

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 8, 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 8, 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 4-13/Consent Agenda
- * Consent Agenda

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

Pastor Vernon P. Tubbs of First Full Gospel 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 Getz, Councilmembers Guidroz, Wright, Pate, Samuel and 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 4-13/Consent Agenda.

None

CONSENT AGENDA

- * Approval of minutes – **November 17, 2015**
- * Confirmation of committee appointments – **Resolution 15 – 257**

The following citizens would be appointed to the Animal Health Advisory Committee. The terms would commence December 8, 2015 and expire September 30, 2017. (Mayor Becky Ames)

City Veterinarian - Dr. John Falgout
City Health Director - Sherry Ulmer
City Animal Control - Supervisor Matthew Fortenberry
Humane Society Representative - Cindy Meyers
City Police Department Representative - Jim Clay

Resident at Large - Ann Reynolds
Resident at Large - Debbie Rogers
Resident at Large - Amy Hymel

The following citizens would be appointed to the Community Development Advisory Committee. The terms would commence December 8, 2015 and expire September 30, 2017.

| <u>Citizen</u> | <u>Appointed By</u> |
|------------------------|---------------------------------------|
| Norma Sampson | Mayor Becky Ames |
| Raymond Ambres | Mayor Becky Ames |
| Rose Blount | Mayor Becky Ames |
| David Mulcahy | Councilmember W.L. Pate, Jr. |
| Pat Anderson | Councilmember W.L. Pate, Jr. |
| Tom LeTourneau | Councilmember W.L. Pate, Jr. |
| Coquese Williams | Councilmember Gethrel Williams-Wright |
| Dora Nisby | Councilmember Gethrel Williams-Wright |
| Deloris Comeaux Guidry | Councilmember Gethrel Williams-Wright |
| Kevin Roy | Councilmember Claude Guidroz |
| Eldon Steward | Councilmember Claude Guidroz |
| Lynn DeCordova | Councilmember Mike Getz |
| Connie Berry | Councilmember Mike Getz |
| Charles Taylor | Councilmember Audwin M. Samuel |
| Georgine Guillory | Councilmember Robin Mouton |
| Shederick Evans | Councilmember Robin Mouton |
| Lee Smith | Councilmember Robin Mouton |

The following citizens would be appointed to the Convention and Tourism Advisory Board. The terms would commence December 8, 2015 and expire September 30, 2017.

| <u>Citizen</u> | <u>Appointed By</u> |
|--------------------------------|---------------------------------------|
| Frank Messina | Mayor Becky Ames |
| Ann Rothkamm | Mayor Becky Ames |
| Ava Graves | Mayor Becky Ames |
| Albert Elder | Mayor Becky Ames |
| Jake Tortorice | Councilmember W.L. Pate, Jr. |
| Allen Perkins | Councilmember W.L. Pate, Jr. |
| Vertress C. Slack | Councilmember Gethrel Williams-Wright |
| Valerie Linton | Councilmember Gethrel Williams-Wright |
| Richard James | Councilmember Claude Guidroz |
| Ryan Smith | Councilmember Claude Guidroz |
| Arthur E. Berry | Councilmember Mike Getz |
| George Crawford | Councilmember Mike Getz |
| Molly J. Dahm. PhD | Councilmember Audwin M. Samuel |
| Connie Patterson | Councilmember Robin Mouton |
| Joann Broussard | Councilmember Robin Mouton |
| Ex-officio Mel Wright | Mayor Becky Ames |
| Ex-officio Rocky Chase | Mayor Becky Ames |
| Ex-officio Dr. Richard Leblanc | Mayor Becky Ames |

The following citizens would be appointed to the Library Commission. The terms would commence December 8, 2015 and expire September 30, 2017.

| <u>Citizen</u> | <u>Appointed By</u> |
|-----------------------|---------------------------------------|
| Martha Hicks | Mayor Becky Ames |
| Lauren Williams-Mason | Councilmember W.L. Pate, Jr. |
| Mercy Cook | Councilmember Gethrel Williams-Wright |
| Dora Nisby | Councilmember Claude Guidroz |
| Donna Forgas | Councilmember Mike Getz |
| Belinda Taylor | Councilmember Audwin M. Samuel |
| Larue Smith | Councilmember Robin Mouton |
| Linda Cooper | Councilmember Mike Getz |
| Christina Howard | Councilmember W.L. Pate, Jr. |

The following citizens would be appointed to the Parks and Recreation Advisory Committee. The terms would commence December 8, 2015 and expire September 30, 2017.

| <u>Citizen</u> | <u>Appointed By</u> |
|-------------------|---------------------------------------|
| Myra Clay | Mayor Becky Ames |
| Barbara White | Mayor Becky Ames |
| Steve McGrade | Councilmember W.L. Pate, Jr. |
| Sherrene Cook | Councilmember W.L. Pate, Jr. |
| Gwen Ambres | Councilmember Gethrel Williams-Wright |
| MacArthur English | Councilmember Gethrel Williams-Wright |

| <u>Citizen</u> | <u>Appointed By</u> |
|------------------|--------------------------------|
| Travis Hefley | Councilmember Claude Guidroz |
| Charles E. Heare | Councilmember Claude Guidroz |
| Emily Coxe | Councilmember Mike Getz |
| Clarke Baker | Councilmember Mike Getz |
| Benny Mendoza | Councilmember Audwin M. Samuel |
| Talsha Davis | Councilmember Audwin M. Samuel |
| Carl Briggs | Councilmember Robin Mouton |
| Joseph Brown | Councilmember Robin Mouton |

The following citizens would be appointed to the Planning and Zoning Commission. The terms would commence December 8, 2015 and expire September 30, 2017.

| <u>Citizen</u> | <u>Appointed By</u> |
|-----------------------|---------------------------------------|
| Lynda Kay Makin | Mayor Becky Ames |
| Marty Craig | Councilmember W.L. Pate, Jr. |
| Ava Graves | Councilmember Gethrel Williams-Wright |
| Lauren Williams-Mason | Councilmember Claude Guidroz |
| Sina Nejad | Councilmember Mike Getz |
| Labonna Spikes | Councilmember Audwin M. Samuel |
| Joris P. Colbert | Councilmember Robin Mouton |
| Eddie Senigaur | Mayor Becky Ames |
| Bill Little | Mayor Becky Ames |

The following citizens would be appointed to the Police Department Community Advisory Committee. The terms would commence December 8, 2015 and expire September 30, 2017.

| <u>Citizen</u> | <u>Appointed By</u> |
|----------------------|---------------------------------------|
| Pastor Dwight Benoit | Mayor Becky Ames |
| Sandra Womack | Mayor Becky Ames |
| Jesus Abrego | Mayor Becky Ames |
| Roy Steinhagen | Councilmember W.L. Pate, Jr. |
| Jon Reaud | Councilmember W.L. Pate, Jr. |
| John P. Stafford | Councilmember Gethrel Williams-Wright |
| Alma Hodge | Councilmember Gethrel Williams-Wright |
| Glen Johnson | Councilmember Claude Guidroz |
| Gene Bush | Councilmember Claude Guidroz |
| Karl Duerr | Councilmember Mike Getz |
| Douglas Rathgeber | Councilmember Mike Getz |
| Irmalyn Thomas | Councilmember Audwin M. Samuel |
| William Wilson | Councilmember Audwin M. Samuel |
| Rev. Vernon Tubbs | Councilmember Robin Mouton |
| Rev. David Robinson | Councilmember Robin Mouton |

- A) Authorize the City Manager to execute an Industrial District Contract with OCI Beaumont, LLC – **Resolution 15 - 258**
- B) Authorize the City Manager to execute an Industrial District Contract with Air Liquide Large Industries U.S., LP – **Resolution 15 - 259**
- C) Approve the award of a contract to Reeder Distributors, Inc., of Fort Worth for purchase and installation of one heavy duty hydraulic lift set and accessories for use by the Fleet Management Division – **Resolution – 15 - 260**
- D) Authorize the City Manager to accept maintenance and authorize final payment to Allco Inc., for the Tennis Clubhouse - **Resolution – 15 - 261**
- E) Authorize the City Manager to execute an annual agreement with Capital Edge Advocacy, Inc. to provide services as the City of Beaumont’s Washington Assistant - **Resolution – 15 - 262**
- F) Approve the execution of an Air Monitoring Site Agreement with the Texas Commission on Environmental Quality (TCEQ) - **Resolution – 15 - 263**
- G) Authorize the City Manager to enter into an agreement with Discovery Benefits, Inc., for Flexible Spending Accounts administration - **Resolution – 15 - 264**
- H) Authorize the City Manager to execute all documents necessary for an agreement between the City of Beaumont and Beaumont Family Practice Associates – **Resolution – 15 – 265**
- I) Authorize the City Manager to sign a Memorandum of Understanding with the Area Agency on Aging related to the 2-1-1 Area Information Center - **Resolution – 15 - 266**

- J) Authorize the City Manager to execute all documents necessary, specifically a Memorandum of Understanding, between the Office of the Attorney General of Texas and the Police Department - **Resolution – 15 - 267**
- K) Approve a resolution casting the City's four hundred and forty seven (447) votes for C. L. Sherman to the Board of Directors of the Jefferson County Appraisal District **Resolution – 15 - 268**
- L) Authorize the acceptance of a ten foot wide Exclusive Water Line Easement located at 4235 Eastex Freeway - **Resolution – 15 - 269**
- M) Authorize Ambu-Care Trans, LLC, DBA Ambu-Care Trans to operate an ambulance transport service in the city limits of Beaumont - **Resolution – 15 - 270**

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

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

NAYS: NONE

MOTION PASSED

GENERAL BUSINESS

1. Consider a request for a Specific Use Permit to allow a restaurant in an NC (Neighborhood Commercial) District at 5220 Eastex Freeway.

Farid Abuseleh would like to open a restaurant in the existing structure at 5220 Eastex Freeway. The 4900 square foot structure will be utilized as J&J Wings and Seafood and is located in an NC (Neighborhood Commercial) District. The planned restaurant will operate mainly as take-out but will have a small seating area. Currently there are forty-three (43) parking spaces with three (3) Handicapped spaces. An existing eight (8) foot fence acts as the barrier between the proposed site and residential lots to the east.

Mr. Abuseleh requested a waiver to any additional requirements for landscaping.

At a Joint Public Hearing held November 16, 2015, the Planning Commission recommended 7:0 to approve a request for a Specific Use Permit to allow a restaurant in an NC (Neighborhood Commercial) District with the waiver to any additional requirements for landscaping.

Approval of the ordinance.

Councilmember Guidroz moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A RESTAURANT IN A NC (NEIGHBORHOOD COMMERCIAL) DISTRICT AT 5220 EASTEX FREEWAY IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Wright seconded the motion.

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

NAYS: NONE

MOTION PASSED

Ordinance 15 - 052

2. Consider a request for a Specific Use Permit to allow commercial vehicle parking at 5595 Fannett Road.

Swift International Services Group, Inc. would like to park commercial vehicles on the property located at 5595 Fannett Road. Swift provides rental vehicles to the Motiva Refinery in Port Arthur and to the Exxon Refinery in the Beaumont area. When the vehicles are not in use, a location to park or store the vehicles is needed. Rental vehicles can vary anywhere from a passenger vehicle to a commercial 18 wheeler truck and trailer. A small office is planned for the site. The lot will be used for short term storage only.

At a Joint Public Hearing held November 16, 2015, the Planning Commission recommended 7:0 to approve a request for a Specific Use Permit to allow commercial vehicle parking with the following conditions:

1. Install an eight foot tall, wood or masonry privacy fence, as required by city regulations, and ten foot wide landscaped buffer along the east 150 feet of the north property line, and along the south property line.
2. Install a six foot wide landscaped buffer, as required by city regulations, along Fannett Road and Crestland Loop.
3. Provide at least one ADA parking space next to the office building.
4. Any improvements within state right-of-way shall be permitted by TXDOT.
5. No storm water shall be allowed to drain onto adjacent properties before and after structures are built. Storm water shall drain towards the street.
6. Paving be asphalt or concrete.
7. Access to Crestland Loop shall not be the only point of access.

Approval of the ordinance with conditions.

Mayor Pro Tem Getz moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW COMMERCIAL VEHICLE PARKING AT 5595 FANNETT ROAD, WITH THE CONDITIONS IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Wright seconded the motion.

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

NAYS: NONE

MOTION PASSED

Ordinance 15 – 053

3. Consider a request to abandon a five foot street light easement located between lots 2 & 3, Block 1, Washington Park.

Soutex Surveyors & Engineers is requesting an abandonment of the street light easement located at 4740 Bolivar Street on behalf of the owners, Joseph and Rita Crook. The 5' easement runs along the boundary of lots 2 & 3, Block 1, Washington Park Addition. Mr. & Mrs. Crook plan to construct a home on the property divided by this easement. A letter from Entergy showing no objection to the request was submitted along with the application.

At a Joint Public Hearing held November 16, 2015, the Planning Commission recommended 7:0 to approve a request to abandon a five foot street light easement located between lot 2 & 3, Block 1, Washington Park.

Approval of the ordinance.

Councilmember Mouton moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE VACATING AND ABANDONING A FIVE FOOT (5') STREET LIGHT EASEMENT LOCATED AT 4740 BOLIVAR STREET, CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Guidroz seconded the motion.

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

NAYS: NONE

MOTION PASSED

Ordinance 15 – 054

4. Consider a resolution approving the purchase of twenty-one vehicles from Silsbee Ford for use by various City departments.

Replacement vehicles are requested through the City's budget process. The Fleet Manager reviews the requests and evaluates the vehicles to be replaced. Based on this evaluation, a recommendation is made to replace worn and obsolete vehicles that are no longer cost effective to operate. The vehicles to be purchased are replacing models ranging from 2000 to 2011. The newer vehicles may be reassigned by the Fleet Division where appropriate. The older vehicles will be disposed of in accordance with the City's surplus equipment policy because age and mileage render them unfit for continued service.

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 \$400 which is paid to the vendor.

Warranties of 36,000 miles or three (3) years are provided for each new vehicle. Warranty service is provided by local authorized dealerships. Delivery is expected within sixty (60) to ninety (90) days.

Approval of resolution.

Councilmember Pate moved to APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE PURCHASE OF TWENTY-ONE (21) VEHICLES FOR USE BY VARIOUS CITY DEPARTMENTS FROM SILSBEE FORD, OF SILSBEE, TEXAS, IN THE AMOUNT OF \$804,519.95 THROUGH TEXAS ASSOCIATION OF SCHOOL BOARDS (BUYBOARD) COOPERATIVE PURCHASING PROGRAM. Mayor Pro Tem Getz seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 15 – 271

5. Consider a resolution approving the purchase of five Chevrolet Tahoe patrol vehicles from Caldwell Country Chevrolet of Caldwell for use by the Police Department.

The vehicles requested will replace units that are used in daily operations by the Patrol Division. These vehicles are on a replacement cycle in order to keep serviceable units available at all times and may be disposed of after replacement according to the City's surplus property disposal policies or relocated to other divisions.

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 \$400 which is paid to the vendor.

Standard warranties of five (5) years or 100,000 miles are provided for each vehicle. Warranty service is available from the local authorized dealer. Delivery is expected within sixty (60) to ninety (90) days.

Approval of resolution.

Mayor Pro Tem Getz moved to APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE PURCHASE OF FIVE (5) CHEVROLET TAHOE PATROL VEHICLES FOR USE BY THE POLICE DEPARTMENT FROM CALDWELL COUNTRY CHEVROLET, OF CALDWELL, TEXAS, IN THE AMOUNT OF \$174,670.00 THROUGH THE TEXAS ASSOCIATION OF SCHOOL BOARDS (BUYBOARD) COOPERATIVE PURCHASING PROGRAM. Councilmember Wright seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 15 – 272

6. Consider authorizing the City Manager to execute an Industrial District Contract with Entergy Texas, Inc.

Industrial District Contracts enable the City to collect payments in lieu of taxes from industries located outside the city limits but within the extra territorial jurisdiction of the city.

The City currently has a contract with Entergy Texas, Inc., that will expire December 31, 2015. The new contract will be effective January 1, 2016. The in-lieu of tax payment will be based on a ratio of 80% of property taxes due to the City as if the industry were located within the city limits in 2016 through 2018 and 75% of property taxes due to the City in 2019 through 2022. The 2016 payment will be calculated based on 80% of the assessed value multiplied by the tax rate effective on October 1, 2015 or \$0.69 per \$100 of assessed valuation. Payments will be due to the City by February 1st of each year.

Approval of the resolution.

Councilmember Guidroz moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE AN INDUSTRIAL DISTRICT AGREEMENT WITH ENTERGY TEXAS, INC.** Councilmember Mouton seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 15 – 273

7. Consider authorizing the City Manager to execute an Industrial District Contract with Chemtrade Refining Services, Inc.

Industrial District Contracts enable the City to collect payments in lieu of taxes from industries located outside the city limits but within the extra territorial jurisdiction of the city.

The City currently has a contract with Chemtrade Refining Services, Inc., that will expire December 31, 2015. The new contract will be effective January 1, 2016. The in-lieu of tax payment will be based on a ratio of 80% of property taxes due to the City as if the industry were located within the city limits in 2016 through 2018 and 75% of property taxes due to the City in 2019 through 2022. The 2016 payment will be calculated based on 80% of the assessed value multiplied by the tax rate effective on October 1, 2015 or \$0.69 per \$100 of assessed valuation. Payments will be due to the City by February 1st of each year.

Approval of the resolution.

Councilmember Samuel moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE AND INDUSTRIAL DISTRICT AGREEMENT WITH CHEMTRADE REFINERY SERVICES INC.** Councilmember Pate seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 15 – 274

8. Consider authorizing the City Manager to execute an Industrial District Contract with Enterprise Beaumont Maurine West, LP.

Industrial District Contracts enable the City to collect payments in lieu of taxes from industries located outside the city limits but within the extra territorial jurisdiction of the city.

The City originally had an agreement with Oiltanking Beaumont Partners, LP that expires December 31, 2015. During 2015 Oiltanking Beaumont Partners LP and Enterprise Products Partners LP merged; the new company being Enterprise Beaumont Marine West LP. In accordance with Article III, Sale by Company, the remaining term of the agreement transferred to Enterprise Beaumont Marine West, LP and expires December 31, 2015. The new contract will be effective January 1, 2016. The in-lieu of tax payment will be based on a ratio of 80% of property taxes due to the City as if the industry were located within the city limits in 2016 through 2018 and 75% of property taxes due to the City in 2019 through 2022. The agreement with Oiltanking as well as this new agreement includes abatement for new improvements to the shore side of the property. Enterprise commenced construction on these new improvements in January 2015 and shall receive abatement for these new improvements in the amount of 100% for the first and second years; 75% for the third and fourth years; 50% for the remaining years of the agreement.

The 2016 payment will be calculated based on 80% of the assumed city taxes due after multiplying the assessed value by the tax rate effective on October 1, 2015 or \$0.69 per \$100 of assessed valuation. Payments will be due to the City by February 1st of each year.

Approval of the resolution.

Mayor Pro Tem Getz moved to APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE AN INDUSTRIAL DISTRICT AGREEMENT WITH ENTERPRISE BEAUMONT MARINE WEST, LP. Councilmember Pate seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 15 – 275

9. Consider authorizing the City Manager to execute an Industrial District Contract with Enterprise Refined Products Co, LLC.

Industrial District Contracts enable the City to collect payments in lieu of taxes from industries located outside the city limits but within the extra territorial jurisdiction of the city.

The City currently has a contract with Enterprise Refined Products Co, LLC, formerly known as Enterprise Products Pipeline Co that will expire December 31, 2015. The new contract will be effective January 1, 2016. The in-lieu of tax payment will be based on a ratio of 80% of property taxes due to the City as if the industry were located within the city limits in 2016 through 2018 and 75% of property taxes due to the City in 2019 through 2022. The 2016 payment will be calculated based on 80% of the assessed value multiplied by the tax rate effective on October 1, 2015 or \$0.69 per \$100 of assessed valuation. Payments will be due to the City by February 1st of each year.

Approval of the resolution.

Councilmember Guidroz moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE AN INDUSTRIAL DISTRICT AGREEMENT WITH ENTERPRISE REFINED PRODUCTS CO. LLC.** Councilmember Mouton seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 15 – 276

- 10. Consider a resolution authorizing the City Manager to award a bid to LD Kemp Excavating, Inc. of Fort Worth for the Landfill Cell 2 Construction Project.

The City of Beaumont is currently permitted by the Texas Commission on Environmental Quality (TCEQ) to operate a total of eight (8) cells within the landfill. At present, the City's landfill operates two (2) cells and is in need of a third. The proposed cell is necessary per TCEQ regulations which require a specific sequence plan of construction to prevent erosion and spill-over.

On November 19, 2015 five (5) formal bids were received.

| Contractor | Location | Bid |
|---|------------------|----------------|
| LD Kemp Excavating, Inc. | Fort Worth, TX | \$1,411,638.40 |
| Environmental Industrial Services Group, Inc. | Houston, TX | \$1,596,291.95 |
| Pickett Industries | Bossier City, LA | \$1,719,000.00 |
| 4X Construction Group, LLC | Mansfield, TX | \$1,738,135.45 |
| Allco, LLC | Beaumont, TX | \$1,753,496.52 |

LD Kemp Excavating, Inc. has committed a registered Minority Business Enterprise (MBE) contractor participation in the amount of \$13,600.00. A total of 105 calendar days is allocated for the completion of the project.

Approval of resolution.

Councilmember Mouton moved to APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE AWARD OF A CONTRACT TO L.D. KEMP EXCAVATING, INC. OF FORT WORTH, TEXAS, IN THE AMOUNT OF **1,411,638.40** FOR SOLID WASTE LANDFILL CELL 2 CONSTRUCTION PROJECT. Councilmember Pate seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 15 – 277

11. Consider a resolution approving the award of a contract to Marsh Waterproofing, Inc. of Vidor for improvements to the exterior façade, masonry and roof repairs at the Tyrrell Historical Library.

The Tyrrell Historical Library is experiencing problems with moisture and water intrusion through the stone façade, window frames, and roof flashing. The moisture intrusion is causing interior damage to the plaster wall surfaces and wood framed window system. The restoration project is needed to protect the integrity of the structure and extend the life of the facility.

On Thursday, November 5, 2015, bids were solicited for furnishing all labor, materials, equipment and supplies for the project. Two (2) bids were received as follows:

| Contractor | Location | Bid |
|---|----------------|----------------|
| Marsh Waterproofing, Inc. | Vidor, Texas | \$297,420.00 |
| United Restoration & Preservation, Inc. | Houston, Texas | \$1,761,999.00 |

Marsh Waterproofing stated in their bid proposal that the project will be completed within 140 consecutive calendar days.

Approval of resolution.

Councilmember Samuel moved to APPROVE A RESOLUTION THAT THE BID SUBMITTED BY MARSH WATERPROOFING, INC., OF VIDOR, TEXAS IN THE AMOUNT OF **\$297,420.00** FOR THE TYRRELL HISTORICAL LIBRARY EXTERIOR FAÇADE, MASONRY, ROOF REPAIRS AND RESTORATION PROJECT BE ACCEPTED BY THE CITY OF BEAUMONT; AND, THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH MARCH WATERPROOFING, INC., OF VIDOR, 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 15 – 278

12. Consider a resolution approving the purchase of a pumper fire truck from Siddons-Martin Emergency Group of Denton.

The 2016 Velocity pumper fire truck will be designated as Engine 1 and housed at Station 1. Unit 7073, a 1985 American LaFrance pumper truck, will be disposed of according to the city surplus equipment disposal policy.

Pricing for the equipment was obtained through the Houston-Galveston Area Council (H-GAC), a cooperative purchasing association providing cities and political subdivisions with the means to purchase specialized equipment at volume pricing. H-GAC complies with State of Texas procurement statutes.

Manufacturer's warranty for the truck is two (2) years. Delivery is expected within eight (8) to nine (9) months.

Approval of resolution.

Councilmember Guidroz moved to APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE PURCHASE OF ONE (1) 2016 VELOCITY PUMPER FIRE TRUCK FOR USE BY THE FIRE DEPARTMENT FROM SIDDONS-MARTIN EMERGENCY GROUP, OF DENTON, TEXAS, IN THE AMOUNT OF \$652,000.00 THROUGH HOUSTON-GALVESTON AREA COUNCIL (H-GAC) COOPERATIVE PURCHASING PROGRAM. Councilmember Samuel seconded the motion.

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

NAYS: NONE

MOTION PASSED

Resolution 15 – 279

WORKSESSION

- * Review and discuss establishing Empowerment Zone Number Six for an area surrounding Lamar University

13. Consider an ordinance establishing Empowerment Zone Number Six for an area surrounding Lamar University.

In partnership with Lamar University and the Greater South Park Neighborhoods Partnership, the City is proposing to establish the Lamar Neighborhood Empowerment Zone. This would be the sixth Neighborhood Empowerment Zone. In recent months, the city has increased its efforts to encourage redevelopment within the area surrounding Lamar University and Lamar Institute of Technology. It is the goal of this new zone to offer economic incentives in this area to attract new businesses and residences as well as encourage the redevelopment or growth of existing businesses and residences. Specifically, the zone would offer the following economic development incentives.

- 1) A possible three (3) year, 100% municipal tax abatement for all added value for investments greater than \$50,000 for residential uses and \$75,000 for all other uses and a possible, additional four (4) year, 100% abatement for projects in excess of \$5 Million.
- 2) Building fee waivers (not including tap and meter fees).
- 3) Expedited permit review.
- 4) Lien waivers for any lien claimed by the City for demolition or high grass abatement expenditures.

Approval of the ordinance.

Councilmember Mouton moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE DESIGNATING AREAS OF THE CITY OF BEAUMONT AS NEIGHBORHOOD EMPOWERMENT ZONE #6 PURSUANT TO THE TEXAS NEIGHBORHOOD EMPOWERMENT ZONE ACT (TEXAS LOCAL GOVERNMENT CODE, CHAPTER 378); PROVIDING TAX INCENTIVES; ADOPTING TAX ABATEMENT GUIDELINES AND CRITERIA; AND DESIGNATING A LIAISON TO ACT ON ALL MATTERS PERTAINING TO THE EMPOWERMENT ZONE.** Councilmember Pate seconded the motion.

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

NAYS: NONE

MOTION PASSED

Ordinance 15 – 055

WORKSESSION

- * Review and discuss subdivision regulations within the City of Beaumont's Extraterritorial Jurisdiction (ETJ)

Chris Boone, Planning and Zoning Director, discussed the subdivision regulations within the City of Beaumont's Extraterritorial Jurisdiction (ETJ). Mr. Boone reviewed the lot sizes, proper streets and lot layout, access to adequate water and sewer, public safety and schools, areas not subject to flooding and adequate improvements. The process for ETJ's were also discussed, such as the plat being submitted to the City and reviewed by all parties and the Planning Commission, any needed changes that would need to be made to the plan, improvements (streets, sidewalks, street lights, etc.) are made by the developer. In the City, improvements are accepted by the City Council, in the County, the developer guarantees improvements for one year and then accepted by County Commissioners Court. The plat is recorded, with any needed changes and lots can then be sold to the public. Current issues were discussed, subdivisions well beyond the City limits and area of probable annexation, maintenance issues for the County. The County proposed that they be allowed to regulate all subdivisions within a five-mile ETJ. The considerations of the proposal would be cost disadvantage to developing within and just outside the City and possible loss of growth, likely future annexations would bring in infrastructure at these reduced standards. The staff recommendation was to identify a "Planning Area" of two miles and continue to apply City standards to this area, while allowing County standards beyond the two-mile "Planning Area", the City would continue to review and approve all subdivisions with the ETF.

- * Review and discuss private warranty programs available for customer water/sewer lines

Laura Clark, Chief Financial Officer, spoke regarding companies that have reached out to the City about water/sewer customers being insured for their portion of the lines. The water and sewer lines from the meter to the residence is the responsibility of the citizen. The City is responsible for the lines up to the meter only. Many times, repairs to the citizen's portion of the lines can be costly, depending on what the issue may be. There are warranty programs that the customer can participate in. A customer can enroll in the program, choose a type of coverage and then pay a monthly premium directly to the warranty company. If there's an issue, the customer calls the warranty company, who then has a contracted plumbing company send someone out to assess the situation. The warranty company and the plumber then decide the best course of action for the repairs needed which will be covered by the warranty. Typically, sewer lines are covered up to \$4,000 and water lines up to \$3,500. It is felt that the citizens should be aware of these warranty programs, however it is not recommended that the City endorse any particular companies. Any warranty program entered into by a citizen would be at the discretion of the citizen, as the City would not be involved.

- * Discuss the possibility of requesting proposals for the management of the Tennis Center at the Athletic Complex

Councilmember Guidroz, discussed the possibility of Administration preparing an RFP for the management of the Tennis Center at the Athletic Complex. There was discussion as whether the current employees which is one full time and several part-time employees would be unemployed due to the possibility of hiring a management firm to manage the center. It was stated that in other cities that were looked at they have hired someone outside to manage their facilities. The Council requested that this item be brought back in January, 2016.

- * Review and discuss allowing Transportation Network Companies to operate within the city limits of Beaumont

Kyle Hayes, City Manager, presented a draft ordinance to Councilmembers with the current regulations that make it illegal for companies like Uber, Lyft and Sidecar to provide service in the City because they are not licensed taxi companies and the drivers use their own private vehicles. The City Manager stated that the taxi ordinance is outdated and does not allow TNC (Transportation Network Companies) services, it was also stated that Uber mapping trucks recently have been spotted and have approached several employees about possible plans for the Beaumont area. The City Manager stated that they want to make sure the city is more attractive to Uber and similar companies. It was also stated that the City could leave the taxi ordinance as it is and add separate requirements for transportation network companies. The proposed ordinance would require Uber and other companies to do their own background checks of its drivers, rather than have the city pay for it as it does for cab drivers.

COUNCILMEMBER COMMENTS

COUNCILMEMBER MOUTON -

STATED THAT SHE HAD THE HONOR OF ATTENDING RIBBON CUTTINGS FOR TWO NEW BUSINESSES, AMAZING LASHES AND EUROPEAN WAX SPA ENVY, BOTH LOCATED IN THE

KROGER SHOPPING CENTER ON DOWLEN, ASKED CITIZENS TO PLEASE SUPPORT THESE NEW BUSINESSES, ANNOUNCED THAT THE JULIE ROGERS GIFT OF LIFE/IEA KIDS WILL BE HAVING A FUNCTION ON TONIGHT AT OUR MOTHER OF MERCY CHURCH AS WELL AS THE 100 CLUB BANQUET, IT'S AN HONOR AND PRIVILEGE TO SERVE

COUNCILMEMBER SAMUEL -

NONE

COUNCILMEMBER PATE -

ANNOUNCED THAT LAMAR UNIVERSITY BASKETBALL HAS STARTED, COMMENTED ON THE BOMBING OF PEARL HARBOR AND THAT MONDAY WAS PEARL HARBOR REMEMBRANCE DAY

COUNCILMEMBER WRIGHT -

STATED THAT SHE ATTENDED THE HOME FOR THE HOLIDAY SYMPHONY ON LAST WEEKEND, ANNOUNCED THAT THE NUTCRACKER WILL BE AT THE JULIE ROGERS ON SATURDAY, DECEMBER 12, 2015 AND SUNDAY DECEMBER 13, 2015, ASKED THAT CITIZENS THINK ABOUT SPONSORING A CHILD THAT WOULD LIKE TO GO

MAYOR PRO TEM GETZ -

WISHED EVERYONE A HAPPY HANUKAH

COUNCILMEMBER GUIDROZ -

COMMENTED ON MARCO HERNANDEZ WHO SPOKE AT THE LAST COUNCIL MEETING, MR. HERNANDEZ STATED THAT HE AND HIS FRIENDS ONLY WANT A PLACE TO PLAY SOCCER, COMPLIMENTED THE CITY MANAGER AND RYAN SLOTT FOR GOING OUT AND FINDING A PLACE FOR THEM TO PLAY, STATED THAT HE PAST KLEIN PARK AND SAW ABOUT TEN PEOPLE PLAYING DISC GOLF, THERE ARE NEW BASKETS AND SOME IMPROVEMENTS GOING ON AT THAT PARK, COMPLIMENTED STAFF ON THOSE IMPROVEMENTS, ASKED EVERYONE TO PRAY FOR THE OFFICERS WHO DO A GOOD JOB, CONGRATULATED 12 YEAR VETERAN OFFICE WAYSIE JENSEN, WHO WILL BE PROMOTED TO SERGEANT ON THURSDAY, DECEMBER 10, 2015, ASKED ALL CITIZENS TO PRAY FOR OUR COUNTRY

CITY ATTORNEY COOPER -

NONE

CITY MANAGER HAYES -

NONE

MAYOR AMES -

NONE

Public Comments (Persons are limited to three minutes)

Jerry Lowe

255 College St.

Beaumont TX

Stated that he is the President of the Police Association, asked the Council to investigate recent comments by Police Chief Singletary, stated that in a story in the Enterprise, the

Chief criticized officers who responded to a domestic disturbance on November 29, 2015, Chief Singletary later revised his comments after reviewing the dashboard camera video of the incident, the comments made by the Chief were damaging to the morale of Police Officers

Stephen Hoffman

7045 Blarney

Beaumont TX

Commented on the Taxi Ordinance and Uber coming to the City, stated that TNCs (Transportation Network Companies) are the next level of technology, the young people are excited about the service and it shows that the city is becoming more progressive

Katherine Owens

6331 Calder Ave.

Beaumont TX

Commented on the Beaumont Police Department and was there to thank the good Samaritan that helped with her cousin who is a special needs person who was killed in the hit and run accident

**Andy Hemmings &
Barbara Kearns**

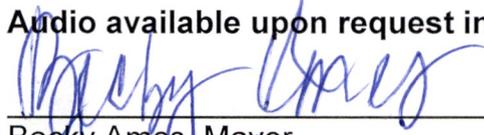
290 Dowlen Rd.

Beaumont TX

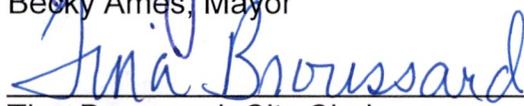
Stated that they are with Caldwell Bankers Southern Homes Real Estate, they represent Mr. Douget and the sale of his property at Pine Island Bayou Estates, stated that their glad that the Council is considering moving the ETJ, talked about some additional concerns that Council may have when moving the ETJ

With there being no Executive Session, Council adjourned at 5:05 p.m.

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



Becky Ames, Mayor



Tina Broussard, City Clerk

