BEAUMONT
TEXAS

REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS MAY 3, 2016 1:30 P.M.

CONSENT AGENDA

* Approval of minutes – April 26, 2016

* Confirmation of committee appointments

A) Authorize the City's attorneys and the City Manager to execute a Consent Decree with the United States Justice Department relating to the settlement of the suit styled United States of America vs. City of Beaumont, Texas; Civil Action No. 1:15CV201

B) Approve a resolution adopting the Reinvestment Zone Tax Abatement Policy for the City of Beaumont

C) Authorize the City Manager to execute Change Order No. 1, accept maintenance, and authorize final payment to A-1 Construction Services for the Edson Drive Rehabilitation Project

D) Authorize the City Manager to enter into a contract with Legacy Community Development Corporation for HOME Investment Partnerships funds from the Department of Housing and Urban Development

A

BEAUMONT
TEXAS

TO:	City Council
FROM:	Kyle Hayes, City Manager
PREPARED BY:	Tyrone E. Cooper, City Attorney
MEETING DATE:	May 3, 2016
REQUESTED ACTION: the	Council consider a resolution authorizing the City's attorneys and City Manager to execute a Consent Decree with the United States Justice Department relating to the settlement of the suit styled United States of America vs. City of Beaumont, Texas; Civil Action No. 1:15CV201.

BACKGROUND
The lawsuit styled United States of America vs. City of Beaumont, Texas; Civil Action No. 1:15CV201, was presented and discussed in Executive Session held on April 19, 2016. Additionally, on April 19, 2016 the City Council adopted Resolution No. 16-094 authorizing the monetary settlement of the lawsuit.

FUNDING SOURCE
Not applicable.

RECOMMENDATION
Approval of resolution.

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE

CITY OF BEAUMONT:

THAT the City's attorneys and the City Manager be and they are hereby authorized to execute a Consent Decree with the United States Justice Department relating to the settlement of the suit styled United States of America vs. City of Beaumont, Texas; Civil Action No. 1:15CV201.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 3rd day of May, 2016.

_____

- Mayor Becky Ames -

B

BEAUMONT
TEXAS

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Chris Boone, Planning & Community Development Director CSB

MEETING DATE: May 3, 2016

REQUESTED ACTION: Council consider a resolution adopting the Reinvestment Zone Tax Abatement Policy for the City of Beaumont.

BACKGROUND
The City of Beaumont's Reinvestment Zone Tax Abatement Policy is adopted every two years by the City Council and was last adopted in 2014. The proposed Reinvestment Zone Tax Abatement Policy remains unchanged from that last adopted in 2014.

The policy provides criteria for eligibility and implementation in accordance with Texas Tax Code, Chapter 312, otherwise known as the Property Redevelopment and Tax Abatement Act, governing property tax abatement agreements. All applications are considered on a case-by-case basis. Approval of any and all abatements within a designated Reinvestment Zone are contingent upon final consideration and action by the City Council.

FUNDING SOURCE
Not applicable.

RECOMMENDATION
Approval of the resolution.

RESOLUTION NO.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL

OF THE CITY OF BEAUMONT:

THAT the City Council hereby adopts the City of Beaumont's Reinvestment Zone Tax Abatement Policy attached hereto as Exhibit "A."

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 3rd day of May, 2016.

_____

- Mayor Becky Ames -

CITY OF BEAUMONT
REINVESTMENT ZONE
TAX ABATEMENT POLICY

PHILOSOPHY

Tax abatement is an economic development strategy to mitigate the substantial costs usually associated with the construction of a new or expansion of an existing facility that enhances the economic and/or social base of the community. Because property tax revenue is the means to provide vital community services, it is the position of City of Beaumont that tax abatement be utilized sparingly, and only after careful consideration of the economic impact on the community. Nothing herein shall imply or warrant that the City of Beaumont is under any obligation to provide tax abatement to any applicant.

ELIGIBILITY

This policy document provides criteria for eligibility and policy implementation as adopted by the City Council of the City of Beaumont, in accordance with Texas Tax Code, Chapter 312, otherwise known as the Property Redevelopment and Tax Abatement Act (Act), governing property tax abatement agreements within Reinvestment Zones. All applications will be considered on a case-by-case basis.

The following types of enterprises are eligible to apply for tax abatement.

- Industrial/Manufacturing - activities such as engaging in the mechanical or chemical transformation of materials or substances into new products; assembling component parts of manufactured products, if the new product is neither a structure nor other fixed improvement; and blending of materials, such as lubricating oils, plastic toxins or liquors. Other eligible activities include specialty resins and polymers, pharmaceuticals, medical devices and specialty foods.
- Distribution - activities described as the wholesale distribution of durable and/or nondurable goods, such as motor vehicles, furniture, lumber and other construction materials, professional and commercial equipment, electrical goods, hardware and plumbing and heating equipment, paper and paper products, apparel and groceries.
- Central administrative office services - examples include performing management, support services or telecommunication functions for related entities.
- Properties subject to a Texas Commission on Environmental Quality (TCEQ) Voluntary Cleanup Program Agreement.

Eligible property for which abatement may be granted includes non-residential real property and/or tangible personal property located on the real property other than that personal property

EXH!BIT "A"

that was located on the real property at any time before the abatement agreement is executed. Abatement of taxes shall be the value of real or personal property located on the property for each year of the Tax Abatement Agreement only to the extent that the value for the year exceeds the value for the year in which the agreement was executed. Excluded from eligible personal property are inventory or supplies. Personal property with a useful life of less than ten years is also not eligible for tax abatement.

A. The City of Beaumont herein ("Governmental Entity") adopts these guidelines and criteria for tax abatement ("Policy") for real property owners who propose a project ("Project") to develop, redevelop and improve taxable qualifying real property ("Real Property"). The Governmental Entity is willing to provide a subsidy to a Real Property Owner in the form of a special exemption from certain taxes provided the Real Property Owner agrees to accept and abide by this Policy. If the Real Property owner leases said property to a third party, the Governmental Entity may require assurances that the conditions outlined in this policy for the Real Property Owner will be met.

B. The abatement of ad valorem taxes on Real Property Improvements and Eligible Personal Property will be evaluated and determined according to the following formula and will be subject to the remaining terms of this policy.

PERCENT OF CREATED VALUE TO BE ABATED	CAPITAL COST OF THE PROJECT (OR)	NUMBER OF NEW FULL-TIME JOBS TO BE CREATED
	$ 0 - $ 500,000	Not Applicable
100% for 2 yrs. after project completion	$ 500,001 - $2,000,000	20-30
100% for 3 years	$2,000,001 - $3,500,000	31-40
100% for 4 years	$3,500,001 - $5,000,000	41-50
Individual Case Basis	$5,000,001 or more	51 or more

A full-time equivalent employment position is one that provides at least 2,080 hours annually within the City's taxing jurisdiction. The number of full-time equivalent employment positions is determined by adding the total number of hours worked and/or actual paid leave (such as vacation, sick leave, jury duty) of all employees, less overtime hours, and dividing that sum by 2,080. All existing jobs as well as those created must be maintained throughout the term of a tax abatement agreement.

C. With respect to a Project with a minimum investment of $5,000,001, each tax abatement request will be individually reviewed by the Governmental Entity and approved or declined based on the merits of the application. The percentage of taxes abated is one hundred percent abatement until Project Completion, not to exceed the first and second Tax Year. The percentage of taxes abated for the first through fifth Tax Years next following Project Completion shall be that percentage of abatement granted by the Governmental Entity at the time of the application.

The City Council may extend the abatement period longer than the periods stated above if warranted based on an analysis of the direct economic impact.

The period of time that the taxes are abated will be referred to as the "Abatement Period". The "first Tax Year" is defined as the first full calendar year next following the commencement of construction of the Project.

PROPERTIES SUBJECT TO VOLUNTARY CLEANUP AGREEMENT

Tax abatement may apply to properties that are subject to a Voluntary Cleanup Program Agreement as executed with the Texas Commission on Environmental Quality (TCEQ) in accordance with §361.601 et. seq. of the Health and Safety Code for the cleanup or removal of a hazardous substance or contaminant from the environment, as follows:

Capital Expenditure	Abatement	Years
Minimum of $250,000	100%	1
	75%	2
	50%	3
	25%	4

Tax abatement for such properties shall not exceed four years and will take effect on January 1 of the year following the date the property owner receives a certificate of completion for the property. The City of Beaumont may cancel or modify the agreement if it determines that the use of the land is changed from the use specified in the certificate of completion, and the new use may result in an increased risk to human health or the environment.

D. Prior to beginning the actual construction work or buying personal property for the Project proposed for tax abatement, the Real Property Owner requesting tax abatement within a lawfully created reinvestment zone must:

(1) Provide the Governmental Entity with (a) a description of the Project clearly defining and delineating the work to perform; (b) a statement agreeing to expend a designated amount ("Project Cost") for the Project and, if the abatement is based on Required Jobs, a separate statement agreeing that the required minimum number of full-time jobs will be created ("Required Jobs") and maintained during the term of the Contract; (c) an explanation as to how the Project will provide long term significant positive economic benefit to the community, the Governmental Entity and its taxpayers; (d) information as to what attempt will be made to utilize Jefferson County contractors and workers; and (e) information as to what attempt will be made to utilize Jefferson County minority contractors and workers.

(2) Furnish the Governmental Entity with a written statement that tax abatement will be a significant factor in determining whether the Project for the development, redevelopment or improvement of the Real Property will take place.

(3) Agree to execute a Contract with the Governmental Entity containing the covenants and conditions required by the Governmental Entity.

E. Should the Governmental Entity agree to grant an abatement to the Real Property Owner after compliance with the procedure outlined above, then:

(1) Subject to the terms and conditions of the contract, a stipulated percentage as set forth above of those particular ad valorem real property taxes ("Taxes") which are generated by virtue of fair market value created ("Created Value") solely due to the construction and completion of the Project on the real Property will be abated.

(2) The Period of Construction ("Construction Period") for the Project shall not go beyond the end of the second Tax Year. During the Construction Period the Real Property Owner must actually expend the Project Cost.

(3) Within six months next following the end of the Construction Period, the Project must be operational; i.e., it must actively serve the purpose for which it is designed.

(4) In the event the Project is either:

(a) Not complete at the Minimum Cost by the end of the Construction Period; or

(b) Is timely completed at the Minimum Cost but is not operational within six months next following the end of the Construction Period; or

(c) Is timely completed but the Required Jobs are not created or maintained as set forth in paragraph (B); or

(d) Is timely completed at the Minimum Cost, is operational within six months next following the end of the Construction Period and, if applicable, meets the job requirements, but its operations are discontinued for a continuous period of six months, then the Contract shall terminate with respect to the Project and so shall the abatement of Taxes for the Created Value of the Project. The Taxes otherwise abated with respect to the Project shall be paid to the Governmental Entity on the date specified by law, or, if such date has passed, then within sixty (60) days of the accelerated termination of the Abatement Period.

(5) Employees and/or designated representatives of the Governmental Entity will have access to the Project during the term of the contract for inspection purposes so as to determine if the terms and conditions of the Contract are being met. All

inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such a manner as to not unreasonably interfere with the construction and/or operation of the Project. All inspections will be made with one or more representatives of the Real Property Owner, and in accordance with its safety standards.

(6) In the event that (a) The Real Property Owner allow its ad valorem taxes owed the Governmental Entity to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or (b) the Real Property Owner violates any of the terms and conditions of the Contract, and fails to cure during the Cure Period (as hereafter provided), then the Contract may be terminated by the Governmental Entity, and all taxes otherwise abated by virtue of the Contract will be recaptured and paid to the Governmental Entity by the Real Property Owner within sixty (60) days of the termination.

(7) The term "Base Year Value" as used herein is the market value of all realty improvements of the Real Property Owner located within the taxing entity as of January 1 of the year a contract is executed less the abated value of all projects granted the Real Property Owner by the taxing entity for the "Base Year". The term "Taxable Value" is determined by deducting the amount of any abatements granted for that Tax Year from the appraised market value of all realty improvements of the Real Property Owner located within that taxing entity. If on January 1st of any Tax Year all of the legally determined realty improvements owned by the Real Property Owner within the jurisdiction of the Governmental Entity is less than the legally determined Base Year Value and/or in the event that the Real Property Owner reduces their ad valorem taxes on personal property otherwise payable to the Governmental Entity by participating in a foreign trade zone or by having otherwise taxable property exempted pursuant to special legislation, e.g., the "Freeport Amendment" ("Special Treatment"), then the abatement otherwise available shall be reduced by one dollar for each dollar that the taxable value is less than the Base Year Value and, also, for each dollar of tax reduction attributable to Special Treatment; provided, however, that in no event shall the offset exceed the Created Value of the Project otherwise subject to the abatement of taxes.

(8) Notwithstanding any other provision herein to the contrary in the event that the Governmental Entity adopting this Policy is required to adopt a tax rate which would subject the Entity to a tax rollback election under Section 26.07 of the Property Tax Code, and this increase is caused by requirements set forth by the State; mandated by the judiciary; expenses required to repair, rebuild or rehabilitate improvements which are damaged or destroyed; or due to a significant decline in value of a major industrial complex located in the jurisdiction of the Entity, then the Entity may allocate the taxable value necessary to reduce the actual rate below the rollback rate to the Owners of abated property based on the Owner's prorate share of the total abated value for the current tax year.

(9) Should the Governmental Entity determine that the Real Property Owner is in default in the terms and conditions of the Contract, then the Governmental Entity will notify the Real Property Owner at the address stated in the Contract of such claimed default, and if such is not cured within sixty (60) days from the date of such notice ("Cure Period"), the Contract may be terminated by the Governmental Entity. Any notice of default shall be in writing and shall be given by personal delivery or by certified mail, return receipt requested. In the event the notice is affected by personal delivery, the date and hour of actual delivery shall be the time and date of such notice to the Business. Absent a postal strike or the stoppage of the mails, in the event of delivery of notice by registered or certified United States mail, the date and hour following 48 hours after the date and hour at which the sealed envelope containing the notice is deposited in the United States mail, properly addressed, and with postage prepaid, shall be the time and date of such notice to Real Property Owner.

F. The Governmental Entity adopting this Policy shall have the final decision with respect to its interpretation and, also, as to whether the minimum standards set forth above have been met by the Real Property Owner.

G. This Policy shall terminate on the second anniversary from the date of its adoption by the Governmental Entity.

APPLICATION

For additional information on tax abatement, contact the Community Development Department at (409) 880-3100. In determining how and with whom tax abatement will be utilized, the City will examine the potential return on the public's investment, including net jobs created, jobs retained, broadening of the tax base, expansion of the economic base and competitive impact upon existing industries and businesses. Approval is contingent upon final consideration and action by the Beaumont City Council. To the extent permitted by law, information provided by an applicant in connection with a request for tax abatement is confidential and not subject to public disclosure until the tax abatement agreement is executed.

Application for Tax Abatement
City of Beaumont

This application will become part of the Tax Abatement Agreements and any knowingly false representations will be grounds for the voiding of the agreement. An original copy of this request should be submitted to the Community Development Department, City of Beaumont, P. O. Box 3827, Beaumont, Texas 77704.

Part I – Applicant Information **Application Date**_____

Company Name: _____

Address: _____

Telephone: _____

Current Number of Employees: _____

Annual Sales: _____

Employees in Taxing Jurisdiction: _____

Beaumont Address: _____

Years in Jefferson County: _____

Legal Counsel: _____

Address: _____

Telephone: _____

Corporation Partnership Proprietorship

Has the Applicant Company recently been cited or currently under investigation for any violations of Federal, State, and/or City laws, codes, or ordinances? ( ) No ( ) Yes

If yes, please provide detailed information on the nature and status of the violation(s) on a separate sheet of paper.

Is any interest in the project presently held by a member of the Beaumont City Council, Planning and Zoning Commission, or any City employee?

( ) No ( ) Yes

Attach a description of the Applicant Company, including a brief history, corporate structure, and business plan and annual statement, if available.

Part II – Project Information

Location Address: _____

Legal Description: _____

Tax Acct. Numbers: _____

Attach statement fully explaining project, describe existing site and improvements, describe all proposed improvements and provide list of improvements and equipment for which abatement is requested. If available, provide a map showing location of existing and proposed improvements.

Section A – Economic Development

Type of Facility/abatement:

Industrial _____ Central Administrative office services _____

Manufacturing _____ Distribution _____

Brown fields site _____ Other _____

Describe product or service to be provided: _____

Part III – Economic Information

Construction Estimate:

Contractor: _____

Start Date: _____ Contract Amount: _____

Completion Date: _____ Peak Construction Jobs: _____

If Modernization:

Estimated current economic life of structure _____ years

Added economic life from modernization _____ years

Permanent Job Creation/Retention:

Current employment _____ Jobs to be Retained: _____

Full-time jobs created at opening _____20____

at 3 years _____20____

(A full-time equivalent position is one that provides at least 2,080 hours annually within the City's taxing jurisdiction.)

Provide information, if available, on

(1) new employee needs; e. g. skilled vs. non-skilled, level of education, experience, etc.;
(2) any training the company will provide to its new employees;
(3) attach a list of new jobs to be created by job class with associated wage and salary ranges. Also, provide an average wage for hourly jobs and an average salary for management jobs;
(4) attach a list of benefits provided to employees. Indicate if employees' dependents have access to the company's health plan;
(5) attach a list describing the type of incentive and/or assistance you will be requesting from

other City departments and/or utility companies;

(6) describe any goodwill benefits your company will provide to the community.

ESTIMATED APPRAISED VALUE ON SITE	LAND	IMPROVEMENTS	PERSONAL PROPERTY (FURNITURE FIXTURES AND EQUIPMENT)
Value on January 1 proceeding abatement			
Estimated value of new abatable investment			
Estimated value of properties not subject to abatement (i. e. inventory, supplies)			
Estimated value of property subject to ad valorem tax at end of abatement			

* Please state the method used to determine the estimated value of proposed improvements (i. e. appraisal of plans and specs, etc.)

(1) Provide the Governmental Entity with (a) a statement agreeing to expend a designated amount ("Project Cost") for the Project and, if the abatement is based on Required Jobs, a separate statement agreeing that the required minimum number of full-time jobs will be created ("Required Jobs") and maintained during the term of the Contract; (b) an explanation as to how the Project will provide a long term significant positive economic benefit to the community, the Governmental Entity and its taxpayers; (c) information as to what attempt will be made to utilize Beaumont contractors and workers; and (d) information as to what attempt will be made to utilize Beaumont or Jefferson County contractors and workers; and (e) information as to what attempt will be made to utilize Beaumont or Jefferson County minority contractors and workers.

(2) Furnish the Governmental Entity with a written statement that tax abatement will be a significant factor in determining whether the Project for the development, redevelopment or improvement of the Real Property will take place.

(3) Agree to execute a Contract with the Government Entity containing the covenants and conditions required by the Governmental Entity.

Company Representative to be Contacted:

Name: _____

Title: _____

Address: _____

Authorized Company Official:

_____
Authorized Signature

_____
Name and Title

Telephone: _____

C

BEAUMONT
TEXAS

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Dr. Joseph Majdalani, P.E., Public Works Director JM

MEETING DATE: May 3, 2016

REQUESTED ACTION: Council consider a resolution authorizing the City Manager to execute Change Order No. 1, accept maintenance, and authorize final payment to A-1 Construction Services for the Edson Drive Rehabilitation Project in the amount of $61,304.69.

BACKGROUND
On February 16, 2016, by Resolution No. 16-033, City Council awarded A-1 Construction Services of Houston, Texas the contract for the Edson Drive Rehabilitation Project in the amount of $366,237.88.

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 $5,537.00 (-1.51%) and a final contract value of $360,700.88. The project has been inspected by the Engineering Division 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 $61,304.69 is recommended.

FUNDING SOURCE
Capital Program – Street Rehabilitation Program.

RECOMMENDATION
Approval of resolution.

RESOLUTION NO. 16-033

WHEREAS, bids were solicited for a contract for the Edson Drive Rehabilitation Project to include all labor, materials, equipment and supplies to provide an asphalt overlay of Edson Drive from Gladys Avenue to Delaware Street; and,

WHEREAS, A-1 Construction Services, of Houston, Texas, submitted a bid in the amount of $366,237.88; and,

WHEREAS, City Council is of the opinion that the bid submitted by A-1 Construction Services, of Houston, Texas, should be accepted;

NOW, THEREFORE, BE IT RESOLVED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the bid submitted by A-1 Construction Services, of Houston, Texas, in the amount of $366,237.88 for a contract for the Edson Drive Surface Rehabilitation Project from Gladys Avenue to Delaware Street be accepted by the City of Beaumont; and,

BE IT FURTHER RESOLVED THAT the City Manager be and he is hereby authorized to execute a contract with A-1 Construction Services, of Houston, Texas, for the purposes described herein.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 16th day of February, 2016.

THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS
BEAUMONT TEXAS

Becky Ames

- Mayor Becky Ames -

CITY OF BEAUMONT

DATE : APRIL 20, 2016
PROJECT : EDSON DRIVE SURFACE REHABILITATION PROJECT
OWNER : CITY OF BEAUMONT
CONTRACTOR : A-1 CONSTRUCTION SERVICES
CHANGE ORDER : 1

THE FOLLOWING CHANGES IN THE PLANS AND/OR SPECIFICATIONS ARE HEREBY MADE:

Adjust the estimated Bid Quantities to reflect the Actual Quantities used in the completion of the project.

Add/Delete Construction Items and/or Quantities to the Contract:

ITEM NO.	ITEM CODE	DESCRIPTION	UNIT	BID QUANTITY	ACTUAL QUANTITY	UNIT PRICE	CHANGE ORDER AMOUNT
340	2001	DENSE GRADED HOT MIX ASPHALT (1-1/2")(TY D)	SY	13,698.5	13,835.10	$ 9.00	$ 1,229.40
340	2001	DENSE GRADED HOT MIX ASPHALT (1-1/2")(TY F)	SY	-	4,218.40	$ 9.00	$ 37,965.60
340	2002	DENSE GRADED HOT MIX ASPHALT (1")(TY F)	TON	777.95	620.08	$ 100.00	$ (15,787.00)
361	2001	FULL-DEPTH REPAIR OF CONC PAV (ASB)(ESTIMATED)	SY	525.0	253.50	$ 130.00	$ (35,295.00)
502	2001	BARRICADES, SIGNS, AND TRAFFIC HANDLING	MON	3	1	$ 1.00	$ (2.00)
712	2001	CLEANING AND SEALING JOINTS AND CRACKS (ASPH)	LF	13,898.0	20,250.00	$ 1.00	$ 6,352.00
			TOTAL AMOUNT SUBTRACTED FROM THE CONTRACT				**$ (5,537.00)**

NO WORKING DAYS HAVE BEEN ADDED TO THE CONTRACT BY THIS CHANGE ORDER

ORIGINAL CONTRACT AMOUNT :	**$ 366,237.88**
NET FROM PREVIOUS CHANGE ORDERS :	**$ -**
TOTAL AMOUNT OF THIS CHANGE ORDER :	**$ (5,537.00)**
PERCENT OF THIS CHANGE ORDER :	**-1.51%**
TOTAL PERCENT CHANGE ORDERS TO DATE :	**-1.51%**
NEW CONTRACT AMOUNT :	**$ 360,700.88**

ACCEPTED BY : _____
A-1 CONSTRUCTION SERVICES

PREPARED BY : _____
CHACE MANN, PROJECT MANAGER

RECOMMENDED BY : _____
ZHENG TAN, P.E., CITY ENGINEER

_____
DR. JOSEPH MAJDALANI, P.E., PUBLIC WORKS DIRECTOR

APPROVED BY : _____
KYLE HAYES, CITY MANAGER

ATTESTED BY : _____
TINA BROUSSARD, CITY CLERK

CITY OF BEAUMONT
MONTHLY PAY ESTIMATE

PROJECT NAME :	EDSON DRIVE REHABILITATION PROJECT		PROJECT NUMBER :	PW0116-04	
CONTRACTOR :	A-1 CONSTRUCTION SERVICES		CONTRACT DATE :	MARCH 29, 2016	
MONTHLY ESTIMATE # :	02		CALENDAR DAYS :	90	
CONTRACT AMOUNT :	$360,700.88	PERCENT OF TIME USED :	24%	PERCENT OF WORK COMPLETED :	100.0%
PAY PERIOD :	FINAL PAYMENT		CALENDAR DAYS USED :	22	CHANGE ORDERS : 1

ITEM NO.	ITEM CODE	DESCRIPTION	CONTRACT QUANTITY	UNIT	PREVIOUS ESTIMATE	CURRENT ESTIMATE	TOTAL TO DATE	UNIT PRICE	TOTAL AMOUNT
204	2003	SPRINKLING (DUST CONTROL)	20.0	MG	20.00	-	20.0	$ 100.00	$ 2,000.00
340	2001	DENSE GRADED HOT MIX ASPHALT (1-1/2")(TY D)	13,835.1	SY	13,698.50	136.6	13,835.1	$ 9.00	$ 124,515.90
340	2001	DENSE GRADED HOT MIX ASPHALT (1-1/2")(TY F)	4218.4	SY	-	4,218.4	4,218.4	$ 9.00	$ 37,965.60
340	2002	DENSE GRADED HOT MIX ASPHALT (1")(TY F)	620.08	TON	620.08	-	620.08	$ 100.00	$ 62,008.00
354	2021	PLANING AND TEXTURING PAVEMENT (1" - 3")	12,268.1	SY	12,268.10	-	12,268.1	$ 3.75	$ 46,005.38
361	2001	FULL-DEPTH REPAIR OF CONC PAV (ASB)(ESTIMATED)	253.5	SY	253.50	-	253.5	$ 130.00	$ 32,955.00
500	2001	MOBILIZATION	1	LS	1.00	-	1.0	$ 35,000.00	$ 35,000.00
502	2001	BARRICADES, SIGNS, AND TRAFFIC HANDLING	1	MON	1.00	-	1.0	$ 1.00	$ 1.00
712	2001	CLEANING AND SEALING JOINTS AND CRACKS (ASPH CONC)	20,250.0	LF	13,898.00	6,352.0	20,250.0	$ 1.00	$ 20,250.00

GRAND TOTAL AMOUNT OF WORK DONE :	$ 360,700.88
LESS PREVIOUS PAY ESTIMATE :	$ 299,396.18
AMOUNT DUE THIS ESTIMATE :	**$ 61,304.69**

PREPARED BY: _____
CHACE MANN - PROJECT MANAGER

RECOMMENDED BY: _____
ZEHNG TAN, P.E. - CITY ENGINEER

APPROVED BY: _____
DR. JOSEPH MAJDALANI, P.E. - PUBLIC WORKS DIRECTOR

I certify that all work and materials covered by this invoice have been completed and/or delivered in accordance with the Contract Documents.

_____
A-1 CONSTRUCTION SERVICES

RESOLUTION NO.

WHEREAS, on February 16, 2016, the City Council of the City of Beaumont, Texas, adopted Resolution No. 16-033 approving the award of a contract to A-1 Construction Services, of Houston, Texas, in the amount of $366,237.88 for the Edson Drive Rehabilitation Project; and,

WHEREAS, Change Order No. 1, in the amount of ($5,537.00), is necessary to adjust the estimated quantities to reflect the actual quantities used in the completion of the project, thereby decreasing the total contract amount to $360,700.88; and,

WHEREAS, the project has been inspected by the Engineering Division and found to be complete in accordance with the provisions and terms set forth in the contract;

NOW, THEREFORE, BE IT RESOLVED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the City Manager be and he is hereby authorized to execute Change Order No.1 for adjusting quantities as described above, thereby decreasing the contract amount by ($5,537.00) for a total contract amount of $360,700.88 for the Edson Drive Rehabilitation Project; and,

BE IT FURTHER RESOLVED THAT the Edson Drive Rehabilitation Project be and the same is hereby accepted; and,

BE IT ALSO RESOLVED THAT the City Manager is hereby authorized to make final payment in the amount of $61,304.69 to A-1 Construction Services, of Houston, Texas.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 3rd day of May, 2016.

_____

- Mayor Becky Ames -

D

BEAUMONT
TEXAS

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Chris Boone, Planning & Community Development Director

MEETING DATE: May 3, 2016

REQUESTED ACTION: Council consider a resolution authorizing the City Manager to enter into a contract with Legacy Community Development Corporation for HOME Investment Partnerships funds from the Department of Housing and Urban Development.

BACKGROUND

The City of Beaumont receives an annual allocation of HOME Investment Partnerships funds from the U.S. Department of Housing and Urban Development (HUD). Federal regulations require that a minimum of fifteen percent (15%) of the City's total HOME fund allocation be contracted to Community Housing Development Organizations (CHDO's) for eligible CHDO activities.

Legacy Community Development Corporation (Legacy CDC), a certified CHDO, is seeking to stabilize neighborhoods by providing homeownership opportunities for low to moderate income families. Legacy would utilize $54,397 for acquisition and rehabilitation of at least one unit to be sold to an eligible low to moderate income family. Any and all income received by Legacy for any properties must be used toward furthering the organization's affordable housing activities. In addition, Legacy is requesting $18,132 for operating funds. The funds will be used to cover the salaries for administrative staff. Planning & Community Development Department staff will be responsible for monitoring Legacy for HOME Program compliance.

FUNDING SOURCE

2015 HOME Program.

RECOMMENDATION

Approval of the resolution.

Legacy Community
Development Corporation

February 18, 2016

Ms. Joann Patillo
City of Beaumont
Housing Program
801 Main Street
Beaumont, Texas 77701

Ms. Patillo:

I am writing to request for 2015 CHDO Reserve and Operating in the estimated amounts of $ 54,000 and $18,132.

The Reserve funds will be used to purchase and or rehab one house for sale to a qualified buyer. The Operating funds will be utilized for administration costs.

We would also like to request any additional HOME funds that may be available to assist in the development of affordable housing. As we discussed, most of the housing stock under the sales price of $90,000 is in need of repairs and is not immediately available to our clients. Legacy's homeownership program will acquire units at affordable prices, rehabilitate them and then make them available to buyers in the price range of $85,000 and below. Over 90% of our buyers pre-qualify for mortgages at $75,000 or below. This benefits the low mod communities, buyers and the city's down payment assistance program through the timely commitment and expenditure of HUD funds.

If you have any questions, please feel free to contact me at 409-365-9850.

Sincerely,

Vivian Ballou
Executive Director

phone: 409-832-2723 | fax: 409-291-4259 | 700 North Street, Suite D Beaumont, Texas 77701 | www.legacycdc.org

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE

CITY OF BEAUMONT:

THAT the City Manager be and he is hereby authorized to execute a contract with Legacy Community Development Corporation (Legacy CDC) in the amount of $54,397 for acquisition and rehabilitation of one (1) home that would be used for affordable housing for sale or lease/purchase to eligible low-to-moderate income families; and,

BE IT FURTHER RESOLVED THAT the City Manager be and he is hereby authorized to execute a contract with Legacy Community Development Corporation (Legacy CDC) in the amount of $18,132 for related operating expenses, said contracts to be funded from the 2015 HOME Program.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 3rd day of May, 2016.

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- Mayor Becky Ames -

BEAUMONT
TEXAS

REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS MAY 3, 2016 1:30 P.M.

AGENDA

CALL TO ORDER

* Invocation Pledge Roll Call
* Presentations and Recognition
* Public Comment: Persons may speak on scheduled agenda item No. 1/Consent Agenda
* Consent Agenda

GENERAL BUSINESS

1. Consider a resolution authorizing the City Manager to execute all documents necessary to apply for and accept new grant funding for the Southeast Texas Auto Theft Task Force

PUBLIC HEARING

* Receive comments on Consolidated Grant Program's 2016 Annual Action Plan

2. Consider approving a resolution adopting the 2016 Annual Action Plan

COMMENTS

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

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Mitchell Normand at 880-3777 three days prior to the meeting.

1

May 3, 2016

Consider a resolution authorizing the City Manager to execute all documents necessary to apply for and accept new grant funding for the Southeast Texas Auto Theft Task Force

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BEAUMONT
TEXAS

TO:	City Council
FROM:	Kyle Hayes, City Manager
PREPARED BY:	James P. Singletary, Chief of Police
MEETING DATE:	May 3, 2016
REQUESTED ACTION:	Council consider a resolution authorizing the City Manager to execute all documents necessary to apply for and accept new grant funding for the Southeast Texas Auto Theft Task Force.

BACKGROUND

The Southeast Texas Auto Theft Task Force is a multi-jurisdiction agency comprised of six personnel from the Beaumont Police Department, and one each from the Jefferson County Sheriff's Office, Pt. Arthur Police Department and Hardin County Sheriff's Office. Since the inception of the Task Force, motor vehicle thefts have decreased in Beaumont by more than 80%. The Task Force currently covers Jefferson, Orange, Hardin, and Jasper Counties. The Task Force focuses efforts in two areas: investigations, which target vehicle burglaries and vehicle thefts, and public awareness, which uses media campaigns, training and public presentations to promote prevention techniques and awareness.

Title 43, Part III, Chapter 57 of the Texas Administrative Code, allows local government agencies to apply for funding through a grant or an extension of a grant from the Texas Automobile Burglary and Theft Prevention Authority. The City of Beaumont has been the grantee for the Southeast Texas Auto Theft Task Force since 1993. The total budget being requested is $1,125,889 with state funds in the amount of $528,714. The Beaumont Police Department will provide $146,267 as a cash match in the form of personnel benefits, fuel, and maintenance for vehicles, while other agencies will provide an additional $107,761 in cash match. An "in-kind" match of $343,147 will also be provided in the form of salaries for personnel. The upcoming grant cycle will begin on September 1, 2016 and will end on August 31, 2017.

FUNDING SOURCE

The City's required match of $146,267 is included in the Police Department's Operating Budget in the General Fund.

RECOMMENDATION

Approval of Resolution.

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL

OF THE CITY OF BEAUMONT:

THAT the City Manager be and he is hereby authorized to apply for and accept funding in the amount of $528,714 through the Texas Automobile Burglary and Theft Prevention Authority Fund for the Southeast Texas Auto Theft Task Force to provide vehicle burglary and theft investigations and crime prevention education; and,

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute all documents necessary to apply for and accept said funding.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 3rd day of May, 2016.

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- Mayor Becky Ames -

SOUTHEAST TEXAS AUTO THEFT TASK FORCE
GRANT SUMMARY FY 2017

	Beaumont Police	Port Arthur Police	Jefferson County	Hardin County	TOTAL	ATPA Funds	Cash Match	In-Kind Match
Schedule A	$685,270	$110,818	$106,778	$77,023	$979,889	$441,896	$207,024	$330,969
Schedule B	$0	$0	$0	$0	$0	$0		$0
Schedule C	$3,742	$0	$0	$0	$3,742	$3,742	$0	$0
Schedule D	$0		$0	$0	$0	$0	$0	$0
Schedule E	$123,698	$5,458	$5,878	$7,224	$142,258	$83,076	$47,004	$12,178
Schedule F	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL BY AGENCY	**$812,710**	**$116,276**	**$112,656**	**$84,247**				
TOTAL GRANT					**$1,125,889**	**$528,714**	**$254,028**	**$343,147**

	Beaumont Police	Pt. Arthur Police	Jefferson County	Hardin County	TOTAL
Total Department Budget	**$812,710**	**$116,276**	**$112,656**	**$84,247**	**$1,125,889**
ABTPA Funding	**$323,296**	**$72,450**	**$78,206**	**$54,762**	**$528,714**
Cash Match	**$146,267**	**$43,826**	**$34,450**	**$29,485**	**$254,028**
In-Kind Match	**$343,147**	**$0**	**$0**	**$0**	**$343,147**
	$812,710	$116,276	$112,656	$84,247	$1,125,889

PUBLIC HEARING

* Receive comments on Consolidated Grant Program's 2016 Annual Action Plan

2

May 3, 2016

Consider approving a resolution adopting the 2016 Annual Action Plan

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BEAUMONT
TEXAS

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Chris Boone, Planning & Community Development Director

MEETING DATE: May 3, 2016

REQUESTED ACTION: Council conduct a Public Hearing to receive comments on Consolidated Grant Program's 2016 Annual Action Plan and consider approving a resolution adopting the 2016 Annual Action Plan.

BACKGROUND

As mandated by the U. S. Department of Housing and Urban Development (HUD), City Council has conducted public hearings and work sessions in previous years prior to adopting the City's Annual Action Plan. Community Development Staff, along with the Community Development Advisory Committee (CDAC), hosted Public Hearings in order to receive public comments on the process and activities related to the 2016 Annual Action Plan. Attached is the proposed Budget for the 2016 Program Year.

The proposed Preliminary Budget reflects allocations of $1,266,349 in Community Development Block Grant (CDBG) funding, an estimated $100,000 in Program Income and $369,414 in HOME funding. It should be noted that HUD informed the city on April 22, 2016 that the amount of HOME funding increased from the original amount of $367,763.

At a Work Session held on April 19, 2016, a request was made to amend the Preliminary Budget by allotting $20,000 in additional funds to the Public Services/Public Facilities line item. Given the need for a thirty day comment period for such a budget amendment, HUD has requested that the original budget be submitted and that after the grant award is made, the budget can be amended administratively to reflect the $20,000 change. The individual Public Services/Public Facilities allocations are not submitted as part of the overall budget but are needed to give staff direction on how to allocate the funds. The CDAC met and amended their recommendations to reflect the distribution of the additional funds. Attached are the amended recommendations.

FUNDING SOURCE
U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant and HOME Investment Partnership Grant funds.

RECOMMENDATION
Council conduct the Public Hearing and approve the resolution.

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE

CITY OF BEAUMONT:

THAT the City Council hereby adopts the HUD Consolidated Grant Program's 2016 Annual Action Plan, as well as the budget of the Action Plan in the amount of $1,735,763. The Plan is substantially in the form attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 3rd day of May, 2016.

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- Mayor Becky Ames -

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)	2016 Budget
HOUSING	
Minor Repair Administration	30,000
Funds will be used for personnel and operating expenses necessary for compliance with the planning, execution, and regulatory requirements associated with the implementation of the Minor Repair grant program.	
Minor Repair Projects	30,579
Funds will be used for the minor repair of homes at a maximum of $6,500 each. Funding will be used to assist low/moderate income persons, primarily elderly and disabled.	
LAND BANK PROGRAM	
Funds would be used to acquire targeted vacant properties for redevelopment by non-profit partners. Also, funds would be used to develop a "Mow-to-Own" Program, allowing neighbors to take ownership of properties that are maintained by the neighbor, instead of relying on ongoing maintenance by city.	12,500
CLEARANCE AND DEMOLITION	55,000
Funds will be used to demolish unsafe, unsanitary and uninhabitable residential structures located in low to moderate income areas.	
PUBLIC FACILITY & IMPROVEMENT	825,000
Section 108 Loan Repayment for:	
Hotel Beaumont; Crocket Street; Jefferson Theater; Theodore R. Johns, Jr. Library; L.L. Melton YMCA	
PUBLIC SERVICES	60,000
Public Service Organizations	
Funds will be used for administrative and operating costs for various public service organizations that provide services to low/moderate income citizens.	
ADMINISTRATION	253,270
Funds will be used for personnel and operating expenses necessary for compliance with the planning, execution, and regulatory requirements associated with the implementation of the HUD Consolidated Grant Program.	
TOTAL ENTITLEMENT	**1,266,349**
Program Income	**100,000**
Small Business Loan	
Historic Preservation Loan Fund	
Clearance and Demolition	
*Program Income is Estimated	
TOTAL CDBG	**1,366,349**

EXHIBIT "A"

2016 HUD CONSOLIDATED GRANT PROGRAM

	2016 Budget
HOME	
AFFORDABLE HOUSING PROGRAM	
Funds will be awarded to a non-profit housing development organization that will assist low/moderate income families in the process of acquiring a home (down payments assistance/closing costs, and mortgage buy downs).	
HOME ADMINISTRATION (10%)	36,941
CHDO OPERATING (5%) (Community Housing Development Organization Operating)	18,471
CHDO RESERVE (15%) (Community Housing Development Organization Reserve)	55,412
ENTITLEMENT (70%)	258,590
TOTAL HOME	369,414

2016 CONSOLIDATED BLOCK GRANT PROGRAM APPLICATIONS

Public Services/Public Facilities & Improvements/Emergency Shelter Set-Aside

	ORGANIZATION	AMOUNT REQUESTED	CDAC RECOMMENDATIONS	ADMINISTRATION RECOMMENDATIONS	CITY COUNCIL RECOMMENDATIONS
	PUBLIC SERVICES				
1	AARP/Experience Corp	$10,000.00	$0.00	$0.00	$0.00
2	Catholic Charities of Southeast Texas	$13,885.00	$5,468.57	$5,468.57	$0.00
3	Child Abuse & Forensic Services	$20,000.00	$11,848.57	$11,848.57	$0.00
4	Hope Women's Resource Clinic	$11,830.75	$0.00	$0.00	$0.00
5	IEA - Inspire, Encourage, Achieve	$10,000.00	$8,202.87	$8,202.87	$0.00
6	Julie Roger's "Gift for Life"	$10,000.00	$9,114.28	$9,114.28	$0.00
7	Nutrition and Services for Seniors	$9,111.42	$9,114.42	$9,114.42	$0.00
8	Southeast Texas Family Resource Center	$20,000.00	$5,468.57	$5,468.57	$0.00
9	Southeast Texas Food Bank	$8,000.00	$8,000.00	$8,000.00	$0.00
10	Tender Loving Care/Legacy CDC	$20,000.00	$0.00	$0.00	$0.00
11	Young Americans Overseas	$20,000.00	$0.00	$0.00	$0.00
	Total Public Services	**$152,827.17**	**$57,217.28**	**$57,217.28**	**$0.00**
	PUBLIC FACILITIES AND IMPROVEMENTS				
12	The ARC of Greater Beaumont	$10,200.00	$0.00	$0.00	$0.00
13	The H.O.W. Center	$12,500.00	$5,468.57	$5,465.57	$0.00
			$0.00	$0.00	$0.00
			$0.00	$0.00	$0.00
	Total Public Facilities and Improvements	**$22,700.00**	**$5,468.57**	**$5,465.57**	**$0.00**
	HOMELESS/SET-ASIDE				
14	Family Services of Southeast Texas	$20,000.00	$8,202.87	$8,202.87	$0.00
15	Henry's Place/Some Other Place	$16,000.00	$9,114.28	$9,114.28	$0.00
	Total Homeless/Set-Aside	**$36,000.00**	**$17,317.15**	**$17,317.15**	**$0.00**
	TOTAL AMOUNT REQUESTED FOR ALL FUNDING	**$211,527.17**	**$80,003.00**	**$80,000.00**	**$0.00**