

# MINUTES - CITY OF BEAUMONT

W.L. Pate, Jr., Mayor Pro Tem  
Dr. Alan B. Coleman, Ward I  
Audwin Samuel, Ward III  
Tyrone E. Cooper, City Attorney

**BECKY AMES, MAYOR**  
CITY COUNCIL MEETING  
July 13, 2010  
Kyle Hayes, City Manager

Gethrel Wright, At-Large  
Nancy Beaulieu, Ward II  
Jamie Smith, Ward IV  
Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on July 13, 2010, at the City Hall Council Chambers, 801 Main Street, Beaumont, Texas, at 1:30 p.m. to consider the following:

## OPENING

- \* Invocation                      Pledge of Allegiance                      Roll Call
- \* Presentations and Recognition
- \* Public Comment: Persons may speak on scheduled agenda items 1-9/Consent Agenda
- \* Consent Agenda

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

Pastor Jerry High of West Tabernacle Church gave the invocation. Boy Scout Troops 65 and 779 led the Pledge of Allegiance. Roll call was made by Tina Broussard, City Clerk.

Present at the meeting were Mayor Ames, Mayor Pro Tem Wright, Councilmembers Coleman, Beaulieu, Pate, Samuel and Smith. Absent: Tyrone Cooper, City Attorney. Also present were Kyle Hayes, City Manager; Quentin Price, Assistant City Attorney; Tina Broussard, City Clerk.

## Proclamations, Presentations, Recognitions

**Presentation** - Bengy Williams and Felicia Joseph recognized employees in the Solid Waste Department who participated in the 2010 TxSWANA Road-E-O:

First Place	Michael Wilkerson	Front Loader
Third Place	Carl Guillory	Rear Loader

**Public Comment:** Persons may speak on scheduled agenda items 1-9/Consent Agenda.

**None**

## CONSENT AGENDA

- \* Approval of minutes - **June 29, 2010**
- \* Confirmation of committee appointments - **None**
- A) Approve a six month contract for the purchase of cement liner material - **Resolution 10 - 176**

- B) Approve the purchase of seven Pellerin washer-extractor systems for use by the Fire Department - **Resolution 10 - 177**

Councilmember Samuel made a motion to approve the Consent Agenda. Councilmember Beaulieu seconded the motion.

**AYES: MAYOR AMES, MAYOR PRO TEM PATE, COUNCILMEMBERS COLEMAN, BEAULIEU, WRIGHT, SAMUEL AND SMITH**

**NAYS: NONE**

**MOTION PASSED**

### **GENERAL BUSINESS**

1. Consider approving the engagement of bond counsel and a placement agent relating to the proposed issuance of up to \$35 Million of Waterworks and Sewer Revenue Bonds, Multiple Series 2010.

Administration recommended requests approval of a resolution authorizing the engagement of Orgain, Bell & Tucker, LLP, Beaumont, Texas, as bond counsel and RBC Capital Markets Corporation, Houston, Texas, as placement agent in order to proceed with the issuance of Multiple Series 2010 Waterworks and Sewer Revenue Bonds, not to exceed \$35 Million.

The revenue bonds will be issued to finance expansion, repair, renovation and related improvements to the waterworks and sewer system and to refund Series 2000 revenue bonds. Issuance of the Bonds is scheduled for July 13, 2010 with delivery and receipt of proceeds by the City on August 12, 2010.

All debt and other expenses related to the Revenue Bonds will be incurred by the Water Utilities Fund and supported by revenues derived from the water and sewer system.

Councilmember Samuel moved to **APPROVE A RESOLUTION APPROVING THE ENGAGEMENT OF BOND COUNSEL AND A PLACEMENT AGENT**. Councilmember Coleman seconded the motion.

**AYES: MAYOR AMES, MAYOR PRO TEM PATE, COUNCILMEMBERS COLEMAN, BEAULIEU, WRIGHT, SAMUEL AND SMITH**

**NAYS: NONE**

**MOTION PASSED**

### **Resolution 10 - 178**

2. Consider approving an ordinance authorizing the issuance of approximately \$19,200,000 in City of Beaumont, Texas, Waterworks and Sewer System Revenue Bonds, Taxable Series

2010B (Build America Bonds - Direct Payment to Issuer), the election to designate this series of bonds as "Build America Bonds," and containing other matters related thereto.

Administration recommended approval.

Results of the sale will be presented by the City's Financial Advisor, Ryan O'Hara of RBC Capital Markets. A recommendation will be made to award the bonds to the underwriters.

The American Recovery and Investment Act of 2009 authorizes the City to issue taxable bonds known as "Build America Bonds (Direct Payment to Issuer)" to finance capital expenditures that could be financed with the issuance of tax-exempt bonds and to elect to receive a subsidy payment from the federal government equal to 35% of each interest payment on such taxable bonds. The City has determined to treat the Series 2010B Bonds as Build America Bonds, which will mature September 1, 2021 through September 1, 2036 with interest payable semiannually in March and September beginning March 1, 2021.

Delivery and receipt of proceeds by the City is scheduled for August 12, 2010. Proceeds will be used to provide funds for the expansion, repair, renovation and related improvements to the waterworks and sewer system.

All debt shall be incurred in the Water Utilities Fund which is supported by revenues of the waterworks and sewer system. Increased Water and Sewer rates, necessary to meet debt service requirements on the Revenue Refunding Bonds, will be presented in a future work session.

Councilmember Smith made a motion to **ADOPT AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF BEAUMONT, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE BONDS, TAXABLE SERIES 2010B (BUILD AMERICA BONDS - DIRECT PAYMENT TO ISSUER); ELECTION TO DESIGNATE THIS SERIES OF BONDS AS "BUILD AMERICA BONDS"; EXECUTION OF BOND PURCHASE AGREEMENT; AND CONTAINING OTHER MATTERS RELATED THERETO.** Councilmember Beaulieu seconded the motion.

**AYES: MAYOR AMES, MAYOR PRO TEM PATE, COUNCILMEMBERS COLEMAN, BEAULIEU, WRIGHT, SAMUEL AND SMITH**

**NAYS: NONE**

**MOTION PASSED**

**Ordinance 10 - 052**

3. Consider approving an ordinance authorizing the issuance of approximately \$7,200,000 in City of Beaumont, Texas, Waterworks and Sewer System Revenue Refunding Bonds, Series 2010, and approximately \$6,600,000 in City of Beaumont, Texas, Waterworks and Sewer System Revenue Bonds, Series 2010A, and containing other matters related thereto.

Administration recommended approval.

Results of the sale will be presented by the City's Financial Advisor, Ryan O'Hara of RBC Capital Markets. A recommendation will be made to award the bonds to the underwriters.

Proceeds from the Series 2010 Bonds will be used to refund Series 2000 Bonds issued on August 1, 2000, maturing on September 1, 2019 and September 1, 2020. The refunding bonds will mature September 1, 2011 through September 1, 2036 with interest payable semiannually in March and September beginning March 1, 2011.

Proceeds from the Series 2010A Bonds will be used to provide funds for the expansion, repair, renovation and related improvements to the waterworks and sewer system. The Bonds will mature September 1, 2011 through September 1, 2020 with interest payable semiannually in March and September beginning March 1, 2011.

The Bank of New York Trust Company, N.A., Dallas, Texas, will serve as paying agent/registrar. Delivery and receipt of proceeds by the City is scheduled for August 12, 2010.

All debt shall be incurred in the Water Utilities Fund which is supported by revenues of the waterworks and sewer system. Increased Water and Sewer rates, necessary to meet debt service requirements on the Revenue Bonds, will be presented in a future work session.

Mayor Pro Tem Pate made a motion to **ADOPT AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF BEAUMONT, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2010; THE CALL AND REFUNDING OF CERTAIN MATURITIES OF THE CITY'S WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2000; THE ISSUANCE OF THE CITY OF BEAUMONT, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2010A; EXECUTION OF BONDS PURCHASE AGREEMENTS; AND CONTAINING OTHER MATTERS RELATED THERETO.** Councilmember Samuel seconded the motion.

**AYES: MAYOR AMES, MAYOR PRO TEM PATE, COUNCILMEMBERS COLEMAN, BEAULIEU, WRIGHT, SAMUEL AND SMITH**

**NAYS: NONE**

**MOTION PASSED**

**Ordinance 10 - 053**

4. Consider approving a resolution to provide for the reimbursement of costs incurred prior to issuance of tax-exempt Waterworks and Sewer System Revenue Bonds and taxable Waterworks and Sewer System Revenue Bonds (Build America Bonds).

Administration recommended approval.

A maximum aggregate amount of \$27 Million in Waterworks and Sewer System Revenue Bonds and taxable Build America Bonds will be issued in August 2010 to fund water and sewer projects that have been previously approved by Council and are listed in the 2010 Capital Program. It is necessary to incur some of the costs associated with these projects prior to the issuance of the obligations. A resolution allowing for the reimbursement of costs

is routine and will allow the City to continue projects that are currently underway. It is the intent of the City to reimburse itself out of proceeds of the obligations for all such costs which are paid prior to issuance. These costs shall include fees paid for engineering and other professional services, expenditures for materials, and construction costs.

All debt and related expenses shall be incurred by the Water Utilities Fund which is supported by revenues derived from the water and sewer system.

Councilmember Beaulieu made a motion to **APPROVE A RESOLUTION** Councilmember Smith seconded the motion.

**AYES: MAYOR AMES, MAYOR PRO TEM PATE, COUNCILMEMBERS COLEMAN, BEAULIEU, WRIGHT, SAMUEL AND SMITH**  
**NAYS: NONE**

**MOTION PASSED**

**Resolution 10 - 179**

5. Consider approving a contract for the purchase of traffic marking materials.

Administration recommended the award of annual contracts to various vendors which are included in the attached bid tabulation, totaling an estimated aggregate amount of \$511,804.90.

These materials will be used in the construction, maintenance, and installation of traffic signs, pavement marking, and street repair projects.

These expenditures are provided for in the Public Works Transportation Division's operating budget and in the Capital Program.

Councilmember Samuel made a motion to **APPROVE A RESOLUTION THAT THE BIDS SUBMITTED BY THE VENDORS FOR ANNUAL CONTRACTS FOR THE PURCHASE OF TRAFFIC MARKING MATERIALS AND MADE A PART HEREOF FOR ALL PURPOSES BE ACCEPTED BY THE CITY OF BEAUMONT.** Councilmember Coleman seconded the motion.

**AYES: MAYOR AMES, MAYOR PRO TEM PATE, COUNCILMEMBERS COLEMAN, BEAULIEU, WRIGHT, SAMUEL AND SMITH**  
**NAYS: NONE**

**MOTION PASSED**

**Resolution 10 - 180**

**COUNCILMEMBER SAMUEL LEFT THE MEETING AT 1:58 P.M.**

6. Consider authorizing the purchase of traffic signal cabinets and controllers.

Administration recommended the purchase of traffic signal cabinets and controllers from Naztec, Inc., in the estimated amount of \$388,800.

The City of Beaumont was awarded a grant to replace outdated traffic signal equipment, install traffic signal communications, and implement an Advanced Traffic Management System. The signal cabinets and controllers are an essential component of traffic signal efficiency and vital to traffic management.

The cabinets and controllers are needed to replace existing units which are failing and to provide additional signal operational capabilities. Cabinets and controllers were replaced at thirty (30) intersections in 2009. This purchase will replace existing cabinets and controllers at an additional thirty-two (32) intersections throughout the City.

Funds are available for this expenditure through the Transportation Energy Efficiency Traffic Signal Synchronization or Stimulus Replacement Grant.

Councilmember Smith moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO PURCHASE TRAFFIC SIGNAL CABINETS AND CONTROLLERS FROM NAZTEC, INC., THE SOLE VENDOR OF EQUIPMENT THAT IS COMPLETELY COMPATIBLE WITH THE CITY'S EXISTING TRAFFIC SIGNAL INFRASTRUCTURE AND SATISFIES THE REQUIREMENTS OF THE TRANSPORTATION ENERGY TRAFFIC SIGNAL SYNCHRONIZATION OR STIMULUS REPLACEMENT GRANT, IN THE ESTIMATED AMOUNT OF \$388,800.** Councilmember Beaulieu seconded the motion.

**AYES: MAYOR AMES, MAYOR PRO TEM PATE, COUNCILMEMBERS COLEMAN, BEAULIEU, WRIGHT, AND SMITH**

**NAYS: NONE**

**MOTION PASSED**

**Resolution 10 - 181**

**COUNCILMEMBER SAMUEL RETURNED TO THE MEETING AT 1:59 P.M.**

7. Consider approving Change Order No. 2 for the Downtown Brick Paver Sidewalk Project 2008.

Administration recommended approval of Change Order No.2 in the amount of \$371,755.55, for adding construction item quantities to the Downtown Brick Paver Sidewalk Project 2008.

On November 4, 2008, City Council awarded Brystar Contracting the contract for the Downtown Brick Paver Sidewalk Project in the amount of \$8,595,437.53. Change Order No. 1 was issued to increase the construction item quantities for roadway and sidewalk improvements in the amount of \$337,559.00 increasing the contract amount to \$8,932,996.53.

Change Order No. 2 is required to add construction item quantities for Brick sidewalk improvements for Neches Street (College St. to the Railroad tracks), Trinity Street.

Councilmember Wright moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER IS HEREBY AUTHORIZED TO EXECUTE CHANGE ORDER NO. 2 IN THE AMOUNT OF \$371,755.55, THEREBY INCREASING THE CONTRACT AMOUNT TO \$9,304,752.08.** Councilmember Smith seconded the motion.

**AYES: MAYOR AMES, MAYOR PRO TEM PATE, COUNCILMEMBERS COLEMAN, BEAULIEU, WRIGHT, SAMUEL AND SMITH**

**NAYS: NONE**

**MOTION PASSED**

**Resolution 10 - 182**

8. Consider approving a contract to construct a new equipment maintenance shop and an oil drum storage facility at the Landfill.

Administration recommended the award of a contract to L & L General Contractors of Beaumont in the amount of \$146,916.

Bids were solicited for the construction of a new equipment maintenance shop to replace the open-sided wooden barn previously used for this purpose which was destroyed by Hurricane Rita in 2005. Specifications requested a Base Bid for all labor, materials, and equipment necessary to construct an enclosed 3,000 sq. ft. metal structure.

Alternate No. 1 is to construct a separate 465 sq. ft. metal structure to house lubricants. A separate structure is recommended due to the flammable nature of the products to be stored.

Work is expected to commence in July and be completed within 130 days. There is no MBE participation on this project.

Partial funding in the amount of \$47,432 is available from the insurance settlement claim received from Hurricane Rita. The balance, or \$99,484 is budgeted in the Solid Waste Management Fund.

Councilmember Beaulieu moved to **APPROVE A RESOLUTION THAT THE BID SUBMITTED BY L & L GENERAL CONTRACTORS IN THE AMOUNT OF \$146,916 FOR CONSTRUCTION OF AN EQUIPMENT MAINTENANCE SHOP AND AN OIL DRUM STORAGE FACILITY AT THE LANDFILL BE ACCEPTED BY THE CITY OF BEAUMONT.** Councilmember Wright seconded the motion.

**AYES: MAYOR AMES, MAYOR PRO TEM PATE, COUNCILMEMBERS COLEMAN, BEAULIEU, WRIGHT, SAMUEL AND SMITH**

**NAYS: NONE**

**MOTION PASSED**

**Resolution 10 - 183**

- 9. Consider approving the purchase of eleven Thermal Imaging Systems for use by the Fire Department.

Administration recommended approval of the purchase from Metro Fire Apparatus Specialists, Inc., of Houston, in the amount of \$109,945.

Thermal Imaging cameras provide real-time imaging through smoke and fire. They offer increased fire fighting efficiency by locating persons in smoke filled environments. In addition, they substantially improve firefighter safety by revealing hidden fires within structures. Each system consists of a camera with a truck mounted charger.

Funding for six (6) systems is available through the State Homeland Security Program (SHSP) Grant, funded at 100%. Funding for the remaining five (5) systems is provided by the FEMA Assistance to Fire Fighters Grant and the City's Capital Reserve Fund.

Councilmember Coleman moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO APPROVE THE PURCHASE OF ELEVEN (11) BULLARD T3 MAX THERMAL IMAGING SYSTEMS FROM METRO FIRE APPARATUS SPECIALISTS, INC., OF HOUSTON, TEXAS, IN THE AMOUNT OF \$109,945 THROUGH BUY BOARD, A COOPERATIVE PURCHASING PROGRAM, FOR USE BY THE FIRE DEPARTMENT.** Mayor Pro Tem Pate seconded the motion.

**AYES: MAYOR AMES, MAYOR PRO TEM PATE, COUNCILMEMBERS COLEMAN, BEAULIEU, WRIGHT, SAMUEL AND SMITH**

**NAYS: NONE**

**MOTION PASSED**

**Resolution 10 - 184**

**COUNCILMEMBER COMMENTS**

**COUNCILMEMBER SMITH - RECOGNIZED DIANTE' MALVEAUX, WITH THE FREEDOM SCHOOL PROGRAM, WHO IS A JUNIOR AT WEST BROOK HIGH SCHOOL, HE IS TAKING AN INTEREST IN PUBLIC SERVICE AND GIVING BACK TO THE COMMUNITY, HIS PLANS ARE TO MAJOR IN POLITICAL SCIENCE WHEN HE ENTERS COLLEGE, WISHED COUNCILMEMBER WRIGHT A BELATED HAPPY BIRTHDAY, THANKED THE MAYOR FOR ATTENDING BOOKS AND BITES AT ALICE KEITH, THANKED IEA FOR ALLOWING HIM TO SPEAK AT THEIR FREEDOM SCHOOL PROGRAM ON WEDNESDAY, JULY 7, 2010, ANNOUNCED A CLEAN-UP AT ALICE KEITH PARK ON SATURDAY, JULY 17, 2010, AT 8:30 A.M., TYRRELL PARK NEIGHBORHOOD ASSOCIATION WILL BE MEETING ON THURSDAY, JULY 15, 2010, AT THEODORE JOHNS LIBRARY**

**COUNCILMEMBER SAMUEL - WISHED COUNCILMEMBER WRIGHT A BELATED HAPPY BIRTHDAY**

**MAYOR PRO TEM PATE - COMMENTED ON THE JULY 4<sup>TH</sup> CELEBRATION AND THE REASON THAT WE CELEBRATE, THANKED THE BOY SCOUTS FOR ALL THEY DO TO MAKE THE COMMUNITY BETTER**

**COUNCILMEMBER WRIGHT - CONGRATULATED THE SOLID WASTE DEPARTMENT ON THEIR ACCOMPLISHMENTS, WISHED HER SON, BURLEY WILLIAMS, A HAPPY BIRTHDAY, PROUD OF THE KIDS AT CAMP BRIGHT STAR**

**COUNCILMEMBER BEAULIEU - WISHED COUNCILMEMBER WRIGHT A BELATED HAPPY BIRTHDAY, THANKED THE BOY SCOUTS FOR ATTENDING THE COUNCIL MEETING, ANNOUNCED THAT ON SATURDAY, JULY 17, 2010, FROM 4:00 P.M. TO 6:00 P.M., THERE WILL BE CONCERTS IN THE PARK AT PEARLSTEIN PARK**

**COUNCILMEMBER COLEMAN - THANKED THE BOY SCOUTS FOR ATTENDING THE COUNCIL MEETING, CONGRATULATED HIS FUTURE DAUGHTER-IN-LAW WHO PASSED HER CERTIFICATION TEST AND WILL BE TEACHING AT LUMBERTON ISD, COMMENTED ON THE CONCERTS IN THE PARK AT PEARLSTEIN PARK, ANNOUNCED THE SOUTH EAST TEXAS STAND DOWN FOR THE HOMELESS AND THE HOMELESS VETERAN'S AT CATHEDRAL OF FAITH BAPTIST CHURCH ON FANNETT ROAD, FRIDAY, JULY 16, 2010**

**CITY ATTORNEY COOPER - ABSENT**

**CITY MANAGER HAYES - NONE**

**MAYOR AMES - COMMENTED ON CAMP BRIGHT STAR, THANKED EVERYONE THAT WORKS WITH THE GROUP FOR EVERYTHING THAT THEY DO, COMMENTED ON THE 4<sup>TH</sup> OF JULY CELEBRATION, WISHED EVERYONE A HAPPY BELATED 4<sup>TH</sup> OF JULY**

**Public Comments (Persons are limited to three minutes)**

**Kerry Avie                      3035 Elinor                      Beaumont TX**

Religious Comments

**Doyle King                      8150 Walker Rd.                      Beaumont TX**

Requested a street light in front of his house

**Anthony Valentine                      3208 Ave A                      Nederland TX**

Spoke on behalf of Rev. J.D. Roberts, who is the President and CEO of "Save our Children" Foundation, extended an invitation to Mayor and Council to attend a session at the Court House, in the Jury Impaneling Room, on July 14, 2010, at 10:00 a.m., to learn what the duties are at the court house of Judges and Justice of the Peace, lunch will be provided

**Bruce Hoffer                              2535 North Street                      Beaumont TX**

Announced that on Friday, July 16, 2010, at 10:30 a.m., there will be a ground breaking ceremony for a indoor soccer facility, the facility should be completed by November, 2010, the Spindletop Youth Soccer Association will be sponsoring a coaching clinic to coach soccer teams, also a referee clinic as well as referee re-certification, next weekend is the Statewide Soccer meeting in North Houston

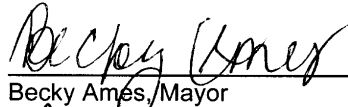
Mayor Ames left the meeting at 2:28 p.m.

**Rollan Davis                              535 McGovern                      Beaumont TX**

Thanked former Mayor Evelyn Lord and Mayor Becky Ames for the wonderful help they provided to stop the closure of Modern Manufacturing Company, also stated that he was unable to continue to live in his home that is infested with termites, asked for help in locating an application that has been submitted to the Housing Department for assistance

With there being no further business Council adjourned at 2:33 p.m.

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

  
\_\_\_\_\_  
Becky Ames, Mayor

  
\_\_\_\_\_  
Tina Broussard, City Clerk

