

**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS JUNE 3, 2014 1:30 P.M.**

CONSENT AGENDA

- * Approval of minutes – May 27, 2014
- * Confirmation of committee appointments
- A) Authorize the acceptance of a refund from Duperon Corporation related to the purchase of a bar screen system installed in the constructed wetlands
- B) Authorize the granting of a Utility Crossing Agreement with Sunoco Pipeline L. P.



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Dr. Hani J. Tohme, P.E., City Utilities Director

MEETING DATE: June 3, 2014

REQUESTED ACTION: Council consider a resolution approving the acceptance of a refund from Duperon Corporation related to the purchase of a bar screen system.

BACKGROUND

On May 14, 2013, City Council approved the purchase of a bar screen from Duperon Corporation in the amount of \$210,000. This bar screen was installed at the Constructed Wetlands prior to the discharge point in order to protect the pumps.

The original pricing of this bar screen was based on a design for installation prior to primary treatment at the Wastewater Treatment Plant. Field conditions required the design of the bar screen installed in the constructed wetlands to have a different configuration from the screens installed within the Wastewater Treatment Plant. The new screen is physically smaller than the previously purchased screens. The smaller screen required less material to construct it, resulting in a price reduction. Duperon Corporation has agreed to refund \$30,000 as a result.

FUNDING SOURCE

Capital Program.

RECOMMENDATION

Approval of the resolution.



September 30, 2013

Dr. Hani Tohme
Director of Water Utilities
City of Beaumont, Texas
PO Box 3827
Beaumont, TX 77704-3827

RE: Duperon Screen for Wetlands
Subject: Project Close Out and Reconciliation

Dear Dr. Tohme:

Upon the request of Mr. Bill Loyd of Vision Equipment, we reviewed your inquiry re: the pricing for the City of Beaumont screen for your wetlands application. We appreciate your bringing your concern to us and furthermore, thank you for your commitment to using Duperon screens at your wastewater treatment plant at the City of Beaumont.

We expedited our general practice of a project close out review as requested and have found that indeed there is a reduction of \$30,000 owed your organization. Apparently in the speed to assure that your quote for a 3rd screen be processed by your council meeting, we inadvertently used the same per screen pricing as your previous project. Our review also indicated that there were at least three (3) designs for this screen during the life of the project, before and after receipt of the order. It appears that each version resulted in a somewhat different screen, yet with the same hydraulics.

While there were additional costs for engineering, a 6 year extended warranty (standard is 1 year for the FRHD Model), an upgrade to a stainless steel drive head from the standard coated steel; given the physical size of the final design was smaller than originally quoted, we are able to reduce the price based on reduced material from the original design.

As always, we are grateful for the opportunity to be of service. Please contact me if you have any questions or concerns about this matter. We are committed to support you throughout the life of your equipment.

Sincerely,

A handwritten signature in black ink that reads "Tammy L. Bernier". The signature is written in a cursive, flowing style.

Tammy L. Bernier
President/CEO
Duperon Corporation

RESOLUTION NO.

WHEREAS, on August 16, 2011, City Council approved Resolution No. 11-232 authorizing the award of a bid to Duperon Corporation, of Saginaw, Michigan, in the amount of \$420,000 for the purchase of two (2) bar screens for use at the Wastewater Treatment Plant; and,

WHEREAS, on May 14, 2013, City Council approved Resolution No. 13-113 approving the purchase on one (1) additional bar screen from Duperon Corporation, of Saginaw, Michigan, in the amount of \$210,000 for use at the Wastewater Treatment Plant; and, the original bid allowed for the purchase of additional bar screens at a later date; and,

WHEREAS, the original pricing of the bar screen was based upon a design for installation prior to primary treatment at the Wastewater Treatment Plant; and,

WHEREAS, field conditions required the design of the bar screen installed in the constructed wetlands to have a different configuration from the screens installed with the Wastewater Treatment Plant; and,

WHEREAS, the new screen is physically smaller than the previously purchased screens and required less material to construct, resulting in a price reduction; and,

WHEREAS, City Council wishes to accept a refund in the amount of Thirty Thousand and XX/100 Dollars (\$30,000.00) from Duperon Corporation, of Saginaw, Michigan, as a result of the purchase price difference of the additional bar screen for use at the Wastewater Treatment Plant;

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 Council hereby approves the acceptance of a refund in the amount of Thirty Thousand and XX/100 Dollars (\$30,000.00) from Duperon Corporation, of Saginaw, Michigan, as a result of the purchase price difference of an additional bar screen for use at the Wastewater Treatment Plant.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 3rd day of June, 2014.

- Mayor Becky Ames -



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: ^{PD} Patrick Donart, Public Works Director

MEETING DATE: June 3, 2014

REQUESTED ACTION: Council consider a resolution authorizing the granting of a Utility Crossing Agreement with Sunoco Pipeline L. P.

BACKGROUND

Sunoco Pipeline L. P. has requested permission to install a sixteen inch (16") pipeline which will cross one (1) twelve inch (12") sanitary sewer force main and one (1) sixteen inch (16") sanitary sewer line located North of Erie Street. The sixteen inch (16') pipeline will also cross one (1) twelve inch (12") water line on the West side adjacent to Hebert Road. The pipeline is for the purpose of transporting oil, gas, water, natural gas liquids, petroleum and/or crude products, and will be constructed in accordance with City requirements.

There is a one-time fee of \$500.00 for the Utility Crossing Agreement and an annual fee of \$2.25 per linear foot of pipeline.

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 Manager be and he is hereby authorized to grant a Utility Crossing Agreement to Sunoco Pipeline, L.P., substantially in the form attached hereto as Exhibit "A," to install a sixteen inch (16") pipeline which will cross one (1) twelve inch (12") sanitary sewer force main and one (1) sixteen inch (16") sanitary sewer line located North of Erie Street, with said sixteen inch (16') pipeline also crossing one (1) twelve inch (12") water line on the West side adjacent to Hebert Road belonging to the City of Beaumont for the purpose of transporting oil, gas, water, natural gas liquids, and petroleum and/or crude products, said pipeline is to be constructed in compliance with City requirements.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 3rd day of June, 2014.

- Mayor Becky Ames -

COST OF LICENSE:

Licensee shall make payment to the City of Beaumont as follows:

- o License Agreement fee - \$500.00
- o Annual fee of \$2.25 per linear foot of pipeline located within City property. Said fee shall be reset on January 31, 2011 and shall be reset every ten (10) years, thereafter, to a level to be determined by the City Council or their delegated representative.

All fees, including the first annual fee for linear foot usage shall be made to the Water Utilities Department and payable to the City of Beaumont prior to construction.

This license is granted by the City of Beaumont subject to conditions. Failure to comply with the following may result in termination of agreement (see page 8).

GENERAL CONDITIONS:

- o Licensee does not intend to sell product for resale from the covered pipeline to customers located within the City; however, Licensee recognizes that should it sell product for resale from this covered pipeline to customers within the City, it will be required to report such distribution and when lawfully required to do so, pay a street rental fee based on revenues. The annual fee and the regulations controlling the payment of such fee will be those as lawfully established by the ordinances of the City.
- o All pipelines crossing City of Beaumont utility easements, water or sanitary sewer easements shall be bored from easement line to easement line. Within these limits, the pipeline shall be protected by casing or other method approved by the City Water Utilities Department.
- o The pipeline shall be constructed in such a manner as approved by the City so as it does not interfere with the use of the City property.
- o The pipeline shall be installed a minimum of three (3) feet below ground and a minimum of five (5) feet below the lowest existing or proposed ditch grades, waterlines, sanitary sewer lines or storm drainage lines, unless otherwise authorized by the City. Such grades and lines shall be indicated on map submittal, as well as depth of proposed pipeline (see page 3).

The construction and operation of the pipeline shall not interfere with the natural drainage in that area nor with the drainage system of the City, nor with sanitary sewer lines, waterlines, or other utilities.

Damage to existing ditch grade during construction or maintenance of the pipeline shall be corrected and the ditch grade shall be restored to the condition and grade at which it existed prior to construction or maintenance. Bore pits shall be backfilled according to City standards.

- o Excavations necessary for the construction repair or maintenance of the pipeline shall be performed in such a manner that will cause minimal inconvenience to the public. Licensee shall promptly restore the area to as good a condition as before working thereon and to the reasonable satisfaction of the City's Water Utilities Department.
- o Operations along easements shall be performed in such a manner that all property where operations are performed will be restored to original condition or better. No equipment or installation procedures will be used which will damage any structures. The cost of any repairs to structures, sanitary sewer lines, water lines or other easement features as a result of this installation will be borne by the owner of this line.
- o Any construction which takes place in, on, under, above, or across property not owned by the City shall require additional permission by the owner(s) of the property involved. Written proof of said permission is to be provided to the City as part of the application process. Approval of this license agreement excludes permission to do any construction on property which is not owned by the City of Beaumont.
- o Any licenses, permits or agreements required by another governmental entity (County, State or Federal) to adjoining property shall be obtained and a copy of such document shall be provided to the City.
- o Licensee shall be responsible for acquiring all agreements necessary for the lawful use of any private property.
- o A map showing the location of the proposed pipeline shall be provided.
- o The pipeline shall be maintained and operated in such a manner as not to leak and/or cause damage to the City property. Once the pipeline is in operation, any damage that occurs to the pipeline which results in exposure or release of product must be reported **immediately to the City Fire Department and Water Utilities Department.** Licensee shall fully

from any and all claims for injuries and damages to persons or property occasioned by or arising out of the construction, maintenance, operation, repair or removal of the pipeline. This indemnity expressly extends to claims alleging negligence by the City of Beaumont, its agents, officers or employees, arising from actions taken or occurrences under this license agreement.

- o If the pipeline or any part thereof installed by Licensee shall be in any respect damaged or injured by City or any of its agents or employees in connection with the performance of any work or repairs that may be done upon the property mentioned herein:

Licensee shall not be entitled to prosecute or maintain a claim against the City of Beaumont for any such damage or injuries so sustained by it; however, said conditions shall not prevent Licensee from recovering against any contractor who shall damage Licensee's property in the course of such contractor's performance of any contract with the City.

OTHER CONSTRUCTION/MAINTENANCE WITHIN PROPERTY:

- o City will use its best efforts to notify Licensee of any proposed construction and/or maintenance, to be done by City forces or by contract for the City, within the property involved with this license.

Notification, to Licensee, of other construction and/or maintenance permitted by the City and within the property involved with this license will be the responsibility of the company obtaining said permit.

Licensee shall mark the location of its lines within forty-eight (48) hours after receipt of such notification of proposed construction.

Licensee shall maintain a local, or toll free, telephone number to be called for notification of construction or maintenance and for location of lines. Such number, or charges to such number, will be provided to the City (Water Utilities Department) and kept current at all times. This number shall be provided to entities permitted to construct, maintain or excavate within this City property and which are required to provide notification of such work. When information has been relayed to Licensee, through the phone number provided, such contact shall constitute notification for Licensee to provide location of its lines. Failure, by Licensee, to respond within the required time frame shall alleviate the responsibility of the person(s) requiring the lines to be relocated.

City reserves the right to lay, and to permit to be laid, sewer, gas, water and other pipes and cables, and to do or permit to be done any underground

work that may be deemed to be necessary or proper by City in, across, along, or under the property. In doing or permitting any such work, the City of Beaumont shall not be liable to Licensee for any damage occasioned; it being understood that nothing herein shall be construed as foreclosing Licensee's rights to recover damages against any contractor or third party who may be responsible for damages to Licensee's facilities.

- o Whenever by reason of the change in the grade of the property occupied by Licensees' pipeline, or by reason of the location or manner of constructing drainage structures, water pipes, gas pipes, sewers, or other underground construction for any purpose whatever, it shall be deemed necessary by City to relocate, alter, encase, change, adopt or conform the pipeline of Licensee thereto, such change shall be made promptly by Licensee at its cost and without claim for reimbursement or damages against City. If the change is demanded by the City for the benefit of any other person or private corporation, except the City, Licensee shall be reimbursed fully by the person or corporation desiring or occasioning such change for any expense arising out of such change; Licensee will, upon notice from the City, make such change immediately and at its own cost; it being understood that City will not participate in any part of the cost of any change involving relocation, altering, encasing, boring, or changing in any manner of the pipeline where same is within City property.

NOTIFICATION/INSPECTION:

- o Any and all work to be performed on City property shall be observed and inspected by a City representative. Any work to be performed within the City limits will be subject to periodic inspection to ensure compliance with construction standards.
- o Licensee shall provide the City (Water Utilities Department) forty-eight (48) hours prior to the installation of the lines permitted by this license. A representative will be scheduled to be present. The expense of such inspection services may be billed to the Licensee and such amounts will be reimbursed to the City.
- o Licensee shall notify the Water Utilities Department at least forty-eight (48) hours prior to completion of work and removal of equipment from the job site to permit the City to make an inspection.

SPECIAL CONDITIONS:

Nonassignable

This license is personal to the Licensee. It is nonassignable and any attempt to assign this license will terminate the license privileges granted to Licensee hereinunder.

Termination

This agreement is subject to termination by the City if any condition specified herein is not met. This agreement may also be terminated by the Licensee. Either party attempting to terminate this agreement shall give written notice to the other specifying the date of, and the reason for, termination. Such notice shall be given not less than thirty (30) days prior to the termination date therein specified. Any written notice may be effected either by personal delivery or by registered or certified mail, postage prepaid with return receipt requested. Mail notices shall be addressed to the addresses of the parties as follows:

City of Beaumont
P.O. Box 3827
Beaumont, Texas 77704

Name of Licensee: Sunoco Pipeline L.P.

Address of Licensee: PO Box 5095

Attn: City Manager

City State of Licensee: Sugar Land, TX 77487
Attn: ROW Department

Upon cancellation, the pipeline shall be removed and property restored to a condition acceptable to the Water Utilities Director. In the event of cancellation, any and all monies collected for fees associated with this agreement will remain the property of the City. There will be no reimbursements.

Commencement of work on the pipeline by Licensee after the date of this fully executed license shall be construed as evidence of Licensee's acceptance and approval of the conditions above set forth.

IN WITNESS WHEREOF, the City of Beaumont, Texas, has caused these presents to be signed by its City Manager and the seal of the City to be herewith affixed by the City Clerk, this _____ day of _____, A.D. 20_____

CITY OF BEAUMONT, TEXAS

By: _____
Kyle Hayes, City Manager

ATTEST:

City Clerk

Sunoco Pipeline L.P.
By: Sunoco Logistics Partners Operations GP LLC,
its general partner

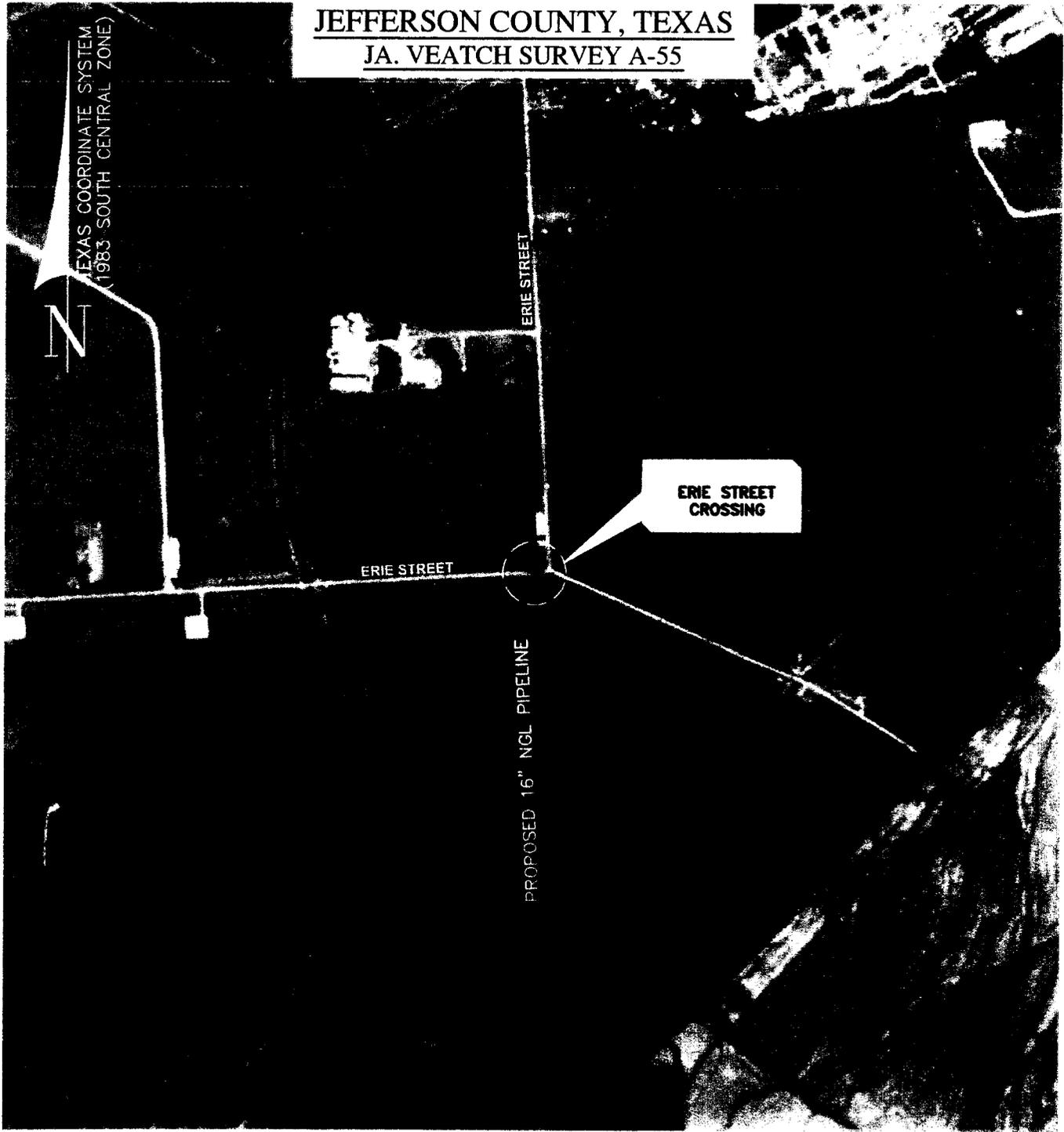
By: Karen R. McMillin
Karen R. McMillin, Director, ROW (attorney-in-fact)

ATTEST:

By: Kathleen SherBally
Secretary

E:\Land Projects\11465 ETP 16-in Beaumont - Sunoco\4000 PERMITS\4001-4100 City permits\DWG\STREETS\4160 ERIE\UTILITY\11465-4164 ERIE ST UTILITY.dwg plotted on May 13, 2014 - 10:26am ACAD ver 19.0a (LMS Tech)

JEFFERSON COUNTY, TEXAS
JA. VEATCH SURVEY A-55



1	05/13/14	ISSUED FOR PERMIT USE	
0	05/05/14	ISSUED FOR PERMIT USE	AD
NO.	DATE	REVISION	BY

SUNOCO PIPELINE L.P.

PROJECT VICINITY MAP
PROPOSED 16" (LN-EM01) MARINER SOUTH SECTION III NGL PIPELINE
CROSSING ERIE STREET/UTILITY LINES
CITY OF BEAUMONT
JEFFERSON COUNTY, TEXAS



surveying & engineering

Office Locations:
 -HOUMA FACILITY-
 283 Corporate Drive
 Houma, Louisiana 70360
 985-879-2731 FAX: 985-876-9032
 -HOUSTON FACILITY-
 10101 South West Freeway, Suite 620
 Houston, Texas 77074
 713-219-1470 FAX: 713-219-1-71
<http://www.mphinc.com>

DRAWN BY: AD	SHEET: 1 OF 3
CHECKED BY: ---	SCALE: AS INDICATED
APPROVED BY:	DATE: 11/25/2013
DRAWING NO.: 11465-4164 ERIE ST AERIAL UTIL	

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JEFFERSON COUNTY, TEXAS

JA. VEATCH SURVEY, A-55

TEXAS COORDINATE SYSTEM
(1983 SOUTH CENTRAL ZONE)

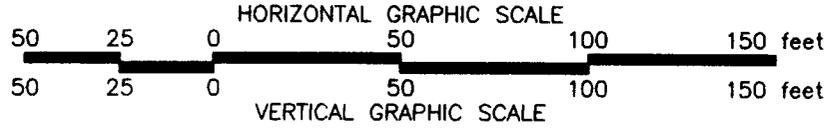
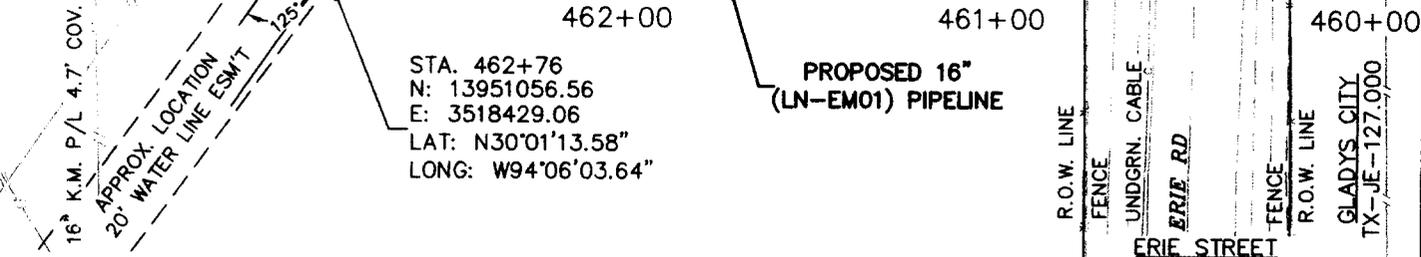
KINDER MORGAN VALVE SITE

GLADYS CITY
TX-JE-127.000

STA. 463+01
N: 13951081.42
E: 3518427.86
LAT: N30°01'13.82"
LONG: W94°06'03.64"

STA. 462+76
N: 13951056.56
E: 3518429.06
LAT: N30°01'13.58"
LONG: W94°06'03.64"

PROPOSED 16" (LN-EM01) PIPELINE

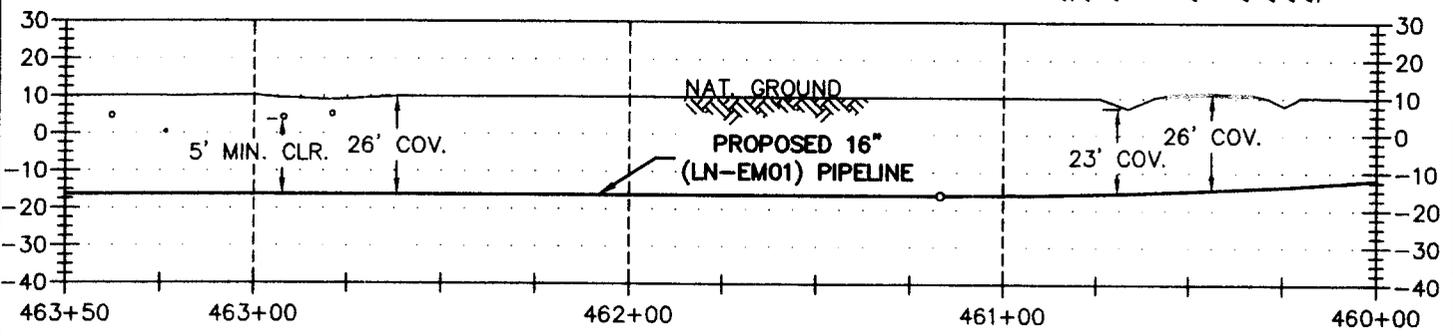


☉ ERIE RD. ± 625 TO HDD ENTRY

☉ ERIE RD. ± 213 TO HDD EXIT

- 463+39 X-ING 16" K.M. P/L 4.7' COV.
- 463+25 X-ING 8" SUNOCO P/L 9.3' COV.
- 462+92 X-ING 12" SEWER LINE 6.2' COV.
- 462+79 X-ING 16" SEWER LINE 4.8' COV.

- 460+75 R.O.W. LINE
- 460+75 FENCE
- 460+67 ☉ DITCH
- 460+45 ☉ ERIE ST.
- 460+32 EDGE OF ROAD
- 460+25 ☉ DITCH
- 460+20 FENCE
- 460+20 R.O.W. LINE



CONSTRUCTION METHOD: HDD

NO.	DATE	REVISION	BY
1	05/13/14	ISSUED FOR PERMIT USE	
0	05/05/14	ISSUED FOR PERMIT USE	AD

SUNOCO PIPELINE L.P.

PROJECT VICINITY MAP
PROPOSED 16" (LN-EM01) MARINER SOUTH SECTION III NGL PIPELINE
CROSSING ERIE STREET/UTILITY LINES
CITY OF BEAUMONT
JEFFERSON COUNTY, TEXAS

Office Locations:
 -HOUMA FACILITY-
 283 Corporate Drive
 Houma, Louisiana 70360
 985-879-2731 FAX: 985-876-9052
 -HOUSTON FACILITY-
 10101 South West Freeway, Suite 620
 Houston, Texas, 77074
 713-219-1470 FAX: 713-219-1471
<http://www.mphinc.com>

DRAWN BY: AD	SHEET: 2 OF 3
CHECKED BY: --	SCALE: AS INDICATED
APPROVED BY:	DATE: 05/05/14
DRAWING NO.: 11465-4165 ERIE ST XING UTILITY	

16" (LN-EM01) MARINER SOUTH SECTION III NGL PIPELINE DESIGN DATA
CROSSING ERIE STREET

1.0 GENERAL INFORMATION

- 1.1 APPLICANT/OWNER:
KAREN McMILLIN
DIRECTOR, RIGHT OF WAY
SUNOCO PIPELINE L.P.
1 FLUOR DANIEL
BUILDING A, LEVEL 3
SUGAR LAND, TEXAS 77478
281-637-6550 OFFICE
- 1.2 PIPELINE NAME: PROPOSED 16-INCH (LN-EM01) MARINER SOUTH SECTION III PIPELINE (EAST)
- 1.3 PRODUCT: NATURAL GAS LIQUIDS - NGL
- 1.4 PROPOSED CONSTRUCTION ACTIVITIES ARE SCHEDULED FOR NOVEMBER 2013

2.0 PIPELINE DESIGN DATA

- 2.1 DESIGN CODES: THE DEPARTMENT OF TRANSPORTATION ("DOT") STANDARD CFR TITLE 49, PART 195, "TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE" AND PART IV OF THE RAILROAD COMMISSION PIPELINE SAFETY RULES AND ASME B31.4
- 2.2 DESIGN PRESSURE: 1,480 PSIG (MAXIMUM ALLOWABLE OPERATING PRESSURE)
- 2.3 HYDROSTATIC TEST PRESSURE: 1,850 PSIG MIN (1.25 X MAOP MINIMUM)

3.0 CARRIER LINE PIPE

	STANDARD	HDD
3.1 NOMINAL PIPE SIZE:.....	16.000"	16.000"
3.2 WALL THICKNESS:.....	0.375"	0.500"
3.3 PIPE SPECIFICATION: API 5L, GRADE X-60, PSL-2, BEDR.....	X-60	X-60
3.4 SPECIFIED MINIMUM YIELD STRENGTH: 60,000 PSI		
3.5 MATERIAL: CARBON STEEL		
3.6 PROCESS OF MANUFACTURE: ERW		
3.7 EXTERIOR COATING: 20 MILS ABRASION RESISTANT OVERLAY (ARO).....FBE 15-22 MILS FUSION BOND EPOXY (FBE)		

4.0 CATHODIC PROTECTION

- 4.1 RECTIFIER IMPRESSED CURRENT

5.0 CONSTRUCTION METHOD

- 5.1 PIPELINE WILL BE INSTALLED BY HDD CONSTRUCTION METHOD

1	05/13/14	ISSUED FOR PERMIT USE	
0	05/05/14	ISSUED FOR PERMIT USE	AD
NO.	DATE	REVISION	BY

SUNOCO PIPELINE L.P.

PROJECT VICINITY MAP
PROPOSED 16" (LN-EM01) MARINER SOUTH SECTION III NGL PIPELINE
CROSSING ERIE STREET/UTILITY LINES
CITY OF BEAUMONT
JEFFERSON COUNTY, TEXAS



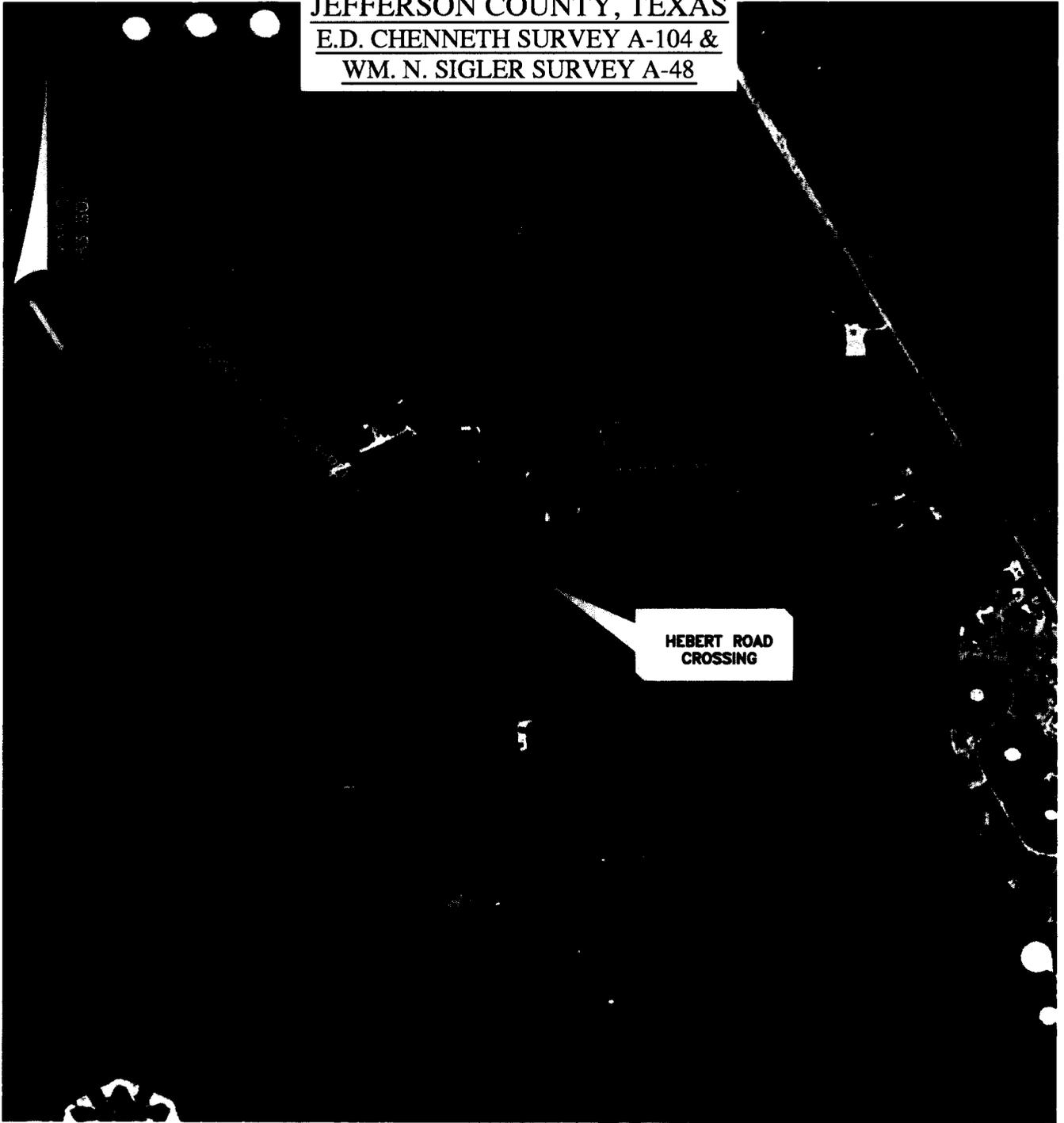
Office Locations:
 -HOUMA FACILITY-
 283 Corporate Drive
 Houma, Louisiana 70360
 985-879-2731 FAX: 985-876-9052
 -HOUSTON FACILITY-
 10101 South West Freeway, Suite 630
 Houston, Texas, 77074
 713-219-1470 FAX: 713-219-1471
<http://www.mphinc.com>

DRAWN BY: AD	SHEET: 3 OF 3
CHECKED BY: --	SCALE: AS INDICATED
APPROVED BY:	DATE: 05/05/14
DRAWING NO.: 11465-4166 ERIE ST DATA	

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E:\Land Projects\11465 ETP 16-in Beaumont - Sunoco\4000 PERMITS\4001-4100 City permits\DWG\STREETS\4140 HEBERT RD\Utility\11465-4144 HEBERT RD AERIAL.dwg plotted on May 13, 2014 - 8:14am ACAD ver 19.0e (LMS Tech)

JEFFERSON COUNTY, TEXAS
E.D. CHENNETH SURVEY A-104 &
WM. N. SIGLER SURVEY A-48



2	05/13/14	ISSUED FOR PERMIT USE	
1	05/12/14	ISSUED FOR PERMIT USE	AD
NO.	DATE	REVISION	BY

SUNOCO PIPELINE L.P.

PROJECT VICINITY MAP
PROPOSED 16" (LN-EM01) MARINER SOUTH SECTION III NGL PIPELINE
CROSSING HEBERT ROAD/UTILITY LINES
CITY OF BEAUMONT
JEFFERSON COUNTY, TEXAS

Morris P. Hebert, Inc.
surveying & engineering

Office Locations:
 HOUMA FACILITY:
 283 Corporate Drive
 Houma, Louisiana 70360
 985-879-2731 FAX: 985-876-9052
 HOUSTON FACILITY:
 10101 South West Freeway, Suite 620
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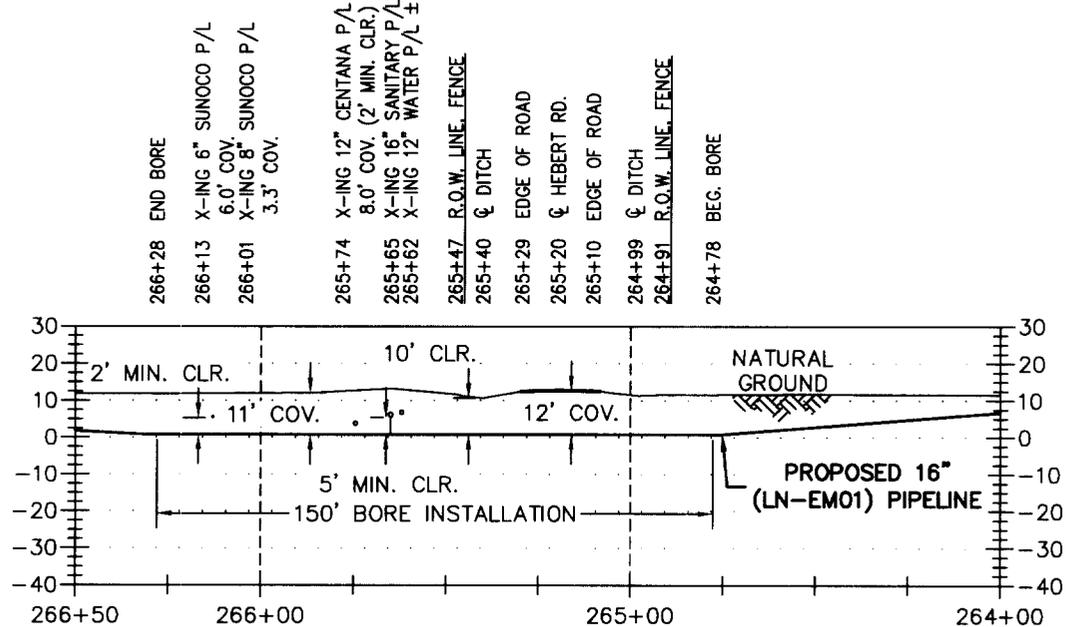
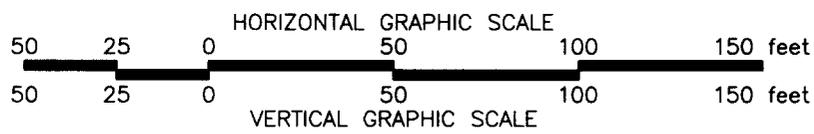
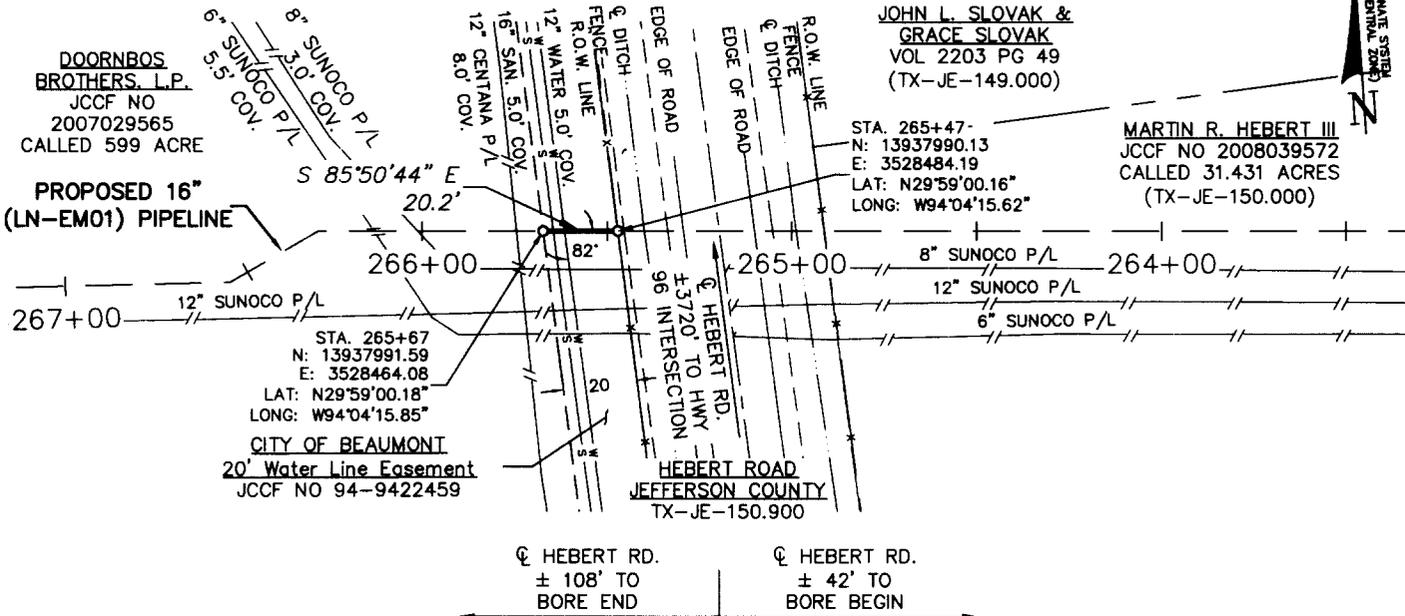
DRAWN BY: AD	SHEET: 1 OF 3
CHECKED BY: --	SCALE: AS INDICATED
APPROVED BY:	DATE: 05/05/14
DRAWING NO.: 11465-4144 HEBERT RD AERIAL UTIL	

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JEFFERSON COUNTY, TEXAS

E.D. CHENNETH SURVEY A-104 & WM. N. SIGLER SURVEY, A-48

TEXAS COORDINATE SYSTEM
 (1983) SOUTH CENTRAL ZONE



CONSTRUCTION METHOD: BORE

NO.	DATE	REVISION	BY
2	05/13/14	ISSUED FOR PERMIT USE	
1	05/12/14	ISSUED FOR PERMIT USE	AD

SUNOCO PIPELINE L.P.

PROJECT VICINITY MAP
 PROPOSED 16" (LN-EM01) MARINER SOUTH SECTION III NGL PIPELINE
 CROSSING HEBERT ROAD/UTILITY LINES
 CITY OF BEAUMONT
 JEFFERSON COUNTY, TEXAS

mph
 Morris P. Hebert, Inc.
 surveying & engineering

Office Locations:
 HOUMA FACILITY - 283 Corporate Drive, Houma, Louisiana 70060
 985 879-2731 FAX: 985 876-9052
 HOUSTON FACILITY - 10101 South West Freeway, Suite 620, Houston, Texas, 77074
 713-219-1470 FAX: 713-219-1471
<http://www.mphinc.com>

DRAWN BY: AD	SHEET: 2 OF 3
CHECKED BY: --	SCALE: AS INDICATED
APPROVED BY:	DATE: 05/05/14
DRAWING NO.: 11465-4145 HEBERT RD XING UTIL	

E:\Land Projects\11485 ETP 16-in Beaumont - Sunoco\4000 PERMITS\4001-4100 City permits\DWG\STREETS\4140 HEBERT RD\Utility\11465-4146 HEBERT RD DATA.dwg plotted on May 13, 2014 - 8:16am ACAD ver 19.0a (LMS Tech)

16" (LN-EM01) MARINER SOUTH SECTION III NGL PIPELINE DESIGN DATA
CROSSING HEBERT ROAD

1.0 GENERAL INFORMATION

- 1.1 APPLICANT/OWNER:
KAREN McMILLIN
DIRECTOR, RIGHT OF WAY
SUNOCO PIPELINE L.P.
1 FLUOR DANIEL
BUILDING A, LEVEL 3
SUGAR LAND, TEXAS 77478
281-637-6550 OFFICE
- 1.2 PIPELINE NAME: PROPOSED 16-INCH (LN-EM01) MARINER SOUTH SECTION III PIPELINE (EAST)
- 1.3 PRODUCT: NATURAL GAS LIQUIDS - NGL
- 1.4 PROPOSED CONSTRUCTION ACTIVITIES ARE SCHEDULED FOR NOVEMBER 2013

2.0 PIPELINE DESIGN DATA

- 2.1 DESIGN CODES: THE DEPARTMENT OF TRANSPORTATION ("DOT") STANDARD CFR TITLE 49, PART 195, "TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE" AND PART IV OF THE RAILROAD COMMISSION PIPELINE SAFETY RULES AND ASME B31.4
- 2.2 DESIGN PRESSURE: 1,480 PSIG (MAXIMUM ALLOWABLE OPERATING PRESSURE)
- 2.3 HYDROSTATIC TEST PRESSURE: 1,850 PSIG MIN (1.25 X MAOP MINIMUM)

3.0 CARRIER LINE PIPE

	STANDARD	HDD
3.1 NOMINAL PIPE SIZE:.....	16.000"	16.000"
3.2 WALL THICKNESS:.....	0.375"	0.500"
3.3 PIPE SPECIFICATION: API 5L, GRADE X-60, PSL-2, BEDR.....	X-60	X-60
3.4 SPECIFIED MINIMUM YIELD STRENGTH: 60,000 PSI		
3.5 MATERIAL: CARBON STEEL		
3.6 PROCESS OF MANUFACTURE: ERW		
3.7 EXTERIOR COATING: 20 MILS ABRASION RESISTANT OVERLAY (ARO).....FBE 15-22 MILS FUSION BOND EPOXY (FBE)		

4.0 CATHODIC PROTECTION

- 4.1 RECTIFIER IMPRESSED CURRENT

5.0 CONSTRUCTION METHOD

- 5.1 PIPELINE WILL BE INSTALLED BY BORE CONSTRUCTION METHOD

2	05/13/14	ISSUED FOR PERMIT USE	
1	05/12/14	ISSUED FOR PERMIT USE	AD
NO.	DATE	REVISION	BY

SUNOCO PIPELINE L.P.

**PROJECT VICINITY MAP
PROPOSED 16" (LN-EM01) MARINER SOUTH SECTION III NGL PIPELINE
CROSSING HEBERT ROAD/UTILITY LINES
CITY OF BEAUMONT
JEFFERSON COUNTY, TEXAS**



Office Locations:
-HOUMA FACILITY-
283 Corporate Drive
Houma, Louisiana 70360
985-879-2731 FAX: 985-876-9052
-HOUSTON FACILITY-
10101 South West Freeway, Suite 620
Houston, Texas 77074
713-219-1470 FAX: 713-219-1471
<http://www.mphinc.com>

DRAWN BY: AD	SHEET: 3 OF 3
CHECKED BY: --	SCALE: AS INDICATED
APPROVED BY:	DATE: 12/02/2013
DRAWING NO.: 11465-4346 HEBERT RD DATA UTIL	



**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS JUNE 3, 2014 1:30 P.M.**

AGENDA

CALL TO ORDER

- * Invocation Pledge Roll Call
- * Presentations and Recognition
- * Public Comment: Persons may speak on scheduled agenda items 1-6/Consent Agenda
- * Consent Agenda

GENERAL BUSINESS

1. Consider approving an ordinance adopting gaming site regulations and licensing
2. Consider approving a resolution authorizing the purchase of High Density Polyethylene Pipe from Rural Pipe & Supply, Inc., of Jasper
3. Consider approving a resolution authorizing a change order to the contract with Brystar Contracting, Inc., for the Seventh Street Paving and Drainage Improvement Project
4. Consider approving a resolution authorizing the purchase of an automated license plate reader from Elsag North American, Inc., of Houston for use by the Police Department
5. Consider approving a resolution authorizing the purchase of two backhoes with pavement breakers from Mustang Cat, Inc. of Houston for use by the Water Utilities Department
6. Consider approving a resolution adopting the Chapter 380 Economic Development Program Policies and Procedures for the City of Beaumont

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.

June 3, 2014

Consider approving an ordinance adopting gaming site regulations and licensing



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Tyrone E. Cooper, City Attorney

MEETING DATE: June 3, 2014

REQUESTED ACTION: Council consider an ordinance adopting gaming site regulations and licensing.

BACKGROUND

In a work session held on May 13, 2014 the City Attorney's office discussed the adoption of a Gaming ordinance. Over the past several months the City Attorney's office, together with the Beaumont Police Department, has worked to develop a gaming ordinance applicable for the City of Beaumont. The purpose of this ordinance is to regulate legitimate gaming businesses through licensing and permits.

There are approximately 40 gaming sites operating in the City of Beaumont. 60% of these locations do not have the appropriate licenses or permits required by the City and/or state. The ordinance will enact permitting procedures, require visible signage, and compliance with the ordinance will also require routine unrestricted inspections by police and other city agencies; such as building codes and the fire department. The ordinance will also prohibit the operation of a gaming site within 300 feet of a church, hospital or school.

Gaming machines maintained for personal use, charitable, benevolent, educational, and religious organizations are expressly exempt under this ordinance, as well as machines used solely for the amusement of children.

This ordinance is enabled by the Texas Occupations Code and meets the State Comptroller's standards.

BUDGETARY IMPACT

None.

RECOMMENDATION

Approval of resolution.

ORDINANCE NO.

ENTITLED AN ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS, BY ADDING ARTICLE 6.10 PROVIDING FOR THE LICENSING AND PERMITTING OF GAMING SITES AND GAMING MACHINES BEING OPERATED IN THE CITY OF BEAUMONT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING A PENALTY.

BE IT ORDAINED BY THE CITY OF BEAUMONT:

Section 1.

THAT Chapter 6 of the Code of Ordinances be and the same is hereby amended by adding a new Article 6.10 to read as follows:

ARTICLE 6.10 GAMING

Whereas, the necessity of this ordinance is to protect the public safety, health and welfare of the citizens of the city of Beaumont; and,

Whereas, the City of Beaumont recognizes the Texas OCC Code Chapter 2153 provides facilities housing coin operated machines must be licensed by the State Comptroller of Public Accounts and comply with state regulations; and,

Whereas, section 2153.451 of the Texas OCC Code specifically authorizes a municipality to impose an occupational tax on coin operated machines in this state; and,

Whereas, the Police Department has discovered there are gaming sites within the city which operate in violation of state law providing for the permitting and licensing of coin operated machines in this state.

Division 1. Generally

Sec. 6.10.001 Definitions.

For the purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Applicant. The applicant is the intended operator, occupant or owner of the gaming site and/or gaming machines.

City Manager. The City Manager of the City of Beaumont or the designated representative of the City Manager.

Chief Building Official. The Chief Building Official for the City of Beaumont or the designated representative of the Chief Building Official.

Church. A building, in possession of a certificate of occupancy, in which persons regularly assemble for purposes of religious worship, intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

Coin Operated Machine. Any kind of machine or device operated by or with a coin or other United States currency, metal slug, token, electronic card, or check including a skill or pleasure coin operated machine.

Fire Chief. The Chief of the City of Beaumont Fire Department or the designated representative of the Chief of the Fire Department.

Gaming Machine. Any coin operated machine or electronic, electromechanical or mechanical contrivance designed, made, and adopted solely for bona fide amusement purposes if the contrivance rewards the player exclusively with non-cash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than ten (10) times the amount charged to play the game or device once or \$5.00, whichever is less. Not included in this definition is a machine used only for entertainment purposes, as entertainment is defined in §372.1701 of the Texas Administrative Code.

Gaming Site. Any location that displays, exhibits, or maintains for public patronage – through general admission or membership— any game machine.

Permit. A current, valid permit issued by the City Manager pursuant to the terms of this Article to an operator of a gaming site.

Permit Holder. A person who has been issued a valid permit pursuant to this Article.

Police Chief. The Chief of Police of the City of Beaumont Police Department or the designated representative of the Chief of Police.

Operator. The manager or other natural person principally in charge of the gaming site.

School. A building, in possession of a certificate of occupancy, where persons regularly assemble for the purpose of instruction or education together with the playgrounds, stadia and other structures or grounds used in conjunction therewith. The term is limited to:

- (1) public and private schools used for primary or secondary education, in which any regular kindergarten or grades one through 12 classes are taught; and
- (2) special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one through 12.

Skill or Pleasure Coin Operated Machine. Any kind of coin operated machine that dispenses, or is used or is capable of being used to dispense or afford, amusement, skill, or pleasure, or is operated for any purpose, other than for dispensing only merchandise, music, or service. This includes:

- (1) a marble machine, marble table machine, marble shooting machine, miniature racetrack machine, miniature football machine, miniature golf machine, miniature bowling machine, billiard or pool game, or machine or device that dispenses merchandise or commodities or plays music in connection with or in addition to dispensing skill or pleasure; and
- (2) does not include an amusement machine designed exclusively for a child.

Sec. 6.10.002 Declaration of findings.

The necessity of the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions contained in sections 6.10.001 through 6.10.021 are in the furtherance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the city and its inhabitants.

Division 2. Permits

Sec. 6.10.003 Permit.

- (a) It shall be unlawful for any operator, occupant or owner of the gaming site to display, exhibit, or maintain for public patronage, or otherwise keep for operation by

the public, any gaming machine without first obtaining a permit issued under the terms and conditions of this Article.

- (b) It shall be unlawful for any operator, occupant or owner of the gaming site to operate any gaming site located within the city unless the permit issued for that site is posted at or near the principal public entrance to the gaming site in such a manner that it will be conspicuous to patrons who enter the gaming site.
- (c) In any prosecution under subsection (a) above, it shall be presumed that there was no permit at the time of the alleged offense, unless a permit was then and there posted as provided in subsection (b).
- (d) A machine that provides the possibility, probability and/or certainty of dispensing a non-cash prize, toy or novelty with a value of not more than ten (10) times the amount charged to play the game or device once, or \$5.00, whichever is less at the time of play, but does not allow the player to amass or accumulate points, tokens or any other method to accumulate credits towards larger or greater value non-cash merchandise prizes, toys or novelties is exempt from the requirements of this Article.

Sec. 6.10.004 Signage.

- (a) Notwithstanding section 28.04.003 of the Code of Ordinances or any other city ordinance, code or regulation to the contrary, it shall be unlawful for the operator, occupant or owner of a gaming site not to clearly identify the site with a sign as required by this Article.
- (b) The sign displayed should be one provided by the City with a white background with black Arial font lettering of 1.5 inches.
- (c) The sign must clearly read "GAMING SITE" and may not include any advertisements.

Sec. 6.10.005 Machine registration requirements.

Gaming machines, as defined in this Article, shall be registered as follows:

- (a) The permit holder, owner, or operator is required to maintain on its gaming site a complete inventory, along with serial numbers or equivalent identification, as set forth in subsections (d) and (e) below at all times. The initial application for permit shall include a certificate of the inventory, along with serial numbers or equivalent identification, as set forth in subsections (d) and (e) below, of the machines that the

permit holder intends to put into operation when the gaming site begins its business activities.

- (b) Each renewal permit application shall contain a certificate of inspection of updated inventory, along with serial numbers or equivalent identification, as set forth in subsections (d) and (e) below, of the gaming machines that the permit holder intends to put into operation when the gaming site begins its business activities under the renewal license.
- (c) Before a new gaming machine is put into operation at the gaming site, the permit holder shall notify the Chief of Police of the addition of the machine to the inventory and update its inventory accordingly.
- (d) Upon review of the inventory of machines under subsections (a), (b) and (c) above, the Chief of Police shall enter each machine into the gaming machine registry that the City shall create. For each machine registered, the City Manager shall cause to be issued and delivered to permit holder for each machine within seven (7) days of the notification required under subsection (c) a numbered metal or plastic decal. The registration decal for each machine shall be permanently affixed thereto and in plain view at all times. Registration decals are not transferable. The failure of any machine to display a current registration decal shall be a violation of this section and subject to enforcement action by the City.
- (e) The inventory of machines under subsections (a), (b) and (c) above shall provide the following information: the manufacturer(s); the serial number(s); common name, type or description of the game played on the machine. The registration decal shall contain the inventory number of the machine.

Sec.6.10.006 Application; term.

- (a) A permit issued under this Article does not vest any property rights in the applicant or permit holder; except to display, exhibit, or maintain for public patronage the use of any gaming machines in accordance with the terms and conditions of this Article.
- (b) A gaming permit is non-transferable and non-refundable.
- (c) A permit shall be issued for a twelve (12) month term beginning on the date of issuance.
- (d) Any false statement made by an applicant on the application shall subject the permit to immediate suspension pending revocation and the applicant may be prosecuted as a violation of section 37.10 of the Texas Penal Code (tampering with governmental records), a third degree felony.

- (e) An application for permit shall be made by the intended owner or operator of the gaming site.
- (f) The application shall be submitted with a two hundred dollar (\$200.00) processing fee to the City Manager on a form provided by the City for such purpose. The application must be completed for each location sought to be permitted. The following information is required in the application:
 - (1) Name, address, and telephone number of the applicant, including the trade name by which applicant does business and the street address of the proposed gaming site, and, if incorporated, the name registered with the Secretary of State;
 - (2) Name, address, and telephone number of the operator of the gaming site to be permitted;
 - (3) Number of gaming machines on the gaming site and serial number of each machine;
 - (4) Whether a previous permit of the applicant, or, if applicable, a corporate officer of the applicant, has been revoked within two (2) years of filing of the application; and
 - (5) A statement that all the facts contained in the application are true and correct.

Sec.6.10.007 Renewal.

- (a) An application for renewal must be submitted thirty (30) days before the expiration date of the existing permit to the City Manager on a form provided by the City for such purpose with a one hundred dollar (\$100.00) processing fee.
- (b) Applications for existing gaming sites submitted after the expiration date of the previous permit will be considered and processed as a new applicant.

Sec.6.10.008 Grounds for denial or revocation.

- (a) The City Manager shall refuse to approve the issuance or renewal of a permit or shall revoke a permit for one or more of the following reasons:
 - (1) A false statement as to a material matter made in an application for a permit;
 - (2) Revocation of a permit, pursuant to this Article, of the applicant or corporate officer of the applicant within two (2) years preceding the filing of the application;

- (3) The applicant or a co-owner for such permit has, within the past ten (10) years, been convicted of a crime involving moral turpitude or gambling.
- (d) The City Manager shall not issue or renew a permit under this Article and shall suspend or revoke a permit if it is determined that the applicant or permit holder is indebted to the City for any fee, costs, penalties, or delinquent taxes at the time of application or renewal.
- (e) The City Manager shall have the authority to deny or revoke all permits issued under this provision for any violation of this Article by giving written notice, stating the reason for denial or revocation, and same shall be cancelled ten (10) days from the date of receipt of such notice.
- (f) No permit shall be issued within a period of one (1) year to anyone whose permit has been revoked, except at the discretion of the City Council.

Sec.6.10.009 Appeal from denial or revocation.

If the City Manager denies, refuses to approve the issuance of a permit or the renewal of a permit to an applicant, or revokes a permit issued under this Article, this action is final unless the applicant or permit holder, within ten (10) days after the receipt of written notice of the action, files a written appeal to the City Council by delivering said notice to the City Clerk setting forth specific grounds for the appeal. The City Council shall either hear the appeal or select a hearing officer to preside over the appeal hearing. The City Council or hearing officer shall within fourteen (14) days of the notice of appeal grant a hearing to consider the action. The City Council and hearing officer have the authority to sustain, reverse, or modify the action appealed. The decision of either the City Council or hearing officer is final.

Sec. 6.10.010 Transfer of permit.

A permit issued under the provisions of this Article shall be specific to the site and personal to the holder thereof and shall not be transferable or assignable.

Sec. 6.10.011 Replacement permits or decals.

- (a) A replacement permit shall be issued to the original applicant for one lost, destroyed, or mutilated after a written application is submitted with a fee of fifteen dollars (\$15.00) to the City Manager on a form provided by the City for such purpose.
- (b) A replacement permit shall bear the same expiration date as the one it replaces.
- (c) A new or replacement decal issued to a permit holder shall be fifteen dollars (\$15.00).

Sec. 6.10.012 Occupation tax.

- (a) Every permit holder who controls, possesses, exhibits, or displays, or who permits to be exhibited or displayed in the city for public patronage or operation by the public, any gaming machine shall pay, and is hereby levied on each such gaming machine, except those exempt under this Article, an annual occupation tax in the amount equal to one-fourth (1/4) of the current state occupation tax. All occupation taxes for gaming machines are payable annually in advance. The fee for issuing a replacement occupation tax receipt for one lost, destroyed or mutilated shall be fifteen dollars (\$15.00).

- (b) Since the tax is payable in advance on an annual calendar year basis, the following pro rata tax rate schedule will be applicable to a gaming machine which is first exhibited or displayed for commercial use within the city during any quarter of the calendar year:
 - (1) First quarter: January 1 to March 31 - an amount equal to the applicable local annual occupation tax;
 - (2) Second quarter: April 1 to June 30 - an amount equal to three-quarters (3/4) of the applicable local annual occupation tax;
 - (3) Third quarter: July 1 to September 30 - an amount equal to one-half (1/2) of the applicable local annual occupation tax; and
 - (4) Fourth quarter: October 1 to December 31 - an amount equal to one-quarter (1/4) of the applicable local annual occupation tax.

In computing any tax payable under the aforesaid pro rata tax rate schedule, amounts calculated thereunder shall be rounded to the next higher full cent amount as required.

Division 3. Inspections

Sec.6.10.013 Inspections; compliance.

- (a) The gaming site shall conform to all zoning ordinances, building codes and fire prevention codes of the City and comply with all federal, state and local ordinances and regulations relevant to the operations of a gaming site or gaming machine.

- (b) The Fire Chief, the Chief Building Official, all law enforcement or code enforcement officials shall have the right to immediate unrestricted access to the gaming site where such machines are located at any time during normal business hours for the purposes of inspecting said gaming site and enforcement of the terms of this Article and state law.

- (c) An owner, operator, employee, or any person who does not allow unrestricted access to the gaming site to officials for the purposes of inspection or enforcement commits an offense.

Sec.6.10.014 Prohibited locations.

- (a) No gaming sites shall be permitted to be placed within three hundred (300) feet of any church, hospital or school.
- (b) The measurement of the distance between the place of business and the church, hospital or school shall be determined by measurements made in a straight line, without regard to intervening structures or objects, from the nearest point on the applicant's property line to the nearest point of the church, hospital or school property line.

Sec.6.10.015 Responsibility of permit holder.

A permit holder hereunder shall not permit any of the following activities within the permitted gaming site:

- (a) The sale, purchase, possession or consumption of any alcoholic beverages as the same is permitted by the Texas Alcoholic Beverage Code, unless the gaming site is licensed under the provisions of said code and the ordinances of the City for the sale, purchase, possession, or consumption of alcoholic beverages.
- (b) The operation of any gaming machine by a person younger than twelve (12) years of age except between the hours of 9:00 a.m. and 10:00 p.m.
- (c) The operation of any gaming machine by any person twelve (12) years of age or older and under seventeen (17) years of age except between the hours of 9:00 a.m. and 11:00pm, Sunday through Thursday, and 9:00 a.m. and 12:00 a.m. (midnight), Friday and Saturday.

Division 4. Enforcement

Sec. 6.10.016 Violations of existing laws not authorized.

Nothing herein shall be construed or have the effect to license, permit, authorize or legalize any machine, device, table, or gaming machine, the keeping, exhibition, operation, display or maintenance of which is illegal or in violation of any ordinance of the City, any section of the Penal Code of this state, or the Constitution of this state.

Sec. 6.10.017 Penalties.

- (a) It shall be unlawful for an owner, operator or permit holder to exhibit or display, or permit to be exhibited or displayed for commercial use, any gaming machine which:
 - (1) Does not have properly attached thereto a decal evidencing payment of applicable occupation tax and machine registration;
 - (2) Is located at any address or location other than the location listed for such machine as shown in the records of the City; or
 - (3) Has affixed to it a decal other than the decal issued for such as shown in the records of the City.
- (d) Except as otherwise provided by this section, if it be shown that a person has violated this Article, upon conviction, the defendant shall be punished by a fine of not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00).
- (e) Upon second conviction for a violation of this Article, the defendant shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00).
- (f) Any violation charged pursuant to this section shall be independent of and may be in addition to any administrative penalties which may be imposed regarding the suspension, revocation or denial of any permit or license granted under this Article.

Sec. 6.10.018 Sealing machine for nonpayment; hearings.

- (a) The Chief of Police shall seal, in a manner that will prevent further operation, any gaming machine upon which the tax required by this Article has not been paid or upon which the decal is not properly displayed. The owner or operator of any machine subject to this Article shall be required to pay a fee equal to the maximum amount permitted under §2153.453 of the Texas Occupations Code for the release of any machine sealed, as provided herein, for nonpayment of the tax or for failure to properly display the decal evidencing the payment of the tax and proper registration of the machine. The current fee amount shall be five dollars (\$5.00) for each sealed machine. Upon proof of payment of the occupation tax provided for in section 6.10.012 of this Article, and the release fee, the Chief will remove the seal.
- (b) Any owner desiring to contest the tax, fee, or penalty owed to the City to secure the release of a sealed machine may request a hearing by delivering written notice to the City Clerk setting forth the specifics of the challenge. The City Council shall either hear the challenge or select a hearing officer to preside over the hearing. The City Council or hearing officer shall within fourteen (14) days of the notice of challenge grant a hearing to consider the action. The decision of either the City Council or hearing officer is final.

Sec. 6.10.019 Penalty for removal of sealed machine.

It shall be unlawful to remove from the permitted site any machine that has been sealed pursuant to section 6.10.018 of this Article. Whoever removes or causes to be removed a machine that is sealed shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$100.00 and no more than \$500.00.

Sec. 6.10.020 Injunctions.

- (a) In addition to the fines and penalties provided in this Article, if it appears that a person has violated or is violating or is threatening to violate any provisions of this Article, the City Attorney may institute a civil suit in a court of competent jurisdiction for injunctive relief to restrain the person from continuing the violation or threat of violation.
- (b) On application for injunctive relief and a finding that a person is violating or threatening to violate any provision of this Article, the court shall grant such injunctive relief as the facts may warrant.

Sec. 6.10.021 Strict enforcement; exemptions.

- (a) All law enforcement personnel, inspectors, and other designated personnel shall carry out the provisions of this Article and may issue citations for violations of this Article. All law enforcement officers and representatives shall strictly enforce and prosecute the provisions of this Article, and court officials shall see that this Article receives strict interpretation and adjudication in a court of competent jurisdiction.
- (b) A person in possession or control of a gaming machine is exempt from this Article if:
 - (1) The gaming machine is maintained exclusively in a personal residence and solely for personal use; or
 - (2) The gaming machine has been altered in such a way that it no longer functions as a coin-operated machine and is not patronized for the purpose of winning cash or cash value prizes; or
 - (3) The gaming machine is owned by, leased or rented to organizations operated exclusively for charitable, educational, religious or benevolent purposes. An organization with social or fraternal activities does not qualify.
 - (4) The gaming machines designed for and utilized exclusively by children are expressly exempt from the tax levied in Division 2 hereof.

Section 8.

That if any section, subsection, sentence, clause or phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall not affect the remaining portions of this ordinance, and to such end, the various portions and provisions of this ordinance are declared to be severable.

Section 9.

That all ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict only.

Section 10.

That any person who violates any provision of this ordinance shall, upon conviction, be punished, as provided in Section 1.01.009 of the Code of Ordinances of Beaumont, Texas.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 3rd day of June, 2014.

- Mayor Becky Ames -

June 3, 2014

Consider approving a resolution authorizing the purchase of High Density Polyethylene Pipe from Rural Pipe & Supply, Inc., of Jasper



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Laura Clark, Chief Financial Officer 

MEETING DATE: June 3, 2014

REQUESTED ACTION: Council consider a resolution approving the purchase of High Density Polyethylene Pipe (HDPE) from Rural Pipe & Supply, Inc., of Jasper in the amount of \$216,800.

BACKGROUND

Bids were requested for the purchase of 40,000 feet of 8 inch HDPE pipe, for use by the Water Utilities Department for inventory replenishment in the Sewer Rehabilitation Program. Nine (9) vendors were notified, seven (7) bids were received. Low bid of \$216,800 was received from Rural Pipe & Supply, Inc.

Sales Tax Impact Analysis resulted in a net bid of \$218,930 for the lowest local vendor, which is not sufficient to overcome the bid from Rural Pipe & Supply, Inc.

FUNDING SOURCE

Water Fund.

RECOMMENDATION

Approval of resolution.

RESOLUTION NO.

WHEREAS, bids were solicited for 40,000 feet of 8 inch high density polyethylene pipe (HDPE) for use by the Water Utilities Department for inventory replenishment in the Sewer Rehabilitation Program; and,

WHEREAS, Rural Pipe & Supply, Inc., of Jasper, Texas, submitted a bid in the unit amounts as shown on Exhibit "A," attached hereto, for a total amount of \$216,800; and,

WHEREAS, City Council is of the opinion that the bid submitted by Rural Pipe and Supply, Inc., of Jasper, Texas, provided the best value for the City and should be accepted;

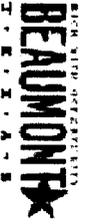
NOW, THEREFORE, BE IT RESOLVED BY THE
CITY COUNCIL OF THE CITY OF BEAUMONT:

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 Rural Pipe & Supply, Inc., of Jasper, Texas, for the purchase of 40,000 feet of 8 inch high density polyethylene pipe (HDPE) for use by the Water Utilities Department for inventory replenishment in the Sewer Rehabilitation Program as shown on Exhibit "A," attached hereto, for a total amount of \$216,800.00 be accepted by the City of Beaumont.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 3rd day of June, 2014.

- Mayor Becky Ames -



CITY OF BEAUMONT ~ PURCHASING DIVISION
 R. J. Hollar - Buyer II
 409-880-3758
 rhollar@ci.beaumont.tx.us

BID TABULATION: PURCHASE OF HDPE PIPE
 BID No. BF0414-26
 OPENING DATE: Thursday, May 22, 2014

Vendor City / State	Item	RURAL PIPE & SUPPLY JASPER (409) 384-5800	ACT PIPE & SUPPLY BEAUMONT 813-2796	COBURN'S BEAUMONT 835-1447	FERGUSON WATERWORKS HOUSTON (73) 675-2211
40000	8" SDR 17 IPS	\$ 5.42 \$ 216,800.00	\$ 5.49 \$ 219,600.00	\$ 5.75 \$ 230,000.00	\$ 5.79 \$ 231,600.00
	PIPE MANUFACTURER	JM EAGLE	JM EAGLE	GEORG FISCHER	JM EAGLE
Vendor City / State	Item	HD SUPPLY Beaumont 866-1899	CONSOLIDATED SUPPLY NAMPA ID (208) 463-9909	GAJESKE, INC HOUSTON (713) 688-2728	
40000	8" SDR 17 IPS	\$ 5.80 \$ 232,000.00	\$ 5.84 \$ 233,600.00	\$ 6.11 \$ 244,400.00	
	PIPE MANUFACTURER	PERFORMANCE PIPE	PERFORMANCE PIPE	PERFORMANCE PIPE	

NO RESPONSE: POLYPIPE, INC., JSCO, PERFORMANCE PIPE

June 3, 2014

Consider approving a resolution authorizing a change order to the contract with Brystar Contracting, Inc.. for the Seventh Street Paving and Drainage Improvement Project



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Patrick Donart, Public Works Director

MEETING DATE: June 3, 2014

REQUESTED ACTION: Council consider a resolution approving a change order to the contract with Brystar Contracting, Inc., for the Seventh Street Paving and Drainage Improvement Project.

BACKGROUND

On April 30, 2013 by Resolution No. 13-095, City Council awarded Brystar Contracting, Inc. a contract in the amount of \$6,075,569.65 for the Seventh Street Paving and Drainage Improvement Project. This project consists of reconstructing the existing dilapidated asphalt pavement, upgrading its storm sewer system and replacing water and sanitary sewer mains including its appurtenances.

Change Order No. 1 in the amount of \$555,226.75 was approved on January 7, 2014. The change order was required to modify the structure of the pavement to resolve utility conflicts.

The proposed Change Order No. 2 is in the amount of \$155,887.00 and includes additional costs related to driveway tie-ins and a restraining embankment to meet ADA requirements. Sixty calendar days would be added to the contract.

FUNDING SOURCE

Beaumont Municipal Airport Oil and Gas Revenue.

RECOMMENDATION

Approval of resolution.

CITY OF BEAUMONT

DATE: 23 APRIL 2014
PROJECT: SEVENTH STREET PAVEMENT AND DRAINAGE IMPROVEMENT PROJECT
OWNER: CITY OF BEAUMONT
CONTRACTOR: BRYSTAR CONTRACTING, INC.
CHANGE ORDER NO.: 02

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

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

Item No.	Item Code	Description	Unit	Original Quantity	New Quantity	Unit Price	Amount
PAVING AND DRAINAGE							
DEDUCTION							
464	002	24" RCP (CL III)	LF	60	-	\$54.00	(\$3,240.00)
531	002	CONCRETE WHEEL CHAIR RAMP (TYPE 4) 4"	SY	350	-	\$170.00	(\$59,500.00)
TOTAL AMOUNT DEDUCTED							(\$62,740.00)
ADDITION							
502	001	BARRICADES, SIGNS, & TRAFFIC HANDLING	MO	14	16	\$1,100.00	\$2,200.00
530	002	CONCRETE DRIVEWAYS 6"	SY	-	2,280	\$42.00	\$95,760.00
531	003	CONCRETE WHEEL CHAIR RAMP (TYPE 2) 4"	SY	-	350	\$170.00	\$59,500.00
4640	002	24" HDPE PIPES	LF	-	258	\$49.00	\$12,642.00
9000	002	RESTRAINING BLOCK (6" X 6", 9" OR 12")(EMBANKMENT)	LF	-	2,000	20.70	\$41,400.00
TOTAL AMOUNT ADDED							\$211,502.00
WATER & SANITARY SEWER UTILITIES							
ADDITION							
		2" CURB STOP	EA	-	2	\$475.00	\$950.00
		6" X 2" BRASS NIPPLE	EA	-	1	\$75.00	\$75.00
		20" TRANSITION COUPLING	EA	-	2	\$1,525.00	\$3,050.00
		20" SOLID SLEEVE	EA	-	2	\$1,525.00	\$3,050.00
TOTAL AMOUNT ADDED							\$7,125.00
CHANGE ORDER TOTAL AMOUNT ADDED							\$155,887.00

ORIGINAL CONTRACT AMOUNT:	\$6,075,569.65
NET FROM PREVIOUS CHANGE ORDERS :	\$6,630,796.40
TOTAL AMOUNT OF THIS CHANGE ORDER:	\$155,887.00
PERCENT OF THIS CHANGE ORDER:	2.57%
TOTAL PERCENT CHANGE ORDER TO DATE:	11.71%
NEW CONTRACT AMOUNT:	\$6,786,683.40

60 CALENDAR DAYS HAVE BEEN ADDED IN THE CONTRACT BY THIS CHANGE ORDER

RESOLUTION NO.

WHEREAS, on April 30, 2013, the City Council of the City of Beaumont, Texas, passed Resolution No. 13-095 awarding a contract in the amount of \$6,075,569.65 to Brystar Contracting, of Beaumont, Texas, for the Seventh Street Pavement Widening and Drainage Improvement Project; and,

WHEREAS, on January 7, 2014, the City Council of the City of Beaumont, Texas, passed Resolution No. 14-006 authorizing Change Order No. 1 in the amount of \$555,226.75 to modify the design to resolve utility conflicts and adjust construction time by adding sixty (60) days and to furnish and install 8" water main interconnections to existing lines and 12" to 8" sanitary sewer connections with appurtenances to meet actual site conditions and deducting items which will not be used, thereby increasing the total contract amount to \$6,630,796.40; and,

WHEREAS, Change Order No. 2 in the amount of \$155,887.00 is required for additional costs related to driveway tie-ins and a restraining embankment to meet ADA requirements, thereby increasing the total contract amount to \$6,786,683.40;

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. 2 for additional work described above, thereby increasing the contract amount by \$155,887.00 for a revised total contract amount of \$6,786,683.40.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 3rd day of June,
2014.

- Mayor Becky Ames -

June 3, 2014

Consider approving a resolution authorizing the purchase of an automated license plate reader from Eltag North American, Inc., of Houston for use by the Police Department



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Laura Clark, Chief Financial Officer 

MEETING DATE: June 3, 2014

REQUESTED ACTION: Council consider a resolution approving the purchase of an automated license plate reader (ALPR) from Eltag North American, Inc., of Houston in the amount of \$128,197.50 for use by the Police Department.

BACKGROUND

The ALPR will be used for enhancing operational and situational awareness and for investigatory information. ALPR has the ability to read license plates on passing vehicles and to alert dispatchers and patrol units. ALPR allows processing of thousands of vehicles traveling a roadway without depending on an officer to read and check each plate. The system will tie into the Houston High Intensity Drug Trafficking Area task force system in addition to State and federal information centers.

Pricing was obtained through the Texas Multiple Awards Schedule (TXMAS) contract which complies with State of Texas procurement statutes.

FUNDING SOURCE

2012 Port Security Grant. A 25% required match by the City in the amount of \$32,049.38 is available in the Capital Reserve Fund.

RECOMMENDATION

Approval of the 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 approve the purchase of an automated license plate reader (ALPR) from Elsag North American, Inc., of Houston, Texas, in the amount of \$128,197.50 through the Texas Multiple Award Schedule (TXMAS) contract for use by the Police Department; and,

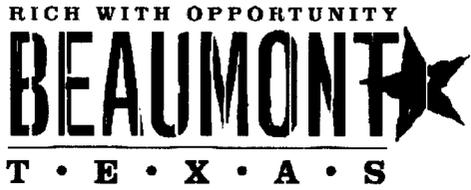
BE IT FURTHER RESOLVED THAT the City Manager be and he is hereby authorized to execute a contract with Elsag North American, Inc., of Houston, Texas, for the purposes described herein.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 3rd day of June, 2014.

- Mayor Becky Ames -

June 3, 2014

Consider approving a resolution authorizing the purchase of two backhoes with pavement breakers from Mustang Cat, Inc. of Houston for use by the Water Utilities Department



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Laura Clark, Chief Financial Officer *JK*

MEETING DATE: June 3, 2014

REQUESTED ACTION: Council consider a resolution approving the purchase of two (2) backhoes with pavement breakers from Mustang Cat, Inc. of Houston in the amount of \$90,960 for use by the Water Utilities Department.

BACKGROUND

The new backhoes will replace unit 5092 and unit 5089, purchased in 2005 and 2001 respectively. The new pavement breakers will replace units 5078A and 5092A, purchased in 2002 and 2005 respectively. All have become unreliable and uneconomical to maintain and have reached the end of their useful lives. The old units will be disposed of according to the City's surplus property disposal policies.

Pricing 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.

Warranties of three (3) years or 5,000 hours are provided for each unit. Warranty service is provided by the dealer.

FUNDING SOURCE

Capital Reserve Fund -- Financing to be obtained in fiscal year 2014 for the new equipment for Water Utilities as well as multiple other pieces of equipment for various City departments.

RECOMMENDATION

Approval of the resolution.

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL

OF THE CITY OF BEAUMONT:

THAT the City Council hereby approves the purchase of two (2) backhoes with pavement breakers for use by the Water Utilities Department from Mustang Cat, Inc., of Houston, Texas, in the amount of \$90,960 through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 3rd day of June, 2014.

- Mayor Becky Ames -

June 3, 2014

Consider approving a resolution adopting the Chapter 380 Economic Development Program Policies and Procedures for the City of Beaumont



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

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

MEETING DATE: June 3, 2014

REQUESTED ACTION: Council consider a resolution adopting the Chapter 380 Economic Development Program Policies and Procedures for the City of Beaumont.

BACKGROUND

Chapter 380 of the Local Government Code provides for the establishment and administration of an economic development program in order to offer incentives for economic development activities that help to diversify a city's economy, help to eliminate unemployment and underemployment and develop an expansion of commerce.

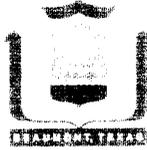
In order to offer Chapter 380 incentives, cities are required to adopt clear policies and procedures to ensure a clear understanding of what is to be provided by the developer in exchange for incentives from the City. Attached are the proposed Beaumont Chapter 380 Policies and Procedures and application. This policy clearly identifies the purpose, program requirements, application process and terms, including a recapture provision for failure of the developer to meet the agreed upon terms. As outlined in the policy, all proposed Chapter 380 applications and related contract agreements are submitted to the City Council for consideration.

FUNDING SOURCE

Not Applicable.

RECOMMENDATION

Approval of the resolution.



APPLICATION FOR 380 INCENTIVES

Applicant Information

1. Beneficiary of Incentives _____
Property Owner ____, Business Owner ____, Leaseholder __ (check all that apply)
Mailing address _____
Telephone _____ Fax _____
Cell Phone _____ Email _____

2. Contact Information _____
Title _____
Mailing address _____
Telephone _____ Fax _____
Cell Phone _____ Email _____
Relationship to Beneficiary: Same as above ____, Authorized Representative ____

3. Property address _____

4. Property legal description (metes & bounds) _____

5. Attach a complete description of the project including:
 - A. Method of financing
 - B. Primary business activity at this site
 - C. Complete description of all land uses
 - D. Time schedule for completion of improvements
 - E. NAICS/SIC Industry Code
 - F. Descriptive list of improvements
 1. Size _____ sq. ft.
 2. Cost of construction \$ _____
 3. Value of Personal Property
 - a. Inventory \$ _____
What percent is eligible for Freeport Exemption (exported from Texas within 175 days) ____ %
 - b. Equipment, machinery, furnishings, etc. \$ _____
 - G. What taxable sales will be generated at this location \$ _____ per year

6. These documents must be submitted prior to the City staff's review of the application:
 - Property tax statement from the County Tax Office
 - Plat/map of project location

7. Level of abatement requested _____% _____ Years on _____ Real Property
or _____ Business Personal Property



8. Describe, in detail, all other incentives sought from the City- other economic incentives, fee waivers, fast-track plans review, etc.

9. Estimated taxable value of property improvements: Real _____ Personal _____
 Estimated taxable value is the value of the improvements on January 1 of the year after the improvements are made.

10. Job Creation & Retention:

Number of Full Time Equivalent Jobs	Avg. Annual, Monthly, or Hourly Wage	Benefits Provided	# of Positions Created	# of Positions Retained
Executive				
Professional				
Managerial				
Administrative				
General Labor				
Other				
Total				

11. Infrastructure improvements/modifications sought:

12. Will 381 application be made to Jefferson County? ____ Yes ____ No

13. On an attachment, describe why incentives are necessary for the success of this project and, how the improvements will benefit the property at the conclusion of the incentives (Include any documentation necessary to substantiate your request and if any other locations are under consideration).

14. I am authorized to sign this application for incentives and to certify through my signature below that the business for whom I am authorized to sign, or a branch, division, or department of the business, does not and will not knowingly employ an undocumented worker. If, after receiving an incentive or a "public subsidy" as defined in Government Code § 2264.001(3), the business or a branch, division, or department of the business, is convicted of a violation under 8 U.S.C. § 1324a(f), the business shall repay the amount of the incentive or the public subsidy with interest, at the rate and according to the other terms provided by an agreement required under Government Code § 2264.053, not later than the 120th day after the date the City notifies the business of the violation.

I certify that the information contained herein is true and correct.

 Name

 Title (Must be signed by a corporate officer with signature authority)

 Date



This application must be completed and returned for consideration prior to the submission of an application for a building permit or the issuance of a certificate of occupancy, whichever comes first. Upon receipt of this application, the City of Beaumont shall require such financial and other information as may be deemed appropriate for evaluating the financial capacity and other factors of the applicant.

An electronic copy of this application is available. For more information, please call (409) 880-3100.

Completed requests should be submitted to:
Chris Boone
Director of Planning and Community Development
City of Beaumont
P.O. Box 3827
Beaumont, TX 77701

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 Chapter 380 Economic Development Program Polices and Procedures attached hereto as Exhibit "A."

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 3rd day of June, 2014.

- Mayor Becky Ames -

CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM

POLICIES AND PROCEDURES

I.

General Statement of Purpose and Policy

The City of Beaumont is committed to the promotion of high quality development in all parts of the City and to an ongoing improvement in the quality of life for its citizens. The City has previously developed economic development programs and incentives designed to encourage new development in targeted areas. Now the City of Beaumont seeks to enhance its economic development efforts to attract and retain high quality development and jobs by establishing these Chapter 380 Economic Development Program Policies and Procedures.

These Policies and Procedures are established in an effort to develop and expand the local economy by promoting and encouraging development and redevelopment projects that enhance the City's economic base, and diversify and expand job opportunities or by promoting and encouraging projects that create additional revenue for the city without substantially increasing the demand on City services or infrastructure. The ultimate goal and public purpose of programs established hereunder is to protect and enhance the City's fiscal ability to provide high quality municipal services for the safety, comfort and enjoyment of Beaumont residents.

In furtherance of these objectives, the City of Beaumont will, on a case-by-case basis, give consideration to providing economic incentives to applicants in accordance with these Policies and Procedures as authorized by Chapter 380 of the Texas Local Government Code, as amended from time to time.

Nothing in this document is intended to imply or suggest that the City of Beaumont is under any obligation to provide economic incentives to any applicant. All applicants shall be considered on a case-by-case basis. The decision to approve or deny economic incentives shall be at the discretion of the City Council. Each applicant granted economic incentives as a Chapter 380 Economic Development Program (also referred to as Program) under these Policies and Procedures must enter into an agreement with the City of Beaumont containing all terms required by these Policies and Procedures and by state law to protect the public interest of receiving a public benefit in exchange for public funds, assets and services invested to stimulate economic development.

II.
Program Requirements

- A. To be considered for incentives as a Chapter 380 Economic Development Program under these Policies and Procedures, a project must at least meet the following minimum requirements:
1. The project shall
 - a. be specifically determined by resolution of the Beaumont City Council to bring benefit to the City consistent with the General Statement of Purpose and Policy.
 2. In addition, the project
 - a. will enhance the City's fiscal ability to provide high quality municipal services for the safety, comfort and enjoyment of Beaumont residents.
 - b. will make a unique or unequaled contribution to development or redevelopment efforts in the City of Beaumont, due to its magnitude, significance to the community or aesthetic quality.
- B. A project shall not be eligible for incentives under these Policies and Procedures if a building permit has been issued for the project prior to making application in accordance with these Policies and Procedures.

III.
Additional Considerations

Additional factors to be considered by the City Council in determining whether to authorize an Agreement for incentives as a Chapter 380 Economic Development Program (Program) are:

- A. The number and types of jobs to be created or retained;
- B. The financial capacity of the applicant to undertake and complete the proposed project;
- C. The market conditions and growth potential for the business activity, and
- D. Any other factors the City Council finds helpful and relevant to accomplishing the City's economic development objectives.

IV.
Application Process

- A. An application for consideration as a Program shall be made on forms supplied by the City. An applicant may be required to provide additional information to show compliance with minimum Program requirements. If City staff determines minimum Program requirements have been met, City staff shall prepare and present a proposed Agreement with the application to the City Council.

- B. The City Council may consider the proposed Agreement and may take action on the proposal as it deems appropriate. Nothing in these Policies and Procedures and nothing in the application form and process shall create any property, contract, or other legal right in any person to have the City Council consider or grant incentives.

V.
Agreement Terms

An Agreement established for a Program must include:

- A. A timetable and list of the kind of improvements or development that the Program will include, and conditions to assure that the Program meets or exceeds the City's requirements.

- B. A complete description of the location of the proposed Program or projects included in the Program;

- C. A timetable and list of the kind of benefits that the proposed Program will provide;

- D. A provision establishing the duration the Agreement;

- E. A provision providing a tangible means for measuring whether the applicant and other responsible parties have met their obligations under the Agreement;

- F. A provision providing for access to and authorizing inspection of the property and applicant's pertinent business records by municipal employees in order to determine compliance with the Agreement;

- G. A provision for cancellation of the Agreement and/or nonpayment of incentives if the Program is determined to not be in compliance with the Agreement;

- H. A provision for recapturing City funds granted or loaned, or for recapturing the value of other public assets granted or loaned, if the applicant does not meet its duties and obligations under the terms of the Agreement:
- I. A provision that allows assignment of the Agreement with prior written approval of the City Council, or without the prior written approval of the City Council provided that:
 - 1. all rights, duties, obligations and liabilities under the Agreement are assigned from the assignor to the assignee; and
 - 2. the assignment is made subject and subordinate to the Agreement and the Chapter 380 Economic Development Program Policies and Procedures; and
 - 3. the assignment document is in a form and contains content acceptable to the City Attorney's Office;
- J. Provisions relating to administration, delinquent taxes, reporting requirements and indemnification;
- K. A provision that the Agreement may be amended by the parties to the Agreement by using the same procedure for approval as is required for entering into the Agreement; and
- L. Such other provisions as the City Council shall deem appropriate.