

# 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 20, 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 20, 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/Consent Agenda
- \* Consent Agenda

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

Reverend James Blackwell of South Park Baptist Church gave the invocation. Students with IEA - Camp Bright Star Children's Defense Fund Freedom Schools Program led the Pledge of Allegiance. Roll call was made by Tina Broussard, City Clerk.

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

## Proclamations, Presentations, Recognitions

**"Texas Army National Guard Day"** - July 23, 2010 - Proclamation read by Mayor Ames; accepted by Army Col. John Stasney, Former Battalion Commander, Lt. Col Les Edwards, 1<sup>st</sup> Artillery Battalion Commander, Capt. Terry Richardson, and Sgt. Major Michael Bland

Recognized 20 students from IEA - Inspire, Encourage, Achieve - Camp Bright Star Children's Defense Fund Freedom Schools Program. The students took tours of the City's Water Treatment Plant, Fire Museum, 911 Dispatch and 311 Call Center, ending with attendance at the City Council meeting.

**Mayor Ames read the announcement regarding Executive Session being held at the conclusion of the General Business portion of the meeting.**

**Public Comment:** Persons may speak on scheduled agenda items the consent Agenda.

**None**

## CONSENT AGENDA

- \* Approval of minutes - **July 13, 2010**
- \* Confirmation of committee appointments - **None**
- A) Approve a payment to Jefferson County for the renewal of an annual maintenance agreement - **Resolution 10 - 185**
- B) Authorize the City Manager to execute all documents necessary, specifically including a contract, in order for the Southeast Texas Auto Theft Task Force (City of Beaumont) to transfer a vehicle title to the Jefferson County Sheriff's Office - **Resolution 10 - 186**
- C) Approve an Easement and Surface Use Agreement with Cimarex Energy Company at the Beaumont Municipal Airport for wellsite Beaumont Air No. 1 - **Resolution 10 - 187**
- D) Approve an Easement and Surface Use Agreement with Cimarex Energy Company at the Beaumont Municipal Airport for wellsite Jefferson Airplane No. 4 - **Resolution 10 - 188**
- E) Authorize the acceptance of a water line easement to provide water service to facilities at 410 Interstate 10 South - **Resolution 10 - 189**
- F) Authorize the acceptance of a sanitary sewer easement to provide access for sanitary sewer services - **Resolution 10 - 190**

Mayor Pro Tem Pate 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 adopting an ordinance approving the institution of a Cost of Service Adjustment rate scheduled by CenterPoint Energy which provides for an annual rate cost of service and rate base adjustment based upon the Company's annual cost data.

Administration recommended approval of an ordinance approving the institution of a cost service adjustment rate schedule by CenterPoint Energy which provides for an annual cost of service and rate base adjustment based upon the annual cost data of the company.

On or about May 1, 2010, CenterPoint Energy (CenterPoint) filed an application with the City to adjust rates to the Cost of Service Adjustment (COSA) tariff. This is CenterPoint's first proposed rate adjustment under the COSA- and the rate changes proposed to become effective with bills rendered effective August 1, 2010. Council action is required to approve, deny, or modify the COSA request by July 29, 2010. The proposed COSA before the City in this case results in a slight annual increase of \$886,508 which represents an increase in 1.74%.

The Lawton Law Firm is retained as the City's utility consultants to review the CenterPoint rate request and make recommendation to the City as necessary. The firm has reviewed the CenterPoint request and the schedules and the work papers supporting the COSA filing. The review and analysis of the CenterPoint request consisted of the following:

- review Company application to verify compliance with the COSA tariff;
- review of the Company schedules for accuracy;
- review of Company annual filings with the Railroad Commission of Texas to confirm costs and revenues for the COSA review period;
- review or recent CenterPoint rate case results at the Railroad Commission to verify operating costs where applicable;
- review of other contemporaneous CenterPoint COSA filings to verify consistency in operating costs and revenue calculations as applicable;
- issue discovery and review responses to discovery; and
- model the COSA results for accuracy.

Based upon this review and analysis, they have concluded that the CenterPoint COSA request is consistent with the COSA tariff and correctly calculated. The recommendation is that the proposed COSA should be approved.

The reasonable expenses associated with rate cases are reimbursable by the Company as they have been in the past.

Councilmember Beaulieu moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE OF THE CITY OF BEAUMONT, TEXAS SETTING THE JUST AND REASONABLE RATES FOR THE COST OF SERVICE ADJUSTMENT CLAUSE ("COSA") TO BE CHARGED BY CENTERPOINT ENERGY ("CENTERPOINT") FOR GAS SERVICE FOR CUSTOMERS IN THE CITY OF BEAUMONT, TEXAS; REQUIRING REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE FOR THE ORDINANCE.** Councilmember Smith seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Ordinance 10 - 054**

## WORK SESSION

- \* Review and discuss the recommended adoption of the 2009 code revisions of the International Building, Fire, Residential, Energy, Plumbing, Mechanical, Property Maintenance, and Existing Building Codes and the National Electrical Code

Chris Boone, Community Development Director, discussed the recommended adoption of the 2009 code updates. The City is currently operating under the 2003 International Building, Fire, Residential, Energy, Plumbing, Mechanical, Property Maintenance Code, as well as the 2005 National Electrical Code. The proposal to Council is to adopt the 2009 code revision, these code revisions are recommended after extensive consideration by the International Code Council with a few exceptions. The proposed amendments have been shared with the local home builders of South East Texas as well as engineering and architectural representatives at workshops organized by the South East Texas Chapter of the Association of General Contractors.

Mr. Boone discussed several areas of change from the 2003 to the 2009 International Code. The first area of discussion was the fire area occupant load, the change in requirements for an automatic sprinkler system, bond amounts for building, roofing, driveway and sidewalk contractors, administrative, minimum permit, and reinspection fees. The second area of discussion was Section 1004.3, which has been added to assist the Building Codes Department, the Fire Department, and Police Department, with the enforcement of occupant loads in assembly that derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption. The third area of discussion was Article III, Chapter 14, Dangerous Structures, this section has been modified to reflect unsafe structure standards defined in the 2009 International Property Maintenance Code, and to refer owners to the repair standards outlined in the 2009 International existing Building Code. This chapter also contains a requirement for historic structures, deemed unsafe, to comply with a work program, monitored by the City's Historic Landmark Commission.

Brad Penisson, with the Beaumont Fire Department, discussed changes to fire alarms and generators for commercial and non-commercial property.

## COUNCILMEMBER COMMENTS

**COUNCILMEMBER SMITH -**

**WISHED MAYOR PRO TEM PATE AND CITY ATTORNEY TYRONE COOPER A HAPPY BIRTHDAY, THANKED SOUTH PARK NEIGHBORHOOD ASSOCIATION, PASTOR BLACKWELL, PRIDE OF BEAUMONT AND THE MANY CITY EMPLOYEES FOR THEIR HELP AT THE CLEAN-UP OVER THE WEEKEND, COMMENTED ON HIS ATTENDANCE TO THE VETERAN'S OF STAND DOWN AND THE GREAT TURN OUT, AS WELL AS THE EVENT AT OUR MOTHER OF MERCY CATHOLIC CHURCH, CONDOLENCES TO JUDGE CRAIG LIVELY ON THE PASSING OF HIS MOTHER**

**COUNCILMEMBER SAMUEL -**

**CONGRATULATED COUNCILMEMBER SMITH ON A SUCCESSFUL CLEANUP, COMMENTED ON HIS ATTENDANCE TO THE IEA - CAMP BRIGHT STAR CHILDREN'S DEFENSE FUND FREEDOM SCHOOL'S PROGRAM**

**MAYOR PRO TEM PATE -** THANKED EVERYONE FOR THE BIRTHDAY WISHES, COMPLIMENTED THE BEAUMONT FIRE FIGHTERS FOR THEIR HEROIC EFFORT OF SAVING A DROWNING VICTIM AT THE BEAUMONT YACHT CLUB, AS WELL AS COUNCILMEMBER SMITH ON A SUCCESSFUL CLEAN-UP, COMMENTED ON THE TEXAS ARMY NATIONAL GUARD AND THEIR ATTENDANCE AT THE MEETING

**COUNCILMEMBER WRIGHT -** WISHED MAYOR PRO TEM PATE A HAPPY BIRTHDAY

**COUNCILMEMBER BEAULIEU -** WISHED HER HUSBAND, LARRY, A HAPPY 42<sup>ND</sup> ANNIVERSARY, THANKED THE CITY STAFF FOR THE GREAT JOB THEY DID FOR NEIGHBORS IN THE PARK AT PEARLSTEIN PARK

**COUNCILMEMBER COLEMAN -** WISHED MAYOR PRO TEM PATE A HAPPY BIRTHDAY, AND COUNCILMEMBER BEAULIEU A HAPPY ANNIVERSARY

**CITY ATTORNEY COOPER -** NONE

**CITY MANAGER HAYES -** NONE

**MAYOR AMES -** THANKED COUNCILMEMBER WRIGHT AND MAYOR PRO TEM PATE FOR INVITING THE TEXAS ARMY NATIONAL GUARD AND THE STUDENTS FROM IEA - CAMP BRIGHT STAR TO ATTEND THE COUNCIL MEETING, COMMENTED ON THE CEREMONY FOR THE FIRE FIGHTERS WHO SAVED THE DROWNING VICTIM AT THE BEAUMONT YACHT CLUB, AS WELL AS NEIGHBORS IN THE PARK AT PEARLSTEIN PARK, AND THE DEDICATION TO THE CHRIS QUINN INDOOR SOCCER ARENA, WISHED MAYOR PRO TEM PATE A HAPPY BIRTHDAY AND COUNCILMEMBER BEAULIEU A HAPPY ANNIVERSARY

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

**Bruce Hoffer                      2535 North St.                      Beaumont TX**

Commented on the dedication for the Chris Quinn indoor soccer arena, wished Mayor Pro Tem Pate a Happy Birthday, Councilmember Beaulieu a Happy Anniversary, and his son a Happy Birthday, attended a Statewide Soccer meeting in Houston, TX, found out there is a total number of 4,183 youth playing soccer in the area, also when the Beaumont Soccer Club started Spring soccer this season there were 831 youth that had never played soccer before, area wide, the number of players are increasing

**Vernon Durden                      2110 Westbury Rd.                      Beaumont TX**

Spoke in regards to the Guards and Reserves in the military, stated that over 57% of the people that serve our Country are volunteers and more are needed, invited everyone to a community meeting that will be held at Antioch Baptist Church, July 21, 2010 at 5:00 p.m.

Open session of meeting recessed at 2:42 p.m.

**EXECUTIVE SESSION**

- \* Consider matters related to contemplated or pending litigation in accordance with Section 551.071 of the Government Code:

Claim of Freddy and Lisa Nolan

Kevin Roach v. City of Beaumont

There being no action taken in Executive Session, Council adjourned.

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

  
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Becky Ames, Mayor

  
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Tina Broussard, City Clerk

