

# MINUTES - CITY OF BEAUMONT

W.L. Pate, Jr., At-Large  
Dr. Alan B. Coleman, Ward I  
Audwin Samuel, Ward III  
Tyrone E. Cooper, City Attorney

**BECKY AMES, MAYOR**  
CITY COUNCIL MEETING  
December 20, 2011  
Kyle Hayes, City Manager

Gethrel Wright, At-Large  
Michael D. Getz, Ward II  
Jamie Smith, Mayor Pro Tem  
Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on **December 20, 2011**, 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.

Pastor Big Jim Salles of West End Baptist Church gave the invocation. Mayor Ames led the Pledge of Allegiance. Roll call was made by Tina Broussard, City Clerk.

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

## Proclamations, Presentations, Recognitions

None

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

None

## CONSENT AGENDA

- \* Approval of minutes - **December 13, 2011**
- \* Confirmation of committee appointments - **None**
- A) Approve Change Order No. 5 for work at the Downtown Even Centre Complex – **Resolution 11 – 357**
- B) Authorize a six month extension to the Texas National Guard Armory Board (Guard) lease for the property located at 3040 College Street – **Resolution 11 - 358**

Councilmember Samuel made a motion to approve the Consent Agenda. Mayor Pro Tem Smith seconded the motion.

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

**NAYS:           NONE**

**MOTION PASSED**

### **GENERAL BUSINESS**

1. Consider approving the purchase of Heating, Ventilating and Air Conditioning (HVAC) automation controls for use in several city facilities.

Administration recommended approval.

On June 16, 2009, Council approved the application and acceptance of a grant through the Energy Efficiency and Conservation Block Grant (EECBG) Program funded by the American Recovery and Reinvestment Act of 2009. The objective of the EECBG Program is to implement the most reliable energy technologies for energy efficiency and conservation throughout the United States.

Beaumont was awarded a grant in the amount of \$1,104,200 to be used to install HVAC automation controls in several City facilities including the Julie Rogers Theatre, Main Library, Tyrrell Historical Library, Civic Center, Police operating plant, City Hall and to install new windows in the Julie Rogers Theatre.

Compliance with grant conditions include documentation of energy savings. Due to the age of the Julie Rogers Theatre, energy reduction from window replacement would not provide significant and measurable energy savings. Therefore, to maximize energy savings, it was determined that the installation of HVAC controls in the Police Department's 35,000 sq. ft. facility would meet the terms and conditions stipulated in this grant. By including this additional facility in the list of City-owned buildings receiving new controls, the City will now have energy efficient controls in all of its major urban 30,000+ square foot buildings.

The total cost for the purchase and installation of HVAC automation controls in the Police Department is \$199,800. The contractor, Automated Logic United Environmental Services of Beaumont, is a Texas Multiple Award Schedule (TXMAS) contracted vendor. The TXMAS Program, established by State of Texas Procurement and Support Services office, adapts existing competitively awarded federal government contracts to the procurement needs of the State and other government entities within Texas. The contracts meet all state bidding requirements.

Automated Logic will provide all engineering, materials, and labor for a turnkey installation of controls that will enable the City's existing HVAC equipment to run more efficiently. The new control system will include an optimized start feature that calculates the start time for each piece of HVAC equipment so it does not start any earlier than required for the

building's occupancy load. The computerized control system will be monitored by Building Services staff.

The \$199,800 required for the purchase and installation of the HVAC automation controls in the Police Department is available from the \$1,104,200 EECBG grant which requires no matching funds.

Mayor Pro Tem Smith moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH AUTOMATED LOGIC UNITED ENVIRONMENTAL SERVICES, OF BEAUMONT, TEXAS, FOR THE PURCHASE AND INSTALLATION OF HEATING, VENTILATING AND AIR CONDITIONING (HVAC) AUTOMATION CONTROLS IN THE AMOUNT OF \$199,800 THROUGH THE TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) CONTRACT FOR USE IN SEVERAL CITY FACILITIES.** Councilmember Wright seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Resolution 11 – 359**

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

Laura Clark, Chief Financial Officer, spoke regarding the goods-in-transit so that citizens would know what the public hearing was about.

#### **PUBLIC HEARING**

- \* Receive comments on continuing taxation of goods-in-transit

Public Hearing Open: 1:41 p.m.

**None**

Public Hearing Closed: 1:41p.m.

2. Consider adopting a resolution to tax tangible personal property which in transit would otherwise be exempt pursuant to the Texas Tax Code 11.253

Administration recommended approval.

On October 2, 2007, by Resolution No. 07-309, the City Council approved the taxation of tangible personal property in transit in response to Tax Code Section 11.253 which was effective January 1, 2008, and added an exemption from ad valorem taxation for "goods in transit". The exemption applied to tangible personal property that was acquired in or imported into Texas, detained at a location in Texas in which the property owner does not

have a direct or indirect ownership interest, used for assembling, storing, manufacturing, processing, or fabricating purposes, and transported to another location in Texas or out of state not later than 175 days after the property was acquired in or imported into Texas.

During the 2011 special session, the legislature acted to significantly limit the applicability of section 11.253. This exemption now applies only to goods that are stored in a public warehouse owned by someone other than the owner of the goods. The law no longer exempts goods that are in a location for assembly, manufacturing, fabrication, or processing, as was the case under the law passed in 2007. This new law is effective January 1, 2012.

"Goods-in-transit" does not include oil, natural gas, petroleum products, or any types of equipment to which special inventory taxes apply such as automobiles, mobile homes, heavy equipment, etc.

In order for the City to continue taxing the goods that are stored in a public warehouse owned by someone other than the owner of the goods for 2012, the City must hold a public hearing and adopt a resolution.

The goods in question are currently being taxed based on the 2007 resolution and any new exemption would reduce tax revenue to the City.

Councilmember Pate made a motion to **APPROVE A RESOLUTION OF THE CITY OF BEAUMONT TO TAX TANGIBLE PERSONAL PROPERTY GOODS IN TRANSIT WHICH WOULD OTHERWISE BE EXEMPT PURSUANT TO TEXAS TAX CODE, SECTION 11.253.** Mayor Pro Tem Smith seconded the motion.

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

**NAYS: NONE**

**MOTION PASSED**

**Resolution 11 – 360**

#### **COUNCILMEMBER COMMENTS**

**COUNCILMEMBER COLEMAN - COMMENTED ON AN EMAIL HE RECEIVED FROM THE CITY OF BEAUMONT INFORMATION TECHNOLOGY DEPARTMENT, THE EMAIL STATED THAT CITIZENS CAN NOW USE THEIR SMART PHONE TO BRING ISSUES TO THE ATTENTION OF THE CITY BY USING A LINK WITH THE CITY'S HOME PAGE, ALSO STATED THAT SUNDAY IS DECEMBER 25, 2011, THE BIRTH OF JESUS CHRIST ENCOURAGED EVERYONE TO VISIT THE CHURCH OF THEIR CHOICE TO CELEBRATE HIS BIRTH**

**COUNCILMEMBER GETZ -**

**CONGRATULATED ANTIOCH BAPTIST CHURCH AND PASTOR ADOLPH ON THE DEDICATION OF THEIR NEW YOUTH FACILITY AND SCHOOL, RECEIVED A PERSONAL TOUR OF THE FACILITY BY PASTOR ADOLPH, IT IS A MAGNIFICENT STATE OF THE ART FACILITY, WHICH WILL HAVE 16 CLASS ROOMS, A CAFETERIA, GYMNASIUM, AND A LIBRARY, IT HAS THE CAPACITY TO BE EXPANDED TO ANOTHER 16 CLASSROOMS, THIS FALL IT WILL HOUSE A SCHOOL FOR GRADES 1 THROUGH 8, THROUGH THE CREATION OF THIS FACILITY, IT SEEMS THAT PEOPLE FROM ALL PARTS OF THE COMMUNITY ARE SEEKING AN ALTERNATIVE TO BEAUMONT INDEPENDENT SCHOOL DISTRICT, LAST WEEK HE ATTENDED THE BISD BOARD OF TRUSTEES MEETING, WHEN HE ENTERED THE MEETING HE NOTICED THAT ALSO IN ATTENDANCE WERE THREE OF HIS FELLOW COUNCILMEMBERS, AT FIRST THERE WAS A THOUGHT THAT MAYBE HE HAD NOT RECEIVED A MEMO TO BE THERE BECAUSE IT SURE LOOKED LIKE A CITY COUNCIL MEETING, WITH HIS PRESENCE A QUORUM WAS CREATED OF CITY COUNCILMEMBERS, HE QUICKLY REALIZED THAT THE REASON FOR THEIR PRESENCE WAS BECAUSE THEY WERE THERE NOT OFFICIALLY AS CITY COUNCILMEMBERS BUT AS MEMBERS OF THE NATIONAL BLACK CAUCUS LEAGUE OF ELECTED OFFICIALS, WHICH IS A RECOGNIZED CONSTITUENCY GROUP WITHIN THE NATIONAL LEAGUE OF CITIES WHICH BEAUMONT IS A MEMBER ORGANIZATION, COUNCILMEMBER SAMUEL IS THE IMMEDIATE PAST PRESIDENT OF NBCLEO, THIS PAST SUMMER NBCLEO HAD THEIR NATIONAL CONVENTION RIGHT HERE IN BEAUMONT, THE REASON FOR HIS FELLOW COUNCILMEMBERS TO BE AT THE SCHOOL BOARD MEETING WAS TO RECOGNIZE BISD AND TO PRESENT A PROCLAMATION TO THEM, AGAIN IN THEIR CAPACITY AS MEMBERS OF NBCLEO AND NOT AS BEAUMONT CITY COUNCILMEMBERS, COUNCILMEMBER SAMUEL READ A LENGTHY PROCLAMATION, PRESENTED A VERY HANDSOME DOCUMENT TO THE PRESIDENT OF THE SCHOOL BOARD IN WHICH HE RECOGNIZED BISD FOR BEING IN HIS OPINION AND PRESUMABLY THE OPINION OF NBCLEO AS ONE OF THE TOP TEN SCHOOL DISTRICTS IN THE UNITED STATES, FOR DEMONSTRATING EXCELLENT FISCAL RESPONSIBILITY AND A HOST OF OTHER ACCOLADES MUCH TOO LENGTHY TO MENTION, WE LIVE IN THE UNITED STATES OF AMERICA AND STATED HE WILL DEFEND WITH ALL HIS MIGHT THE RIGHT FOR COUNCILMEMBER SAMUEL TO GET UP IN A PUBLIC FORUM AND MAKE THOSE SORT OF COMMENTS NO MATTER HOW MISGUIDED AND ERRONEOUS THE FACTS SHOW HIM TO BE, IT IS A FACT THAT BISD HAS A LOT OF HARD WORKING TEACHERS, IT IS A FACT THAT THE BISD HAS AN ACCEPTABLE RATE WHICH IS ONE STEP FROM BEING RATED AT THE VERY BOTTOM WHICH IS UNACCEPTABLE, IT IS A FACT**

THAT **BISD** HAD THEIR ACCOUNTING PRACTICES AUDITED THIS YEAR, AND THAT A SCATHING REPORT WAS ISSUED WITH REGARDS TO THEIR ACCOUNTING PRACTICES, IT IS A FACT THAT **BISD** WAS FOUND TO HAVE VIOLATED BIDDING LAWS, IT IS A FACT THAT **BISD** HAD COMMITTED FRAUD ON THE LOCAL CITIZENS, IN VIEW OF ALL OF THE FACTS THAT HAVE BEEN RESIDED, COUNCILMBMER GETZ STATED HE FOUND IT OFFENSIVE THAT ANYONE COULD GET UP WITH A STRAIGHT FACE AND BE TOLD THAT THIS IS ONE OF THE TOP 10 SCHOOL DISTRICTS IN THE UNITED STATES, AGAIN THIS IS THE UNITED STATES OF AMERICA, YOU CAN BELIEVE WHAT YOU WANT, YOU CAN SAY WHAT YOU WANT, BUT KNOW THIS, WHEN YOU MAKE STATEMENTS WHICH IGNORE THE REALITY OF THE FACTS ABOUT **BISD**, YOU UNDERMINE YOUR CREDIBILITY AND YOU PERPETUATE A CULTURE OF LIES, ARROGANCE AND EGO WITHIN OUR SCHOOL DISTRICT

**COUNCILMEMBER WRIGHT -**

WISHED EVERYONE A VERY MERRY CHRISTMAS AND A HAPPY NEW YEAR, SO THANKFUL FOR OUR CITY AND OUR SCHOOL DISTRICT, STATED SHE WOULD NOT USE HER FORUM AS A CITY COUNCILMEMBER TO AFFIRM OR DENY ANY STATEMENTS THAT MAY BE DIVISIVE IN ANY WAY, STATED THAT SHE IS PROUD OF THE CITY AS WELL AS **BISD**, HAS A GRANDDAUGHTER THAT IS A STUDENT IN THE SCHOOL DISTRICT, SHE'S NOT AN A-B STUDENT BUT AN A STUDENT, HAPPY ABOUT THE ACADEMIC STRIDES THAT HAVE BEEN MADE IN THE BEAUMONT SCHOOL DISTRICT, THANKED EVERYONE FOR BEING SAFE CITIZENS DURING THE PAST YEAR, ASKED THAT EVERYONE REMAIN SAFE AND PROGRESSIVE AS CITIZENS OF BEAUMONT

**COUNCILMEMBER PATE -**

COMMENTED ON THE VISIT BY DAN VAN NATTA, STATED THAT MR. VAN NATTA COMMENTED ON HOW GREAT THE CITY LOOKED, WISHED EVERYONE A MERRY CHRISTMAS AND A HAPPY NEW YEAR

**COUNCILMEMBER SAMUEL -**

WISHED EVERYONE A MERRY CHRISTMAS AND HAPPY HOLIDAY SEASON, THANKFUL FOR ALL THE CITY EMPLOYEES IN ALL DEPARTMENTS FOR THE WORK THEY HAVE DONE THROUGHOUT THE YEAR, TRULY HAPPY FOR THE SPIRIT OF THE SEASON, IT ALLOWS HIM TO THINK ABOUT JUST HOW GOOD GOD HAS BEEN, VERY PROUD TO BE A MEMBER OF THE NATIONAL BLACK CAUCUS OF LOCAL ELECTED OFFICIALS (NBCLEO) WHICH IS A PART OF THE NATIONAL LEAGUE OF CITIES, WE CAN ALL MAKE MISTAKES AND TWIST ACRONYMS THE WAY WE SEE FIT, STATED HIS MOTHER TOLD HIM A LONG TIME AGO THAT YOU CAN TELL A TREE BY THE FRUIT THAT IT BEARS, SOME PEOPLE CHOOSE TO LOOK AT THINGS AS BEING HALF EMPTY, SOME LOOK AT IT AS BEING HALF FULL, SOME PEOPLE LOOK TOWARDS THE DARKNESS AND SOME

LOOK TOWARDS THE LIGHT, THIS DAY I'M GOING TO CHOOSE TO LOOK TOWARDS THE LIGHT AND SAY MERRY CHRISTMAS, HAS A HISTORY TO SPEAK FROM, HE IS A PART OF A SCHOOL DISTRICT LEGACY, HIS PARENTS TAUGHT IN BIRD AS WELL AS HIMSELF, HE SAT ON THE BOARD AND IS A PRODUCT OF BIRD, HE IS BEAUMONT PROUD

**MAYOR PRO TEM SMITH -**

WISHED EVERYONE A MERRY CHRISTMAS AND A SAFE HOLIDAY, ALSO THANKED ALL OF THE CITY EMPLOYEES FOR ALL OF THEIR HARD WORK, STATED THAT HE IS A PROUD MEMBER OF NBCLEO, SUPPORTED THE RESOLUTION 100%, HE FELT AS A PARENT WITH A STUDENT IN BIRD THAT THEY ARE DOING A GREAT JOB, HIS MOTHER IS FROM BIRD, HE TAUGHT IN BIRD AND HAS FAMILY MEMBERS THAT WORKED IN BIRD, STATED HE WILL NOT USE HIS POSITION AS A CITY COUNCILMEMBER TO GET ON A THRONE OR A SOAPBOX TO PROMOTE BIRD, BUT AS A PARENT VERY HAPPY FOR THE JOB THEY ARE DOING, DOES NOT SEE HOW HIS INTEGRITY WAS AFFECTED BY STANDING WITH COUNCILMEMBER SAMUEL STATING THAT HE IS HAPPY WITH A SCHOOL DISTRICT WITHIN HIS CITY, HE IS ALSO PROUD TO BE A CITIZEN OF BEAUMONT

**CITY ATTORNEY COOPER -**

WISHED EVERYONE A MERRY CHRISTMAS

**CITY MANAGER HAYES -**

WISHED EVERYONE A MERRY CHRISTMAS

**MAYOR AMES -**

WISHED EVERYONE A MERRY CHRISTMAS AND A HAPPY NEW YEAR, ALSO STATED THAT SHE HAD THE OPPORTUNITY TO EAT LUNCH WITH THE CITY EMPLOYEES AT THE CHRISTMAS LUNCHEON, WAS EXCITED WITH THE MORALE OF THE EMPLOYEES IT IS BETTER THAN SHE HAS EVER SEEN, CONGRATULATED ALL OF THE EMPLOYEES, STATED COUNCIL DOESN'T ALWAYS DO EVERYTHING PERFECT BUT THEY DO A LOT OF GOOD WORK, THERE HAS BEEN A LOT TO DEAL WITH DURING THE SUMMER WITH THE DROUGHT, WAS VERY HAPPY TO GIVE THE EMPLOYEES THE BONUS THEY RECEIVED, STATED THAT THERE WILL NOT BE A MEETING UNTIL JANUARY 10, 2012, STATED THAT SHE HOPES THAT MOVING INTO THE NEW YEAR THAT COUNCIL WILL MAKE BEAUMONT A GREAT PLACE TO WORK AND PLAY, ASKED COUNCIL TO PLEASE NOT BE DIVISIVE AND MOVE INTO THE NEW YEAR TRYING TO WORK CLOSER TOGETHER

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

**Tangela Stephens**

**4040 Crow Rd. Apt #84**

**Beaumont TX**

Wished Council a Merry Christmas, also wanted to thank them for the work they have been doing for Beaumont, very happy to have elected officials that listen to citizen complaints and get the issues resolved, also wanted to give her favorite Councilmember Gethrel Wright a Christmas present

**Vernon Durden**

**2110 Westbury**

**Beaumont TX**

Stated that he is a proud product of BISS as well as Lamar University, stated that there has been some ups and downs but there's been more ups, the City has a new Police Chief, new paved walk ways and lights, new convention center, may have a water park, things are good this year, it didn't start off that way by itself it took a lot of hard work and cooperation, commended the Mayor for her final remarks about being together and working together as a City Council, need to work together as a City, School Board and City Council, commended the work that the City Manager and council has been doing, stated that change is inevitable but growth is optional, asked that the bickering stop and try and work for the better, try to help Councilmember Getz, he needs to see things a little bit different, stated that Councilmember Samuel gave his chapter a bible verse that says "if my people who were called by name shall humble themselves and pray and seek my face and turn from their wicked ways then will he hear their prayer and heal their land" wished everyone a Merry Christmas

Open session of meeting recessed at 2:02 p.m.

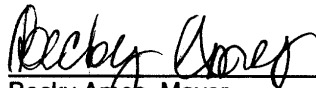
**EXECUTIVE SESSION**

- Consider matters related to employment, evaluation and duties of a public officer or employee in accordance with Section 551.074 of the Government Code:

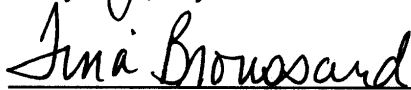
Eugene Wilson

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

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



Becky Ames, Mayor



Tina Broussard, City Clerk

