San Jacinto or contact Jude Paradez

Landry Rountree

1565 S. Major

Beaumont TX

Commented on retaliation by the Beaumont Police Department, stated that Channel 12 on the 4th of September aired his story, if you come by his business there are 391 summons on his fence totaling over a \$145,000.00, stated this is retaliation and the reason why was because he stood up to the traffic division

Vernon Durden

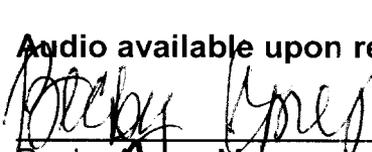
2110 Westbury Rd.

Beaumont TX

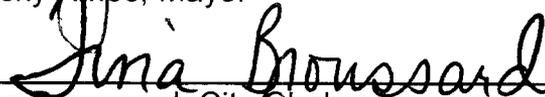
Commented on the Police Department and the good things that are happening in Beaumont, very pleased with last year's performance with the Police Department, stated that nothing's perfect but if you look at the overall picture things are much better, also stated that he's been following the Citizens Advisory Board and there are about 15 members, when the Advisory Board meets most of the time there are about 7 or 8 members in attendance, encouraged Council to look at their appointees and see if they can encourage them to become more active, it's a good board and they are doing good work, would also like for Council to look at rotating the members and having new members come on board, it's another great day in Beaumont

With there being no Executive Session, Council adjourned at 2:31 p.m.

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



Becky Ames, Mayor



Tina Broussard, City Clerk

