



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

JANUARY 27, 2014

Council Chamber

Regular Session

7:00 PM

**7008 S. RICE AVENUE
BELLAIRE, TX 77401**

REGULAR SESSION - 7:00 P.M.

A. Call to Order - Dr. Philip L. Nauert, Mayor

Dr. Philip L. Nauert, Mayor, called the Regular Session of the City Council of the City of Bellaire, Texas, to order at 7:02 p.m.

B. Announcement of a Quorum - Dr. Philip L. Nauert, Mayor

| Attendee Name | Title | Status | Arrived |
|------------------------|---------------|---------------|----------------|
| Philip L. Nauert | Mayor | Present | |
| Amanda B. Nathan | Mayor Pro Tem | Present | |
| Roman F. Reed | Councilman | Present | |
| James P. Avioli Sr. | Councilman | Present | |
| Gus E. Pappas | Councilman | Present | |
| Pat B. McLaughlan | Councilman | Present | |
| Andrew S. Friedberg | Councilman | Present | |
| Bernard M. Satterwhite | City Manager | Present | |
| Alan P. Petrov | City Attorney | Present | |
| Tracy Dutton | City Clerk | Present | |

C. Inspirational Reading and/or Invocation - Roman F. Reed, Councilman - Position No. 1

Councilman Roman F. Reed provided the inspirational reading for the evening.

D. Pledges to The Flag - Roman F. Reed, Councilman - Position No. 1

Councilman Roman F. Reed led the City Council and audience in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

1. U.S. Pledge of Allegiance

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

2. Pledge to the Texas Flag

Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

E. Approval or Correction of Minutes

1. Mayor and Council - Regular Session - Dec 16, 2013 7:00 PM

Motion: To approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, December 16, 2013, at 7:00 p.m.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Amanda B. Nathan, Mayor Pro Tem |
| SECONDER: | Andrew S. Friedberg, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

2. 1058 : Mayor and Council - Special Session (Executive Session) - Dec 16, 2013 (Following Regular Session)

Motion: To approve the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, December 16, 2013, following the Regular Session held the same evening. (*Texas Government Code, Chapter 551, Open Meetings, Section 551.074, Personnel Matters; Closed Meeting*, for the purpose of discussing the appointment, selection, and employment of the City Manager).

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Amanda B. Nathan, Mayor Pro Tem |
| SECONDER: | Roman F. Reed, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

3. 1059 : Mayor and Council - Special Session (Executive Session) - Dec 22, 2013 4:00 PM

Motion: To approve the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Sunday, December 22, 2013, at 4:00 p.m. (*Texas Government Code, Chapter 551, Open Meetings, Section 551.074, Personnel Matters; Closed Meeting*, for the purpose of discussing the appointment, selection, and employment of the City Manager).

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Andrew S. Friedberg, Councilman |
| SECONDER: | Roman F. Reed, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

4. 1060 : Mayor and Council - Regular Session (Council Installation) - Jan 6, 2014 7:00 PM

Motion: To approve the minutes of the Regular Session (Council Installation) of the City Council of the City of Bellaire, Texas, held on Monday, January 6, 2014, at 7:00 p.m.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | James P. Avioli Sr., Councilman |
| SECONDER: | Gus E. Pappas, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

5. 1061 : Mayor and Council - Special Session (Executive Session) - Jan 13, 2014 6:00 PM

Motion: To approve the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, January 13, 2014, at 6:00 p.m. (*Texas Government Code, Chapter 551, Open Meetings, Section 551.074, Personnel Matters; Closed Meeting*, for the purpose of discussing the appointment, selection, and employment of the City Manager.

Councilman James P. Avioli, Sr., abstained from voting on the minutes due to his absence from the meeting.

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| RESULT: | APPROVED [6 TO 0] |
| MOVER: | Roman F. Reed, Councilman |
| SECONDER: | Amanda B. Nathan, Mayor Pro Tem |
| AYES: | Nauert, Nathan, Reed, Pappas, McLaughlan, Friedberg |
| ABSTAIN: | Avioli Sr. |

F. Personal/Audience Comments

Robert Riquelmy addressed City Council and referred to demolition sites around Bellaire and the lack of toilet facilities available to the men working on the sites. He urged City Council to require toilet facilities at all sites to be demolished.

Danny A. Spencer addressed City Council regarding sewage contamination in the storm drain at Chestnut Street. Mr. Spencer indicated that a sanitary sewer line running under Ferris Street was contaminating the Chestnut Street storm drain. He indicated further that even if the flow of sewage stopped, there appeared to be no resolution for cleaning out the storm drain. Mr. Spencer concluded by urging City Council to authorize the Bellaire Fire Department to use the area for a training exercise by flushing the hydrants into the storm drain to clean it out.

Ryan Herbst addressed City Council and introduced a new nonprofit charitable organization, the Bellaire Police and Fire Foundation ("Foundation"), created for the purpose of enhancing public safety in Bellaire. It was noted that a primary goal of the Foundation was to promote excellence by going above and beyond the confines of the City budget to provide funding for equipment and technology not otherwise provided by the budget. The Bellaire Police and Fire Departments would be able to submit grant requests to the Foundation to fund equipment, training, and technology.

In closing, Mr. Herbst advised that the Foundation had been in its planning phase for 12 months and currently had an application pending before the Internal Revenue Service for a 501(c)(3) status. Mr. Herbst indicated that the Foundation would have a board of seven members and that he currently served as President of the Board.

Anne Baronitis addressed City Council regarding the plans by the Texas Department of

Transportation (TXDOT) to reroute Interstate 610 south 30 feet above the current ramp. She indicated that the ramp would be unsightly and could significantly increase road noise.

Ms. Baronitis also expressed concern over plans by the Metropolitan Transit Authority of Harris County, Texas (METRO), to build a 700-car parking garage in one of the City's mixed-use zoning districts. She indicated that it was not evident to her how the garage would benefit the City of Bellaire and its residents.

G. Reports

1. City Manager's Report dated January 27, 2014, regarding residential safety, public infrastructure and utilities, cultural and recreational interest items, communications and technology, employees, internal operations and productivity, crime and building permit indicators, and upcoming City Council meetings.

City Manager Bernard M. Satterwhite, Jr., presented the City Manager's Report dated January 27, 2014, to members of City Council. Following questions of City Manager Satterwhite regarding his report, action was taken to accept the report into the record.

Motion: To accept the City Manager's Report dated January 27, 2014, as presented by City Manager Bernard M. Satterwhite, Jr., into the record.

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| RESULT: | ACCEPTED [UNANIMOUS] |
| MOVER: | Roman F. Reed, Councilman |
| SECONDER: | Gus E. Pappas, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

2. Monthly Financial Report for the period ended December 31, 2013.

Chief Financial Officer Linda Symank presented the Finance Report for the City of Bellaire, Texas, for the period ended December 31, 2013, to members of City Council. Following questions of Chief Financial Officer Symank regarding her report, action was taken to accept her report into the record.

Motion: To accept the Finance Report for the City of Bellaire, Texas, for the period ended December 31, 2013, as presented by Chief Financial Officer Linda Symank, into the record.

Following a motion duly made and seconded, the Finance Report was accepted into the record by a unanimous vote of 7-0.

3. City Attorney's Report regarding possible means and/or methods for the regulation of payday loan companies operating within the corporate limits of Bellaire, Texas.

City Attorney Alan P. Petrov presented his City Attorney's Report regarding possible means and/or methods for the regulation of payday loan companies operating within the corporate limits of Bellaire, Texas, to members of City Council. Following questions of City Attorney Petrov regarding his report, action was taken to accept the report into the record.

Motion: To accept the City Attorney's Report regarding possible means and/or

methods for the regulation of payday loan companies operating within Bellaire, as presented by City Attorney Alan P. Petrov, into the record.

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| RESULT: | ACCEPTED [UNANIMOUS] |
| MOVER: | Pat B. McLaughlan, Councilman |
| SECONDER: | Amanda B. Nathan, Mayor Pro Tem |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

H. New Business

1. Adoption of Ordinances

- a. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, electing a Mayor Pro Tempore for the City of Bellaire, Texas, for a term commencing January 27, 2014, and expiring January 4, 2016, in accordance with Article II, The Council, Section 5, Mayor Pro Tempore, of the Charter of the City of Bellaire, Texas, as amended November 7, 2006, and repealing any prior ordinance conflicting therewith.

Motion: Councilman Andrew S. Friedberg called for the election by acclamation of Amanda B. Nathan as the City's Mayor Pro Tempore.

Dr. Philip L. Nauert, Mayor, called for a vote on the election, which carried unanimously with all members of City Council present and voting (7-0). The official ordinance "electing" Amanda B. Nathan as Mayor Pro Tempore for a term commencing January 27, 2014, and expiring January 4, 2016, was subsequently numbered: **14-001**.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Andrew S. Friedberg, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

- b. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing Paul A. Hofmann as City Manager of the City of Bellaire, Texas, and authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, an Agreement for Professional Services and Employment as City Manager providing for the terms and provisions of such appointment, including the duties of the City Manager, compensation and payment of benefits for said City Manager, required notice and severance pay in the event that the appointment herein made is not voluntarily terminated by resignation of Paul A. Hofmann and providing that any appointments of City Managers or Acting City Managers of the City of Bellaire, Texas, in conflict with this appointment, are hereby terminated.

Motion: To adopt an ordinance appointing Paul A. Hofmann as City Manager of the City of Bellaire, Texas, and authorizing the Mayor and the City Clerk to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, an *Agreement for Professional Services and Employment as City Manager* providing for the terms and provisions of the appointment, including the duties of the City Manager, compensation and payment of benefits for

said City Manager, required notice and severance pay in the event that the appointment made is not voluntarily terminated by resignation of Paul A. Hofmann and providing that any appointments of City Managers or Acting City Managers of the City of Bellaire, Texas, in conflict with this appointment, are hereby terminated.

Ordinance was subsequently numbered: **14-002.**

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Roman F. Reed, Councilman |
| SECONDER: | Pat B. McLaughlan, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

- c. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing Patricia D. (Pat) Lunn, CPA, to serve as a member of the Audit Finance Board of the City of Bellaire, Texas, for a one-year term commencing on February 1, 2014, and expiring on January 31, 2015.

Motion: To adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Patricia D. (Pat) Lunn, CPA, to serve as a member of the Audit Finance Board of the City of Bellaire, Texas, for a one-year term commencing on February 1, 2014, and expiring on January 31, 2015.

Prior to taking action on the motion before City Council, Mayor Nauert indicated that Ms. Lunn had served a one-year term on the Audit Finance Board ("Board") already and brought a great deal to the board.

Ordinance was subsequently numbered: **14-003.**

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James P. Avioli Sr., Councilman |
| SECONDER: | Pat B. McLaughlan, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

- d. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing one (1) member to the Building and Standards Commission of the City of Bellaire, Texas, to fill an unexpired term commencing on January 27, 2014, and expiring on June 30, 2014.

Members of City Council were presented ballots on which to cast their vote for one of three candidates seeking to fill an unexpired term on the Building and Standards Commission of the City of Bellaire, Texas.

Votes cast were as follows:

| Member of City Council | Candidate Selected |
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| Dr. Philip L. Nauert | Souyma Rege |
| Amanda B. Nathan | Danny A. Spencer |
| Roman F. Reed | Danny A. Spencer |

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| James P. Avioli, Sr. | Danny A. Spencer |
| Gus E. Pappas | Danny A. Spencer |
| Pat B. McLaughlan | Danny A. Spencer |
| Andrew S. Friedberg | Danny A. Spencer |

Motion: To adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Danny A. Spencer to the Building and Standards Commission of the City of Bellaire, Texas, to fill an unexpired term commencing on January 27, 2014, and expiring on June 30, 2014.

Ordinance was subsequently numbered: **14-004.**

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Roman F. Reed, Councilman |
| SECONDER: | Pat B. McLaughlan, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

- e. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, verifying and acknowledging that the City Council of the City of Bellaire, Texas, has performed its annual review of the City of Bellaire Investment Policy and Investment Strategies.

Following a brief summary by Chief Financial Officer Linda Symank in which she indicated that no changes had been proposed to the City's Investment Policy and Strategies this year, a motion was made as set forth below for the purpose of verifying and acknowledging City Council's annual review of the City of Bellaire Investment Policy and Investment Strategies.

Motion: To adopt an ordinance of the City Council of the City of Bellaire, Texas, verifying and acknowledging that the City Council of the City of Bellaire, Texas, has performed its annual review of the City of Bellaire Investment Policy and Investment Strategies.

Ordinance was subsequently numbered: **14-005.**

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Andrew S. Friedberg, Councilman |
| SECONDER: | Amanda B. Nathan, Mayor Pro Tem |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

- f. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute a Final Change Order (No. 1) with Gulf States Protective Coatings, Inc., to a contract for the Rehabilitation of Water Storage Tanks at Central Water Plant consisting of a net decrease of \$27,761.21, and approval for the City of Bellaire, Texas, to make the final payment to Gulf States Protective Coatings, Inc., in an amount not to exceed \$99,813.94.

Motion: To adopt an ordinance of the City Council of the City of Bellaire,

Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute a Final Change Order (No. 1) with Gulf States Protective Coatings, Inc., to a contract for the Rehabilitation of Water Storage Tanks at Central Water Plant consisting of a net decrease of \$27,761.21, and approval for the City of Bellaire, Texas, to make the final payment to Gulf States Protective Coatings, Inc., in an amount not to exceed \$99,813.94.

Ordinance was subsequently numbered: **14-006**.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James P. Avioli Sr., Councilman |
| SECONDER: | Amanda B. Nathan, Mayor Pro Tem |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

- g. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute a Final Change Order (No. 1) with Metro City Construction, LP, to a contract for the Reconstruction of Baldwin Avenue consisting of a net decrease in said contract of \$962,476.81 and approval for the City of Bellaire, Texas, to make the final payment to Metro City Construction, LP, on said contract in an amount not to exceed \$272,554.91.

Motion: To adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute a Final Change Order (No. 1) with Metro City Construction, LP, to a contract for the Reconstruction of Baldwin Avenue consisting of a net decrease in said contract of \$962,476.81 and approval for the City of Bellaire, Texas, to make the final payment to Metro City Construction, LP, on said contract in an amount not to exceed \$272,554.91.

Ordinance was subsequently numbered: **14-007**.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Amanda B. Nathan, Mayor Pro Tem |
| SECONDER: | James P. Avioli Sr., Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

- h. Consideration of and possible action on a recommendation from the Public Works Department to award Bid No. 14-002, FY2013 Street Pavement Management Project, to AAA Asphalt Paving, Inc., in an amount not to exceed \$1,242,942.00 and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with AAA Asphalt Paving, Inc., for said project in an amount not to exceed \$1,242,942.00.

Motion: To approve a recommendation from the Public Works Department to award Bid No. 14-002, FY2013 Street Pavement Management Project, to AAA Asphalt Paving, Inc., in an amount not to exceed \$1,242,942.00 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest,

respectively, for and on behalf of the City of Bellaire, Texas, a *Standard Form of Agreement* with AAA Asphalt Paving, Inc., for the project in an amount not to exceed \$1,242,942.00.

Ordinance was subsequently numbered: **14-008**.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Roman F. Reed, Councilman |
| SECONDER: | Pat B. McLaughlan, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

2. Mayoral Appointments

- a. Mayoral appointments to the Audit Finance Board: Dr. Philip L. Nauert, Mayor, will make formal appointments of three (3) members of the City Council of the City of Bellaire, Texas, to serve on the Audit Finance Board of the City of Bellaire, Texas, for a one-year term commencing on February 1, 2014, and expiring on January 31, 2015.

Dr. Philip L. Nauert, Mayor, made the following appointments of three members of the City Council of the City of Bellaire, Texas, to the Audit Finance Board of the City of Bellaire, Texas, to serve a one-year term commencing on February 1, 2014, and expiring on January 31, 2015:

1. Philip L. Nauert, Mayor;
2. Andrew S. Friedberg, Councilman - Position No. 5; and
3. Gus E. Pappas, Councilman - Position No. 3.

- b. Mayoral annual appointments of City Council liaisons to the following Bellaire boards and commissions: Board of Adjustment, Building and Standards Commission, Cultural Arts Board, Environmental and Sustainability Board, L.I.F.E. Advisory Board, Parks and Recreation Advisory Board, and Planning and Zoning Commission.

Dr. Philip L. Nauert, made the following mayoral annual appointments of City Council liaisons to the City's Boards and Commissions:

| Member of City Council | Board or Commission |
|------------------------|--|
| Dr. Philip L. Nauert | L.I.F.E. Advisory Board |
| Amanda B. Nathan | Parks and Recreation Advisory Board |
| Roman F. Reed | Planning and Zoning Commission |
| James P. Avioli, Sr. | Environmental and Sustainability Board |
| Gus E. Pappas | Cultural Arts Board |
| Pat B. McLaughlan | Building and Standards Commission |
| Andrew S. Friedberg | Board of Adjustment |

3. Items for Individual Consideration

1. Discussion and possible action to develop a policy and provide direction to City Staff regarding a possible City-wide campaign to raise awareness and encourage early morning walkers to wear reflective clothing.

Following a brief introduction and video clip depicting the difficulty for drivers to see walkers, joggers, runners, etc., in the early mornings, evenings, and at night, Ms. Glenda Waldman modeled some equipment options that walkers, joggers, runners, etc., could wear to improve their visibility, such as a reflective arm band and/or vest.

Ms. Waldman asked City Council to consider developing a campaign to raise awareness of the importance of wearing reflective clothing when walking, jogging, or running on sidewalks and streets, some of which were poorly lit. She suggested that the City's website could be used, along with posters and flyers, to help raise awareness.

Dr. Philip L. Nauert, Mayor, asked for an informal count of City Council members who were supportive of City Staff working up an awareness campaign as suggested by Ms. Waldman. All seven members of City Council indicated the support of an awareness campaign. Mayor Nauert directed City Manager Bernard M. Satterwhite, Jr., to begin working on the campaign.

I. Adjourn

Motion: Councilman Gus E. Pappas moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, January 27, 2014, at 9:19 p.m. Mayor Pro Tem Amanda B. Nathan seconded the motion. City Council voted unanimously to adjourn the Regular Session.



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

DECEMBER 16, 2013

Council Chamber

Regular Session

8:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

REGULAR SESSION - 7:00 P.M.

A. Call to Order - Dr. Philip L. Nauert, Mayor

Mayor Philip L. Nauert called the Bellaire City Council to order at 7:01 p.m. on Monday, December 16, 2013.

B. Announcement of a Quorum - Dr. Philip L. Nauert, Mayor

| Attendee Name | Title | Status | Arrived |
|-----------------------|---------------|---------|---------|
| Philip L. Nauert | Mayor | Present | |
| Amanda B. Nathan | Mayor Pro Tem | Present | |
| Roman F. Reed | Councilman | Present | |
| James P. Avioli Sr. | Councilman | Present | |
| Pat B. McLaughlan | Councilman | Present | |
| Andrew S. Friedberg | Councilman | Present | |
| Corbett Daniel Parker | Councilman | Present | |

C. Inspirational Reading and/or Invocation - Amanda B. Nathan, Mayor Pro Tem

Mayor Pro Tem Amanda B. Nathan provided the inspirational reading for the evening.

D. Pledges to The Flag - Amanda B. Nathan, Mayor Pro Tem

Mayor Pro Tem Amanda B. Nathan led the City Council and audience in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

1. U.S. Pledge of Allegiance

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

2. Pledge to the Texas Flag

Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

E. Approval or Correction of Minutes

Consideration of and possible action on the approval and adoption of the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, December 2, 2013.

(Requested by Tracy Dutton, City Clerk)

Motion: Approve the minutes of the Special Session (Executive Session) of the Bellaire City Council held on Monday, December 2, 2013.

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|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Roman F. Reed, Councilman |
| SECONDER: | James P. Avioli Sr., Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg, Parker |

1. Consideration of and possible action on the approval and adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, December 2, 2013.

(Requested by Tracy Dutton, City Clerk)

Motion: Approve the minutes of the Regular Session of the Bellaire City Council held on Monday, December 2, 2013.

Councilman Corbett Daniel Parker abstained from voting on the minutes of the Bellaire City Council held on Monday, December 2, 2013, due to his departure from the meeting before it had ended.

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| RESULT: | ADOPTED [6 TO 0] |
| MOVER: | Amanda B. Nathan, Mayor Pro Tem |
| SECONDER: | Pat B. McLaughlan, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg |
| ABSTAIN: | Parker |

2. Consideration of and possible action on the approval and adoption of the minutes of the Special Session (Executive Session) held on Monday, December 2, 2013, following the City Council Regular Session.

(Requested by Tracy Dutton, City Clerk)

Motion: Approve the minutes of the Special Session (Executive Session) of the Bellaire City Council held on Monday, December 2, 2013.

Councilman Corbett Daniel Parker abstained from voting on the minutes of the Bellaire City Council held on Monday, December 2, 2013, due to his departure from the meeting before it had ended.

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| RESULT: | ADOPTED [6 TO 0] |
| MOVER: | Pat B. McLaughlan, Councilman |
| SECONDER: | Roman F. Reed, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg |
| ABSTAIN: | Parker |

3. Consideration of and possible action on the approval and adoption of the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Tuesday, December 3, 2013.

(Requested by Tracy Dutton, City Clerk)

Motion: Approve the minutes of the Special Session (Executive Session) of the Bellaire City Council held on Tuesday, December 3, 2013.

Councilman Roman F. Reed abstained from voting on the minutes of the Bellaire City Council held on Tuesday, December 3, 2013, due to his absence from the meeting.

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| RESULT: | ADOPTED [6 TO 0] |
| MOVER: | James P. Avioli Sr., Councilman |
| SECONDER: | Pat B. McLaughlan, Councilman |
| AYES: | Nauert, Nathan, Avioli Sr., McLaughlan, Friedberg, Parker |
| ABSTAIN: | Reed |

F. Personal/Audience Comments

Cindy Siegel addressed City Council and thanked them for their dedication and commitment to Bellaire. In recognition of Councilman Corbett Daniel Parker, Ms. Siegel advised that she had never seen anyone prepare themselves to be on Council like Corbett had and indicated that no one could question his work ethic or desire to ensure that Council was accessible to the citizens. Corbett served a mentor to those younger than him in Bellaire and Houston.

In closing, Ms. Siegel stated that Corbett had raised the bar in terms of reaching out to the community and was leaving a legacy of working hard to make Bellaire better. She thanked him, on behalf of her family, for his service to Bellaire.

Lynn McBee addressed City Council with an update on the Joint Election held in Bellaire on Saturday, December 14, 2013, to fill a trustee seat for the Houston Community College System. She noted that Bellaire's Precinct 128 received 34 voters all day Saturday. Ms. McBee expressed considerable concern and distress that the polling place for one of Bellaire's precincts (Precinct 214) was literally moved out of Bellaire. She indicated that she planned to pursue the issue with the Harris County Clerk's Office, Elections Division.

Secondly, Ms. McBee referenced the meetings City Council had scheduled for January 2014. She stated that City Council, and stated that an entire meeting was not needed for the installation of the new City Council on January 6, 2014. She encouraged City Council to consider some business that evening as well. Otherwise, the City Council would not have its first "business-related" meeting until January 27, 2014.

Thirdly, Ms. McBee indicated that she planned to present a list to City Council of the items/issues that she believed they should be looking at after the first of the year. She also indicated that she appreciated the time that City Council had been spending trying to secure a City Manager. She knew from the agendas that City Council had been working on it during many evenings.

Ms. McBee closed and echoed, in part, what Cindy Siegel had said about Councilman Parker. The energy he expended on behalf of the citizens was greater than any Ms. McBee had seen in all of her years in Bellaire. She advised that Councilman Parker would be missed and thanked him for his service.

G. Reports

Motion: Accept the City Manager's Report dated December 16, 2013, as presented by City Manager Bernard M. Satterwhite, Jr., into the record.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Andrew S. Friedberg, Councilman |
| SECONDER: | Pat B. McLaughlan, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg, Parker |

1. Finance Report for the City of Bellaire, Texas, covering the period ended November 30, 2013, and including discussion of revenues and expenditures in the General Fund, Enterprise Fund, Debt Service Fund, Vehicle, Equipment and Technology Fund, and Capital Improvement Program Fund, as well as discussion of statistical data.

Chief Financial Officer Linda Symank presented the Finance Report for the City of Bellaire, Texas, for the period ended November 30, 2013, to members of City Council. Following questions of the Chief Financial Officer regarding her report, action was taken to accept the report into the record.
(Requested by Linda Symank, Finance Administration)

Motion: Accept the Finance Report for the City of Bellaire, Texas, for the period ended November 30, 2013, as presented by Chief Financial Officer Linda Symank, into the record.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Corbett Daniel Parker, Councilman |
| SECONDER: | James P. Avioli Sr., Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg, Parker |

2. City Engineer's Report regarding the Texas Department of Transportation's (TXDOT) Proposed Roadway Improvement Project involving the US 59/IH-610 interchange located in the Cities of Houston and Bellaire in Harris County, Texas.

James B. Andrews, II, P.E., City Engineer, ARKK Engineers, Inc., presented a report on the Texas Department of Transportation's (TXDOT) proposed roadway improvement project involving the US 59/IH-610 interchange located in the Cities of Houston and Bellaire in Harris County, Texas, to members of City Council.

City Engineer Andrews advised that TXDOT's proposed improvement project (to be phased in over the next several years) would include the construction of direct connectors and access ramps, realignment of Post Oak Boulevard, and reconstruction of the IH-610 main lane bridges.

Phase One

1. Construction of the US 59 northbound to IH-610 southbound direct connector (late 2014 or early 2015);

2. Construction of the IH-610 southbound to US 59 northbound connector (approximately 2016);
3. Construction of the IH-610 northbound to US 59 southbound connector (October 2016 bid date);
4. Construction of the Westheimer Road ramp to US 59 southbound;
5. Construction of the US 59 southbound exit ramp to Chimney Rock Road;
6. Realignment of Post Oak Boulevard to coexist with planned METRO accommodations;
7. Realignment of IH-610 southbound to US 59 southbound connector; and
8. Restriping of IH-610 northbound to the US 59 northbound connector.

Phase Two of the overall project would include the reconstruction of the US 59 northbound to IH-610 northbound connector and the reconstruction of the US 59 southbound to IH-610 southbound connector.

The final or third phase of the overall project would include the reconstruction of the main IH-610 lanes.

With respect to additional right-of-way needed for the project, TXDOT advised that there was a need for additional right-of-way in the City of Houston to construct the Westheimer Road ramp to southbound US 59. However, there was no additional Bellaire right-of-way needed in the City of Bellaire for any of the planned improvements.

City Engineer Andrews advised further that the schedule for the various components of the referenced TXDOT project was predicated on funding. The one component with a hard fast schedule was the construction of the northbound US 59 to southbound IH-610 direct connector. This new direct connector (two-lane roadway) would be constructed over the sixteen main lanes of IH-610 at a height, in some areas, of 25 to 30 feet. Rather than exiting at Fournace Place, the new direct connector would exit at Bellaire Boulevard.

Concerns expressed by City Engineer Andrews for Bellaire and its residents included drainage issues (due to additional impervious cover), construction requirements during evening and night-time hours, possible detours routed through the city during the construction phase, light, and noise.

In order to begin addressing the concerns expressed by City Engineer Andrews, Bellaire had requested the following information from TXDOT: detailed drainage study for the overall project, traffic studies and traffic counts to support possible detours routed through the City, and environmental assessments (light and noise).

In closing, City Engineer Andrews stated that the City would like to request TXDOT to make a presentation to City Council and the community as a whole to discuss the project and enjoin everyone in the process. He indicated that the City could help TXDOT make it through the project if they communicated with the City.

Mayor Nauert opened the floor for questions from members of City Council. Following questions by members of City Council related to City Engineer Andrews' report, action was taken to accept the report into the record.
(Requested by Joe Keene, Public Works)

Motion: Accept the City Engineer's Report on TXDOT's Roadway Improvement Project for the US 59/IH-610 interchange, as presented by City Engineer James B. Andrews, II, P.E., into the record.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Amanda B. Nathan, Mayor Pro Tem |
| SECONDER: | Andrew S. Friedberg, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg, Parker |

H. New Business

1. Adoption of Ordinance(s)/Resolution(s)

- a. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending the application of Chapter 27, Streets, Sidewalks and Public Places, Article V, Public Parks, Section 27-95, Curfew Imposed, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Optimist Club of Bellaire to hold their Annual Barbecue (BBQ) Fundraiser in the Feld Park parking lot located at 6406 Avenue B, Bellaire, Texas, from January 31, 2014, to February 1, 2014, said suspension to commence at 11:00 p.m. and terminate at 5:00 a.m. on the evenings and/or early mornings of Friday, January 31, 2014, Saturday, February 1, 2014, and Sunday, February 2, 2014.

(Requested by Jane Dembski, Parks and Recreation)

Motion: Temporary suspension of the curfew ordinance for Feld Park to allow the Optimist Club to hold their annual barbecue fundraiser

The temporary suspension of *Chapter 27, Streets, Sidewalks and Public Places, Article V, Public Parks, Section 27-95, Curfew Imposed*, of the *Code of Ordinances of the City of Bellaire, Texas*, was granted for the Optimist Club of Bellaire to hold their annual barbecue fundraiser in the Feld Park parking lot from January 31, 2014, to February 2, 2014, said suspension to commence at 11:00 p.m. and terminate at 5:00 a.m. on the evenings and/or early mornings of Friday, January 31, 2014, Saturday, February 1, 2014, and Sunday, February 2, 2014.

Councilman Andrew S. Friedberg cited a scrivener's error in the ordinance document presented to City Council in paragraph three related to the dates of the suspension. That paragraph was changed as follows:

"3. THAT said temporary suspension shall only apply to the request from the Optimist Club of Bellaire, to hold their Annual BBQ Fundraiser commencing at 11:00 p.m. and terminating at 5:00 a.m. on the evenings and/or early mornings of Friday, ~~February 1, 2013~~, January 31, 2014, Saturday, ~~February 2, 2013~~, February 1, 2014, and Sunday, ~~February 3, 2013~~, February 2, 2014, in Feld Park, 6406 Avenue B, Bellaire, Texas, and said suspension shall not

apply to any other person or activity.”

The ordinance related to this action was subsequently numbered: 13-060.

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|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Roman F. Reed, Councilman |
| SECONDER: | James P. Avioli Sr., Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg, Parker |

- b. Consideration of and possible action on a recommendation from the Bellaire Public Works Department to award Bid No. 14-001, Central Water Plant Well and Plugging of Wells at Central and Evergreen Water Plants, to Alsay Incorporated in an amount not to exceed \$1,781,400.00 for the construction of a new water well at Central Water Plant and for the services necessary to plug the old wells at the Central and Evergreen Water Plant sites and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Standard Form of Agreement with Alsay Incorporated for said project in an amount not to exceed \$1,781,400.00.

(Requested by Joe Keene, Public Works)

Motion: Authorize the Mayor and City Clerk to execute a Standard Form of Agreement with Alsay Incorporated for the Central Water Plant Well and plugging of existing wells at Central and Evergreen Water Plants.

The referenced *Standard Form of Agreement* between the City of Bellaire, Texas, and Alsay Incorporated would provide for the construction of a new water well at Central Water Plant and for the plugging of existing wells at the Central and Evergreen Water Plant sites in an amount not to exceed \$1,781,400.00.

City Council was given an opportunity to ask questions of Ralph Cox, P.E., Klotz Associates, Inc., related to the project prior to voting on the adoption of an ordinance.

The ordinance related to this action was subsequently numbered: 13-061.

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|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James P. Avioli Sr., Councilman |
| SECONDER: | Pat B. McLaughlan, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg, Parker |

Motion: Motion to authorize the Mayor to execute an Agreement for Consulting Services with Klotz Associates, Inc., for construction observation and administration services.

The *Agreement for Consulting Services* with Klotz Associates, Inc., would provide for construction administration and construction observation services for the construction of a new water well at the Central Water Plant and the plugging of existing wells at the Central and Evergreen Water Plant sites in an amount not to exceed \$62,300.00.

City Council was given an opportunity to ask questions of Ralph Cox, P.E., Klotz Associates, Inc., regarding the services to be provided by his firm for the referenced project.

The ordinance related to this item was subsequently numbered: 13-062.

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|----------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg, Parker |

2. Special Recognition

Recognition of outgoing member Corbett Daniel Parker for his dedication, exemplary performance, and commendable years of service on the Bellaire City Council. As of January 6, 2014, Corbett Daniel Parker will have served the City of Bellaire, Texas, in the office of Councilman - Position No. 3, for one full-term commencing on January 4, 2010, and ending on January 6, 2014.

Mayor Nauert noted that Councilman Corbett Daniel Parker had served the citizens of Bellaire as a Councilman in Position No. 3, for a term that commenced on January 4, 2010, and would end on January 6, 2014. Mayor Nauert turned the floor over to City Manager Bernard M. Satterwhite, Jr., at this point in the meeting.

City Manager Satterwhite advised that the process to say goodbye to Councilman Parker would be handled in three steps. Step one involved the presentation of department-related gifts by the following City Directors: Joe Keene (Public Works Department); Darryl Anderson (Fire Department), Mary Cohrs (Bellaire City Library), and Jane L. Dembski (Parks and Recreation Department).

Step two in the process involved the presentation by Assistant City Manager Diane K. White of a parting gift from City Staff related to an issue that put Councilman Parker "on the map."

The final step in the process involved the presentation of a gift from the City Council and City of a brass and crystal clock engraved as follows: *In recognition of Councilman Corbett Daniel Parker for his dedication, performance and commendable years of service on the Bellaire City Council.* (Requested by Bernard Satterwhite, City Manager)

I. Items for Future Agendas; Community Interest Items from the Mayor and City Council

Members of City Council were given an opportunity to provide parting comments to Councilman Parker. Terms/attributes used by various members of City Council to describe Councilman Parker included courageous, capable, intelligent, responsive, energetic, active, communicator, hard worker, and destined for great things.

Mayor Pro Tem Nathan referred to recent payday loan regulations adopted by the City of Houston and requested a possible future agenda item or update from City Attorney Petrov regarding similar proposal(s) the Bellaire City Council could consider that would address payday loans/lenders in the city limits of Bellaire.

J. Adjourn

Motion: Adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:11 p.m. on Monday, December 16, 2013.

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|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Corbett Daniel Parker, Councilman |
| SECONDER: | Amanda B. Nathan, Mayor Pro Tem |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg, Parker |

Minutes Acceptance: Minutes of Dec 16, 2013 7:00 PM (Approval or Correction of Minutes)

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 01/27/14 07:00 PM
Department: City Clerk
Category: Minutes
Department Head: Tracy L. Dutton
DOC ID: 1058

ADOPTED
ACTION ITEM (ID # 1058)

Item Title:

CONSIDERATION of and possible action on the adoption of the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, December 16, 2013.

Background/Summary:

The minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, December 16, 2013, are presented herein to City Council for consideration.

Source of Funding:

Not Applicable.

Recommendation:

Approval and adoption of the Bellaire City Council Special Session (Executive Session) minutes dated December 16, 2013.

ATTACHMENTS:

- December 16, 2013 - Special Session (Executive Session)(DOC)

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|------------------|---|
| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Amanda B. Nathan, Mayor Pro Tem |
| SECONDER: | Roman F. Reed, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

1 **Philip L. Nauert**
 2 Mayor
 3 **Roman F. Reed**
 4 Councilman – Position No. 1
 5 **James P. Avioli, Sr.**
 6 Councilman – Position No. 2
 7 **Corbett Daniel Parker**
 8 Councilman – Position No. 3



Pat B. McLaughlan
 Councilman – Position No. 4
Andrew S. Friedberg
 Councilman – Position No. 5
Amanda B. Nathan
 Mayor Pro Tem
 Councilman – Position No. 6

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 12 **CITY COUNCIL MEETING MINUTES**
 13 **MONDAY, DECEMBER 16, 2013**

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 16 The **City Council** of the City of Bellaire, Texas, met in **Special Session (Executive Session)** on **Monday, December 16, 2013**, in the **Council Chamber** and **Council Conference Room**, both of which were located on the First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the following purpose(s):

20
 21 **A. CALL TO ORDER – Dr. Philip L. Nauert, Mayor.**

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 23 **Dr. Philip L. Nauert, Mayor, called the City Council** of the City of Bellaire, Texas, **to order at 9:12 p.m. on Monday, December 16, 2013, following the adjournment of the Regular Session of City Council held the same evening.**

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 28 **B. ANNOUNCEMENT OF A QUORUM – Dr. Philip L. Nauert, Mayor.**

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 30 **Dr. Philip L. Nauert, Mayor, announced that a quorum was present consisting of himself and all members of City Council as follows:**

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 33 **Amanda B. Nathan, Mayor Pro Tem;**
 34 **Roman F. Reed, Councilman – Position No. 1;**
 35 **James P. Avioli, Sr., Councilman – Position No. 2;**
 36 **Corbett Daniel Parker, Councilman – Position No. 3;**
 37 **Pat B. McLaughlan, Councilman – Position No. 4; and**
 38 **Andrew S. Friedberg, Councilman – Position No. 5.**

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 40 Also present was: **Tracy L. Dutton, City Clerk.***

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 42 *City Clerk Dutton did not participate in the closed portions of the Special Session (Executive Session).
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 44

45 **C. CONVENE in Executive Session (Closed Session to be held in the Council Conference Room located directly behind the Council Chamber) under the Texas Government Code, Chapter 551, Open Meetings, Section 551.074, Personnel Matters; Closed Meeting, for the purpose of discussing the appointment, selection, and employment of the City Manager – Members of City Council.**

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 52 **Mayor Nauert** advised that following a ten-minute break, members of the Bellaire City Council would convene in Executive Session (closed session) in the Council Conference Room located directly behind the Council Chamber,
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**City of Bellaire
City Council**

**Minutes of Meeting
December 16, 2013**

First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, at approximately 9:23 p.m., Monday, December 16, 2013.

D. RECONVENE (Open Session to be held in the Council Chamber) and take action, if any, regarding item(s) discussed in Executive Session.

Members of the Bellaire City Council reconvened in open session in the Council Chamber at 11:01 p.m. on Monday, December 16, 2013.

Mayor Nauert advised that City Council had held fruitful and substantive discussions in closed session related to their search for a City Manager for Bellaire. He indicated that he had been instructed by City Council to have discussions with the City's consultant, Chester Nolen of Strategic Government Resources (SGR), on Tuesday, December 17, 2013. Depending on the outcome of those discussions, Mayor Nauert advised that the City Council might meet in closed session on the evening of Tuesday, December 17, 2013 (the agenda of which had already been posted on the City's official bulletin board and website). Mayor Nauert indicated further that he would let the City Clerk know whether or not to cancel the December 17th meeting at some point during the next day. The City Clerk was further instructed to post an agenda for an Executive Session on Sunday, December 22, 2013, at 4:00 p.m. and to remove the tentative Executive Session scheduled on Monday, December 23, 2013, from the City Council calendar.

E. ADJOURNMENT.

CITY COUNCIL MOTION TO ADJOURN:

Councilman Corbett Daniel Parker moved to adjourn the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, at 11:02 p.m. on Monday, December 16, 2013. Councilman Roman F. Reed seconded the motion.

The **motion to adjourn carried unanimously on a 7-0 vote** as follows:

FOR: **Philip L. Nauert**, Mayor
 Amanda B. Nathan, Mayor Pro Tem
 Roman F. Reed, Councilman – Position No. 1
 James P. Avioli, Sr., Councilman – Position No. 2
 Corbett Daniel Parker, Councilman – Position No. 3
 Pat B. McLaughlan, Councilman – Position No. 4
 Andrew S. Friedberg, Councilman – Position No. 5

OPPOSED: **None**

**City of Bellaire
City Council**

**Minutes of Meeting
December 16, 2013**

101 **ABSENT:** **None**

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113 Approved:

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Dr. Philip L. Nauert

119 Mayor

120 City of Bellaire, Texas

Respectfully submitted,

Tracy L. Dutton, TRMC
City Clerk
City of Bellaire, Texas

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 01/27/14 07:00 PM
Department: City Clerk
Category: Minutes
Department Head: Tracy L. Dutton
DOC ID: 1059

ADOPTED
ACTION ITEM (ID # 1059)

Item Title:

Consideration of and possible action on the adoption of the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Sunday, December 22, 2013.

Background/Summary:

The minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Sunday, December 22, 2013, are presented herein to City Council for consideration.

Source of Funding:

Not Applicable.

Recommendation:

Approval and adoption of the Bellaire City Council Special Session (Executive Session) minutes dated December 22, 2013.

ATTACHMENTS:

- December 22, 2013 - Special Session (Executive Session)(DOC)

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|------------------|---|
| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Andrew S. Friedberg, Councilman |
| SECONDER: | Roman F. Reed, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

Philip L. Nauert
 Mayor
Roman F. Reed
 Councilman – Position No. 1
James P. Avioli, Sr.
 Councilman – Position No. 2
Corbett Daniel Parker
 Councilman – Position No. 3



Pat B. McLaughlan
 Councilman – Position No. 4
Andrew S. Friedberg
 Councilman – Position No. 5
Amanda B. Nathan
 Mayor Pro Tem
 Councilman – Position No. 6

CITY COUNCIL MEETING MINUTES SUNDAY, DECEMBER 22, 2013

The **City Council** of the City of Bellaire, Texas, met in **Special Session (Executive Session)** on Sunday, December 22, 2013, in the **Council Chamber** and **Council Conference Room**, both of which were located on the First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the following purpose(s):

A. CALL TO ORDER – Dr. Philip L. Nauert, Mayor.

Dr. Philip L. Nauert, Mayor, called the **City Council** of the City of Bellaire, Texas, to order at 4:00 p.m. on Sunday, December 22, 2013.

B. ANNOUNCEMENT OF A QUORUM – Dr. Philip L. Nauert, Mayor.

Dr. Philip L. Nauert, Mayor, announced that a quorum was present consisting of himself and the following members of City Council:

Amanda B. Nathan, Mayor Pro Tem;
Roman F. Reed, Councilman – Position No. 1;
James P. Avioli, Sr., Councilman – Position No. 2;
Pat B. McLaughlan, Councilman – Position No. 4; and
Andrew S. Friedberg, Councilman – Position No. 5.

Also present was: **Tracy L. Dutton**, City Clerk.*

Corbett Daniel Parker, Councilman – Position No. 3, was absent.

*City Clerk Dutton did not participate in the closed portions of the Special Session (Executive Session).

C. CONVENE in Executive Session (Closed Session to be held in the Council Conference Room located directly behind the Council Chamber) under the Texas Government Code, Chapter 551, Open Meetings, Section 551.074, Personnel Matters; Closed Meeting, for the purpose of discussing the appointment, selection, and employment of the City Manager – Members of City Council.

CITY COUNCIL MOTION TO CONVENE IN EXECUTIVE SESSION:

Councilman Roman F. Reed moved to convene in Executive Session (Closed Session) under the *Texas Government Code, Chapter 551, Open Meetings; Section 551.074, Personnel Matters; Closed Meeting*,

**City of Bellaire
City Council**

**Minutes of Meeting
December 22, 2013**

for the purpose of discussing the appointment, selection, and employment of the City Manager. Mayor Pro Tem Amanda B. Nathan seconded the motion.

The motion carried unanimously on a 6-0 vote as follows:

FOR: Philip L. Nauert, Mayor
Amanda B. Nathan, Mayor Pro Tem
Roman F. Reed, Councilman – Position No. 1
James P. Avioli, Sr., Councilman – Position No. 2
Pat B. McLaughlan, Councilman – Position No. 4
Andrew S. Friedberg, Councilman – Position No. 5

OPPOSED: None

ABSENT: Corbett Daniel Parker, Councilman – Position No. 3

Members of the Bellaire City Council convened in Executive Session (closed session) in the Council Conference Room located directly behind the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, on Sunday, December 22, 2013, at 4:00 p.m.

D. RECONVENE (Open Session to be held in the Council Chamber) and take action, if any, regarding item(s) discussed in Executive Session.

Members of the Bellaire City Council reconvened in open session in the Council Chamber at 5:10 p.m. on Sunday, December 22, 2013.

CITY COUNCIL MAIN MOTION:

Councilman Andrew S. Friedberg moved to make an offer of employment to applicant Paul Hofmann to serve as the City Manager for the City of Bellaire, Texas, at an annual salary of \$155,000, car allowance of \$450 per month, cell phone allowance of \$100 per month, two-to-one match in the City's retirement system, life insurance up to \$200,000, and a stipulation that the applicant reside in the City limits of Bellaire, Texas. The main motion was seconded by Councilman Roman F. Reed.

Prior to discussion or action on the main motion offered by Councilman Friedberg and seconded by Councilman Reed, Mayor Nauert stated for the record that a Memorandum of Understanding would be prepared outlining the terms of City Council's employment offer to Mr. Hofmann. Mayor Nauert also advised that Mr. Hofmann received the unanimous support of City Council, including the support of Councilman Parker who was absent this evening.

Councilman Reed took an opportunity to congratulate Mayor Nauert on his leadership throughout the City Manager search process and indicated that the future for Bellaire was bright.

**City of Bellaire
City Council**

**Minutes of Meeting
December 22, 2013**

After noting no further discussion, Mayor Nauert called for a vote on the main motion.

The **main motion carried unanimously on a 6-0 vote** as follows:

FOR: Philip L. Nauert, Mayor
Amanda B. Nathan, Mayor Pro Tem
Roman F. Reed, Councilman – Position No. 1
James P. Avioli, Sr., Councilman – Position No. 2
Pat B. McLaughlan, Councilman – Position No. 4
Andrew S. Friedberg, Councilman – Position No. 5

OPPOSED: None

ABSENT: Corbett Daniel Parker, Councilman – Position No. 3

E. ADJOURNMENT.

CITY COUNCIL MOTION TO ADJOURN:

Councilman Roman F. Reed moved to adjourn the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, at 5:13 p.m. on Sunday, December 22, 2013. Councilman Pat B. McLaughlan seconded the motion.

The **motion to adjourn carried unanimously on a 6-0 vote** as follows:

FOR: Philip L. Nauert, Mayor
Amanda B. Nathan, Mayor Pro Tem
Roman F. Reed, Councilman – Position No. 1
James P. Avioli, Sr., Councilman – Position No. 2
Pat B. McLaughlan, Councilman – Position No. 4
Andrew S. Friedberg, Councilman – Position No. 5

OPPOSED: None

ABSENT: Corbett Daniel Parker, Councilman – Position No. 3

Respectfully submitted,

Tracy L. Dutton, TRMC
City Clerk
City of Bellaire, Texas

**City of Bellaire
City Council**

**Minutes of Meeting
December 22, 2013**

153 Approved:

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Dr. Philip L. Nauert

159 Mayor

160 City of Bellaire, Texas

Draft

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 01/27/14 07:00 PM
Department: City Clerk
Category: Minutes
Department Head: Tracy L. Dutton
DOC ID: 1060

ADOPTED**ACTION ITEM (ID # 1060)****Item Title:**

Consideration of and possible action on the adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, January 6, 2014.

Background/Summary:

The minutes of the Regular Session (Council Installation) of the City Council of the City of Bellaire, Texas, held on Monday, January 6, 2014, are presented herein to City Council for consideration.

Source of Funding:

Not Applicable.

Recommendation:

Approval and adoption of the Bellaire City Council Regular Session minutes dated January 6, 2014.

ATTACHMENTS:

- 2014_01_06 - Regular Session (Council Installation) (DOC)

| | |
|------------------|---|
| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | James P. Avioli Sr., Councilman |
| SECONDER: | Gus E. Pappas, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

Philip L. Nauert
Mayor
Roman F. Reed
Councilman – Position No. 1
James P. Avioli, Sr.
Councilman – Position No. 2
Corbett Daniel Parker¹
Councilman – Position No. 3



Pat B. McLaughlan
Councilman – Position No. 4
Andrew S. Friedberg
Councilman – Position No. 5
Amanda B. Nathan
Mayor Pro Tem
Councilman – Position No. 6

CITY COUNCIL MEETING MINUTES MONDAY, JANUARY 6, 2014

The **City Council** of the City of Bellaire, Texas, met in **Regular Session on Monday, January 6, 2014**, in the **Civic Center**, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the following purpose(s):

A. CALL TO ORDER – Dr. Philip L. Nauert, Mayor.

Dr. Philip L. Nauert, Mayor, called the **City Council** of the City of Bellaire, Texas, to order at 7:14 p.m. on Monday, January 6, 2014.

B. ANNOUNCEMENT OF A QUORUM – Dr. Philip L. Nauert, Mayor.

Dr. Philip L. Nauert, Mayor, announced that a quorum was present consisting of himself and the following members of City Council:

Roman F. Reed, Councilman – Position No. 1;
James P. Avioli, Sr., Councilman – Position No. 2;
Pat B. McLaughlan, Councilman – Position No. 4; and
Andrew S. Friedberg, Councilman – Position No. 5.

Also present were: **Gus E. Pappas**, Councilman-Elect, Position No. 3; **Bernard M. Satterwhite, Jr.**, City Manager; **Alan P. Petrov**, City Attorney, and **Tracy L. Dutton**, City Clerk.*

Amanda B. Nathan, Mayor Pro Tem, and **Corbett Daniel Parker**, Councilman – Position No. 3, were absent.

C. INVOCATION – Reverend Shannon Tanner, Crosspoint Church Bellaire.

Reverend Shannon Tanner, Crosspoint Church Bellaire, gave the invocation.

D. PRESENTATION OF COLORS AND PLEDGES TO THE FLAGS – Bellaire Police Department.

Members of the Bellaire Police Department Flag Corps presented the colors.

¹ After taking the "Statement of Elected Officer" and "Oath of Office," newly-elected Councilman Gus E. Pappas joined other newly-re-elected members of City Council at the dais.

**City of Bellaire
City Council**

**Minutes of Meeting
January 6, 2014**

Dr. Philip L. Nauert, Mayor, led members of City Council and the audience in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

E. STATEMENT OF ELECTED OFFICER – *Municipal Court Associate Judge Jerel S. Twyman.*

Municipal Court Associate Judge Jerel S. Twyman presented the *Statement of Elected Officer* to newly elected and re-elected members of City Council as follows: **Dr. Philip L. Nauert, Mayor; Roman F. Reed, Councilman – Position No. 1; Gus E. Pappas, Councilman – Position No. 3; and Andrew S. Friedberg, Councilman – Position No. 5.**

F. OATH OF OFFICE – *Municipal Court Presiding Judge Lisa A. Wesely.*

Municipal Court Presiding Judge Lisa A. Wesely presented the *Oath of Office* to newly elected and re-elected members of City Council as follows: **Dr. Philip L. Nauert, Mayor; Roman F. Reed, Councilman – Position No. 1; Gus E. Pappas, Councilman – Position No. 3; and Andrew S. Friedberg, Councilman – Position No. 5.**

G. WELCOME ADDRESS AND INTRODUCTION OF CITY COUNCIL AND FAMILIES – *Dr. Philip L. Nauert, Mayor.*

Dr. Philip L. Nauert, Mayor, welcomed all members of City Council and the audience, with special recognition of Bellaire's newest member of City Council, Gus E. Pappas.

Following a brief outline of issues to be addressed by members of City Council in the coming year, including the voters' support of new City facilities, the retirement of City Manager Bernard M. Satterwhite, Jr., and the employment of Paul Hofmann as Bellaire's new City Manager, **Mayor Nauert** recognized and introduced members of his family and provided an opportunity for each member of City Council to recognize and introduce their families.

H. CLOSING REMARKS – *Dr. Philip L. Nauert, Mayor.*

Dr. Philip L. Nauert, Mayor, in closing, expressed his appreciation of those present and stated that it was an honor and privilege to serve as an elected official of the citizens of Bellaire. Mayor Nauert urged the citizens to let City Council know how they felt about issues and what they thought City Council should do to address issues.

I. ADJOURNMENT.

Dr. Philip L. Nauert, Mayor, called for a motion to adjourn and invited those present to join members of City Council for refreshments.

**City of Bellaire
City Council**

**Minutes of Meeting
January 6, 2014**

CITY COUNCIL MOTION TO ADJOURN:

Councilman Roman F. Reed moved to adjourn the Regular Session (Council Installation) of the City Council of the City of Bellaire, Texas, at 7:35 p.m. on Monday, January 6, 2014. Councilman Pat B. McLaughlan seconded the motion.

The **motion to adjourn carried unanimously on a 6-0 vote** as follows:

FOR: **Dr. Philip L. Nauert**, Mayor
 Roman F. Reed, Councilman – Position No. 1
 James P. Avioli, Sr., Councilman – Position No. 2
 Gus E. Pappas, Councilman – Position No. 3
 Pat B. McLaughlan, Councilman – Position No. 4
 Andrew S. Friedberg, Councilman – Position No. 5

OPPOSED: **None**

ABSENT: **Amanda B. Nathan**, Mayor Pro Tem

 Tracy L. Dutton, TRMC
 City Clerk
 City of Bellaire, Texas

 Dr. Philip L. Nauert
 Mayor
 City of Bellaire, Texas

Approved: _____

Attachment: 2014_01_06 - Regular Session (Council Installation) (1060 : Minutes of the Regular Session dated January 6, 2014)

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 01/27/14 07:00 PM
Department: City Clerk
Category: Minutes
Department Head: Tracy L. Dutton
DOC ID: 1061

ADOPTED
ACTION ITEM (ID # 1061)

Item Title:

Minutes of January 13, 2014 6:00 p.m.

Background/Summary:

The minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, January 13, 2014, are presented herein to City Council for consideration.

Source of Funding:

Not Applicable.

Recommendation:

Approval and adoption of the Bellaire City Council Special Session (Executive Session) minutes dated January 13, 2014.

ATTACHMENTS:

- 2014_01_13 - Special Session (Executive Session) (DOC)

| | |
|------------------|---|
| RESULT: | APPROVED [6 TO 0] |
| MOVER: | Roman F. Reed, Councilman |
| SECONDER: | Amanda B. Nathan, Mayor Pro Tem |
| AYES: | Nauert, Nathan, Reed, Pappas, McLaughlan, Friedberg |
| ABSTAIN: | James P. Avioli Sr. |

Philip L. Nauert
 Mayor
Roman F. Reed
 Councilman – Position No. 1
James P. Avioli, Sr.
 Councilman – Position No. 2
Gus E. Pappas
 Councilman – Position No. 3



Pat B. McLaughlan
 Councilman – Position No. 4
Andrew S. Friedberg
 Councilman – Position No. 5
Amanda B. Nathan
 Mayor Pro Tem
 Councilman – Position No. 6

CITY COUNCIL MEETING MINUTES MONDAY, JANUARY 13, 2014

The **City Council** of the City of Bellaire, Texas, met in **Special Session (Executive Session)** on **Monday, January 13, 2014**, in the **Council Chamber** and **Council Conference Room**, both of which were located on the First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the following purpose(s):

A. CALL TO ORDER – Dr. Philip L. Nauert, Mayor.

Dr. Philip L. Nauert, Mayor, called the **City Council** of the City of Bellaire, Texas, to order at 6:02 p.m. on Monday, January 13, 2014.

B. ANNOUNCEMENT OF A QUORUM – Dr. Philip L. Nauert, Mayor.

Dr. Philip L. Nauert, Mayor, announced that a quorum was present consisting of himself and the following members of City Council:

Amanda B. Nathan, Mayor Pro Tem;
Roman F. Reed, Councilman – Position No. 1;
Gus E. Pappas, Councilman – Position No. 3;
Pat B. McLaughlan, Councilman – Position No. 4; and
Andrew S. Friedberg, Councilman – Position No. 5.

Also present was: **Elliot Barner, Assistant City Attorney, Johnson Radcliffe Petrov & Bobbitt PLLC**, and **Tracy L. Dutton**, City Clerk.*

James P. Avioli, Sr., Councilman – Position No. 2, was absent.

*City Clerk Dutton did not participate in the closed portions of the Special Session (Executive Session).

C. CONVENE in Executive Session (Closed Session to be held in the Council Conference Room located directly behind the Council Chamber) under the Texas Government Code, Chapter 551, Open Meetings, Section 551.074, Personnel Matters; Closed Meeting, for the purpose of discussing the appointment, selection, and employment of the City Manager – Members of City Council.

CITY COUNCIL MOTION TO CONVENE IN EXECUTIVE SESSION:

Councilman Roman F. Reed moved to convene in Executive Session (Closed Session) under the *Texas Government Code, Chapter 551*,

**City of Bellaire
City Council**

**Minutes of Meeting
January 13, 2014**

Open Meetings; Section 551.074, Personnel Matters; Closed Meeting, for the purpose of discussing the appointment, selection, and employment of the City Manager. Mayor Pro Tem Amanda B. Nathan seconded the motion.

The **motion carried unanimously on a 6-0 vote** as follows:

FOR: Philip L. Nauert, Mayor
Amanda B. Nathan, Mayor Pro Tem
Roman F. Reed, Councilman – Position No. 1
Gus E. Pappas, Councilman – Position No. 3
Pat B. McLaughlan, Councilman – Position No. 4
Andrew S. Friedberg, Councilman – Position No. 5

OPPOSED: None

ABSENT: James P. Avioli, Sr., Councilman – Position No. 2

Members of the Bellaire City Council convened in Executive Session (closed session) in the Council Conference Room located directly behind the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, on Monday, January 13, 2014, at 6:03 p.m.

D. RECONVENE (Open Session to be held in the Council Chamber) and take action, if any, regarding item(s) discussed in Executive Session.

Members of the Bellaire City Council reconvened in open session in the Council Chamber at 7:06 p.m. on Monday, January 13, 2014.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Andrew S. Friedberg moved to submit a draft City Manager employment agreement to Paul A. Hofmann for review and comment, said agreement of which would be adopted as an ordinance at a subsequent meeting of City Council. Councilman Roman F. Reed seconded the motion.

The **main motion carried on a 5-1 vote** as follows:

FOR: Dr. Philip L. Nauert, Mayor
Amanda B. Nathan, Mayor Pro Tem
Roman F. Reed, Councilman – Position No. 1
Pat B. McLaughlan, Councilman – Position No. 4
Andrew S. Friedberg, Councilman – Position No. 5

OPPOSED: None

ABSENT: James P. Avioli, Sr., Councilman – Position No. 2

Attachment: 2014_01_13 - Special Session (Executive Session) (1061 : Minutes of January 13, 2014 6:00 p.m.)

**City of Bellaire
City Council**

**Minutes of Meeting
January 13, 2014**

ABSTAIN: **Gus E. Pappas**, Councilman – Position No. 3*

*Councilman Pappas indicated that he would abstain from taking action on the draft employment agreement as he was not able to legally participate in the hiring process prior to his installation as a member of City Council.

E. ADJOURNMENT.

CITY COUNCIL MOTION TO ADJOURN:

Councilman Roman F. Reed moved to adjourn the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, at 7:07 p.m. on Monday, January 13, 2014. Mayor Pro Tem Amanda B. Nathan seconded the motion.

The **motion to adjourn carried unanimously on a 6-0 vote** as follows:

FOR: **Philip L. Nauert**, Mayor
 Amanda B. Nathan, Mayor Pro Tem
 Roman F. Reed, Councilman – Position No. 1
 Gus E. Pappas, Councilman – Position No. 3
 Pat B. McLaughlan, Councilman – Position No. 4
 Andrew S. Friedberg, Councilman – Position No. 5

OPPOSED: **None**

ABSENT: **James P. Avioli, Sr.**, Councilman – Position No. 2

 Tracy L. Dutton, TRMC
 City Clerk
 City of Bellaire, Texas

 Dr. Philip L. Nauert
 Mayor
 City of Bellaire, Texas

Approved: _____

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 01/27/14 07:00 PM
Department: City Clerk
Category: Report
Department Head: Tracy L. Dutton
DOC ID: 1064

ADOPTED**ACTION ITEM (ID # 1064)****Item Title:**

City Manager's Report dated January 27, 2014, regarding residential safety, public infrastructure and utilities, cultural and recreational interest items, communications and technology, employees, internal operations and productivity, crime and building permit indicators, and upcoming City Council meetings.

Background/Summary:

City Manager Bernard M. Satterwhite, Jr., will present a City Manager's Report dated January 27, 2014, for purposes of updating the Bellaire City Council regarding the following: residential safety, public infrastructure and utilities, cultural and recreational interest items, communications and technology, employees, internal operations and productivity, crime and building permit indicators, and upcoming City Council meetings.

Source of Funding:

Not Applicable.

Recommendation:

Acceptance of City Manager's Report.

ATTACHMENTS:

- City Manager Report 1-27-14 (DOC)

| | |
|------------------|---|
| RESULT: | ACCEPTED [UNANIMOUS] |
| MOVER: | Roman F. Reed, Councilman |
| SECONDER: | Gus E. Pappas, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

City of Bellaire City Manager Report January 27, 2014

Service Areas:

Residential Safety:

- Police Activity Report

Public Infrastructure/Utilities:

- Major Projects Report
- Evergreen Pool House update

Cultural and Recreational:

- "Trolley Tunes" - free outdoor concerts - start in April at the Great Lawn

Communications/Technology:

- New streaming video and agenda generation software active for this meeting

Employees:

-

Internal Operations/Productivity:

-

Indicators: (Quarterly)

-

Current Issues/Information:

-

Upcoming City Council Meetings/Events:

- Regular Meeting – February 3, 7pm – State of the City
- Executive Session – February 10, 7pm
- Regular Meeting – February 17, 7pm

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 01/27/14 07:00 PM
Department: Finance Administration
Category: Report
Department Head: Linda Symank
DOC ID: 1034

**SCHEDULED
ACTION ITEM (ID # 1034)**

Item Title:

Monthly Financial Report for the period ended December 31, 2013.

Background/Summary:

In accordance with the Charter of the City of Bellaire, Article VII, Section 4, Paragraph 3, as amended November 7, 2006, please find attached the monthly financial report for the three month ended December 31, 2013.

Source of Funding:

N/A

Recommendation:

Acceptance of the monthly financial report

ATTACHMENTS:

- 03 December 2013 (PDF)

CITY OF BELLAIRE
MONTHLY FINANCIAL REPORT
FOR THE THREE MONTH ENDED
DECEMBER 31, 2013

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City of Bellaire
General Fund
Revenues and Expenditures
YTD as of December 31, 2013

| | FY2014 Budget | FY2014 Unaudited 12/31/2013 | FY2013 Unaudited 12/31/2012 | Over/(Under) Variance |
|--------------------------------------|--------------------------|--|--|----------------------------------|
| Revenues | | | | |
| Property Taxes | 9,111,375 | 2,490,288 | 2,307,654 | 182,634 |
| Franchise Taxes | 1,366,000 | 398,066 | 405,823 | (7,757) |
| Sales Taxes | 2,000,000 | 888,581 | 543,515 | 345,066 |
| Permits | 606,500 | 168,276 | 194,971 | (26,695) |
| Fees | 303,146 | 80,507 | 99,770 | (19,263) |
| License | 3,300 | - | 1,481 | (1,481) |
| Intergovernmental | 3,500 | - | - | - |
| Rental | 24,200 | 7,204 | 9,697 | (2,493) |
| Aquatics | 332,000 | 5,728 | 11,568 | (5,840) |
| Program Fees | 182,000 | 29,835 | 23,893 | 5,942 |
| Athletics | 337,600 | 39,904 | 42,229 | (2,325) |
| Other Fees | 16,050 | 2,844 | 2,801 | 43 |
| Public Safety | 405,950 | 79,677 | 108,626 | (28,949) |
| Other Revenue | 6,000 | 1,348 | 1,383 | (35) |
| Fines | 730,000 | 192,427 | 134,370 | 58,057 |
| Investment Earnings | 28,300 | 5,969 | 8,743 | (2,774) |
| Miscellaneous | 27,830 | 7,733 | 93,408 | (85,675) |
| Sale of City Property | 10,000 | - | 482 | (482) |
| Total Operating Revenues | 15,493,751 | 4,398,387 | 3,990,414 | 407,973 |
| Operating Transfer In | 500,000 | 125,000 | 125,000 | - |
| Total Revenues | \$ 15,993,751 | \$ 4,523,387 | \$ 4,115,414 | \$ 407,973 |
| Expenditures | | | | |
| Organizational Services | 1,662,686 | 596,681 | 530,038 | 66,643 |
| Legal Service | 100,000 | 22,274 | 15,647 | 6,627 |
| Facilities | 765,034 | 143,415 | 143,853 | (438) |
| Finance | 1,103,064 | 259,304 | 257,740 | 1,564 |
| Community Development | 865,288 | 181,803 | 166,358 | 15,445 |
| Fire | 2,378,266 | 553,192 | 541,383 | 11,809 |
| Police | 4,846,178 | 1,101,680 | 1,096,617 | 5,063 |
| Parks & Recreation | 2,026,832 | 411,648 | 363,571 | 48,077 |
| Library | 637,276 | 148,101 | 145,532 | 2,569 |
| Public Works - Streets | 1,141,831 | 224,602 | 209,174 | 15,428 |
| Total Operating Expenditures | 15,526,455 | 3,642,700 | 3,469,913 | 172,787 |
| Sick Leave Buy Back | 15,000 | | | |
| Operating Transfer Out | 1,027,485 | 256,871 | 237,500 | 19,371 |
| Total Expenditures | \$ 16,568,940 | \$ 3,899,571 | \$ 3,707,413 | \$ 192,158 |
| Net Revenues/(Expenditures) | \$ (575,189) | \$ 623,816 | \$ 408,001 | \$ 215,815 |
| Unaudited Fund Balance 9/30/2013 | \$ 3,841,048 | | | |
| FY2014 Revenue Projections | 15,993,751 | | | |
| FY2014 Expenditure Budget | 16,568,940 | | | |
| Projected Ending Fund Balance | \$ 3,265,859 | | | |

City of Bellaire
Enterprise Fund
Revenues and Expenditures
YTD as of December 31, 2013

| | FY2014 Budget | FY2014 Unaudited 12/31/2013 | FY2013 Unaudited 12/31/2012 | Over/(Under) Variance |
|------------------------------------|--------------------------|--|--|----------------------------------|
| Revenues | | | | |
| Water | 3,555,000 | 925,541 | 1,117,873 | (192,332) |
| Wastewater | 2,360,000 | 615,013 | 592,229 | 22,784 |
| Solid Waste | 1,442,500 | 356,935 | 361,111 | (4,176) |
| Recycling | 40,000 | 6,412 | 12,584 | (6,172) |
| Charges for Service | 27,000 | 6,650 | 5,250 | 1,400 |
| Other Revenue | 44,600 | 15,483 | 149 | 15,334 |
| Investment Earnings | 7,000 | 2,370 | 3,597 | (1,227) |
| Miscellaneous | 15,500 | 3,132 | 4,316 | (1,184) |
| Total Revenues | \$ 7,491,600 | \$ 1,931,536 | \$ 2,097,109 | \$ (165,573) |
| Expenditures | | | | |
| Water Production | 561,590 | 108,440 | 92,875 | 15,565 |
| Water Distribution | 547,473 | 76,618 | 60,014 | 16,604 |
| Surface Water | 1,961,599 | 630,210 | 354,354 | 275,856 |
| Waste Water Collection | 452,692 | 78,355 | 95,409 | (17,054) |
| Waste Water Treatment | 1,085,245 | 189,392 | 156,764 | 32,628 |
| Solid Waste | 1,336,615 | 272,321 | 287,842 | (15,521) |
| Utility Billing | 249,326 | 50,650 | 46,374 | 4,276 |
| Total Operating Expenditures | 6,194,540 | 1,405,986 | 1,093,632 | 312,354 |
| Transfer Out | 4,197,000 | 1,049,250 | 548,650 | 500,600 |
| Total Expenditures | \$ 10,391,540 | \$ 2,455,236 | \$ 1,642,282 | \$ 812,954 |
| Net Revenues/(Expenditures) | \$ (2,899,940) | \$ (523,700) | \$ 454,827 | \$ (978,527) |
| Unaudited Fund Balance 9/30/2013 | \$ 5,951,898 | | | |
| FY2014 Revenue Projections | 7,491,600 | | | |
| FY2014 Expenditure Budget | 10,391,540 | | | |
| Projected Ending Fund Balance | <u>\$ 3,051,958</u> | | | |

City of Bellaire
Debt Service Fund
Revenues and Expenditures
YTD as of December 31, 2013

| | FY2014 Budget | FY2014 Unaudited 12/31/2013 | FY2013 Unaudited 12/31/2012 | Over/(Under) Variance |
|--------------------------------------|--------------------------|--|--|----------------------------------|
| Revenues | | | | |
| Property Taxes | 5,062,781 | 1,392,480 | 1,298,554 | 93,926 |
| Investment Earnings | 3,000 | 738 | 929 | (191) |
| Total Operating Revenues | 5,065,781 | 1,393,218 | 1,299,483 | 93,735 |
| Operating Transfer In | 950,000 | 237,500 | 237,500 | - |
| Total Revenues | \$ 6,015,781 | \$ 1,630,718 | \$ 1,536,983 | \$ 93,735 |
| Expenditures | | | | |
| Principal Payment | 3,690,000 | | | - |
| Interest Payment | 2,336,076 | | | - |
| Other Debt Expense | 11,900 | 1,600 | 1,600 | - |
| Total Expenditures | \$ 6,037,976 | 1,600 | \$ 1,600 | \$ - |
| Net Revenues/(Expenditures) | \$ (22,195) | \$ 1,629,118 | \$ 1,535,383 | \$ 93,735 |
| Unaudited Fund Balance 9/30/2013 | \$ 504,450 | | | |
| FY2014 Revenue Projections | 6,015,781 | | | |
| FY2014 Expenditure Budget | 6,037,976 | | | |
| Projected Ending Fund Balance | \$ 482,255 | | | |

City of Bellaire
Vet Fund
Revenues and Expenditures
YTD as of December 31, 2013

| | FY2014 Budget | FY2014 Unaudited 12/31/2013 | FY2013 Unaudited 12/31/2012 | Over/(Under) Variance |
|------------------------------------|--------------------------|--|--|----------------------------------|
| Revenues | | | | |
| Grants/Contributions | 7,500 | | | |
| Total Operating Revenues | 7,500 | - | - | - |
| Operating Transfer In | 1,310,544 | 327,636 | 310,150 | 17,486 |
| Total Revenues | \$ 1,318,044 | \$ 327,636 | \$ 310,150 | \$ 17,486 |
| Expenditures | | | | |
| Organizational Services | 100,200 | 43,126 | 35,078 | 8,048 |
| Finance | - | | 4,713 | (4,713) |
| Community Development | - | | 2,483 | (2,483) |
| Fire | 127,432 | 157 | 4,999 | (4,842) |
| Police | 216,941 | 19,880 | 121,118 | (101,238) |
| Parks & Recreation | 39,500 | 13,275 | 19,621 | (6,346) |
| Public Works | 25,000 | | | - |
| Enterprise Public Works | 910,000 | 241,132 | | |
| Total Expenditures | \$ 1,419,073 | \$ 317,570 | \$ 188,012 | \$ (111,574) |
| Net Revenues/(Expenditures) | \$ (101,029) | \$ 10,066 | \$ 122,138 | \$ 129,060 |
| Unaudited Fund Balance 9/30/2013 | \$ 457,251 | | | |
| FY2014 Revenue Projections | 1,318,044 | | | |
| FY2014 Expenditure Budget | 1,419,073 | | | |
| Projected Ending Fund Balance | <u>\$ 356,222</u> | | | |

City of Bellaire
CIP Fund
Revenues and Expenditures
YTD as of December 31, 2013

| | FY2014 Budget | FY2014 Unaudited 12/31/2013 | FY2013 Unaudited 12/31/2012 | Over/(Under) Variance |
|--|--------------------------|--|--|----------------------------------|
| Revenues | | | | |
| Operating Transfer In | 2,463,941 | 615,985 | 113,500 | 502,485 |
| Total Revenues | \$ 2,463,941 | \$ 615,985 | \$ 113,500 | \$ 502,485 |
| Projects | | | | |
| Ware Family Park Fencing | 15,000 | | | - |
| Russ Pittman Park Electrical Upgrades | 40,000 | | | - |
| Bellaire Little League Horn Field | 45,000 | | | - |
| Evergreen Pool Bathhouse | 150,136 | 6,145 | | 6,145 |
| Evergreen Pool Complex Security Upgrades | 21,600 | | | - |
| BFAC Chemical Room Upgrades | 24,000 | | | - |
| CenterPoint Community Center Maintenance | 30,500 | | | - |
| Henshaw House Fire Alarm System | 21,000 | | | - |
| HVAC Program | 50,000 | 4,127 | 14,830 | (10,703) |
| City Wide Beautification | 120,700 | | | - |
| Drainage Phase 4 | 499,561 | | | - |
| Facilities Assessment | | 313 | 16,145 | |
| Bellaire Pool / Fire Damage | 11,272 | 10,164 | | 10,164 |
| Central Elevated Storage Tanks | 366,866 | 249,014 | 12,679 | 236,335 |
| Wayfinding Signs | 35,000 | 12,500 | | 12,500 |
| Streetscapes Program | 29,130 | 1,875 | | 1,875 |
| Great Lawn | 225,879 | | 8,165 | |
| Total General Projects | 1,685,644 | 284,138 | 51,819 | 256,316 |
| New Well | 1,669,806 | 4,974 | | 4,974 |
| Evergreen Demo Site Soil Remediation | 232,062 | 20,610 | | 20,610 |
| Fine Screen Building Replacement | 201,000 | | | - |
| FY2013 WWT Electrical | 180,000 | | | - |
| Wastewater Treatment Bld Roof Refurbish | 33,000 | | | - |
| HVAC Program - Enterprise | 15,000 | | | - |
| Central Well Project | | | 28,186 | (28,186) |
| Total Enterprise Projects | 2,330,868 | 25,584 | 28,186 | (2,602) |
| Total Expenditures | \$ 4,016,512 | \$ 309,722 | \$ 80,005 | \$ 253,714 |
| Net Revenues/(Expenditures) | \$ (1,552,571) | \$ 306,263 | \$ 33,495 | \$ 248,771 |
| Unaudited Fund Balance 9/30/2013 | \$ 3,993,949 | | | |
| FY2014 Revenue Projections | 2,463,941 | | | |
| FY2014 Expenditure Budget | 4,016,512 | | | |
| Projected Ending Fund Balance | \$ 2,441,378 | | | |

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

PAGE **G.2.a**

100-GENERAL FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25

| | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % O BUDG |
|-------------------------------|-------------------|-------------------|--------------------------|------------------|---------------------|-------------------|-------------|
| REVENUE SUMMARY | | | | | | | |
| PROPERTY TAXES | 9,111,375.00 | 2,091,879.10 | 0.00 | 2,490,287.61 | 0.00 | 6,621,087.39 | 27 |
| FRANCHISE TAXES | 1,366,000.00 | 137,926.38 | 0.00 | 398,065.78 | 0.00 | 967,934.22 | 29 |
| SALES TAXES | 2,000,000.00 | 186,277.14 | 0.00 | 888,580.51 | 0.00 | 1,111,419.49 | 44 |
| PERMITS | 606,500.00 | 63,345.45 | 0.00 | 168,276.16 | 0.00 | 438,223.84 | 27 |
| FEES | 303,146.00 | 19,886.91 | 0.00 | 80,507.02 | 0.00 | 222,638.98 | 26 |
| LICENSE | 3,300.00 | 0.00 | 0.00 | 0.00 | 0.00 | 3,300.00 | 0 |
| INTERGOVERNMENTAL | 3,500.00 | 0.00 | 0.00 | 0.00 | 0.00 | 3,500.00 | 0 |
| RENTALS | 24,200.00 | 1,362.00 | 0.00 | 7,204.00 | 0.00 | 16,996.00 | 29 |
| AQUATICS | 332,000.00 | 200.63 | 0.00 | 5,728.29 | 0.00 | 326,271.71 | 1 |
| PROGRAM FEES | 182,000.00 | 7,049.05 | 0.00 | 29,834.97 | 0.00 | 152,165.03 | 16 |
| ATHLETICS | 337,600.00 | 2,241.50 | 0.00 | 39,904.50 | 0.00 | 297,695.50 | 11 |
| OTHER FEES | 16,050.00 | 988.00 | 0.00 | 2,844.19 | 0.00 | 13,205.81 | 17 |
| PUBLIC SAFETY | 405,950.00 | 22,566.04 | 0.00 | 79,677.50 | 0.00 | 326,272.50 | 19 |
| OTHER REVENUE | 6,000.00 | 421.90 | 0.00 | 1,348.40 | 0.00 | 4,651.60 | 22 |
| FINES | 730,000.00 | 54,612.59 | 0.00 | 192,426.68 | 0.00 | 537,573.32 | 26 |
| INVESTMENT REVENUE | 28,300.00 | 2,952.13 | 0.00 | 5,968.83 | 0.00 | 22,331.17 | 21 |
| MISC REVENUE | 27,830.00 | 2,529.44 | 0.00 | 7,732.62 | 0.00 | 20,097.38 | 27 |
| OTHER FINANCING SOURCES | 510,000.00 | 41,666.67 | 0.00 | 124,999.97 | 0.00 | 385,000.03 | 24 |
| TOTAL REVENUES | 15,993,751.00 | 2,635,904.93 | 0.00 | 4,523,387.03 | 0.00 | 11,470,363.97 | 28 |
| EXPENDITURE SUMMARY | | | | | | | |
| ORGANIZATIONAL SERVICES | | | | | | | |
| ORGANIZATIONAL SERVICES | 519,836.00 | 40,234.43 | 0.00 | 127,627.10 | 14,330.33 | 377,878.57 | 27 |
| HUMAN RESOURCES | 158,869.00 | 12,245.94 | 0.00 | 49,672.89 | 9,799.57 | 99,396.54 | 37 |
| CITY CLERK | 375,032.00 | 14,234.72 | 0.00 | 168,619.51 | 2,203.56 | 204,208.93 | 45 |
| COMM TECH SERVICES | 608,949.00 | 57,228.76 | 0.00 | 250,761.63 | 124,210.03 | 233,977.34 | 61 |
| TOTAL ORGANIZATIONAL SERVICES | 1,662,686.00 | 123,943.85 | 0.00 | 596,681.13 | 150,543.49 | 915,461.38 | 44 |
| LEGAL | | | | | | | |
| LEGAL | 100,000.00 | 22,274.12 | 0.00 | 22,274.12 | 77,725.88 | 0.00 | 100 |
| TOTAL LEGAL | 100,000.00 | 22,274.12 | 0.00 | 22,274.12 | 77,725.88 | 0.00 | 100 |
| FACILITIES | | | | | | | |
| FACILITIES | 765,034.00 | 61,747.69 | 0.00 | 143,415.20 | 162,687.20 | 458,931.60 | 40 |
| TOTAL FACILITIES | 765,034.00 | 61,747.69 | 0.00 | 143,415.20 | 162,687.20 | 458,931.60 | 40 |
| FINANCE DEPARTMENT | | | | | | | |
| FINANCE | 1,103,064.00 | 77,470.56 | 0.00 | 259,303.40 | 85,199.21 | 758,561.39 | 31 |
| TOTAL FINANCE DEPARTMENT | 1,103,064.00 | 77,470.56 | 0.00 | 259,303.40 | 85,199.21 | 758,561.39 | 31 |
| COMMUNITY DEVELOPMENT | | | | | | | |
| COMMUNITY DEVELOPMENT | 865,288.00 | 53,978.50 | 0.00 | 181,803.28 | 10,547.33 | 672,937.39 | 22 |
| TOTAL COMMUNITY DEVELOPMENT | 865,288.00 | 53,978.50 | 0.00 | 181,803.28 | 10,547.33 | 672,937.39 | 22 |

Attachment: 03 December 2013 (1034 : Monthly Financial Report - 12/31/2013)

1 ~ GENERAL FUND

1 ^ ~ GENERAL FUND
F NCIAL SUMMARY

| DATE | DESCRIPTION | AMOUNT | CHECK NO. | BANK | DATE | DESCRIPTION | AMOUNT | CHECK NO. | BANK |
|------------|-------------|--------|-----------|------|------------|-------------|--------|-----------|------|
| 10/1/2023 | DEPOSIT | 25.00 | | | 10/1/2023 | DEPOSIT | 25.00 | | |
| 10/2/2023 | DEPOSIT | 25.00 | | | 10/2/2023 | DEPOSIT | 25.00 | | |
| 10/3/2023 | DEPOSIT | 25.00 | | | 10/3/2023 | DEPOSIT | 25.00 | | |
| 10/4/2023 | DEPOSIT | 25.00 | | | 10/4/2023 | DEPOSIT | 25.00 | | |
| 10/5/2023 | DEPOSIT | 25.00 | | | 10/5/2023 | DEPOSIT | 25.00 | | |
| 10/6/2023 | DEPOSIT | 25.00 | | | 10/6/2023 | DEPOSIT | 25.00 | | |
| 10/7/2023 | DEPOSIT | 25.00 | | | 10/7/2023 | DEPOSIT | 25.00 | | |
| 10/8/2023 | DEPOSIT | 25.00 | | | 10/8/2023 | DEPOSIT | 25.00 | | |
| 10/9/2023 | DEPOSIT | 25.00 | | | 10/9/2023 | DEPOSIT | 25.00 | | |
| 10/10/2023 | DEPOSIT | 25.00 | | | 10/10/2023 | DEPOSIT | 25.00 | | |
| 10/11/2023 | DEPOSIT | 25.00 | | | 10/11/2023 | DEPOSIT | 25.00 | | |
| 10/12/2023 | DEPOSIT | 25.00 | | | 10/12/2023 | DEPOSIT | 25.00 | | |
| 10/13/2023 | DEPOSIT | 25.00 | | | 10/13/2023 | DEPOSIT | 25.00 | | |
| 10/14/2023 | DEPOSIT | 25.00 | | | 10/14/2023 | DEPOSIT | 25.00 | | |
| 10/15/2023 | DEPOSIT | 25.00 | | | 10/15/2023 | DEPOSIT | 25.00 | | |
| 10/16/2023 | DEPOSIT | 25.00 | | | 10/16/2023 | DEPOSIT | 25.00 | | |
| 10/17/2023 | DEPOSIT | 25.00 | | | 10/17/2023 | DEPOSIT | 25.00 | | |
| 10/18/2023 | DEPOSIT | 25.00 | | | 10/18/2023 | DEPOSIT | 25.00 | | |
| 10/19/2023 | DEPOSIT | 25.00 | | | 10/19/2023 | DEPOSIT | 25.00 | | |
| 10/20/2023 | DEPOSIT | 25.00 | | | 10/20/2023 | DEPOSIT | 25.00 | | |
| 10/21/2023 | DEPOSIT | 25.00 | | | 10/21/2023 | DEPOSIT | 25.00 | | |
| 10/22/2023 | DEPOSIT | 25.00 | | | 10/22/2023 | DEPOSIT | 25.00 | | |
| 10/23/2023 | DEPOSIT | 25.00 | | | 10/23/2023 | DEPOSIT | 25.00 | | |
| 10/24/2023 | DEPOSIT | 25.00 | | | 10/24/2023 | DEPOSIT | 25.00 | | |
| 10/25/2023 | DEPOSIT | 25.00 | | | 10/25/2023 | DEPOSIT | 25.00 | | |
| 10/26/2023 | DEPOSIT | 25.00 | | | 10/26/2023 | DEPOSIT | 25.00 | | |
| 10/27/2023 | DEPOSIT | 25.00 | | | 10/27/2023 | DEPOSIT | 25.00 | | |
| 10/28/2023 | DEPOSIT | 25.00 | | | 10/28/2023 | DEPOSIT | 25.00 | | |
| 10/29/2023 | DEPOSIT | 25.00 | | | 10/29/2023 | DEPOSIT | 25.00 | | |
| 10/30/2023 | DEPOSIT | 25.00 | | | 10/30/2023 | DEPOSIT | 25.00 | | |
| 10/31/2023 | DEPOSIT | 25.00 | | | 10/31/2023 | DEPOSIT | 25.00 | | |
| 11/1/2023 | DEPOSIT | 25.00 | | | 11/1/2023 | DEPOSIT | 25.00 | | |
| 11/2/2023 | DEPOSIT | 25.00 | | | 11/2/2023 | DEPOSIT | 25.00 | | |
| 11/3/2023 | DEPOSIT | 25.00 | | | 11/3/2023 | DEPOSIT | 25.00 | | |
| 11/4/2023 | DEPOSIT | 25.00 | | | 11/4/2023 | DEPOSIT | 25.00 | | |
| 11/5/2023 | DEPOSIT | 25.00 | | | 11/5/2023 | DEPOSIT | 25.00 | | |
| 11/6/2023 | DEPOSIT | 25.00 | | | 11/6/2023 | DEPOSIT | 25.00 | | |
| 11/7/2023 | DEPOSIT | 25.00 | | | 11/7/2023 | DEPOSIT | 25.00 | | |
| 11/8/2023 | DEPOSIT | 25.00 | | | 11/8/2023 | DEPOSIT | 25.00 | | |
| 11/9/2023 | DEPOSIT | 25.00 | | | 11/9/2023 | DEPOSIT | 25.00 | | |
| 11/10/2023 | DEPOSIT | 25.00 | | | 11/10/2023 | DEPOSIT | 25.00 | | |
| 11/11/2023 | DEPOSIT | 25.00 | | | 11/11/20 | | | | |

| | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % OF BUDGET |
|-------------------------------|---------------------|-------------------|--------------------------|---------------------|---------------------|---------------------|----------------|
| E DEPARTMENT | | | | | | | |
| RE | | | | | | | |
| TOTAL FIRE DEPARTMENT | 2,378,266.00 | 166,528.86 | 0.00 | 553,191.50 | 21,741.34 | 1,803,333.16 | 24.17 |
| | <u>2,378,266.00</u> | <u>166,528.86</u> | <u>0.00</u> | <u>553,191.50</u> | <u>21,741.34</u> | <u>1,803,333.16</u> | <u>24.17</u> |
| ICE DEPARTMENT | | | | | | | |
| LICE | | | | | | | |
| TOTAL POLICE DEPARTMENT | 4,846,178.00 | 324,803.02 | 12.75 | 1,101,679.72 | 26,734.78 | 3,717,763.50 | 23.28 |
| | <u>4,846,178.00</u> | <u>324,803.02</u> | <u>12.75</u> | <u>1,101,679.72</u> | <u>26,734.78</u> | <u>3,717,763.50</u> | <u>23.28</u> |
| KS DEPARTMENT | | | | | | | |
| RD - ADMINISTRATION | 164,228.00 | 12,225.43 | 0.00 | 40,257.45 | 266.59 | 123,703.96 | 24.68 |
| RD - MAINTENANCE | 503,711.00 | 45,086.36 | 0.00 | 125,339.98 | 143,697.99 | 234,673.03 | 53.41 |
| RD - RECREATION | 542,501.00 | 38,122.68 | 0.00 | 114,372.23 | 80.00 | 428,048.77 | 21.10 |
| RD - AQUATICS | 553,516.00 | 35,977.80 | 0.00 | 96,512.76 | 7,740.61 | 449,262.63 | 18.83 |
| RD - ATHLETICS & YOUTH | 262,876.00 | 9,395.74 | 0.00 | 35,165.80 | 2,786.73 | 224,923.47 | 14.44 |
| TOTAL PARKS DEPARTMENT | <u>2,026,832.00</u> | <u>140,808.01</u> | <u>0.00</u> | <u>411,648.22</u> | <u>154,571.92</u> | <u>1,460,611.86</u> | <u>27.94</u> |
| RARY | | | | | | | |
| BRARY | | | | | | | |
| TOTAL LIBRARY | 637,276.00 | 45,069.47 | 0.00 | 148,101.07 | 4,801.38 | 484,373.55 | 23.99 |
| | <u>637,276.00</u> | <u>45,069.47</u> | <u>0.00</u> | <u>148,101.07</u> | <u>4,801.38</u> | <u>484,373.55</u> | <u>23.99</u> |
| LIC WORKS | | | | | | | |
| - STREETS | 1,141,831.00 | 72,261.95 | 6,208.33 | 224,601.80 | 126,548.59 | 790,680.61 | 30.75 |
| TOTAL PUBLIC WORKS | <u>1,141,831.00</u> | <u>72,261.95</u> | <u>6,208.33</u> | <u>224,601.80</u> | <u>126,548.59</u> | <u>790,680.61</u> | <u>30.75</u> |
| DEPARTMENTAL | | | | | | | |
| NDEPARTMENTAL | | | | | | | |
| TOTAL NONDEPARTMENTAL | 1,042,485.00 | 85,623.75 | 0.00 | 256,871.25 | 0.00 | 785,613.75 | 24.64 |
| | <u>1,042,485.00</u> | <u>85,623.75</u> | <u>0.00</u> | <u>256,871.25</u> | <u>0.00</u> | <u>785,613.75</u> | <u>24.64</u> |
| L EXPENDITURES | 16,568,940.00 | 1,174,509.78 | 6,221.08 | 3,899,570.69 | 821,101.12 | 11,848,268.19 | 28.49 |
| | | | | | | | |
| NUE OVER/(UNDER) EXPENDITURES | (575,189.00) | 1,461,395.15 | 6,221.08 | 623,816.34 | (821,101.12) | (377,904.22) | 34.30 |

EXPENDITURES

34.30

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

100-GENERAL FUND

% OF YEAR COMPLETED: 25

| REVENUES | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % O' BUDG |
|-------------------------------------|---------------------|---------------------|--------------------------|---------------------|---------------------|---------------------|--------------|
| PROPERTY TAXES | | | | | | | |
| 4001 TAXES - CURRENT | 9,009,375.00 | 2,086,508.80 | 0.00 | 2,504,914.89 | 0.00 | 6,504,460.11 | 27 |
| 4002 TAXES - DELINQUENT | 32,000.00 | 2,689.21 | 0.00 | (19,700.41) | 0.00 | 51,700.41 | 61 |
| 4003 TAXES - PENALTY & INTEREST | 60,000.00 | 2,505.01 | 0.00 | 4,787.35 | 0.00 | 55,212.65 | 7 |
| 4004 TAXES - OVERPAYMENTS | 5,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 5,000.00 | 0 |
| 4005 TAXES - OTHER | 5,000.00 | 176.08 | 0.00 | 285.78 | 0.00 | 4,714.22 | 5 |
| TOTAL PROPERTY TAXES | 9,111,375.00 | 2,091,879.10 | 0.00 | 2,490,287.61 | 0.00 | 6,621,087.39 | 27 |
| FRANCHISE TAXES | | | | | | | |
| 4020 FRANCHISE TAXES - ELECTRIC | 856,000.00 | 137,688.92 | 0.00 | 275,377.84 | 0.00 | 580,622.16 | 32 |
| 4021 FRANCHISE TAXES - GAS | 110,000.00 | 0.00 | 0.00 | 18,506.01 | 0.00 | 91,493.99 | 16 |
| 4022 FRANCHISE TAXES - TELEPHONE | 120,000.00 | 237.46 | 0.00 | 32,940.98 | 0.00 | 87,059.02 | 27 |
| 4023 FRANCHISE TAXES - CABLE | 280,000.00 | 0.00 | 0.00 | 71,240.95 | 0.00 | 208,759.05 | 25 |
| TOTAL FRANCHISE TAXES | 1,366,000.00 | 137,926.38 | 0.00 | 398,065.78 | 0.00 | 967,934.22 | 29 |
| SALES TAXES | | | | | | | |
| 4030 TAXES - SALES | 2,000,000.00 | 186,277.14 | 0.00 | 888,580.51 | 0.00 | 1,111,419.49 | 44 |
| TOTAL SALES TAXES | 2,000,000.00 | 186,277.14 | 0.00 | 888,580.51 | 0.00 | 1,111,419.49 | 44 |
| PERMITS | | | | | | | |
| 4100 PERMITS - FOOD | 19,000.00 | 3,149.00 | 0.00 | 3,612.00 | 0.00 | 15,388.00 | 19 |
| 4102 PERMITS - FIRE, PLUMB'G, GAS | 86,000.00 | 7,266.00 | 0.00 | 23,345.25 | 0.00 | 62,654.75 | 27 |
| 4103 PERMITS - ELECTRICAL | 47,000.00 | 2,648.75 | 0.00 | 12,268.75 | 0.00 | 34,731.25 | 26 |
| 4104 PERMITS - BUILDING | 350,000.00 | 42,634.70 | 0.00 | 102,108.94 | 0.00 | 247,891.06 | 29 |
| 4105 PERMITS - AIR & HEAT | 40,000.00 | 2,514.00 | 0.00 | 8,854.50 | 0.00 | 31,145.50 | 22 |
| 4106 PERMITS - MOVING & DEMOLITION | 19,000.00 | 1,548.00 | 0.00 | 5,116.00 | 0.00 | 13,884.00 | 26 |
| 4107 PERMITS - SIGNS | 12,050.00 | 639.00 | 0.00 | 2,624.72 | 0.00 | 9,425.28 | 21 |
| 4108 PERMITS - GARAGE SALE | 3,150.00 | 200.00 | 0.00 | 1,057.00 | 0.00 | 2,093.00 | 33 |
| 4109 PERMITS - CURB CUT | 6,000.00 | 605.00 | 0.00 | 2,087.00 | 0.00 | 3,913.00 | 34 |
| 4110 PERMITS - ELEVATORS | 300.00 | 87.00 | 0.00 | 87.00 | 0.00 | 213.00 | 29 |
| 4112 PERMITS - TREE REMOVAL | 24,000.00 | 2,054.00 | 0.00 | 7,115.00 | 0.00 | 16,885.00 | 29 |
| TOTAL PERMITS | 606,500.00 | 63,345.45 | 0.00 | 168,276.16 | 0.00 | 438,223.84 | 27 |
| FEES | | | | | | | |
| 4120 FEES - PUBLIC HEARING APPEALS | 11,500.00 | 1,151.00 | 0.00 | 3,436.00 | 0.00 | 8,064.00 | 29 |
| 4121 FEES - CONTRACTOR REGISTRATION | 76,923.00 | 6,851.00 | 0.00 | 23,593.00 | 0.00 | 53,330.00 | 30 |
| 4122 FEES - RESIDENTIAL INSPECTION | 16,423.00 | 603.00 | 0.00 | 2,680.00 | 0.00 | 13,743.00 | 16 |
| 4123 FEES - COMMERCIAL INSPECTION | 7,000.00 | 468.00 | 0.00 | 1,404.00 | 0.00 | 5,596.00 | 20 |
| 4129 FEES - DRAINAGE REVIEW | 16,000.00 | 900.00 | 0.00 | 4,200.00 | 0.00 | 11,800.00 | 26 |
| 4130 FEES - PLAN CHECK | 175,000.00 | 9,913.91 | 0.00 | 45,194.02 | 0.00 | 129,805.98 | 25 |
| 4131 FEES - DUMPSTER SIGNS | 300.00 | 0.00 | 0.00 | 0.00 | 0.00 | 300.00 | 0 |
| TOTAL FEES | 303,146.00 | 19,886.91 | 0.00 | 80,507.02 | 0.00 | 222,638.98 | 26 |

Attachment: 03 December 2013 (1034 : Monthly Financial Report - 12/31/2013)

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

1 ~ GENERAL FUND

% OF YEAR COMPLETED: 25.00

| REVENUES | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % OF BUDGET |
|--------------------------------|----------------|----------------|-----------------------|---------------|------------------|----------------|-------------|
| LIQUOR & BEER | | | | | | | |
| LICENSES - LIQUOR & BEER | 3,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 3,000.00 | 0.00 |
| LICENSES - ITINERANT MERCHANT | 300.00 | 0.00 | 0.00 | 0.00 | 0.00 | 300.00 | 0.00 |
| TOTAL LICENSE | 3,300.00 | 0.00 | 0.00 | 0.00 | 0.00 | 3,300.00 | 0.00 |
| INTERGOVERNMENTAL | | | | | | | |
| INTERGOVERNMENTAL | 3,500.00 | 0.00 | 0.00 | 0.00 | 0.00 | 3,500.00 | 0.00 |
| TOTAL INTERGOVERNMENTAL | 3,500.00 | 0.00 | 0.00 | 0.00 | 0.00 | 3,500.00 | 0.00 |
| RENTALS - GYM | | | | | | | |
| RENTALS - CIVIC CENTER | 4,500.00 | 475.00 | 0.00 | 1,655.00 | 0.00 | 2,845.00 | 36.78 |
| RENTALS - TENNIS COURT | 11,000.00 | 585.00 | 0.00 | 3,775.00 | 0.00 | 7,225.00 | 34.32 |
| RENTALS - AQUATIC CENTER | 5,000.00 | 202.00 | 0.00 | 1,359.00 | 0.00 | 3,641.00 | 27.18 |
| RENTALS - PARK FACILITIES | 2,500.00 | 100.00 | 0.00 | 415.00 | 0.00 | 2,085.00 | 16.60 |
| TOTAL RENTALS | 1,200.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,200.00 | 0.00 |
| TOTAL RENTALS | 24,200.00 | 1,362.00 | 0.00 | 7,204.00 | 0.00 | 16,996.00 | 29.77 |
| AQUATICS | | | | | | | |
| AQUATICS ADMISSION - EVERGREEN | 20,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 20,000.00 | 0.00 |
| AQUATICS ADMISSION - BELLAIRE | 130,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 130,000.00 | 0.00 |
| AQUATICS - SWIM LESSONS | 45,000.00 | 50.00 | 0.00 | 404.80 | 0.00 | 44,595.20 | 0.90 |
| AQUATICS - POOL RENTALS | 30,000.00 | 0.00 | 0.00 | 4,515.00 | 0.00 | 25,485.00 | 15.05 |
| AQUATICS - SWIM TEAM | 27,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 27,000.00 | 0.00 |
| AQUATICS - ANNUAL SWIM PASS | 80,000.00 | 130.00 | 0.00 | 730.00 | 0.00 | 79,270.00 | 0.91 |
| AQUATICS - VENDING | 0.00 | 20.63 | 0.00 | 78.49 | 0.00 | (78.49) | 0.00 |
| TOTAL AQUATICS | 332,000.00 | 200.63 | 0.00 | 5,728.29 | 0.00 | 326,271.71 | 1.73 |
| RAM FEES | | | | | | | |
| PROGRAMS - LEISURE CLASS | 160,000.00 | 5,832.05 | 0.00 | 16,876.35 | 0.00 | 143,123.65 | 10.55 |
| PROGRAMS - TEEN | 7,000.00 | 452.00 | 0.00 | 1,565.00 | 0.00 | 5,435.00 | 22.36 |
| PROGRAMS - SPECIAL EVENTS | 9,000.00 | 765.00 | 0.00 | 10,375.00 | 0.00 | (1,375.00) | 115.28 |
| PROGRAMS - L.I.F.E. | 6,000.00 | 0.00 | 0.00 | 1,018.62 | 0.00 | 4,981.38 | 16.98 |
| TOTAL PROGRAM FEES | 182,000.00 | 7,049.05 | 0.00 | 29,834.97 | 0.00 | 152,165.03 | 16.39 |
| ATHLETICS | | | | | | | |
| ATHLETICS - LEAGUES | 65,000.00 | 16.00 | 0.00 | 36,468.00 | 0.00 | 28,532.00 | 56.10 |
| ATHLETICS - ORGANIZATION FEE | 5,600.00 | 0.00 | 0.00 | 0.00 | 0.00 | 5,600.00 | 0.00 |
| ATHLETICS - CAMPS | 260,000.00 | 2,257.50 | 0.00 | 3,436.50 | 0.00 | 256,563.50 | 1.32 |
| ATHLETICS - TENNIS/GOLF | 7,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 7,000.00 | 0.00 |
| TOTAL ATHLETICS | 337,600.00 | 2,241.50 | 0.00 | 39,904.50 | 0.00 | 297,695.50 | 11.82 |
| RECREATION | | | | | | | |
| FEES - RECREATION CENTER | 1,000.00 | 130.00 | 0.00 | 365.00 | 0.00 | 635.00 | 36.50 |
| FEES - CENTER ID CARD | 50.00 | 0.00 | 0.00 | 0.00 | 0.00 | 50.00 | 0.00 |
| FEES - RECREATION MEMBERSHIP | 15,000.00 | 858.00 | 0.00 | 2,435.33 | 0.00 | 12,564.67 | 16.24 |
| FEES - VENDING - REC. CENTER | 0.00 | 0.00 | 0.00 | 43.86 | 0.00 | (43.86) | 0.00 |
| TOTAL OTHER FEES | 16,050.00 | 988.00 | 0.00 | 2,844.19 | 0.00 | 13,205.81 | 17.72 |

Attachment: 03 December 2013 (1034 : Monthly Financial Report - 12/31/2013)

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

PAGE

G.2.a

100-GENERAL FUND

% OF YEAR COMPLETED: 25

| REVENUES | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % O BUDG |
|----------------------------------|-------------------|-------------------|--------------------------|------------------|---------------------|-------------------|-------------|
| PUBLIC SAFETY | | | | | | | |
| 4500 PERMITS - ALARM | 26,500.00 | 975.00 | 0.00 | 6,305.00 | 0.00 | 20,195.00 | 23 |
| 4501 PERMITS - FALSE ALARM | 6,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 6,000.00 | 0 |
| 4502 FEES - WRECKER | 32,650.00 | 150.00 | 0.00 | 350.00 | 0.00 | 32,300.00 | 1 |
| 4503 AMBULANCE | 300,000.00 | 18,665.91 | 0.00 | 65,415.22 | 0.00 | 234,584.78 | 21 |
| 4504 RESCUE BILLING - MVA | 22,000.00 | 1,520.00 | 0.00 | 3,128.00 | 0.00 | 18,872.00 | 14 |
| 4505 CHILD SAFETY PROGRAM | 18,500.00 | 1,255.13 | 0.00 | 4,479.28 | 0.00 | 14,020.72 | 24 |
| 4507 SELF DEFENSE FEE | 300.00 | 0.00 | 0.00 | 0.00 | 0.00 | 300.00 | 0 |
| TOTAL PUBLIC SAFETY | 405,950.00 | 22,566.04 | 0.00 | 79,677.50 | 0.00 | 326,272.50 | 19 |
| OTHER REVENUE | | | | | | | |
| 4520 MISC FEES - COPY | 6,000.00 | 421.90 | 0.00 | 1,348.40 | 0.00 | 4,651.60 | 22 |
| TOTAL OTHER REVENUE | 6,000.00 | 421.90 | 0.00 | 1,348.40 | 0.00 | 4,651.60 | 22 |
| FINES | | | | | | | |
| 4600 MUNICIPAL COURT | 700,000.00 | 52,911.10 | 0.00 | 186,651.36 | 0.00 | 513,348.64 | 26 |
| 4601 LIBRARY | 30,000.00 | 1,701.49 | 0.00 | 5,775.32 | 0.00 | 24,224.68 | 19 |
| TOTAL FINES | 730,000.00 | 54,612.59 | 0.00 | 192,426.68 | 0.00 | 537,573.32 | 26 |
| INVESTMENT REVENUE | | | | | | | |
| 4710 INTEREST - INVESTMENTS | 24,000.00 | 2,647.43 | 0.00 | 4,700.73 | 0.00 | 19,299.27 | 19 |
| 4715 FEES - CREDIT CARDS | 4,300.00 | 304.70 | 0.00 | 1,268.10 | 0.00 | 3,031.90 | 29 |
| TOTAL INVESTMENT REVENUE | 28,300.00 | 2,952.13 | 0.00 | 5,968.83 | 0.00 | 22,331.17 | 21 |
| MISC REVENUE | | | | | | | |
| 4730 MISC REVENUE | 15,000.00 | 2,429.44 | 0.00 | 5,291.93 | 0.00 | 9,708.07 | 35 |
| 4731 REIMBURSEMENTS - INSURANCE | 10,000.00 | 0.00 | 0.00 | 2,180.69 | 0.00 | 7,819.31 | 21 |
| 4732 COMMISSIONS - TELE/VENDING | 230.00 | 0.00 | 0.00 | 0.00 | 0.00 | 230.00 | 0 |
| 4733 ANIMAL CONTROL FEES | 2,150.00 | 100.00 | 0.00 | 200.00 | 0.00 | 1,950.00 | 9 |
| 4734 FEES - RETURN CHECK | 450.00 | 0.00 | 0.00 | 60.00 | 0.00 | 390.00 | 13 |
| TOTAL MISC REVENUE | 27,830.00 | 2,529.44 | 0.00 | 7,732.62 | 0.00 | 20,097.38 | 27 |
| OTHER FINANCING SOURCES | | | | | | | |
| 4770 SALE OF CITY PROPERTY - F/A | 10,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 10,000.00 | 0 |
| 4775 TRANSFERS FROM | 500,000.00 | 41,666.67 | 0.00 | 124,999.97 | 0.00 | 375,000.03 | 25 |
| TOTAL OTHER FINANCING SOURCES | 510,000.00 | 41,666.67 | 0.00 | 124,999.97 | 0.00 | 385,000.03 | 24 |
| CONTRIBUTIONS | | | | | | | |
| ** TOTAL REVENUES ** | 15,993,751.00 | 2,635,904.93 | 0.00 | 4,523,387.03 | 0.00 | 11,470,363.97 | 28 |

Attachment: 03 December 2013 (1034 : Monthly Financial Report - 12/31/2013)

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

2013 SPECIAL REVENUE FUND
FUND SUMMARY

% OF YEAR COMPLETED: 25.00

| | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % OF BUDGET |
|-----------------------------------|-------------------|-------------------|--------------------------|------------------|---------------------|-------------------|----------------|
| <u>REVENUE SUMMARY</u> | | | | | | | |
| ANCHISE TAXES | 56,000.00 | 0.00 | 0.00 | 14,248.15 | 0.00 | 41,751.85 | 25.44 |
| FEES | 46,000.00 | 3,263.87 | 0.00 | 12,037.71 | 0.00 | 33,962.29 | 26.17 |
| CONTRIBUTIONS | 44,500.00 | 250.00 | 0.00 | 260.00 | 0.00 | 44,240.00 | 0.58 |
| TOTAL REVENUES | 146,500.00 | 3,513.87 | 0.00 | 26,545.86 | 0.00 | 119,954.14 | 18.12 |
| <u>EXPENDITURE SUMMARY</u> | | | | | | | |
| ADMINISTRATIVE DEPARTMENT | | | | | | | |
| ADMINISTRATIVE | 18,504.00 | 0.00 | 0.00 | 0.00 | 17,490.00 | 1,014.00 | 94.52 |
| TOTAL FINANCE DEPARTMENT | 18,504.00 | 0.00 | 0.00 | 0.00 | 17,490.00 | 1,014.00 | 94.52 |
| ENGINEERING DEPARTMENT | | | | | | | |
| ENGINEERING | 1,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,000.00 | 0.00 |
| TOTAL FIRE DEPARTMENT | 1,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,000.00 | 0.00 |
| ICE DEPARTMENT | | | | | | | |
| ICE | 14,930.00 | 0.00 | 0.00 | 0.00 | 0.00 | 14,930.00 | 0.00 |
| TOTAL POLICE DEPARTMENT | 14,930.00 | 0.00 | 0.00 | 0.00 | 0.00 | 14,930.00 | 0.00 |
| ROADS - MAINT | | | | | | | |
| ROADS | 8,049.00 | 0.00 | 0.00 | 0.00 | 0.00 | 8,049.00 | 0.00 |
| TOTAL PARD | 8,049.00 | 0.00 | 0.00 | 0.00 | 0.00 | 8,049.00 | 0.00 |
| LIBRARY | | | | | | | |
| LIBRARY | 11,500.00 | 0.00 | 0.00 | 1,480.49 | 0.00 | 10,019.51 | 12.87 |
| TOTAL LIBRARY | 11,500.00 | 0.00 | 0.00 | 1,480.49 | 0.00 | 10,019.51 | 12.87 |
| DEPARTMENTAL | | | | | | | |
| DEPARTMENTAL | 65,000.00 | 0.00 | 0.00 | 14,931.00 | 16,850.00 | 33,219.00 | 48.89 |
| TOTAL NONDEPARTMENTAL | 65,000.00 | 0.00 | 0.00 | 14,931.00 | 16,850.00 | 33,219.00 | 48.89 |
| TOTAL EXPENDITURES | 118,983.00 | 0.00 | 0.00 | 16,411.49 | 34,340.00 | 68,231.51 | 42.65 |
| REVENUE OVER/(UNDER) EXPENDITURES | 27,517.00 | 3,513.87 | 0.00 | 10,134.37 | 34,340.00 | 51,722.63 | 87.97 |

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
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PAGE **G.2.a**

200-SPECIAL REVENUE FUND

% OF YEAR COMPLETED: 25

| REVENUES | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % O BUDG. |
|-----------------------------------|-------------------|-------------------|--------------------------|------------------|---------------------|-------------------|--------------|
| FRANCHISE TAXES | | | | | | | |
| 4024 FRANCHISE TAXES - PEG | 56,000.00 | 0.00 | 0.00 | 14,248.15 | 0.00 | 41,751.85 | 25 |
| TOTAL FRANCHISE TAXES | 56,000.00 | 0.00 | 0.00 | 14,248.15 | 0.00 | 41,751.85 | 25 |
| FINES | | | | | | | |
| 4602 COURT TECHNOLOGY | 28,000.00 | 1,866.81 | 0.00 | 6,880.44 | 0.00 | 21,119.56 | 24 |
| 4603 COURT SECURITY | 18,000.00 | 1,397.06 | 0.00 | 5,157.27 | 0.00 | 12,842.73 | 28 |
| TOTAL FINES | 46,000.00 | 3,263.87 | 0.00 | 12,037.71 | 0.00 | 33,962.29 | 26 |
| CONTRIBUTIONS | | | | | | | |
| 4800 CONTRIBUTION - FIRE | 500.00 | 0.00 | 0.00 | 0.00 | 0.00 | 500.00 | 0 |
| 4811 LEOSE - POLICE | 2,500.00 | 0.00 | 0.00 | 0.00 | 0.00 | 2,500.00 | 0 |
| 4812 SEIZED PROPERTIES ARTICLE 59 | 10,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 10,000.00 | 0 |
| 4820 CONTRIBUTION - LIBRARY | 3,500.00 | 250.00 | 0.00 | 260.00 | 0.00 | 3,240.00 | 7 |
| 4821 MEMORIALS - LIBRARY | 1,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,000.00 | 0 |
| 4822 FRIENDS OF BELLAIRE LIBRARY | 7,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 7,000.00 | 0 |
| 4831 NATURE DISCOVERY CENTER | 20,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 20,000.00 | 0 |
| TOTAL CONTRIBUTIONS | 44,500.00 | 250.00 | 0.00 | 260.00 | 0.00 | 44,240.00 | 0 |
| *** TOTAL REVENUES *** | 146,500.00 | 3,513.87 | 0.00 | 26,545.86 | 0.00 | 119,954.14 | 18 |

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CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

3~ DEBT SERVICE
F NCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

| | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % OF BUDGET |
|--------------------------------------|---------------------|---------------------|--------------------------|---------------------|---------------------|------------------------|-----------------|
| <u>NUE SUMMARY</u> | | | | | | | |
| PROPERTY TAXES | 5,062,781.00 | 1,170,589.81 | 0.00 | 1,392,480.14 | 0.00 | 3,670,300.86 | 27.50 |
| VESTMENT REVENUE | 3,000.00 | 589.11 | 0.00 | 737.92 | 0.00 | 2,262.08 | 24.60 |
| OTHER FINANCING SOURCES | 950,000.00 | 79,166.67 | 0.00 | 237,499.97 | 0.00 | 712,500.03 | 25.00 |
| <u>T L REVENUES</u> | <u>6,015,781.00</u> | <u>1,250,345.59</u> | <u>0.00</u> | <u>1,630,718.03</u> | <u>0.00</u> | <u>4,385,062.97</u> | <u>27.11</u> |
| <u>NDITURE SUMMARY</u> | | | | | | | |
| <u>T SERVICE</u> | | | | | | | |
| BT | 6,037,976.00 | 550.00 | 0.00 | 1,600.00 | 6,800.00 | 6,029,576.00 | 0.14 |
| <u>TOTAL DEBT SERVICE</u> | <u>6,037,976.00</u> | <u>550.00</u> | <u>0.00</u> | <u>1,600.00</u> | <u>6,800.00</u> | <u>6,029,576.00</u> | <u>0.14</u> |
| <u>T L EXPENDITURES</u> | <u>6,037,976.00</u> | <u>550.00</u> | <u>0.00</u> | <u>1,600.00</u> | <u>6,800.00</u> | <u>6,029,576.00</u> | <u>0.14</u> |
| <u>NUE OVER/(UNDER) EXPENDITURES</u> | <u>(22,195.00)</u> | <u>1,249,795.59</u> | <u>0.00</u> | <u>1,629,118.03</u> | <u>(6,800.00)</u> | <u>(1,644,513.03)</u> | <u>7,309.39</u> |

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

PAGE **G.2.a**

300-DEBT SERVICE

% OF YEAR COMPLETED: 25

| REVENUES | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % O BUDG |
|--------------------------------|-------------------|-------------------|--------------------------|------------------|---------------------|-------------------|-------------|
| PROPERTY TAXES | | | | | | | |
| 4001 TAXES - CURRENT | 5,047,781.00 | 1,169,083.03 | 0.00 | 1,403,518.39 | 0.00 | 3,644,262.61 | 27 |
| 4002 TAXES - DELINQUENT | 15,000.00 | 1,506.78 | 0.00 | (11,038.25) | 0.00 | 26,038.25 | 73 |
| TOTAL PROPERTY TAXES | 5,062,781.00 | 1,170,589.81 | 0.00 | 1,392,480.14 | 0.00 | 3,670,300.86 | 27 |
| INVESTMENT REVENUE | | | | | | | |
| 4710 INTEREST - INVESTMENTS | 3,000.00 | 589.11 | 0.00 | 737.92 | 0.00 | 2,262.08 | 24 |
| TOTAL INVESTMENT REVENUE | 3,000.00 | 589.11 | 0.00 | 737.92 | 0.00 | 2,262.08 | 24 |
| MISC REVENUE | | | | | | | |
| OTHER FINANCING SOURCES | | | | | | | |
| 4775 TRANSFERS FROM | 950,000.00 | 79,166.67 | 0.00 | 237,499.97 | 0.00 | 712,500.03 | 25 |
| TOTAL OTHER FINANCING SOURCES | 950,000.00 | 79,166.67 | 0.00 | 237,499.97 | 0.00 | 712,500.03 | 25 |
| ** TOTAL REVENUES ** | 6,015,781.00 | 1,250,345.59 | 0.00 | 1,630,718.03 | 0.00 | 4,385,062.97 | 27 |

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CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

| | | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % OF BUDGET |
|-----------------|---------------------------|----------------|----------------|-----------------------|---------------|------------------|----------------|-------------|
| 3~ DEBT SERVICE | | | | | | | | |
| D | DEBT SERVICE | | | | | | | |
| D | RTMENTAL EXPENDITURES | | | | | | | |
| D | SERVICE | | | | | | | |
| 5 | 00-800 BOND PMT-PRINCIPAL | 3,690,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 3,690,000.00 | 0.00 |
| 5 | 00-810 BOND PMT-INTEREST | 2,336,076.00 | 0.00 | 0.00 | 0.00 | 0.00 | 2,336,076.00 | 0.00 |
| 5 | 00-820 FISCAL AGENT FEES | 5,400.00 | 550.00 | 0.00 | 1,600.00 | 3,800.00 | 0.00 | 100.00 |
| 5 | 00-821 ARBITRAGE | 6,500.00 | 0.00 | 0.00 | 0.00 | 3,000.00 | 3,500.00 | 46.15 |
| | OTAL DEBT SERVICE | 6,037,976.00 | 550.00 | 0.00 | 1,600.00 | 6,800.00 | 6,029,576.00 | 0.14 |
| | AL DEBT | 6,037,976.00 | 550.00 | 0.00 | 1,600.00 | 6,800.00 | 6,029,576.00 | 0.14 |
| | AL DEBT SERVICE | 6,037,976.00 | 550.00 | 0.00 | 1,600.00 | 6,800.00 | 6,029,576.00 | 0.14 |
| | L EXPENDITURES | 6,037,976.00 | 550.00 | 0.00 | 1,600.00 | 6,800.00 | 6,029,576.00 | 0.14 |

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

PAGE **G.2.a**500-ENTERPRISE FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25

| REVENUE SUMMARY | | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % O BUDG |
|------------------------------------|----------------------|-------------------|-------------------|--------------------------|---------------------|---------------------|---------------------|-------------|
| WATER | 3,555,000.00 | 235,584.68 | 0.00 | 0.00 | 925,540.93 | 0.00 | 2,629,459.07 | 26 |
| WASTEWATER | 2,360,000.00 | 199,494.98 | 0.00 | 0.00 | 615,013.50 | 0.00 | 1,744,986.50 | 26 |
| SOLID WASTE | 1,442,500.00 | 119,137.81 | 0.00 | 0.00 | 356,935.22 | 0.00 | 1,085,564.78 | 24 |
| RECYCLING | 40,000.00 | 1,911.52 | 0.00 | 0.00 | 6,411.99 | 0.00 | 33,588.01 | 16 |
| CHARGES FOR SERVICE | 27,000.00 | 1,645.00 | 0.00 | 0.00 | 6,650.00 | 0.00 | 20,350.00 | 24 |
| OTHER REVENUE | 44,600.00 | 4,030.09 | 0.00 | 0.00 | 15,483.16 | 0.00 | 29,116.84 | 34 |
| INVESTMENT REVENUE | 7,000.00 | 1,178.09 | 0.00 | 0.00 | 2,369.89 | 0.00 | 4,630.11 | 33 |
| MISC REVENUE | 15,500.00 | 0.00 | 0.00 | 0.00 | 3,131.73 | 0.00 | 12,368.27 | 20 |
| TOTAL REVENUES | 7,491,600.00 | 562,982.17 | 0.00 | 0.00 | 1,931,536.42 | 0.00 | 5,560,063.58 | 25 |
| EXPENDITURE SUMMARY | | | | | | | | |
| FINANCE DEPARTMENT | | | | | | | | |
| PW - GENERAL | 4,208,600.00 | 350,735.75 | 0.00 | 0.00 | 1,052,217.77 | 0.00 | 3,156,382.23 | 25 |
| UB & METER READING | 237,725.00 | 16,201.74 | 0.00 | 0.00 | 47,681.95 | 32,634.99 | 157,408.06 | 33 |
| TOTAL FINANCE DEPARTMENT | 4,446,325.00 | 366,937.49 | 0.00 | 0.00 | 1,099,899.72 | 32,634.99 | 3,313,790.29 | 25 |
| PUBLIC WORKS | | | | | | | | |
| PW - WATER PRODUCTION | 561,590.00 | 42,409.04 | 0.00 | 0.00 | 108,440.21 | 95,105.54 | 358,044.25 | 36 |
| PW - WATER DISTRIBUTION | 547,473.00 | 21,293.39 | 1,950.00 | 1,950.00 | 76,617.86 | 20,204.15 | 450,650.99 | 17 |
| PW - SURFACE WATER | 1,961,599.00 | 183,666.56 | 0.00 | 0.00 | 630,210.17 | 1,319,710.93 | 11,677.90 | 99 |
| PW - WW COLLECTION | 452,692.00 | 18,824.65 | 0.00 | 0.00 | 78,355.00 | 19,921.76 | 354,415.24 | 21 |
| PW - WW TREATMENT | 1,085,245.00 | 82,131.59 | 0.00 | 0.00 | 189,391.99 | 124,214.69 | 771,638.32 | 28 |
| PW - SOLID WASTE | 1,336,616.00 | 70,380.01 | 0.00 | 0.00 | 272,320.69 | 269,383.98 | 794,911.33 | 40 |
| TOTAL PUBLIC WORKS | 5,945,215.00 | 418,705.24 | 1,950.00 | 1,950.00 | 1,355,335.92 | 1,848,541.05 | 2,741,338.03 | 53 |
| TOTAL EXPENDITURES | 10,391,540.00 | 785,642.73 | 1,950.00 | 1,950.00 | 2,455,235.64 | 1,881,176.04 | 6,055,128.32 | 41 |
| REVENUE OVER/ (UNDER) EXPENDITURES | (2,899,940.00) | (222,660.56) | 1,950.00 | (523,699.22) | (1,881,176.04) | (495,064.74) | | 82 |

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CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

PAGE: 2

5 ~ ENTERPRISE FUND

% OF YEAR COMPLETED: 25.00

| ACCOUNT | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % OF BUDGET |
|------------------------------------|---------------------|-------------------|--------------------------|-------------------|---------------------|---------------------|----------------|
| GOVERNMENTAL | | | | | | | |
| WATER - RESIDENTIAL | 2,400,000.00 | 150,917.00 | 0.00 | 584,276.15 | 0.00 | 1,815,723.85 | 24.34 |
| WATER - COMMERCIAL | 530,000.00 | 38,341.16 | 0.00 | 140,846.56 | 0.00 | 389,153.44 | 26.57 |
| RESIDENTIAL SPRINKLER WATER | 550,000.00 | 39,326.52 | 0.00 | 181,418.22 | 0.00 | 368,581.78 | 32.99 |
| NEW WATER SERVICE METERS | 75,000.00 | 7,000.00 | 0.00 | 19,000.00 | 0.00 | 56,000.00 | 25.33 |
| TOTAL WATER | <u>3,555,000.00</u> | <u>235,584.68</u> | <u>0.00</u> | <u>925,540.93</u> | <u>0.00</u> | <u>2,629,459.07</u> | <u>26.03</u> |
| WASTEWATER | | | | | | | |
| WASTEWATER - RESIDENTIAL | 2,000,000.00 | 169,514.20 | 0.00 | 517,414.87 | 0.00 | 1,482,585.13 | 25.87 |
| WASTEWATER - COMMERCIAL | 300,000.00 | 21,980.78 | 0.00 | 78,598.63 | 0.00 | 221,401.37 | 26.20 |
| NEW SEWER TAPS | 60,000.00 | 8,000.00 | 0.00 | 19,000.00 | 0.00 | 41,000.00 | 31.67 |
| TOTAL WASTEWATER | <u>2,360,000.00</u> | <u>199,494.98</u> | <u>0.00</u> | <u>615,013.50</u> | <u>0.00</u> | <u>1,744,986.50</u> | <u>26.06</u> |
| SOLID WASTE | | | | | | | |
| SOLID WASTE - RESIDENTIAL | 1,250,000.00 | 103,357.36 | 0.00 | 309,993.94 | 0.00 | 940,006.06 | 24.80 |
| GARBAGE BAGS/RECYCLING BINS | 7,500.00 | 374.88 | 0.00 | 1,329.45 | 0.00 | 6,170.55 | 17.73 |
| SOLID WASTE STICKERS | 5,000.00 | 426.82 | 0.00 | 723.38 | 0.00 | 4,276.62 | 14.47 |
| CURBSIDE RECYCLING | 180,000.00 | 14,978.75 | 0.00 | 44,888.45 | 0.00 | 135,111.55 | 24.94 |
| TOTAL SOLID WASTE | <u>1,442,500.00</u> | <u>119,137.81</u> | <u>0.00</u> | <u>356,935.22</u> | <u>0.00</u> | <u>1,085,564.78</u> | <u>24.74</u> |
| RECYCLING SALES | 40,000.00 | 1,911.52 | 0.00 | 6,411.99 | 0.00 | 33,588.01 | 16.03 |
| TOTAL RECYCLING | <u>40,000.00</u> | <u>1,911.52</u> | <u>0.00</u> | <u>6,411.99</u> | <u>0.00</u> | <u>33,588.01</u> | <u>16.03</u> |
| FEES FOR SERVICE | | | | | | | |
| NEW SERVICE FEE | 24,000.00 | 1,610.00 | 0.00 | 5,985.00 | 0.00 | 18,015.00 | 24.94 |
| RECONNECT FEE | 3,000.00 | 35.00 | 0.00 | 665.00 | 0.00 | 2,335.00 | 22.17 |
| TOTAL CHARGES FOR SERVICE | <u>27,000.00</u> | <u>1,645.00</u> | <u>0.00</u> | <u>6,650.00</u> | <u>0.00</u> | <u>20,350.00</u> | <u>24.63</u> |
| MISC ADMIN PROCESSING FEES | 600.00 | 48.96 | 0.00 | 97.89 | 0.00 | 502.11 | 16.32 |
| RESIDENTIAL PENALTY | 40,000.00 | 3,800.85 | 0.00 | 14,351.82 | 0.00 | 25,648.18 | 35.88 |
| COMMERCIAL PENALTY | 4,000.00 | 180.28 | 0.00 | 1,033.45 | 0.00 | 2,966.55 | 25.84 |
| TOTAL OTHER REVENUE | <u>44,600.00</u> | <u>4,030.09</u> | <u>0.00</u> | <u>15,483.16</u> | <u>0.00</u> | <u>29,116.84</u> | <u>34.72</u> |
| INTEREST - INVESTMENTS | 7,000.00 | 1,178.09 | 0.00 | 2,369.89 | 0.00 | 4,630.11 | 33.86 |
| TOTAL INVESTMENT REVENUE | <u>7,000.00</u> | <u>1,178.09</u> | <u>0.00</u> | <u>2,369.89</u> | <u>0.00</u> | <u>4,630.11</u> | <u>33.86</u> |
| MISC REVENUE | 9,000.00 | 0.00 | 0.00 | 2,324.42 | 0.00 | 6,675.58 | 25.83 |
| REIMBURSEMENTS - INSURANCE | 5,000.00 | 0.00 | 0.00 | 627.31 | 0.00 | 4,372.69 | 12.55 |
| FEES - RETURN CHECK | 1,500.00 | 0.00 | 0.00 | 180.00 | 0.00 | 1,320.00 | 12.00 |
| TOTAL MISC REVENUE | <u>15,500.00</u> | <u>0.00</u> | <u>0.00</u> | <u>3,131.73</u> | <u>0.00</u> | <u>12,368.27</u> | <u>20.20</u> |

Attachment: 03 December 2013 (1034 : Monthly Financial Report - 12/31/2013)

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

% OF YEAR COMPLETED: 25

| REVENUES | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % O/ BUDG |
|-------------------------|-------------------|-------------------|--------------------------|------------------|---------------------|-------------------|--------------|
| OTHER FINANCING SOURCES | | | | | | | |
| CONTRIBUTIONS | | | | | | | |
| ** TOTAL REVENUES ** | 7,491,600.00 | 562,982.17 | 0.00 | 1,931,536.42 | 0.00 | 5,560,063.58 | 25 |

Attachment: 03 December 2013 (1034 : Monthly Financial Report - 12/31/2013)

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

PAGE: 1

6~ JET
F NCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

| | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % OF BUDGET |
|-------------------------------|-------------------|-------------------|--------------------------|------------------|---------------------|-------------------|----------------|
| <u>REVENUE SUMMARY</u> | | | | | | | |
| OTHER FINANCING SOURCES | 1,310,544.00 | 109,212.00 | 0.00 | 327,636.00 | 0.00 | 982,908.00 | 25.00 |
| CONTRIBUTIONS | 7,500.00 | 0.00 | 0.00 | 0.00 | 0.00 | 7,500.00 | 0.00 |
| TOTAL REVENUES | 1,318,044.00 | 109,212.00 | 0.00 | 327,636.00 | 0.00 | 990,408.00 | 24.86 |
| <u>EXPENDITURE SUMMARY</u> | | | | | | | |
| ADMINISTRATIVE SERVICES | 100,200.00 | 14,829.90 | 0.00 | 43,125.71 | 2,704.19 | 54,370.10 | 45.74 |
| TECH SERVICES | 100,200.00 | 14,829.90 | 0.00 | 43,125.71 | 2,704.19 | 54,370.10 | 45.74 |
| TOTAL ORGANIZATIONAL SERVICES | | | | | | | |
| ANCE | | | | | | | |
| MUNITY DEVELOPMENT | | | | | | | |
| E AND EMERG MGMT | | | | | | | |
| RE | 127,432.00 | 156.97 | 0.00 | 156.97 | 46,750.00 | 80,525.03 | 36.81 |
| TOTAL FIRE AND EMERG MGMT | 127,432.00 | 156.97 | 0.00 | 156.97 | 46,750.00 | 80,525.03 | 36.81 |
| ICE | | | | | | | |
| LICE | 216,941.00 | 19,880.30 | 0.00 | 19,880.30 | 97,241.02 | 99,819.68 | 53.99 |
| TOTAL POLICE | 216,941.00 | 19,880.30 | 0.00 | 19,880.30 | 97,241.02 | 99,819.68 | 53.99 |
| D | 30,000.00 | 8,284.60 | 0.00 | 8,284.60 | 0.00 | 21,715.40 | 27.62 |
| RD - MAINTENANCE | 9,500.00 | 0.00 | 0.00 | 4,990.00 | 0.00 | 4,510.00 | 52.53 |
| RD - AQUATICS | 39,500.00 | 8,284.60 | 0.00 | 13,274.60 | 0.00 | 26,225.40 | 33.61 |
| TOTAL PARD | | | | | | | |
| RARY | | | | | | | |
| LIC WORKS | 25,000.00 | 0.00 | 0.00 | 0.00 | 23,115.80 | 1,884.20 | 92.46 |
| - ADMINISTRATION | 150,000.00 | 0.00 | 0.00 | 0.00 | 23,115.80 | 126,884.20 | 15.41 |
| - WATER DISTRIBUTION | 50,000.00 | 0.00 | 0.00 | 0.00 | 46,231.60 | 3,768.40 | 92.46 |
| - WW TREATMENT | 710,000.00 | 0.00 | 0.00 | 241,132.00 | 243,245.00 | 225,623.00 | 68.22 |
| - SOLID WASTE | 935,000.00 | 0.00 | 0.00 | 241,132.00 | 335,708.20 | 358,159.80 | 61.69 |
| TOTAL PUBLIC WORKS | | | | | | | |
| L EXPENDITURES | 1,419,073.00 | 43,151.77 | 0.00 | 317,569.58 | 482,403.41 | 619,100.01 | 56.37 |
| NUE OVER/(UNDER) EXPENDITURES | (101,029.00) | 66,060.23 | 0.00 | 10,066.42 | (482,403.41) | 371,307.99 | 467.53 |

Attachment: 03 December 2013 (1034 : Monthly Financial Report - 12/31/2013)

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

PAGE **G.2.a**610-CIP
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25

| REVENUE SUMMARY | | | | | | |
|-----------------------------------|-----------------|------------|------------|------------|----------------|--------------|
| OTHER FINANCING SOURCES | | | | TOTAL | BUDGET | % O |
| | CURRENT | CURRENT | PRIOR YEAR | Y-T-D | ENCUMBERED | BUDG |
| | BUDGET | PERIOD | PO ADJUST. | BALANCE | | |
| TOTAL REVENUES | 2,463,941.00 | 205,328.42 | 0.00 | 615,985.22 | 0.00 | 1,847,955.78 |
| | 2,463,941.00 | 205,328.42 | 0.00 | 615,985.22 | 0.00 | 1,847,955.78 |
| EXPENDITURE SUMMARY | | | | | | |
| CIP | 0.00 | 0.00 | 0.00 | 313.50 | 1,956.70 | 0 |
| CIP | 0.00 | 0.00 | 0.00 | 313.50 | 1,956.70 | 0 |
| TOTAL CIP | | | | | | |
| DRAINAGE | 499,561.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0 |
| DRAINAGE | 499,561.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0 |
| TOTAL DRAINAGE | | | | | | |
| PARKS | 508,887.00 | 2,982.38 | 10,734.50 | 16,308.73 | 329,076.02 | 67 |
| PARKS | 508,887.00 | 2,982.38 | 10,734.50 | 16,308.73 | 329,076.02 | 67 |
| TOTAL PARKS | | | | | | |
| TRAFFIC | | | | | | |
| WATER | 2,268,734.00 | 67,209.00 | 253,987.69 | 274,597.69 | 1,978,384.21 | 99 |
| WATER | 2,268,734.00 | 67,209.00 | 253,987.69 | 274,597.69 | 1,978,384.21 | 99 |
| TOTAL WATER | | | | | | |
| WASTEWATER | 381,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0 |
| WASTEWATER | 381,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0 |
| TOTAL WASTEWATER | | | | | | |
| RBB/FACILITIES | 173,500.00 | 0.00 | 0.00 | 4,126.69 | 6,000.00 | 5 |
| RBB/FACILITIES | 173,500.00 | 0.00 | 0.00 | 4,126.69 | 6,000.00 | 5 |
| TOTAL RBB/FACILITIES | | | | | | |
| BEAUTIFICATION | 184,830.00 | 0.00 | 14,140.05 | 14,375.00 | 9,990.00 | 13 |
| BEAUTIFICATION | 184,830.00 | 0.00 | 14,140.05 | 14,375.00 | 9,990.00 | 13 |
| TOTAL BEAUTIFICATION | | | | | | |
| UNALLOCATED | | | | | | |
| TOTAL EXPENDITURES | 4,016,512.00 | 70,191.38 | 278,862.24 | 309,721.61 | 2,325,406.93 | 65 |
| REVENUE OVER/(UNDER) EXPENDITURES | (1,552,571.00) | 135,137.04 | 278,862.24 | 306,263.61 | (2,325,406.93) | 130 |

Attachment: 03 December 2013 (1034 : Monthly Financial Report - 12/31/2013)

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

6- CIP

% OF YEAR COMPLETED: 25.00

| R | NUES | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % OF BUDGET |
|---|-------------------------------|-------------------|-------------------|--------------------------|------------------|---------------------|-------------------|----------------|
| I | STMENT REVENUE | | | | | | | |
| M | REVENUE | | | | | | | |
| C | R FINANCING SOURCES | | | | | | | |
| 4 | TRANSFER FROM | 2,463,941.00 | 205,328.42 | 0.00 | 615,985.22 | 0.00 | 1,847,955.78 | 25.00 |
| | TOTAL OTHER FINANCING SOURCES | 2,463,941.00 | 205,328.42 | 0.00 | 615,985.22 | 0.00 | 1,847,955.78 | 25.00 |
| C | RIBUTIONS | | | | | | | |
| * | TOTAL REVENUES ** | 2,463,941.00 | 205,328.42 | 0.00 | 615,985.22 | 0.00 | 1,847,955.78 | 25.00 |

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

PAGE **G.2.a**

| | | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % O BUDG |
|---------------------------|--------------------------------|-------------------|-------------------|--------------------------|------------------|---------------------|-------------------|-------------------------|
| 610-CIP | | | | | | | | % OF YEAR COMPLETED: 25 |
| CIP | | | | | | | | |
| CIP | | | | | | | | |
| DEPARTMENTAL EXPENDITURES | | | | | | | | |
| VET/CIP/FA | | | | | | | | |
| 5-0000-957 | RB/BELLAIRE P-A-Y-G FACILITIES | 0.00 | 0.00 | 0.00 | 313.50 | 0.00 (| 313.50) | 0 |
| 5-0000-962 | WATER REHABILITATION PRG. | 0.00 | 0.00 | 0.00 | 0.00 | 1,956.70 (| 1,956.70) | 0 |
| TOTAL VET/CIP/FA | | 0.00 | 0.00 | 0.00 | 313.50 | 1,956.70 (| 2,270.20) | 0 |
| TOTAL CIP | | 0.00 | 0.00 | 0.00 | 313.50 | 1,956.70 (| 2,270.20) | 0 |
| TOTAL CIP | | 0.00 | 0.00 | 0.00 | 313.50 | 1,956.70 (| 2,270.20) | 0 |

Attachment: 03 December 2013 (1034 : Monthly Financial Report - 12/31/2013)

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

6- CIP
D NAGE
D NAGE
D RTMENTAL EXPENDITURES

% OF YEAR COMPLETED: 25.00

| | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % OF BUDGET |
|--|-------------------|-------------------|--------------------------|------------------|---------------------|-------------------|----------------|
|--|-------------------|-------------------|--------------------------|------------------|---------------------|-------------------|----------------|

| | | | | | | | |
|-----------------------------|------------|------|------|------|------|------------|------|
| ECTS | | | | | | | |
| 00-999.804 DRAINAGE PHASE 4 | 499,561.00 | 0.00 | 0.00 | 0.00 | 0.00 | 499,561.00 | 0.00 |
| TOTAL PROJECTS | 499,561.00 | 0.00 | 0.00 | 0.00 | 0.00 | 499,561.00 | 0.00 |
| AL DRAINAGE | 499,561.00 | 0.00 | 0.00 | 0.00 | 0.00 | 499,561.00 | 0.00 |
| AL DRAINAGE | 499,561.00 | 0.00 | 0.00 | 0.00 | 0.00 | 499,561.00 | 0.00 |

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

610-CIP
PARKS
PARKS

% OF YEAR COMPLETED: 25

TOTAL
ENCUMBERED

BUDGET
BALANCE

% O
BUDG

DEPARTMENTAL EXPENDITURES

PROJECTS

| | | | | | | | |
|--|-------------------|-----------------|------------------|------------------|-------------------|-------------------|-----------|
| 5-3000-999.109 PARK IMPROVEMENTS | 100,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 100,000.00 | 0 |
| 5-3000-999.302 GREAT LAWN | 225,879.00 | 0.00 | 0.00 | 0.00 | 0.00 | 10,070.14 | 95 |
| 5-3000-999.306 EVERGREEN POOL/FIRE DAMAGE | 171,736.00 | 2,731.00 | 2,312.50 | 6,145.35 | 112,544.63 | 53,046.02 | 69 |
| 5-3000-999.307 BELLAIRE POOL / FIRE DAMAGE | 11,272.00 | 251.38 | 8,422.00 | 10,163.38 | 722.53 | 386.09 | 96 |
| TOTAL PROJECTS | 508,887.00 | 2,982.38 | 10,734.50 | 16,308.73 | 329,076.02 | 163,502.25 | 67 |

TOTAL PARKS

| | | | | | | |
|------------|----------|-----------|-----------|------------|------------|----|
| 508,887.00 | 2,982.38 | 10,734.50 | 16,308.73 | 329,076.02 | 163,502.25 | 67 |
|------------|----------|-----------|-----------|------------|------------|----|

TOTAL PARKS

| | | | | | | |
|------------|----------|-----------|-----------|------------|------------|----|
| 508,887.00 | 2,982.38 | 10,734.50 | 16,308.73 | 329,076.02 | 163,502.25 | 67 |
|------------|----------|-----------|-----------|------------|------------|----|

Attachment: 03 December 2013 (1034 : Monthly Financial Report - 12/31/2013)

% OF YEAR COMPLETED: 25.00

| | BUDGET BALANCE | % OF BUDGET |
|----|-------------------|----------------|
| ED | | |

| | BUDGET BALANCE | % OF BUDGET |
|----|-------------------|----------------|
| ED | | |

Attachment: 03 December 2013 (1034 : Monthly Financial Report - 12/31/2013)

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

PAGE **G.2.a**

610-CIP
WASTEWATER
DEPARTMENTAL EXPENDITURES

% OF YEAR COMPLETED: 25

| CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % 0 BUDG |
|-------------------|-------------------|--------------------------|------------------|---------------------|-------------------|-------------|
|-------------------|-------------------|--------------------------|------------------|---------------------|-------------------|-------------|

PROJECTS

5-7000-999.226 FINE SCREEN BUILDING
5-7000-999.701 FY2013 WWT ELECTRICAL
TOTAL PROJECTS

| | | | | | | |
|------------|------|------|------|------|------------|---|
| 201,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 201,000.00 | 0 |
| 180,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 180,000.00 | 0 |
| 381,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 381,000.00 | 0 |

TOTAL WASTEWATER

| | | | | | | |
|------------|------|------|------|------|------------|---|
| 381,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 381,000.00 | 0 |
|------------|------|------|------|------|------------|---|

TOTAL WASTEWATER

| | | | | | | |
|------------|------|------|------|------|------------|---|
| 381,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 381,000.00 | 0 |
|------------|------|------|------|------|------------|---|

Attachment: 03 December 2013 (1034 : Monthly Financial Report - 12/31/2013)

| DATE | DESCRIPTION | AMOUNT | % OF YEAR COMPLETED: | 25.00 |
|------------|-------------|--------|----------------------|-------|
| 12/31/2023 | 2023 | 25.00 | 25.00 | 25.00 |
| 12/31/2024 | 2024 | 25.00 | 25.00 | 25.00 |
| 12/31/2025 | 2025 | 25.00 | 25.00 | 25.00 |
| 12/31/2026 | 2026 | 25.00 | 25.00 | 25.00 |
| 12/31/2027 | 2027 | 25.00 | 25.00 | 25.00 |
| 12/31/2028 | 2028 | 25.00 | 25.00 | 25.00 |
| 12/31/2029 | 2029 | 25.00 | 25.00 | 25.00 |
| 12/31/2030 | 2030 | 25.00 | 25.00 | 25.00 |
| 12/31/2031 | 2031 | 25.00 | 25.00 | 25.00 |
| 12/31/2032 | 2032 | 25.00 | 25.00 | 25.00 |
| 12/31/2033 | 2033 | 25.00 | 25.00 | 25.00 |
| 12/31/2034 | 2034 | 25.00 | 25.00 | 25.00 |
| 12/31/2035 | 2035 | 25.00 | 25.00 | 25.00 |
| 12/31/2036 | 2036 | 25.00 | 25.00 | 25.00 |
| 12/31/2037 | 2037 | 25.00 | 25.00 | 25.00 |
| 12/31/2038 | 2038 | 25.00 | 25.00 | 25.00 |
| 12/31/2039 | 2039 | 25.00 | 25.00 | 25.00 |
| 12/31/2040 | 2040 | 25.00 | 25.00 | 25.00 |
| 12/31/2041 | 2041 | 25.00 | 25.00 | 25.00 |
| 12/31/2042 | 2042 | 25.00 | 25.00 | 25.00 |
| 12/31/2043 | 2043 | 25.00 | 25.00 | 25.00 |
| 12/31/2044 | 2044 | 25.00 | 25.00 | 25.00 |
| 12/31/2045 | 2045 | 25.00 | 25.00 | 25.00 |
| 12/31/2046 | 2046 | 25.00 | 25.00 | 25.00 |
| 12/31/2047 | 2047 | 25.00 | 25.00 | 25.00 |
| 12/31/2048 | 2048 | 25.00 | 25.00 | 25.00 |
| 12/31/2049 | 2049 | 25.00 | 25.00 | 25.00 |
| 12/31/2050 | 2050 | 25.00 | 25.00 | 25.00 |
| 12/31/2051 | 2051 | 25.00 | 25.00 | 25.00 |
| 12/31/2052 | 2052 | 25.00 | 25.00 | 25.00 |
| 12/31/2053 | 2053 | 25.00 | 25.00 | 25.00 |
| 12/31/2054 | 2054 | 25.00 | 25.00 | 25.00 |
| 12/31/2055 | 2055 | 25.00 | 25.00 | 25.00 |
| 12/31/2056 | 2056 | 25.00 | 25.00 | 25.00 |
| 12/31/2057 | 2057 | 25.00 | 25.00 | 25.00 |
| 12/31/2058 | 2058 | 25.00 | 25.00 | 25.00 |
| 12/31/2059 | 2059 | 25.00 | 25.00 | 25.00 |
| 12/31/2060 | 2060 | 25.00 | 25.00 | 25.00 |
| 12/31/2061 | 2061 | 25.00 | 25.00 | 25.00 |
| 12/31/2062 | 2062 | 25.00 | 25.00 | 25.00 |
| 12/31/2063 | 2063 | 25.00 | 25.00 | 25.00 |
| 12/31/2064 | 2064 | 25.00 | 25.00 | 25.00 |
| 12/31/2065 | 2065 | 25.00 | 25.00 | 25.00 |
| 12/31/2066 | 2066 | 25.00 | 25.00 | 25.00 |
| 12/31/2067 | 2067 | 25.00 | 25.00 | 25.00 |
| 12/31/2068 | 2068 | 25.00 | 25.00 | 25.00 |
| 12/31/2069 | 2069 | 25.00 | 25.00 | 25.00 |
| 12/31/2070 | 2070 | 25.00 | 25.00 | 25.00 |
| 12/31/2071 | 2071 | 25.00 | 25.00 | 25.00 |
| 12/31/2072 | 2072 | 25.00 | 25.00 | 25.00 |
| 12/31/2073 | 2073 | 25.00 | 25.00 | 25.00 |
| 12/31/2074 | 2074 | 25.00 | 25.00 | 25.00 |
| 12/31/2075 | 2075 | 25.00 | 25.00 | 25.00 |
| 12/31/2076 | 2076 | 25.00 | 25.00 | 25.00 |
| 12/31/2077 | 2077 | 25.00 | 25.00 | 25.00 |
| 12/31/2078 | 2078 | 25.00 | 25.00 | 25.00 |
| 12/31/2079 | 2079 | 25.00 | 25.00 | 25.00 |
| 12/31/2080 | 2080 | 25.00 | 25.00 | 25.00 |
| 12/31/2081 | 2081 | 25.00 | 25.00 | 25.00 |
| 12/31/2082 | 2082 | 25.00 | 25.00 | 25.00 |
| 12/31/2083 | 2083 | 25.00 | 25.00 | 25.00 |
| | | | | |

Attachment: 03 December 2013 (1034 : Monthly Financial Report - 12/31/2013)

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

| 610-CIP BEAUTIFICATION BEAUTIFICATION DEPARTMENTAL EXPENDITURES | | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % OF % O: BUDG: | % OF YEAR COMPLETED: 25 |
|--|--|-------------------|-------------------|--------------------------|------------------|---------------------|-------------------|-----------------------|-------------------------|
| PROJECTS | | | | | | | | | |
| 5-9200-999.304 WAYFINDING SIGNS | | 35,000.00 | 0.00 | 12,510.00 | 12,500.00 | 9,990.00 | 12,510.00 | 64 | |
| 5-9200-999.305 2013 STREETSCAPES PROGRAM | | 29,130.00 | 0.00 | 1,630.05 | 1,875.00 | 0.00 | 27,255.00 | 6 | |
| 5-9200-999.308 CITY WIDE BEAUTIFICATION | | 120,700.00 | 0.00 | 0.00 | 0.00 | 0.00 | 120,700.00 | 0 | |
| TOTAL PROJECTS | | 184,830.00 | 0.00 | 14,140.05 | 14,375.00 | 9,990.00 | 160,465.00 | 13 | |
| TOTAL BEAUTIFICATION | | 184,830.00 | 0.00 | 14,140.05 | 14,375.00 | 9,990.00 | 160,465.00 | 13 | |
| TOTAL BEAUTIFICATION | | 184,830.00 | 0.00 | 14,140.05 | 14,375.00 | 9,990.00 | 160,465.00 | 13 | |

Attachment: 03 December 2013 (1034 : Monthly Financial Report - 12/31/2013)

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

% OF YEAR COMPLETED: 25.00

[illegible]

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

PAGE
G.2.a

620-CIP - BOND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25

| | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % 0 BUDG |
|-----------------------------------|-------------------|-------------------|--------------------------|------------------|---------------------|-------------------|-------------|
| REVENUE SUMMARY | | | | | | | |
| INVESTMENT REVENUE | 0.00 | 388.12 | 0.00 | 1,398.59 | 0.00 | (1,398.59) | 0 |
| OTHER FINANCING SOURCES | 13,000,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 13,000,000.00 | 0 |
| TOTAL REVENUES | 13,000,000.00 | 388.12 | 0.00 | 1,398.59 | 0.00 | 12,998,601.41 | 0 |
| EXPENDITURE SUMMARY | | | | | | | |
| BOND-CIP | | | | | | | |
| DRAINAGE | | | | | | | |
| DRAINAGE | | | | | | | |
| TOTAL DRAINAGE | 24,641,750.00 | 359,348.75 | 867,360.86 | 867,360.86 | 7,370,889.37 | 16,403,499.77 | 33 |
| | 24,641,750.00 | 359,348.75 | 867,360.86 | 867,360.86 | 7,370,889.37 | 16,403,499.77 | 33 |
| FACILITIES | | | | | | | |
| FACILITIES | 0.00 | 0.00 | 0.00 | 0.00 | 10,000.00 | (10,000.00) | 0 |
| TOTAL FACILITIES | 0.00 | 0.00 | 0.00 | 0.00 | 10,000.00 | (10,000.00) | 0 |
| STREETS | | | | | | | |
| TOTAL EXPENDITURES | 24,641,750.00 | 359,348.75 | 867,360.86 | 867,360.86 | 7,380,889.37 | 16,393,499.77 | 33 |
| REVENUE OVER/(UNDER) EXPENDITURES | (11,641,750.00) | (358,960.63) | 867,360.86 | (865,962.27) | (7,380,889.37) | (3,394,898.36) | 70 |

Attachment: 03 December 2013 (1034 : Monthly Financial Report - 12/31/2013)

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

6~ CIP - BOND

% OF YEAR COMPLETED: 25.00

| DESCRIPTION | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % OF BUDGET |
|-------------------------------|-------------------|-------------------|--------------------------|------------------|---------------------|-------------------|----------------|
| STATEMENT REVENUE | | | | | | | |
| INTEREST - BOND FUNDS | 0.00 | 388.12 | 0.00 | 1,398.59 | 0.00 | (1,398.59) | 0.00 |
| TOTAL INVESTMENT REVENUE | 0.00 | 388.12 | 0.00 | 1,398.59 | 0.00 | (1,398.59) | 0.00 |
| REVENUE | | | | | | | |
| FINANCING SOURCES | | | | | | | |
| PROCEEDS OF GENL L-T DEBT | 13,000,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 13,000,000.00 | 0.00 |
| TOTAL OTHER FINANCING SOURCES | 13,000,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 13,000,000.00 | 0.00 |
| TOTAL REVENUES ** | 13,000,000.00 | 388.12 | 0.00 | 1,398.59 | 0.00 | 12,998,601.41 | 0.01 |

620-CIP - BOND

DRAINAGE

DRAINAGE

DEPARTMENTAL EXPENDITURES

PROJECTS

5-1000-999.403 BALDWIN AVENUE

5-1000-999.804 DRAINAGE PHASE 4

5-1000-999.805 DRAINAGE PHASE 5

TOTAL PROJECTS

TOTAL DRAINAGE

TOTAL DRAINAGE

% OF YEAR COMPLETED: 25

| CURRENT BUDGET | CURRENT PERIOD | PRIOR PO | YEAR ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % OF BUDG. |
|-------------------|-------------------|-------------|-----------------|------------------|---------------------|-------------------|---------------|
|-------------------|-------------------|-------------|-----------------|------------------|---------------------|-------------------|---------------|

| | | | | |
|---------------|------------|------------|--------------|---------------|
| 1,007,667.00 | 0.00 | 40,260.00 | 967,406.81 | 0.19 |
| 5,832,231.00 | 284,013.75 | 670,301.36 | 5,161,929.56 | 0.08 |
| 17,801,852.00 | 75,335.00 | 156,799.50 | 1,241,553.00 | 16,403,499.50 |
| 24,641,750.00 | 359,348.75 | 867,360.86 | 7,370,889.37 | 16,403,499.77 |
| | | | | 33 |

100

[illegible]

| Year | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | 2034 | 2035 | 2036 | 2037 | 2038 | 2039 | 2040 | 2041 | 2042 | 2043 | 2044 | 2045 | 2046 | 2047 | 2048 | 2049 | 2050 | 2051 | 2052 | 2053 | 2054 | 2055 | 2056 | 2057 | 2058 | 2059 | 2060 | 2061 | 2062 | 2063 | 2064 | 2065 | 2066 | 2067 | 2068 | 2069 | 2070 | 2071 | 2072 | 2073 | 2074 | 2075 | 2076 | 2077 | 2078 | 2079 | 2080 | 2081 | 2082 | 2083 | 2084 | 2085 | 2086 | 2087 | 2088 | 2089 | 2090 | 2091 | 2092 | 2093 | 2094 | 2095 | 2096 | 2097 | 2098 | 2099 | 2100 |
|------|---------------|------------|------------|------------|--------------|---------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| 2000 | 24,641,750.00 | 359,348.75 | 867,360.86 | 867,360.86 | 7,370,889.37 | 16,403,499.77 | 33 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| | | | | | |
|---------------|------------|------------|--------------|---------------|----|
| 24,641,750.00 | 359,348.75 | 867,360.86 | 7,370,889.37 | 16,403,499.77 | 33 |
|---------------|------------|------------|--------------|---------------|----|

| | | | | | |
|---------------|------------|------------|--------------|---------------|----|
| 24,641,750.00 | 359,348.75 | 867,360.86 | 7,370,889.37 | 16,403,499.77 | 33 |
|---------------|------------|------------|--------------|---------------|----|

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

% OF YEAR COMPLETED: 25.00

600 CIP - BOND
F LITIES
F LITIES
D RTMENTAL EXPENDITURES

CURRENT BUDGET CURRENT PERIOD PRIOR YEAR PO ADJUST. Y-T-D BALANCE TOTAL ENCUMBERED BUDGET BALANCE % OF BUDGET

| | | | | | | | |
|---------------------------------------|------|------|------|------|-----------|--------------|------|
| ECTS | 0.00 | 0.00 | 0.00 | 0.00 | 10,000.00 | (10,000.00) | 0.00 |
| 00-999.228 NEW CITY HALL/POLICE/COURT | 0.00 | 0.00 | 0.00 | 0.00 | 10,000.00 | (10,000.00) | 0.00 |
| TOTAL PROJECTS | 0.00 | 0.00 | 0.00 | 0.00 | 10,000.00 | (10,000.00) | 0.00 |
| AL FACILITIES | 0.00 | 0.00 | 0.00 | 0.00 | 10,000.00 | (10,000.00) | 0.00 |
| AL FACILITIES | 0.00 | 0.00 | 0.00 | 0.00 | 10,000.00 | (10,000.00) | 0.00 |

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

620-CIP - BOND
STREETS
STREETS

% OF YEAR COMPLETED: 25

DEPARTMENTAL EXPENDITURES

CURRENT
BUDGET

CURRENT
PERIOD

PRIOR YEAR
PO ADJUST.

Y-T-D
BALANCE

TOTAL
ENCUMBERED

BUDGET
BALANCE

% O
BUDG

PROJECTS

TOTAL EXPENDITURES

24,641,750.00
=====

359,348.75
=====

867,360.86
=====

867,360.86
=====

7,380,889.37
=====

16,393,499.77
=====

33
=====

Attachment: 03 December 2013 (1034 : Monthly Financial Report - 12/31/2013)

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

6- CIP - METRO
F NCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

| | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % OF BUDGET |
|---|-------------------|-------------------|--------------------------|------------------|---------------------|-------------------|----------------|
| <u>R</u> <u>NUE SUMMARY</u> | | | | | | | |
| TERGOVERNMENTAL | 801,000.00 | 0.00 | 0.00 | 801,000.00 | 0.00 | 0.00 | 100.00 |
| VESTMENT REVENUE | 3,000.00 | 76.75 | 0.00 | 264.83 | 0.00 | 2,735.17 | 8.83 |
| <u>T</u> <u>L REVENUES</u> | 804,000.00 | 76.75 | 0.00 | 801,264.83 | 0.00 | 2,735.17 | 99.66 |
| <u>E</u> <u>NDITURE SUMMARY</u> | | | | | | | |
| <u>RO</u> | | | | | | | |
| <u>EETS</u> | | | | | | | |
| REETS | 4,407,237.00 | 31,950.00 | 69,225.00 | 47,925.00 | 183,333.32 | 4,175,978.68 | 5.25 |
| TOTAL STREETS | 4,407,237.00 | 31,950.00 | 69,225.00 | 47,925.00 | 183,333.32 | 4,175,978.68 | 5.25 |
| <u>T</u> <u>L EXPENDITURES</u> | 4,407,237.00 | 31,950.00 | 69,225.00 | 47,925.00 | 183,333.32 | 4,175,978.68 | 5.25 |
| <u>R</u> <u>NUE OVER/(UNDER) EXPENDITURES</u> | (3,603,237.00) (| 31,873.25) | 69,225.00 | 753,339.83 (| 183,333.32) (| 4,173,243.51) | 15.82 |

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

630-CIP - METRO

% OF YEAR COMPLETED: 25

| REVENUES | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % O BUDG |
|----------------------------------|-------------------|-------------------|--------------------------|------------------|---------------------|-------------------|-------------|
| INTERGOVERNMENTAL | | | | | | | |
| 4200 INTERGOVT - METRO SALES TAX | 801,000.00 | 0.00 | 0.00 | 801,000.00 | 0.00 | 0.00 | 100 |
| TOTAL INTERGOVERNMENTAL | 801,000.00 | 0.00 | 0.00 | 801,000.00 | 0.00 | 0.00 | 100 |
| INVESTMENT REVENUE | | | | | | | |
| 4712 INTEREST - METRO | 3,000.00 | 76.75 | 0.00 | 264.83 | 0.00 | 2,735.17 | 8 |
| TOTAL INVESTMENT REVENUE | 3,000.00 | 76.75 | 0.00 | 264.83 | 0.00 | 2,735.17 | 8 |
| OTHER FINANCING SOURCES | | | | | | | |
| ** TOTAL REVENUES ** | 804,000.00 | 76.75 | 0.00 | 801,264.83 | 0.00 | 2,735.17 | 99 |

Attachment: 03 December 2013 (1034 : Monthly Financial Report - 12/31/2013)

CITY OF BELLAIRE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2013

| | | % OF YEAR COMPLETED: 25.00 | | | | | | |
|----|--|----------------------------|----------------|-----------------------|---------------|------------------|----------------|-------------|
| | | | | | | | | |
| DI | MENTAL EXPENDITURES | CURRENT BUDGET | CURRENT PERIOD | PRIOR YEAR PO ADJUST. | Y-T-D BALANCE | TOTAL ENCUMBERED | BUDGET BALANCE | % OF BUDGET |
| | ICTS | | | | | | | |
| 5 | 0-999.403 BALDWIN AVENUE | 8,862.00 | 0.00 | 0.00 | 0.00 | 23,862.07 (| 15,000.07) | 269.26 |
| 5 | 0-999.404 SIDEWALK PROJECT | 0.00 | 0.00 | 0.00 | 0.00 | 687.50 (| 687.50) | 0.00 |
| 5 | 0-999.406 STREET STRIPING PROGRAM | 125,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 125,000.00 | 0.00 |
| 5 | 0-999.407 STREET CONDITION MGT PROGRAM | 2,973,375.00 | 31,950.00 | 69,225.00 | 47,925.00 | 158,783.75 | 2,766,666.25 | 6.95 |
| 5 | 0-999.409 SIDEWALK PROJECTS | 1,300,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,300,000.00 | 0.00 |
| | TOTAL PROJECTS | 4,407,237.00 | 31,950.00 | 69,225.00 | 47,925.00 | 183,333.32 | 4,175,978.68 | 5.25 |
| | AL STREETS | 4,407,237.00 | 31,950.00 | 69,225.00 | 47,925.00 | 183,333.32 | 4,175,978.68 | 5.25 |
| | AL STREETS | 4,407,237.00 | 31,950.00 | 69,225.00 | 47,925.00 | 183,333.32 | 4,175,978.68 | 5.25 |
| | EXPENDITURES | 4,407,237.00 | 31,950.00 | 69,225.00 | 47,925.00 | 183,333.32 | 4,175,978.68 | 5.25 |

Attachment: 03 December 201

CITY OF BELLAIRE, TEXAS
SUMMARY INVESTMENT REPORT
Fiscal Year 2014 through December 31, 2013

| Account Description | Purchase Date | Maturity Date | Rate/Coupon | Purchase Yield | Purchase Price | Market Price | Face Amount | Book Value | Market Value | Accrued Interest | Beginning Book Value | Beginning Market Value @ 10/01/13 |
|------------------------------------|---------------|---------------|-------------|----------------|----------------|--------------|-------------------------|-------------------------|-------------------------|--------------------|-------------------------|-----------------------------------|
| Cash Concentration Accounts | | | | | | | | | | | | |
| Amegy Bank of Texas | 12/31/13 | 01/01/14 | 0.0000% | 0.0000% | \$ - | \$ - | \$ 8,451,164.67 | \$ 8,451,164.67 | \$ 8,451,164.67 | \$ - | \$ 7,303,716.01 | \$ 7,303,716 |
| Sub-total | | | | | | | <u>8,451,164.67</u> | <u>8,451,164.67</u> | <u>8,451,164.67</u> | <u>-</u> | <u>7,303,716.01</u> | <u>7,303,716</u> |
| Government Securities | | | | | | | | | | | | |
| FHLB 313378XS5 | 04/30/12 | 04/30/15 | 0.6500% | 0.6500% | 100.000 | 100.157 | 1,000,000.00 | 1,000,000.00 | 1,001,565.00 | 1,083.33 | 1,000,000.00 | 1,002,917 |
| FHLB 313380BW6 | 08/13/12 | 08/13/15 | 0.4000% | 0.4000% | 100.000 | 100.052 | 1,000,000.00 | 1,000,000.00 | 1,000,519.00 | 1,522.22 | 1,000,000.00 | 999,811 |
| FHCB 3133EC5X8 | 12/10/12 | 12/10/15 | 0.4200% | 0.4200% | 100.000 | 99.937 | 1,000,000.00 | 1,000,000.00 | 999,369.00 | 233.33 | 1,000,000.00 | 997,854 |
| FNMA 3135GOST1 | 12/24/12 | 12/24/15 | 0.4500% | 0.4500% | 100.000 | 99.882 | 1,000,000.00 | 1,000,000.00 | 998,820.00 | 75.00 | 1,000,000.00 | 997,783 |
| FHLMC 3134G4FQ6 | 09/19/13 | 09/19/16 | 1.0200% | 1.0200% | 100.000 | 100.187 | 1,000,000.00 | 1,000,000.00 | 1,001,870.00 | 2,861.67 | 1,000,000.00 | 1,005,864 |
| Sub-total | | | | | | | <u>5,000,000.00</u> | <u>5,000,000.00</u> | <u>5,002,143.00</u> | <u>5,775.55</u> | <u>5,000,000.00</u> | <u>5,004,229</u> |
| TexPool Investments | | | | | | | | | | | | |
| Concentration Account | 12/31/13 | 01/01/14 | 0.0372% | 0.0372% | 100.000 | 100.000 | 1,338,599.23 | 1,338,599.23 | 1,338,599.23 | - | 1,863,598.67 | 1,863,598 |
| G.O. Bonds, Series 2005 | 12/31/13 | 01/01/14 | 0.0372% | 0.0372% | 100.000 | 100.000 | 323,430.21 | 323,430.21 | 323,430.21 | - | 551,831.63 | 551,831 |
| G.O. Bonds, Series 2009 RB | 12/31/13 | 01/01/14 | 0.0372% | 0.0372% | 100.000 | 100.000 | 1,409,137.05 | 1,409,137.05 | 1,409,137.05 | - | 1,408,981.31 | 1,408,981 |
| G.O. Bonds, Series 2011 RB | 12/31/13 | 01/01/14 | 0.0372% | 0.0372% | 100.000 | 100.000 | 3,186,312.77 | 3,186,312.77 | 3,186,312.77 | - | 3,275,895.52 | 3,275,895 |
| G.O. Bonds, Series 2013 RB | 12/31/13 | 01/01/14 | 0.0372% | 0.0372% | 100.000 | 100.000 | 6,032,145.55 | 6,032,145.55 | 6,032,145.55 | - | 6,031,478.84 | 6,031,478 |
| METRO Account | 12/31/13 | 01/01/14 | 0.0372% | 0.0372% | 100.000 | 100.000 | 4,843,000.10 | 4,843,000.10 | 4,843,000.10 | - | 4,116,465.75 | 4,116,465 |
| Sub-total | | | | | | | <u>17,132,624.91</u> | <u>17,132,624.91</u> | <u>17,132,624.91</u> | <u>-</u> | <u>17,248,251.72</u> | <u>17,248,251</u> |
| TexSTAR Investments | | | | | | | | | | | | |
| Concentration Account | 12/31/13 | 01/01/14 | 0.0357% | 0.0357% | 100.000 | 100.000 | 1,213,925.22 | 1,213,925.22 | 1,213,925.22 | - | 422,378.89 | 422,378 |
| G.O. Bonds, Series 2010A RB | 12/31/13 | 01/01/14 | 0.0357% | 0.0357% | 100.000 | 100.000 | 1,102,377.65 | 1,102,377.65 | 1,102,377.65 | - | 1,893,691.33 | 1,893,691 |
| Sub-total | | | | | | | <u>2,316,302.87</u> | <u>2,316,302.87</u> | <u>2,316,302.87</u> | <u>-</u> | <u>2,316,070.22</u> | <u>2,316,070</u> |
| Total | | | | | | | <u>\$ 32,900,092.45</u> | <u>\$ 32,900,092.45</u> | <u>\$ 32,902,235.45</u> | <u>\$ 5,775.55</u> | <u>\$ 31,868,037.95</u> | <u>\$ 31,872,266</u> |

Weighted Average Maturity 107 Days
 Weighted Average Yield 0.1112%
 Comparative Yield:
 3-month Tsy Bill 0.0710%
 6-month Tsy Bill 0.0913%
 2-year Tsy Note 0.3838%

To the best of our knowledge, this report is in compliance with the investment strategy expressed in Chapter 2, Administration, Section 2-10, Investment Policy of the Code of Ordinances of the City of Bellaire, Texas and with the Texas Public Funds Investment Act., V.T.C.A., Government Code Ch. 2256, as amended

CHIEF FINANCIAL OFFICER:



FINANCE MANAGER:



Attachment: 03 December 2013 (1034 : Monthly Financial Report - 12/31/2013)

CITY OF BELLAIRE, TEXAS
INVESTMENT ACTIVITY REPORT
Fiscal Year 2014 through December 31, 2013

| Fund Unit Description | Beginning Balance | | | Fiscal Year-To-Date Activity | | | | Ending Balance | | | |
|-------------------------------|-------------------|----------|-----------------|------------------------------|------------------|------------------|------------------------|----------------------------------|-----------------------------|------------------|------------------|
| | Purchase | Date | Rate/ Coupon | Face Amount | 10/01/13 | 10/01/13 | Deposits/ Purchases | Withdrawals/ Maturities/Calls | Incr/(Decr) Market Value | 12/31/13 | 12/31/13 |
| | | | | | Book Value | Market Value | | | | Book Value | Market Value |
| Concentration Accounts | | | | | | | | | | | |
| 313378XS5 | 12/31/13 | 01/01/14 | 0.0000% | \$ 8,451,164.67 | \$ 7,303,716.01 | \$ 7,303,716.01 | \$ 9,260,570.82 | \$ 8,113,122.16 | \$ - | \$ 8,451,164.67 | \$ 8,451,164.67 |
| 313380BW6 | 04/30/12 | 04/30/15 | 0.6500% | | | | | | | | |
| 313380BW6 | 08/13/12 | 08/13/15 | 0.4000% | | | | | | | | |
| 313380BW6 | 12/10/12 | 12/10/15 | 0.4200% | | | | | | | | |
| 3135G0ST1 | 12/24/12 | 12/24/15 | 0.4500% | | | | | | | | |
| 3134G4FQ6 | 09/19/13 | 09/19/16 | 1.0200% | | | | | | | | |
| total | | | | 5,000,000.00 | 5,004,229.00 | | | | | 5,000,000.00 | 5,002,143.00 |
| Tool Investments | | | | | | | | | | | |
| Investment Account | 12/31/13 | 01/01/14 | 0.0372% | 1,338,599.23 | 1,863,598.67 | 1,863,598.67 | 1,576,000.56 | 2,101,000.00 | - | 1,338,599.23 | 1,338,599.23 |
| Bonds, Series 2005 | 12/31/13 | 01/01/14 | 0.0372% | 323,430.21 | 551,831.63 | 551,831.63 | 52.78 | 228,454.20 | - | 323,430.21 | 323,430.21 |
| Bonds, Series 2009 RB | 12/31/13 | 01/01/14 | 0.0372% | 1,409,137.05 | 1,408,981.31 | 1,408,981.31 | 155.74 | - | - | 1,409,137.05 | 1,409,137.05 |
| Bonds, Series 2011 RB | 12/31/13 | 01/01/14 | 0.0372% | 3,186,312.77 | 3,275,895.52 | 3,275,895.52 | 357.07 | 89,939.82 | - | 3,186,312.77 | 3,186,312.77 |
| Bonds, Series 2013 RB | 12/31/13 | 01/01/14 | 0.0372% | 6,032,145.55 | 6,031,478.84 | 6,031,478.84 | 666.71 | - | - | 6,032,145.55 | 6,032,145.55 |
| RO Account | 12/31/13 | 01/01/14 | 0.0372% | 4,843,000.10 | 4,116,465.75 | 4,116,465.75 | 801,534.35 | 75,000.00 | - | 4,843,000.10 | 4,843,000.10 |
| total | | | | 17,132,624.91 | 17,248,251.72 | 17,248,251.72 | 2,378,767.21 | 2,494,394.02 | - | 17,132,624.91 | 17,132,624.91 |
| ITAR Investments | | | | | | | | | | | |
| Investment Account | 12/31/13 | 01/01/14 | 0.0357% | 1,213,925.22 | 422,378.89 | 422,378.89 | 791,546.33 | - | - | 1,213,925.22 | 1,213,925.22 |
| Bonds, Series 2010A RB | 12/31/13 | 01/01/14 | 0.0357% | 1,102,377.65 | 1,893,691.33 | 1,893,691.33 | 166.29 | 791,479.97 | - | 1,102,377.65 | 1,102,377.65 |
| total | | | | 2,316,302.87 | 2,316,070.22 | 2,316,070.22 | 791,712.62 | 791,479.97 | - | 2,316,302.87 | 2,316,302.87 |
| total | | | | \$ 32,900,092.45 | \$ 31,868,037.95 | \$ 31,872,266.95 | \$ 12,431,050.65 | \$ 11,398,996.15 | \$ (2,086.00) | \$ 32,900,092.45 | \$ 32,902,235.45 |

CITY OF BELLAIRE, TEXAS
INVESTMENT SUPPLEMENTARY REPORT
As of December 31, 2013

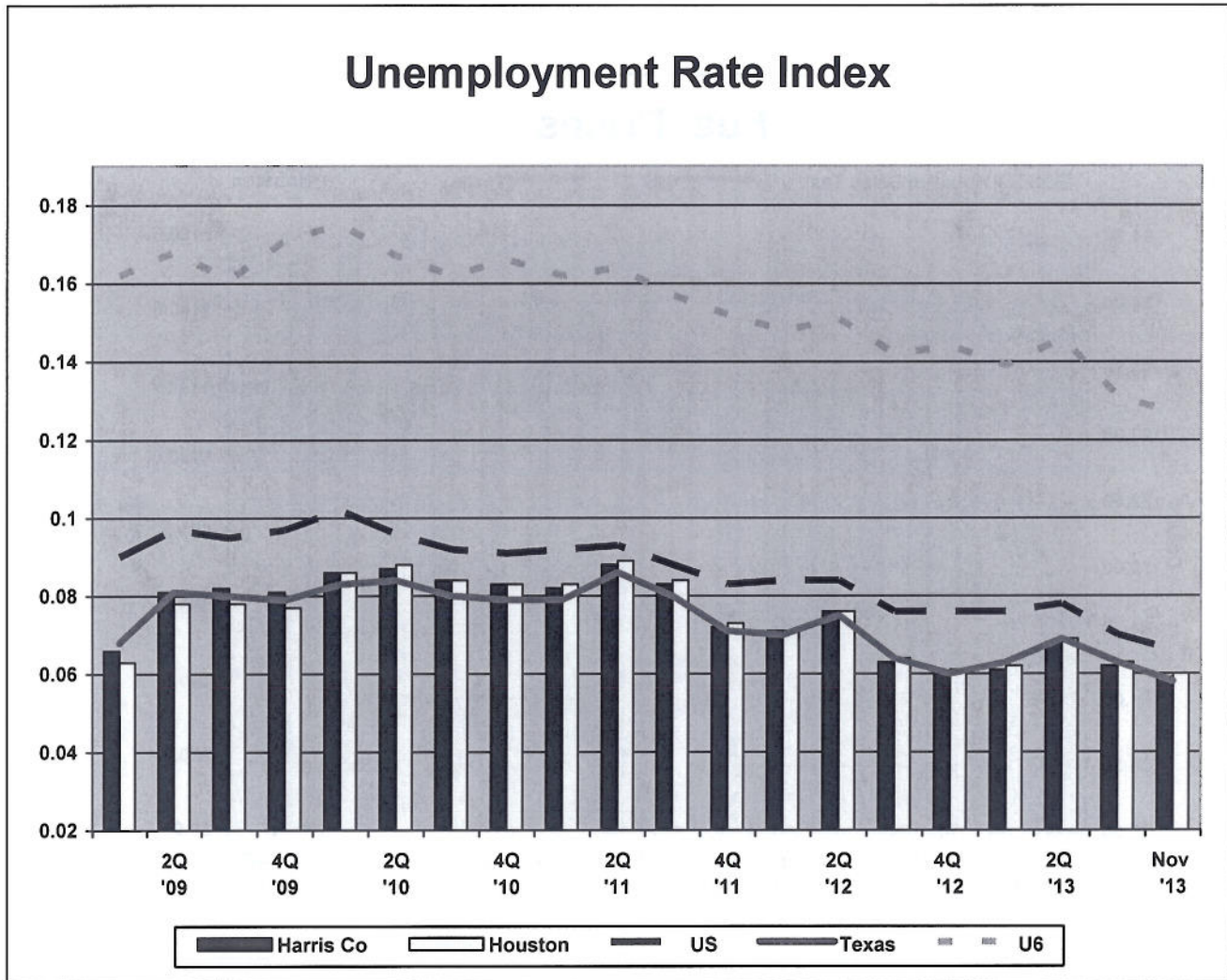
| Account Description | GASB 31 Market Reserve | | | | Claim on Cash by Fund | |
|------------------------------------|------------------------|------------------|------------------------|------------------|----------------------------|------------------|
| | Stated Maturity | Book Value | GASB 31 Market Reserve | Market Value | Fund Classifications | 12/31/13 Balance |
| <u>Cash Concentration Accounts</u> | | | | | | |
| Amegy Bank of Texas | 01/01/14 | \$ 8,451,164.67 | \$ - | \$ 8,451,164.67 | <u>Governmental Funds</u> | |
| Sub-total | | 8,451,164.67 | - | 8,451,164.67 | 100 - General Fund | \$ 4,466,792.20 |
| <u>Certificates of Deposit</u> | | | | | | |
| Sub-total | | - | - | - | 200 - Special Revenue Fund | 268,131.50 |
| <u>Government Securities</u> | | | | | | |
| FHLB 313378XS5 | 04/30/15 | 1,000,000.00 | 1,565.00 | 1,001,565.00 | 300 - Debt Service Fund | 2,135,627.19 |
| FHLB 313380BW6 | 08/13/15 | 1,000,000.00 | 519.00 | 1,000,519.00 | 600 - VET Fund | 484,335.99 |
| FHCB 3133EC5X8 | 12/10/15 | 1,000,000.00 | (631.00) | 999,369.00 | 610 - CIP Fund | 4,378,240.49 |
| FNMA 3135G0ST1 | 12/24/15 | 1,000,000.00 | (1,180.00) | 998,820.00 | 620 - CIP Bond Fund | 12,053,403.23 |
| FHLMC 3134G4FQ6 | 09/19/16 | 1,000,000.00 | 1,870.00 | 1,001,870.00 | 630 - METRO Fund | 4,843,000.10 |
| Sub-total | | 5,000,000.00 | 2,143.00 | 5,002,143.00 | Total Governmental Funds | 28,629,530.70 |
| <u>TexPool Investments</u> | | | | | | |
| Concentration Account | 01/01/14 | 1,338,599.23 | - | 1,338,599.23 | <u>Proprietary Funds</u> | |
| G.O. Bonds, Series 2005 | 01/01/14 | 323,430.21 | - | 323,430.21 | 500 - Enterprise Fund | 4,270,561.75 |
| G.O. Bonds, Series 2009 RB | 01/01/14 | 1,409,137.05 | - | 1,409,137.05 | Total Proprietary Fund | 4,270,561.75 |
| G.O. Bonds, Series 2011 RB | 01/01/14 | 3,186,312.77 | - | 3,186,312.77 | | |
| G.O. Bonds, Series 2013 RB | 01/01/14 | 6,032,145.55 | - | 6,032,145.55 | | |
| METRO Account | 01/01/14 | 4,843,000.10 | - | 4,843,000.10 | | |
| Sub-total | | 17,132,624.91 | - | 17,132,624.91 | Total | \$ 32,900,092.45 |
| <u>TexSTAR Investments</u> | | | | | | |
| Concentration Account | 01/01/14 | 1,213,925.22 | - | 1,213,925.22 | | |
| G.O. Bonds, Series 2010A RB | 01/01/14 | 1,102,377.65 | - | 1,102,377.65 | | |
| Sub-total | | 2,316,302.87 | - | 2,316,302.87 | | |
| Total | | \$ 32,900,092.45 | \$ 2,143.00 | \$ 32,902,235.45 | | |

Attachment: 03 December 2013 (1034 : Monthly Financial Report - 12/31/2013)

Unemployment Rate Index

Description: Unemployment is defined as the number or proportion of people looking for work at the prevailing wage who are unable to find employment. Numbers are reported as seasonally adjusted only at the state level and above and not seasonally adjusted for all areas. Not seasonally adjusted have not been adjusted for the effects of regular or seasonal patterns and are used in this analysis.

Analysis: Unemployment is an economic indicator that provides a framework for the overall condition of the national, state, and local economies. Initial data for November reports the national rate at 6.6%, Texas rate at 5.8%, Harris County rate at 5.9%, and Houston rate at 6.0% which are the lowest unemployment rates reported since December, 2008.



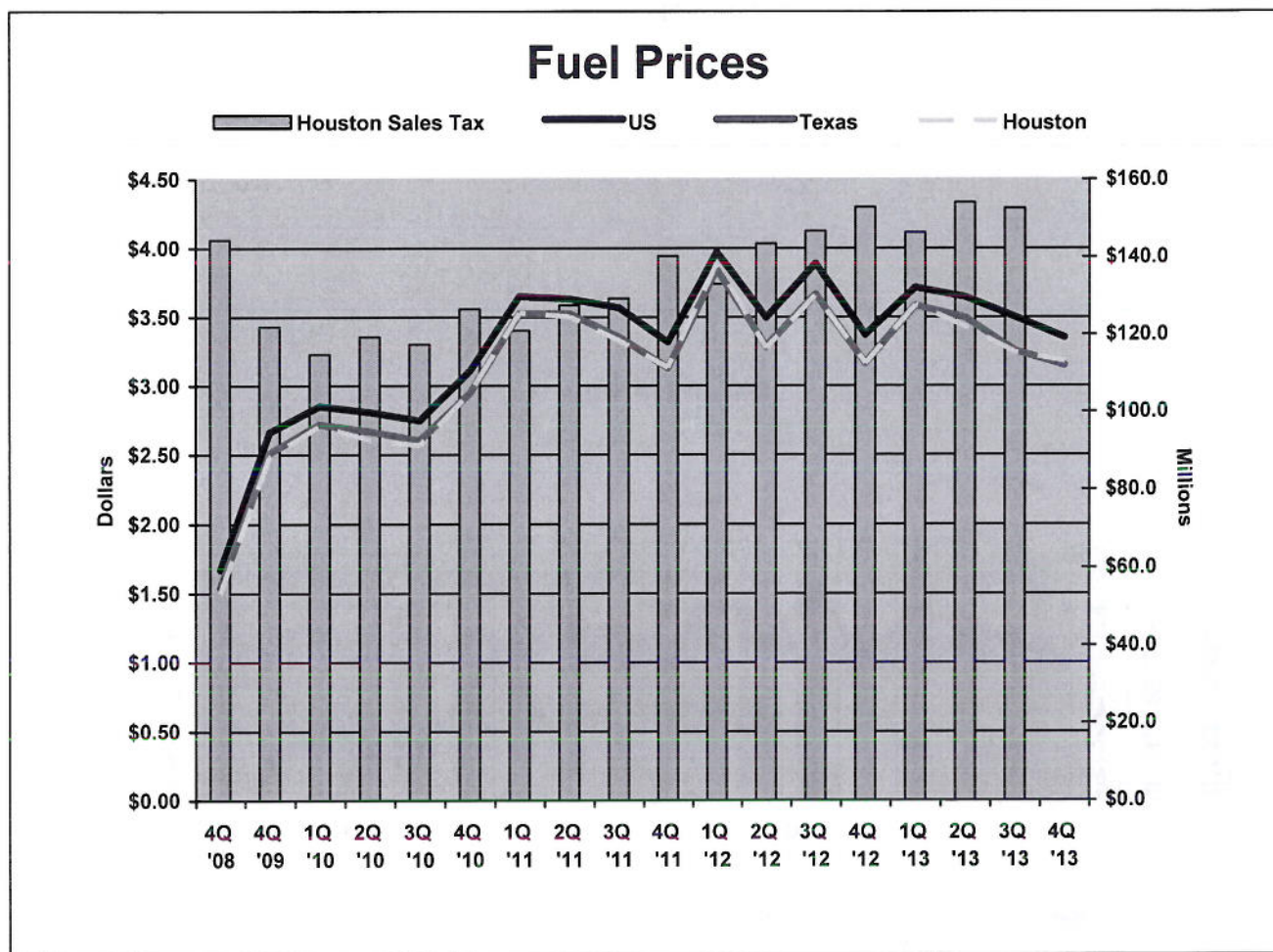
Note: U6 unemployment includes marginally attached workers who currently are neither working nor looking for work but indicate that they want and are available for a job and have looked for work sometime in the recent past. Discouraged workers, a subset of the marginally attached, have given a job-market related reason for not looking currently for a job. Persons employed part-time for economic reasons are those who want and are available for full-time work but have had to settle for a part-time schedule.

Source: US Bureau of Labor Statistics

Fuel Prices

Description: Quarterly fuel trends for the United States, Texas, and Houston.

Analysis: Fuel prices are a major commodity source in the economy. Studies have shown a positive effect on disposable income levels when fuel prices decrease. A study has estimated that for every penny decrease in the price of fuel, \$1.3 billion is available to the consumer for disposable income. Therefore, the price of fuel is likely to impact sales tax collections. Fuel prices declined from the prior quarter (4.42%) at the national level, (3.2%) at the state level, and (1.91%) in Houston. Since the end of September the price per gallon for all reported entities has been below \$3.50. Houston's sales tax receipts were up 4.85% the first quarter of Fiscal Year 2014 over last year. The chart below compares fuel prices to the actual sales tax collected by quarter.

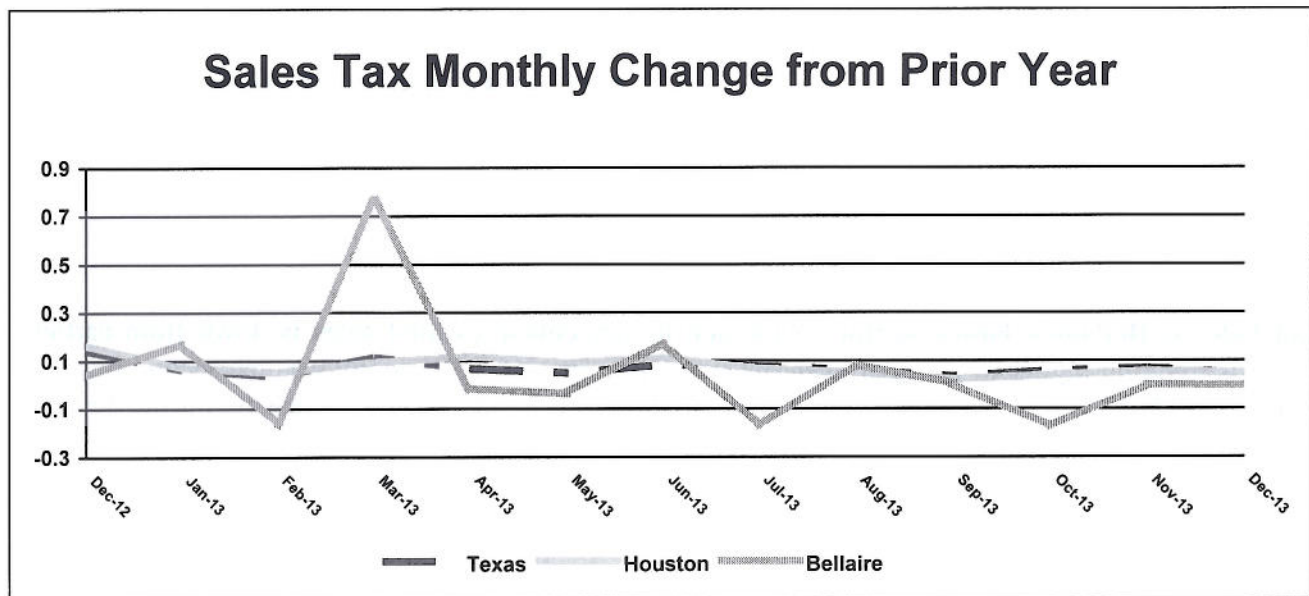
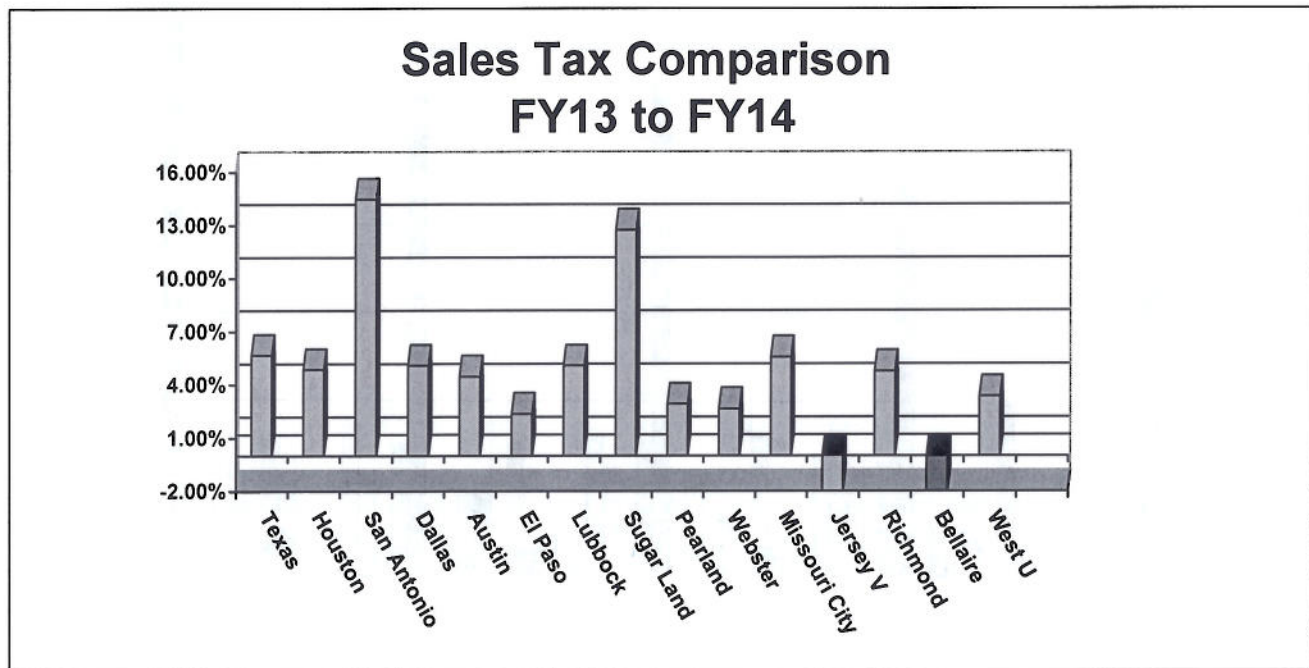


Source: US Department of Energy
Texas State Comptroller

Sales Tax

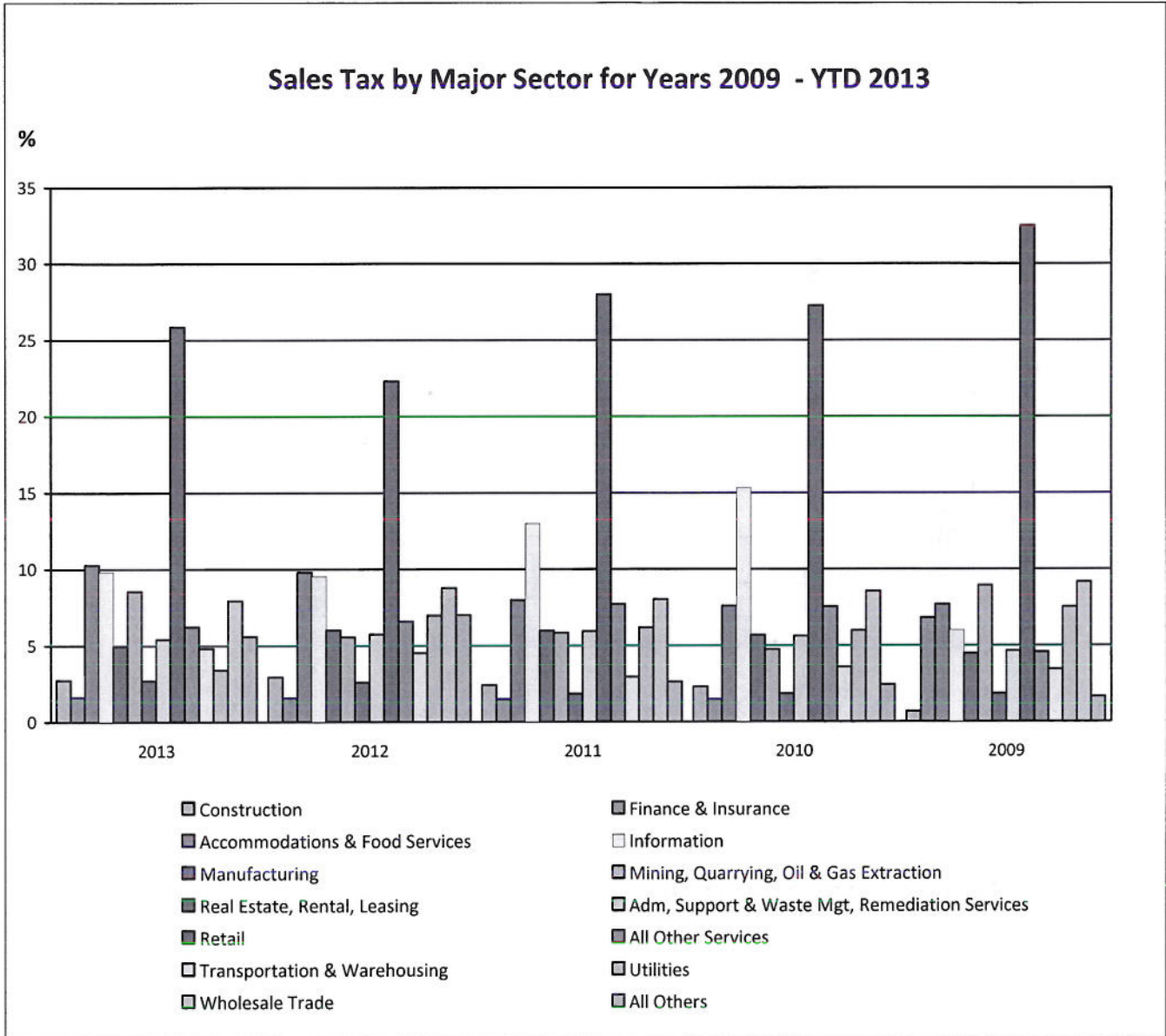
Description: Bellaire imposes 8.25% sales and use tax on all retail sales, leases and rental of most goods, as well as taxable services. The rate is comprised of the state rate of 6.25%, Metro rate of 1.0% and Bellaire's rate of 1.0%.

Analysis: Sales tax is the second largest revenue source for the General Fund representing 13.0% of its total projected revenues. Bellaire's sale tax collection is down (5.44%) over last fiscal year net of the onetime audit adjustment of \$371,994. For the month of December, Bellaire sales tax collection was down (0.19%).



Source: Texas State Comptroller

Bellaire Sales Tax by Major Sectors

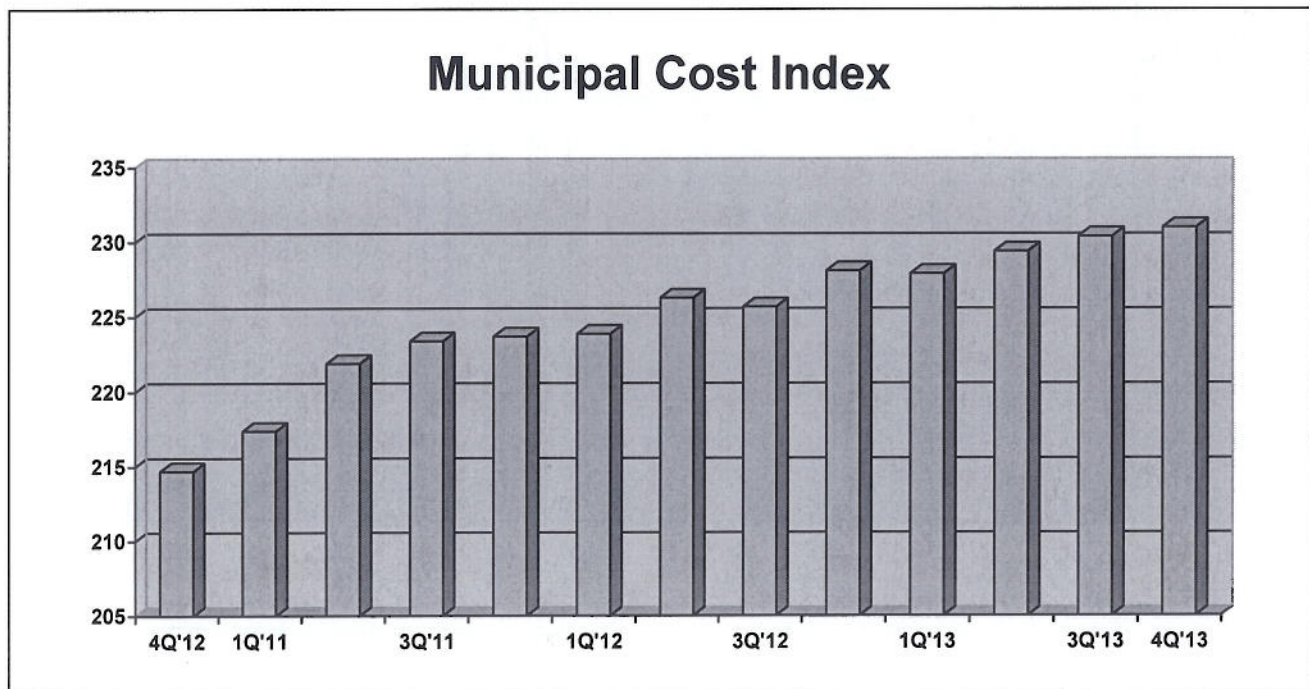


Retail Sales is Bellaire's largest sector. Although its percentage of total sales is down from earlier years, it is trending higher in FY2013 over last year. Information Technology was the second highest sector in 2010 but has declined since with Accommodations & Food Services increasing for the period.

Source: Texas State Comptroller
Municipal Cost Index

Description: The Municipal Cost Index (MCI) was developed to show the rate of inflation for the cost of goods purchased frequently by local governments. The MCI draws on the monthly statistical data collected by the US Departments of Commerce and Labor as well as independently compiled data to project a composite cost picture for the municipalities. Cost of labor, materials and contract services are all factored into the composite MCI. Major indicators of these items used for the MCI include the Consumer Price Index, the Wholesale Price Index for Industrial Commodities (now known as the Producer Price Index) and the construction cost indexes published by the US Department of Commerce, respectively.

Analysis: The MCI developed by American City & County pulls a variety of prices for frequently purchased commodities for local governments. An increase in the MCI means the overall price mix for these types of commodities will cost local governments more to do routine business. As of December the MCI has increased 1.3% over the prior year and 2.3% since the beginning of this fiscal year. December is down (0.2%) from November. Commodities included in the marketbasket with the largest increases over last year as of December include Hardwood Lumber – 20.5%, Gypsum Products – 15.6% and Natural Gas – 15.3%. Commodities seeing large price decreases over last year include Iron Ore – (25.3%) and Gasoline – (11.3%).

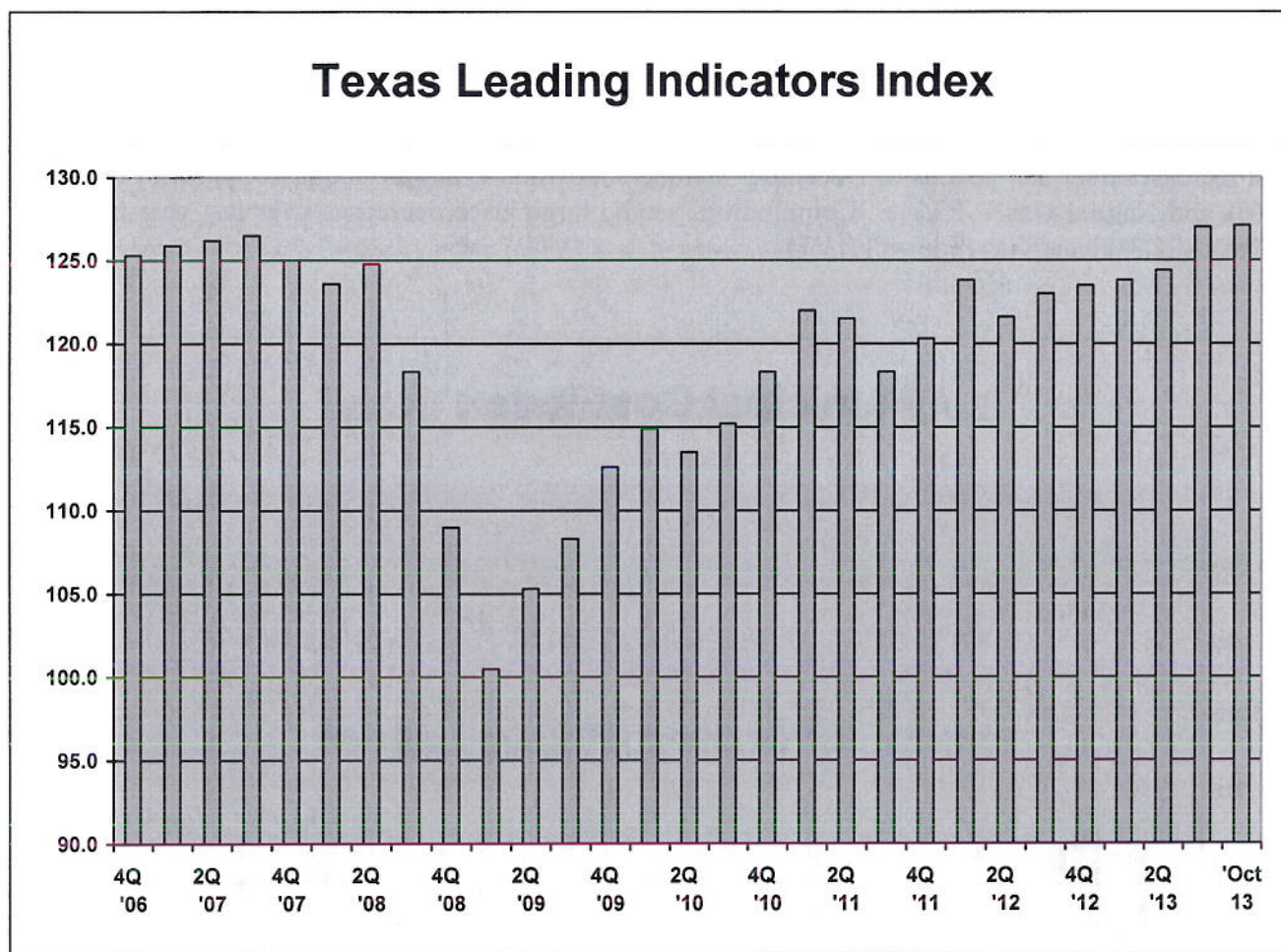


Source: American City & County

Texas Leading Indicators Index

Description: The Texas Leading Indicators Index is a single weighted summary statistic that sheds light on the future of the state's economy. The index is designed to signal movements and changes in the state's rate of growth. The index includes the following indicators which tend to change direction before the overall economy: Texas Value of the Dollar, US Leading Index, Real Oil Prices, Well Permits, Initial Claims for Unemployment Insurance, Texas Stock Index, Help-Wanted Advertising, and Average Hours Worked in Manufacturing.

Analysis: Texas Leading Indicators provide a framework for the overall condition of the local economy. As of October data, the Texas Leading Index, which uses key economic indicators to forecast future economic activity, rose 1.84% since January and 3.25% for Fiscal Year 2013.

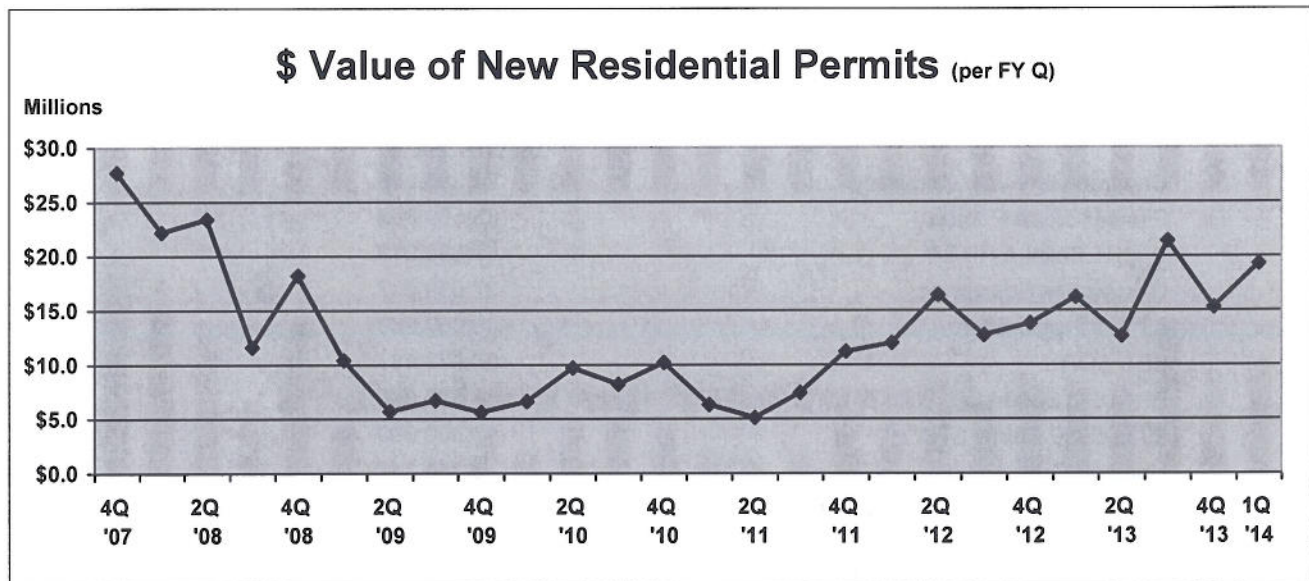
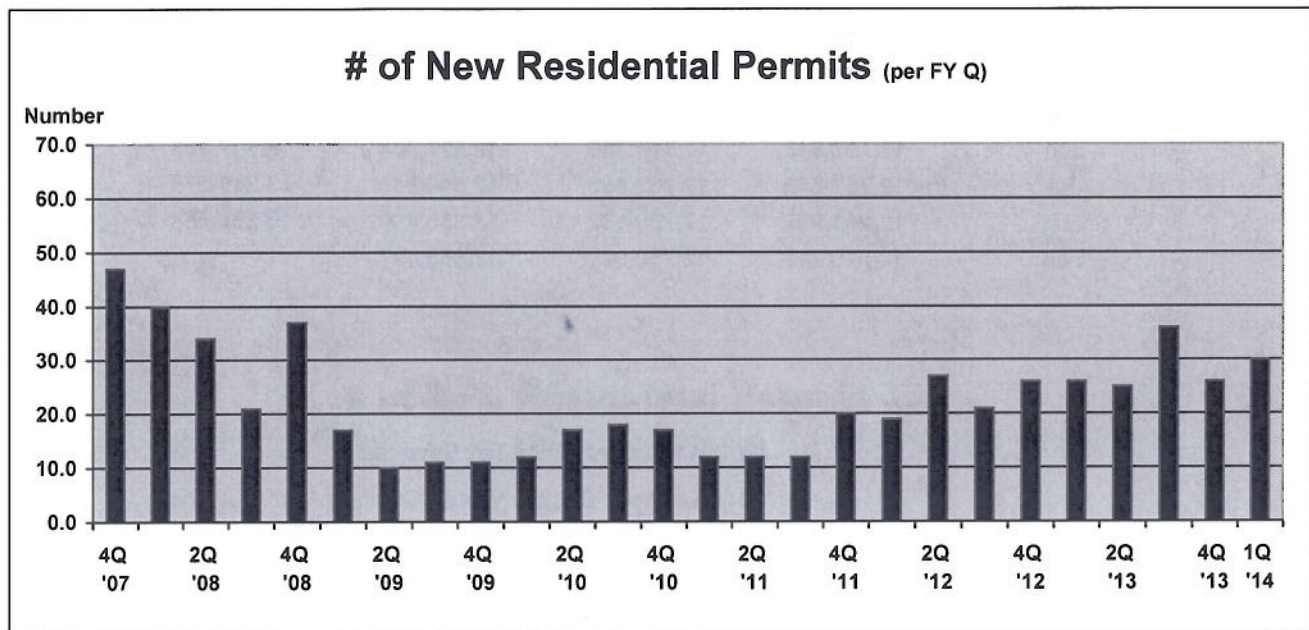


Source: Federal Reserve Bank of Dallas

Residential Permits

Description: Residential Permits are issued in compliance with the 2003 International Building Code and applicable City ordinances. The data presented in this analysis includes only new permits issued and not remodels or alterations.

Analysis: Residential Permits are an economic indicator that provides a framework for the overall condition of the local economy. Residential permits have a direct correlation with building inspection fees and appraised values. As of December 31, 30 new residential permits with a value to \$19.3 million have been issued. The number of permits issued is up by four from the first quarter of FY2013. The average value increased from \$621,706 FY 2013 to \$643,604 FY2014.



Source: City of Bellaire's Community Development Department

CITY OF BELLAIRE
CURRENT PROPERTY TAX COLLECTIONS
FY 2010 - FY 2014

| <u>Month</u> | <u>FY 2010</u> | <u>FY 2011</u> | <u>FY 2012</u> | <u>FY 2013</u> |
|--------------|----------------|----------------|----------------|----------------|
| Oct | \$ - | \$ - | \$ - | \$ - |
| Nov | 239,133 | 447,766 | 519,998 | 501,713 |
| Dec | 2,809,777 | 3,464,077 | 3,830,784 | 3,558,843 |
| Jan | 8,676,888 | 9,140,630 | 10,055,746 | 10,050,022 |
| Feb | 11,741,583 | 12,216,842 | 12,439,634 | 12,978,460 |
| Mar | 11,853,083 | 12,475,105 | 12,628,483 | 13,101,633 |
| Apr | 11,941,106 | 12,592,732 | 12,718,289 | 13,251,738 |
| May | 12,104,409 | 12,643,629 | 12,772,591 | 13,284,289 |
| Jun | 12,157,513 | 12,714,266 | 12,837,364 | 13,307,908 |
| Jul | 12,251,846 | 12,732,855 | 12,846,889 | 13,319,875 |
| Aug | 12,281,937 | 12,738,132 | 12,856,497 | 13,339,458 |
| Sep | 12,319,214 | 12,750,093 | 12,856,497 | - |

YTD Collections

% of Budget

% of Total Levy

FY 2014 Budget - Total Tax Revenue

2013 Tax Year Taxable Value - Certified Appraisal Roll*

2013 Tax Year - Under Protest or not Certified*

Total as of 8/23/2013

Total Levy at \$0.3999 / \$100 =

Ten Largest Taxpayers in City of Bellaire (Tax Year 2013) *

| | <u>Taxable Value</u> |
|-------------------------------|-----------------------|
| Chevron Chemical Company | \$ 74,396,275 |
| Pin Oak North Parcel | 65,509,807 |
| WMPT Bellaire HP LP | 47,506,619 |
| Centerpoint Energy Inc. | 37,059,537 |
| AT & T Corporation | 36,067,663 |
| KBS SOR | 35,373,487 |
| BRI 1833 6330 LLC | 33,325,000 |
| 5909-5959 Realty LTD | 11,800,000 |
| Houston Orthopedic | 8,354,347 |
| Centro NP Holdings 12 SPE LLC | 7,788,504 |
| | <u>\$ 357,181,239</u> |

Tax Levy \$ 1,428,368

% of Total Levy 10.02%

* Source: Harris County Tax Assessor-Collector

CITY OF BELLAIRE HOUSING INFORMATION FY 2014

Dec

Houses, Townhomes & Vacant Lots for Sale *

| <u>Price Range</u> | |
|---|---------------------|
| \$ 0 - \$ 250,000 | - |
| \$ 250,001 - \$ 500,000 | 11 |
| \$ 500,001 - \$ 750,000 | 3 |
| \$ 750,001 - \$ 1,000,000 | 18 |
| > \$ 1,000,000 | 21 |
| Total Units For Sale * | 53 |
| Total HCAD Residential Units/Lots ** | 6,338 |
| For Sale as a % of Total Units | 0.84% |
| Highest Listing Price - Home | \$ 1,695,000 |
| Lowest Listing Price - Lot | \$ 290,000 |

Houses for Lease *

| | |
|----------------------------|-----------------|
| Highest Lease/Month | \$ 5,500 |
| Lowest Lease/Month | \$ 1,425 |
| Average Lease/Month | \$ 2,824 |

Foreclosure History as of end of Quarter Reported by RealtyTrac

| | <u>Auction</u> | <u>Bank Owned</u> |
|-------------------------|----------------|-------------------|
| At Quarter End 12-31-12 | 2 | 4 |
| At Quarter End 03-31-13 | 4 | 3 |
| At Quarter End 06-30-13 | 2 | 1 |
| At Quarter End 09-30-13 | 3 | 1 |
| At Quarter End 12-31-13 | 1 | 1 |

New Residential Construction

| <u>Fiscal Year</u> | <u>New Units</u> | <u>Dollar Value</u> | |
|--------------------|------------------|---------------------|-----------------|
| | | <u>Construction</u> | <u>Avg/Unit</u> |
| 2007 | 169 | 85,632,703 | 506,702 |
| 2008 | 132 | 75,405,507 | 571,254 |
| 2009 | 49 | 26,026,889 | 531,161 |
| 2010 | *** 64 | 34,682,458 | 541,913 |
| 2011 | 56 | 30,064,905 | 536,873 |
| 2012 | *** 93 | 54,914,376 | 590,477 |
| 2013 | *** 113 | 65,491,037 | 579,567 |
| 2014 | 30 | 19,308,106 | 643,604 |

Average Appraised Value (Tax Year 2013) ** \$ 619,552

* Source: Houston Association of Realtors (does not include for sale or lease by owner)

** Based on information provided by the Harris County Tax Assessor-Collector and the Harris County Appraisal District

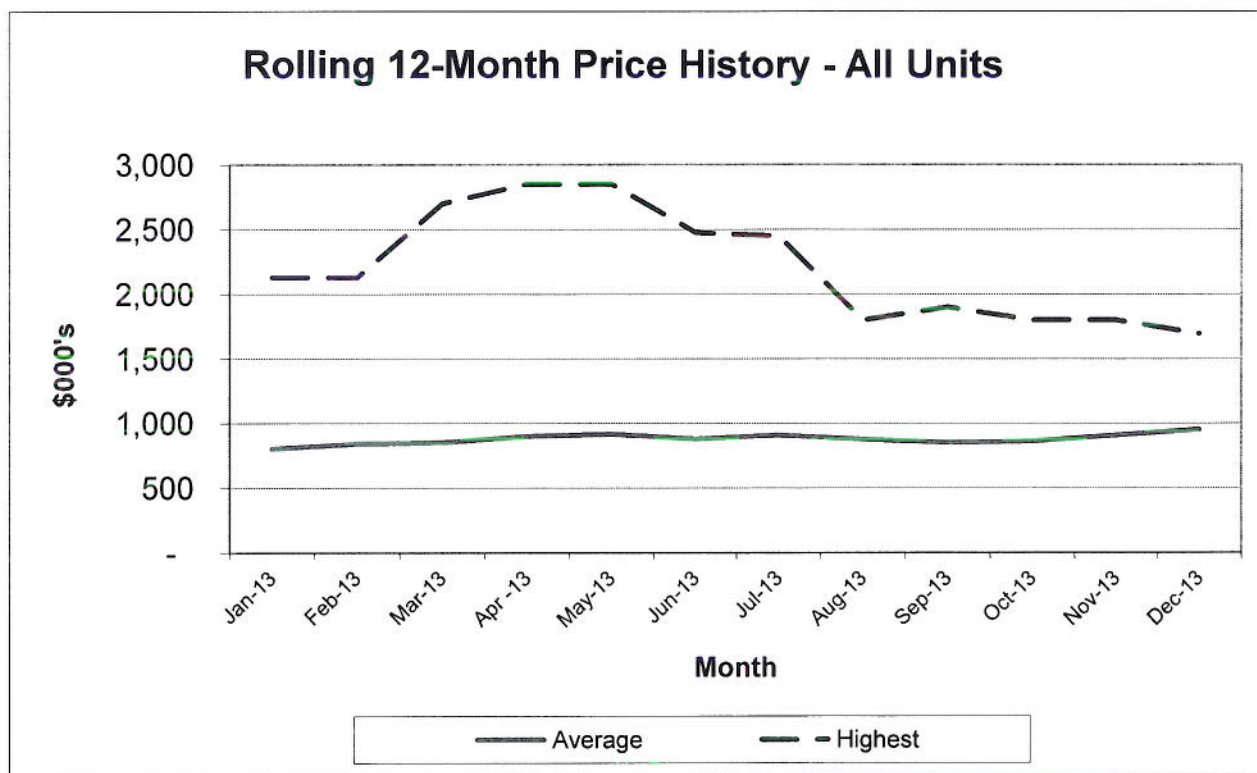
*** Numbers revised based on system correction

Attachment: 03 December 2013 (1034 : Monthly Financial Report - 12/31/2013)

CITY OF BELLAIRE TREND ANALYSIS - HOUSES & VACANT LOTS FOR SALE FY 2014

Total Units for Sale and Price Information by Month

| | <u>Units</u> | <u>Lowest</u> | <u>Highest</u> | <u>Avg - All</u> | <u>Avg - Homes</u> | <u>Avg - TH</u> | <u>Avg - Lot</u> |
|--------------|--------------|---------------|----------------|------------------|--------------------|-----------------|------------------|
| Dec-12 | 102 | 186,000 | 2,128,000 | 798,333 | 853,520 | 235,000 | 365,522 |
| Jan-13 | 110 | 159,900 | 2,128,000 | 803,443 | 840,676 | 159,500 | 352,829 |
| Feb-13 | 133 | 159,900 | 2,128,000 | 841,057 | 886,113 | 159,500 | 359,490 |
| Mar-13 | 134 | 159,900 | 2,698,000 | 851,682 | 902,512 | 263,300 | 358,778 |
| Apr-13 | 132 | 159,900 | 2,850,000 | 898,015 | 963,768 | 314,971 | 446,550 |
| May-13 | 137 | 174,000 | 2,850,000 | 917,153 | 978,481 | 307,750 | 263,600 |
| Jun-13 | 131 | 174,000 | 2,475,000 | 877,872 | 933,744 | 295,780 | 417,125 |
| Jul-13 | 120 | 199,000 | 2,450,000 | 908,182 | 955,466 | 316,667 | 485,763 |
| Aug-13 | 106 | 199,000 | 1,799,000 | 875,902 | 924,044 | 303,300 | 518,938 |
| Sep-13 | 116 | 199,000 | 1,899,000 | 851,408 | 896,204 | 309,633 | 466,625 |
| Oct-13 | 116 | 249,900 | 1,799,000 | 861,876 | 900,279 | 295,000 | 405,917 |
| Nov-13 | 68 | 290,000 | 1,799,000 | 908,532 | 936,670 | - | 554,000 |
| Dec-13 | 53 | 290,000 | 1,695,000 | 954,573 | 1,000,498 | 398,000 | 390,000 |
| vs. Prior Mo | -22.06% | 0.00% | -5.78% | 5.07% | 6.81% | #DIV/0! | -29.60% |



* Source: Houston Association of Realtors (does not include for sale or lease by owner)

CITY OF BELLAIRE
SUMMARY OF SALES & MIXED BEVERAGE TAX
FY 2012 - FY 2014

| Payment | | | | |
|------------------------------|---------------|-----------------------|-----------------------|-----------------------|
| Month | Period | <u>FY 2012</u> | <u>FY 2013</u> | <u>FY 2014</u> |
| <u>Sales Tax</u> | | | | |
| Oct | Aug | \$ 151,465 | \$ 163,239 | \$ 506,393 |
| Nov | Sep | 186,000 | 191,806 | 191,544 |
| Dec | Oct | 179,968 | 186,637 | 186,277 |
| Jan | Nov | 159,222 | 186,727 | |
| Feb | Dec | 237,695 | 198,802 | |
| Mar | Jan | 122,609 | 216,426 | |
| Apr | Feb | 158,708 | 156,272 | |
| May | Mar | 205,859 | 198,268 | |
| Jun | Apr | 160,987 | 189,540 | |
| Jul | May | 212,557 | 174,952 | |
| Aug | Jun | 194,582 | 210,908 | |
| Sep | Jul | 162,205 | 162,847 | - |
| Sub-Total | | \$ 2,131,857 | \$ 2,236,424 | \$ 884,214 |
| <u>Mixed Beverage</u> | | | | |
| Oct | 1st Qtr | 1,834 | 1,833 | 4,366 |
| Jan | 2nd Qtr | 1,758 | 2,586 | - |
| Apr | 3rd Qtr | 1,954 | 3,536 | |
| Jul | 4th Qtr | 1,910 | 3,686 | - |
| Sub-Total | | 7,456 | 11,641 | 4,366 |
| Total | | \$ 2,139,313 | \$ 2,248,065 | \$ 888,580 |

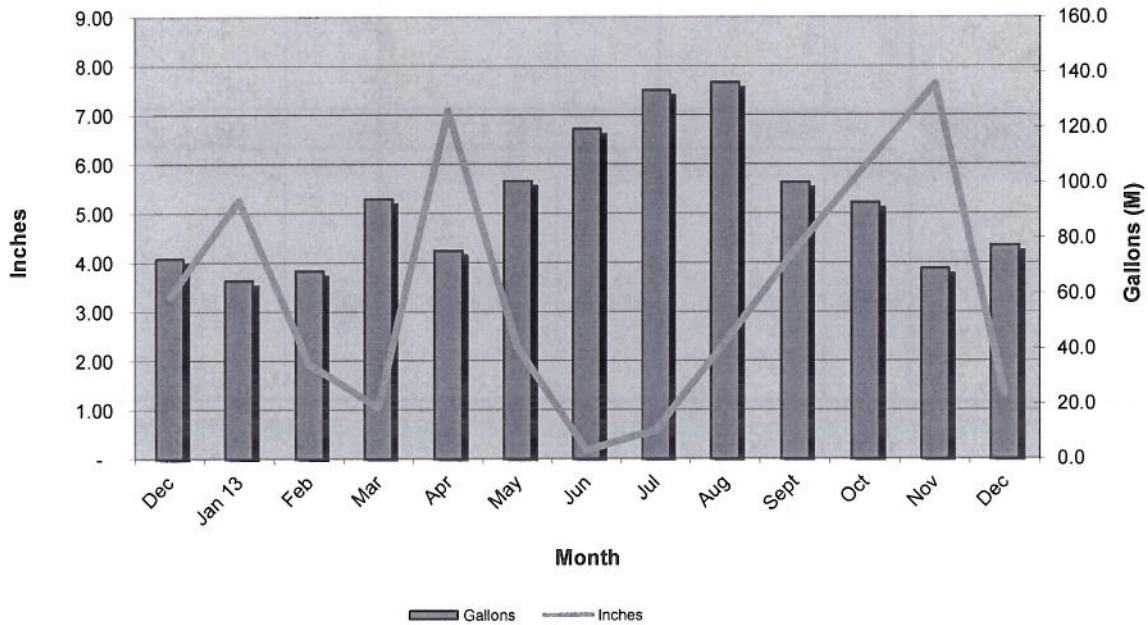
CITY OF BELLAIRE
SUMMARY OF FRANCHISE FEES
FY 2012 - FY 2014

| | Total <u>FY 2012</u> | Total <u>FY 2013</u> | YTD <u>FY 2014</u> |
|------------------|---------------------------------------|---------------------------------------|-------------------------------------|
| Electric | \$ 833,437 | \$ 848,297 | \$ 275,378 |
| Gas | 101,887 | 117,555 | 18,506 |
| Telephone | 122,680 | 121,151 | 32,941 |
| Cable | <u>293,375</u> | <u>299,937</u> | <u>71,241</u> |
| Total | <u>\$ 1,351,379</u> | <u>\$ 1,386,940</u> | <u>\$ 398,066</u> |

**CITY OF BELLAIRE
SUMMARY OF WATER PUMPED
FY 2010 - FY 2014**

| Month | FY 2010 Total Pumped | FY 2011 Total Pumped | FY 2012 Total Pumped | FY 2013 Total Pumped | FY 2013 Rainfall (Inches) | FY 2014 Total Pumped | FY 2014 COB Pumped | FY 2014 COH Pumped | FY 2014 Rainfall (Inches) |
|--------------|----------------------------|----------------------------|----------------------------|----------------------------|---------------------------------|----------------------------|--------------------------|--------------------------|---------------------------------|
| Oct | 74,733,000 | 108,632,000 | 129,655,000 | 109,121,000 | 1.08 | 92,972,000 | 37,653,000 | 55,319,000 | 5.96 |
| Nov | 73,307,000 | 81,797,000 | 99,628,000 | 103,839,000 | 0.72 | 69,110,000 | 5,414,000 | 63,696,000 | 7.64 |
| Dec | 63,992,000 | 81,543,000 | 73,904,000 | 72,504,000 | 3.30 | 77,359,000 | 5,595,000 | 71,764,000 | 1.32 |
| Jan | 69,866,000 | 66,417,000 | 62,294,000 | 64,773,000 | 5.26 | - | - | - | - |
| Feb | 55,565,000 | 69,527,000 | 63,981,000 | 68,153,000 | 1.93 | - | - | - | - |
| Mar | 73,463,000 | 126,367,000 | 69,176,000 | 94,108,000 | 1.05 | - | - | - | - |
| Apr | 84,903,000 | 111,209,000 | 56,134,000 | 75,587,000 | 7.09 | - | - | - | - |
| May | 110,820,000 | 119,096,000 | 85,870,000 | 100,717,000 | 2.28 | - | - | - | - |
| Jun | 105,884,000 | 90,908,000 | 115,932,000 | 119,484,000 | 0.17 | - | - | - | - |
| Jul | 86,789,000 | 87,502,000 | 98,488,000 | 133,402,000 | 0.58 | - | - | - | - |
| Aug | 128,737,000 | 176,329,000 | 134,154,000 | 136,353,000 | 2.36 | - | - | - | - |
| Sep | 93,586,000 | 150,932,000 | 125,974,000 | 100,334,000 | 4.24 | - | - | - | - |
| TOTAL | 1,021,645,000 | 1,270,259,000 | 1,115,190,000 | 1,178,375,000 | 30.06 | 239,441,000 | 48,662,000 | 190,779,000 | 14.92 |

Rainfall / Gallons Pumped



**CITY OF BELLAIRE
SUMMARY OF PURCHASE ORDERS
FY 2014**

| | Oct-13 | | Nov-13 | | Dec-13 | | 1st Qtr | |
|--|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | <u>Issued</u> | <u>Amount</u> | <u>Issued</u> | <u>Amount</u> | <u>Issued</u> | <u>Amount</u> | <u>Issued</u> | <u>Amount</u> |
| Total Purchase Orders | 369 | \$ 3,760,989 | 200 | \$ 1,157,073 | 219 | \$ 2,408,544 | 788 | \$ 7,326,606 |
| Purchase Orders for \$5,000 - \$50,000 | 11 | \$ 2,811,270 | 21 | \$ 364,187 | 10 | \$ 143,962 | 42 | \$ 3,319,419 |
| % of Total Purchase Orders | 2.98% | 74.75% | 10.50% | 31.47% | 4.57% | 5.98% | 5.33% | 45.31% |
| \$ 5,000 - \$ 25,000 | 38 | \$ 411,847 | 17 | \$ 220,022 | 8 | \$ 75,716 | 63 | \$ 707,585 |
| \$ 25,001 - \$ 50,000 | 7 | \$ 214,986 | 4 | \$ 144,165 | 2 | \$ 68,246 | 13 | \$ 427,397 |
| | Jan-14 | | Feb-14 | | Mar-14 | | 2nd Qtr | |
| | <u>Issued</u> | <u>Amount</u> | <u>Issued</u> | <u>Amount</u> | <u>Issued</u> | <u>Amount</u> | <u>Issued</u> | <u>Amount</u> |
| Total Purchase Orders | | | | | | | - | \$ - |
| Purchase Orders for \$5,000 - \$50,000 | | | | | | | - | \$ - |
| % of Total Purchase Orders | ##### | #DIV/0! | #DIV/0! | #DIV/0! | #DIV/0! | #DIV/0! | #DIV/0! | #DIV/0! |
| \$ 5,000 - \$ 25,000 | | | | | | | - | \$ - |
| \$ 25,001 - \$ 50,000 | | | | | | | - | \$ - |
| | Apr-14 | | May-14 | | Jun-14 | | 3rd Qtr | |
| | <u>Issued</u> | <u>Amount</u> | <u>Issued</u> | <u>Amount</u> | <u>Issued</u> | <u>Amount</u> | <u>Issued</u> | <u>Amount</u> |
| Total Purchase Orders | | | | | | | - | \$ - |
| Purchase Orders for \$5,000 - \$50,000 | | | | | | | - | \$ - |
| % of Total Purchase Orders | ##### | #DIV/0! | #DIV/0! | #DIV/0! | #DIV/0! | #DIV/0! | #DIV/0! | #DIV/0! |
| \$ 5,000 - \$ 25,000 | | | | | | | - | \$ - |
| \$ 25,001 - \$ 50,000 | | | | | | | - | \$ - |
| | Jul-14 | | Aug-14 | | Sep-14 | | 4th Qtr | |
| | <u>Issued</u> | <u>Amount</u> | <u>Issued</u> | <u>Amount</u> | <u>Issued</u> | <u>Amount</u> | <u>Issued</u> | <u>Amount</u> |
| Total Purchase Orders | | | | | | | - | \$ - |
| Purchase Orders for \$5,000 - \$50,000 | | | | | | | - | \$ - |
| % of Total Purchase Orders | ##### | #DIV/0! | #DIV/0! | #DIV/0! | #DIV/0! | #DIV/0! | #DIV/0! | #DIV/0! |
| \$ 5,000 - \$ 25,000 | | | | | | | - | \$ - |
| \$ 25,001 - \$ 50,000 | | | | | | | - | \$ - |

* Purchases include bids, sole source, and cooperative purchasing.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 01/27/14 07:00 PM
Department: City Clerk
Category: Report
Department Head: Tracy L. Dutton
DOC ID: 1065

**ADOPTED
ACTION ITEM (ID # 1065)**

Item Title:

City Attorney's Report regarding possible means and/or methods for the regulation of payday loan companies operating within the corporate limits of Bellaire, Texas.

Background/Summary:

City Attorney Alan P. Petrov will present a report to members of City Council regarding possible means and/or methods for the regulation of payday loan companies operating within the corporate limits of Bellaire, Texas.

Source of Funding:

Not Applicable.

Recommendation:

Acceptance of the City Attorney's Report into the record.

| | |
|------------------|---|
| RESULT: | ACCEPTED [UNANIMOUS] |
| MOVER: | Pat B. McLaughlan, Councilman |
| SECONDER: | Amanda B. Nathan, Mayor Pro Tem |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 01/27/14 07:00 PM
Department: City Clerk
Category: Appointment
Department Head: Tracy L. Dutton
DOC ID: 1056

**ADOPTED
ORDINANCE (ID # 1056)**

Item Title:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, electing a Mayor Pro Tempore for the City of Bellaire, Texas, for a term commencing January 27, 2014, and expiring January 4, 2016, in accordance with Article II, The Council, Section 5, Mayor Pro Tempore, of the Charter of the City of Bellaire, Texas, as amended November 7, 2006, and repealing any prior ordinance conflicting therewith.

Background/Summary:

In accordance with Article II, The Council, Section 5, Mayor Pro Tempore, of the Charter of the City of Bellaire, Texas, as amended November 7, 2006, "The City Council shall elect a Mayor Pro Tempore, who shall act as, and have all the powers of the Mayor during the absence or disability of the Mayor, and if a vacancy should occur in the office of Mayor, shall become Mayor until the next regular election, at which election a Mayor shall be elected to fill the full or unexpired term, as the case may be."

An ordinance for the election of a Mayor Pro Tempore has been prepared and is attached hereto for City Council's consideration. The ordinance has assumed a term of approximately two years for Mayor Pro Tempore from January 27, 2014, through January 4, 2016, said term of which follows that of Mayor Dr. Philip L. Nauert.

Set forth below is a list of the members of City Council who were elected to serve as Mayor Pro Tempore from 2000 to 2014:

Member of City Council

Cindy Siegel
Dr. Philip L. Nauert
Dr. Philip L. Nauert
Peggy Faulk
Peggy Faulk
Dr. Philip L. Nauert
Amanda B. (Mandy) Nathan

Mayor Pro Tempore Term

January 2000 - January 2002
January 2002 - January 2004
January 2004 - January 2006
January 2006 - January 2008
January 2008 - January 2010
January 2010 - January 2012
January 2012 - January 2014

Source of Funding:

Not Applicable.

Staff Recommendation:

Not Applicable - election by members of City Council.

ATTACHMENTS:

- Election of Mayor Pro Tempore - 2014 (DOC)

| | |
|----------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Andrew S. Friedberg, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |



ORDINANCE NO. 14-_____

AN ORDINANCE ELECTING A MAYOR PRO TEMPORE FOR THE CITY OF BELLAIRE, TEXAS, FOR A TERM COMMENCING JANUARY 27, 2014, AND EXPIRING JANUARY 4, 2016, IN ACCORDANCE WITH ARTICLE II, THE COUNCIL, SECTION 5, MAYOR PRO TEMPORE, OF THE CHARTER OF THE CITY OF BELLAIRE, TEXAS, AS AMENDED NOVEMBER 7, 2006, AND REPEALING ANY PRIOR ORDINANCES CONFLICTING THEREWITH.

WHEREAS, *Article II, The Council, Section 5, Mayor Pro Tempore*, of the *Charter of the City of Bellaire, Texas*, as amended November 7, 2006, provides that the City Council of the City of Bellaire, Texas, shall elect a Mayor Pro Tempore who shall act and have all of the powers of the Mayor during the absence or disability of the Mayor; and

WHEREAS, the City Council of the City of Bellaire, Texas, has met and elected a Mayor Pro Tempore in accordance with the provisions of *Article II, The Council, Section 5, Mayor Pro Tempore*, of the *Charter of the City of Bellaire, Texas*, as amended November 7, 2006; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS:

1. **THAT** the recitals contained herein are true and correct.
2. **THAT** _____, **Councilman – Position No. _____**, is hereby elected as Mayor Pro Tempore of the City of Bellaire, Texas, to serve in accordance with the provisions of *Article II, The Council, Section 5, Mayor*

Pro Tempore, of the *Charter of the City of Bellaire, Texas*, as amended November 7, 2006, for a term commencing January 27, 2014, and expiring January 4, 2016.

3. THAT any and all ordinances that may be in conflict with this Ordinance are hereby repealed.

4. THAT this Ordinance shall be effective immediately upon its adoption.

PASSED and **ADOPTED** this 27th day of January, 2014.

(SEAL)

ATTEST:

SIGNED:

Tracy L. Dutton, TRMC
City Clerk

Philip L. Nauert
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

Attachment: Election of Mayor Pro Tempore - 2014 (1056 : Election of Mayor Pro Tempore)

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 01/27/14 07:00 PM
Department: City Clerk
Category: Appointment
Department Head: Tracy L. Dutton
DOC ID: 1057

**ADOPTED
ORDINANCE (ID # 1057)**

Item Title:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing Paul A. Hofmann as City Manager of the City of Bellaire, Texas, and authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, an Agreement for Professional Services and Employment as City Manager providing for the terms and provisions of such appointment, including the duties of the City Manager, compensation and payment of benefits for said City Manager, required notice and severance pay in the event that the appointment herein made is not voluntarily terminated by resignation of Paul A. Hofmann and providing that any appointments of City Managers or Acting City Managers of the City of Bellaire, Texas, in conflict with this appointment, are hereby terminated.

Background/Summary:

Following the announcement of his retirement from the City of Bellaire, Texas, after more than 13 years of service by current City Manager Bernard M. Satterwhite, Jr., members of City Council began the process of hiring an executive search firm to assist the City in finding a new City Manager.

After hiring Strategic Government Resources Inc. (SGR) to perform a search for City Manager candidates, the candidate pool was narrowed and interviews were conducted. Following second interviews, the candidate pool was narrowed further and a third interview in a social setting was conducted.

Following the third interview, a candidate was selected to serve as Bellaire's City Manager by members of City Council and negotiations for the candidate's employment began.

The attached ordinance and "Agreement for Professional Services and Employment as City Manager" reflect the results of City Council's negotiations with candidate Paul A. Hofmann. The ordinance provides for the appointment of Paul A. Hofmann as City Manager of the City of Bellaire, Texas, and authorizes the Mayor and City Clerk to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, said "Agreement for Professional Services and Employment as City Manager."

The "Agreement for Professional Services and Employment as City Manager" has been executed by Paul A. Hofmann. Following consideration and approval by City Council, Mr. Hofmann's appointment will be effective as of Monday, February 17, 2014.

ATTACHMENTS:

- City Manager Employment Agreement - 2014 (DOCX)
- Agreement for Professional Services and Employment as City Manager (PDF)

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Roman F. Reed, Councilman |
| SECONDER: | Pat B. McLaughlan, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |



ORDINANCE NO. 14-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, APPOINTING PAUL A. HOFMANN AS CITY MANAGER OF THE CITY OF BELLAIRE, TEXAS, AND AUTHORIZING THE MAYOR AND THE CITY CLERK OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE AND ATTEST, RESPECTIVELY, FOR AND ON BEHALF OF THE CITY OF BELLAIRE, TEXAS, AN AGREEMENT FOR PROFESSIONAL SERVICES AND EMPLOYMENT AS CITY MANAGER PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH APPOINTMENT, INCLUDING THE DUTIES OF THE CITY MANAGER, COMPENSATION AND PAYMENT OF BENEFITS FOR SAID CITY MANAGER, REQUIRED NOTICE AND SEVERANCE PAY IN THE EVENT THAT THE APPOINTMENT HEREIN MADE IS NOT VOLUNTARILY TERMINATED BY RESIGNATION OF PAUL A. HOFMANN AND PROVIDING THAT ANY APPOINTMENTS OF CITY MANAGERS OR ACTING CITY MANAGERS OF THE CITY OF BELLAIRE, TEXAS, IN CONFLICT WITH THIS APPOINTMENT, ARE HEREBY TERMINATED.

WHEREAS, Bernard M. Satterwhite, Jr., City Manager of the City of Bellaire, Texas, announced his retirement from the City of Bellaire, Texas, after more than 13 years of continuous service; and

WHEREAS, the City Council of the City of Bellaire, Texas, has selected Paul A. Hofmann as City Manager for the City of Bellaire, Texas; and

WHEREAS, Paul A. Hofmann meets the qualifications to serve as City Manager of the City of Bellaire, Texas, as provided for in *Article III, The City Manager*, of the *Charter of the City of Bellaire, Texas*, as amended November 7, 2006; and

WHEREAS, the City Council of the City of Bellaire, Texas, wishes to appoint Paul A. Hofmann as City Manager of the City of Bellaire, Texas, effective Monday, February 17, 2014; and

WHEREAS, the City Council of the City of Bellaire, Texas, authorizes the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, an *Agreement for Professional Services and Employment as City Manager*, by and between the City of Bellaire, Texas, and Paul A. Hofmann, in a form as attached hereto and marked Exhibit "A," providing for the terms and provisions of the employment of Paul A. Hofmann as City Manager of the City of Bellaire, Texas; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS:

1. THAT Paul A. Hofmann is hereby appointed City Manager of the City of Bellaire, Texas, said appointment of which will become effective on Monday, February 17,

2014, in accordance with the terms and provisions of *Article III, The City Manager*, of the *Charter of the City of Bellaire, Texas*, as amended November 7, 2006.

2. THAT the Mayor and the City Clerk of the City of Bellaire, Texas, are each hereby authorized to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, an *Agreement for Professional Services and Employment as City Manager*, in a form as attached hereto and marked Exhibit "A," providing for the terms and provisions of the employment of Paul A. Hofmann as City Manager of the City of Bellaire, Texas.

3. THAT the appointment of Paul A. Hofmann shall be effective as of Monday, February 17, 2014, and any and all appointments of City Managers or Acting City Managers of the City of Bellaire, Texas, as may be in conflict with the appointment of Paul A. Hofmann as herein set out, are hereby terminated as of that date.

PASSED, APPROVED, and ADOPTED this 27th day of January, 2014.

(SEAL)

ATTEST:

SIGNED:

Tracy L. Dutton, TRMC
City Clerk

Philip L. Nauert
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

Attachment: City Manager Employment Agreement - 2014 (1057 : Appointment and Employment of City Manager)

AGREEMENT FOR PROFESSIONAL SERVICES AND EMPLOYMENT AS CITY MANAGER

This Agreement for Professional Services and Employment as City Manager ("Agreement") is made and entered into effective the ____ day of _____, 2014, by and between the City of Bellaire, Texas (the "City") and Paul A. Hofmann (the "Manager") to establish and set forth the terms and conditions of the employment of the Manager as the city manager of the City.

WHEREAS, the City Council of the City (the "Council") and the Manager believe that an employment agreement negotiated between the Council, on behalf of the City, and the Manager can be mutually beneficial to the City, the Manager and the community they serve;

WHEREAS, the Council and the Manager believe an employment agreement, when appropriately structured, can strengthen the Council-Manager relationship by enhancing the excellence and continuity of the management of the City for the benefit of its citizens;

WHEREAS, the Council, on behalf of the City, desires to employ the services of the Manager as the city manager of the City ("City Manager"), pursuant to the terms, conditions and provisions of this Agreement; and

WHEREAS, the Manager has agreed to accept employment as the City Manager, subject to the terms, conditions and provisions of this Agreement.

NOW, THEREFORE, the City and the Manager, for and in consideration of the foregoing premises and the terms, conditions and provisions hereinafter established do hereby agree as follows:

I. EMPLOYMENT

1.1 Chief Executive Officer. The Council, on behalf of the City, hereby employs the Manager as the chief executive officer of the City to perform the duties of the City Manager as set forth in this Agreement, the Charter of the City (the "Charter"), the City Code of Ordinances (the "City Code") and such duties as may be lawfully assigned by the Council (collectively, the "City Manager's Duties"). Further, the Manager shall comply with: state and federal law; the Charter; all City policies, rules, regulations and ordinances as they exist or may hereafter be amended; and all lawful Council directives (collectively "Applicable Laws and Authorities"). All duties assigned to the Manager by the Council shall be appropriate to and consistent with the professional role and responsibility of the City Manager.

1.2 Duties. The Manager shall be responsible to the Council for the proper administration of all affairs of the City, and to that end, he shall have the power and be required to:

- (a) Appoint and remove all officers and employees of the City appointed by the office of the City Manager, except as otherwise provided by the Charter, and except as he may authorize the head of a department to appoint and remove subordinates in such department;

- (b) Direct, assign, reassign and evaluate all officers and employees of the City appointed by the office of the City Manager, except as otherwise provided by the Charter;
- (c) Prepare the budget of the City annually and submit it to the Council and be responsible for its administration after adoption;
- (d) Prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;
- (e) Keep the Council advised of the financial conditions and future needs of the City and make such recommendations as he may deem desirable; and
- (f) Perform such other duties as may be prescribed by the Charter or City Code or required of him by the Council not inconsistent with the Charter.

1.3 Criticisms, Complaints and Suggestions. The members of the Council, individually and collectively, shall refer in a timely manner all substantive criticisms, complaints, and suggestions called to their attention to the Manager for study and/or appropriate action, and the Manager shall refer the matter(s) to the appropriate City employee or shall investigate such matter(s) and inform the Council of the results of such efforts.

1.4 Hours of Work. It is recognized that the Manager is expected to engage in the hours of work that are necessary to fulfill the obligations of the position, must be available at all times and must devote a great deal of time outside of normal office hours to the business of the City. The Manager acknowledges the proper performance of the Manager's duties require the Manager to generally observe normal business hours and will also often require the performance of necessary services outside of normal business hours. The Manager agrees to devote such additional time as is necessary for the full and proper performance of the Manager's duties and that the compensation herein provided includes compensation for the performance of all such services.

The City intends that reasonable time off be permitted the Manager, such as is customary for exempt employees, so long as the time off does not interfere with the normal conduct of the office of the City Manager. The Manager will devote full time and effort to the performance of the City Manager's Duties, and shall remain in the exclusive employ of the City during the term of this Agreement; provided that, with the prior consent of the Council, the Manager may accept outside professional employment which does not interfere with the Manager's performance of the City Manager's Duties. The term "outside professional employment" means professional services provided to third parties for which the Manager is compensated and which are performed on the Manager's time off.

II. TERM AND TERMINATION

2.1 Term. The Council, on behalf of the City, hereby employs Manager as the City Manager from February 17, 2014, until such time as this Agreement is terminated by the Council or Manager as herein provided ("Term").

2.2 Termination.

- (a) In the event Manager is terminated by the Council during such time that the Manager is willing and able to perform the City Manager's Duties, then, in that event, the City agrees to pay Manager a lump sum payment equal to six (6) months' aggregate salary (the "Severance Pay").
- (b) However, notwithstanding the foregoing subparagraph (a), in the event that the Manager is terminated due to his conviction of any illegal act or because of mis-, mal- or non-feasance, then, in that event, City shall have no obligation to pay the Severance Pay.
- (c) If Manager voluntarily resigns his position with the City, then Manager shall provide the City thirty (30) days' notice in advance and shall not be entitled to any Severance Pay.

III. COMPENSATION AND BENEFITS

3.1 Base Salary. The City shall provide the Manager with an annual salary in the sum of one hundred fifty-five thousand dollars (\$155,000.00). This annual salary rate shall be paid to the Manager in equal installments on the same schedule as other City employees are paid, and shall be paid net of all applicable withholdings and deductions required by the Applicable Laws and Authorities.

3.2 Salary Adjustments. Manager's performance will be evaluated annually by the Council in conjunction with an annual review. Based on the annual review, Manager's salary may be adjusted to reward performance. At any other time during the term of this Agreement, the Council may, in its discretion, review and adjust the salary of the Manager, but in no event shall the Manager be paid less than the salary set forth in Paragraph 3.1 of this Agreement, except by mutual agreement of the parties.

3.3 Benefits – General. Unless expressly provided otherwise in this Agreement, in addition to those benefits specifically set forth herein, the Manager shall be entitled to the same benefits that are enjoyed by other City employees, with the exception that he shall not be entitled to payment of accumulated unused sick leave.

3.4 Insurance – Health. The City will provide comprehensive medical and dental insurance for the Manager pursuant to the group health care plan provided by the City for its other employees.

3.5 Insurance – Life. The City will purchase and pay the required premiums for a term life insurance policy for the Manager in the amount of two hundred thousand dollars (\$200,000.00), with the beneficiary of such policy to be designated by the Manager.

3.6 Retirement Benefit. The City will provide for a retirement contribution in the form of a two for one match through the Texas Municipal Retirement System with a seven percent (7%) cap, consistent with the retirement benefit provided to other City employees.

3.7 Vacation, Sick/Personal Leave and Holidays. The Manager shall accumulate at the same rate as other employees of the City and may take, at the Manager's choice, vacation during the term of this Agreement, such leave to be in a single period or at different times. The vacation leave taken by the Manager will be taken at such time or times as will least interfere with performance of the City Manager's Duties. The Manager is hereby granted the same sick/personal leave benefits as authorized by the City for its other employees, with the exception that he shall not be entitled to payment of accumulated unused sick leave. The Manager shall observe the same legal holidays as provided by Council policies for other employees.

3.8 Automobile Allowance. The City shall provide the Manager with an automobile allowance in the sum of four hundred fifty dollars (\$450.00) per month, which payment is in lieu of mileage expense reimbursement, gasoline or other vehicle upkeep charges associated with travel in furtherance of the City Manager's Duties.

3.9 Mobile Telephone Allowance. The City shall provide the Manager with a mobile telephone allowance in the sum of one hundred dollars (\$100.00) per month. The Manager shall maintain a personal account for mobile telephone service and shall not open an account in the name of the City. The Manager shall have total responsibility for payment of such personal account and the City shall have no obligation or responsibility related to such personal account other than the monthly payment to the Manager of the mobile telephone allowance stated herein.

3.10 Relocation Expenses. In connection with the necessary relocation of the Manager to the City, the City shall reimburse the Manager in an amount not to exceed seventeen thousand three hundred and fifty dollars (\$17,350.00) for necessary and reasonable expenses incurred in moving and relocating the Manager's family and belongings and for the lease of a residence. Expenses related to the lease of a residence shall be limited to a period of six (6) months. The Manager shall document all moving and relocation expenses with receipts, cancelled checks or credit card statements, and the City shall reimburse the Manager for all such documented expenses, up to the maximum amount provided in this Paragraph, within thirty (30) days of the City's receipt of such documentation.

3.11 Business Expenses. Certain expenses of a non-personal and job-related nature may necessarily be incurred by the Manager in the performance of the City Manager's Duties. The City shall reimburse the Manager for such reasonable business expenses, and the Finance Director is authorized to disperse such monies upon receipt of duly executed expense or petty cash vouchers, receipts, statements or personal affidavits. The City will also pay the cost of any bond, if required by the City to be made by the Manager. Expense reimbursements shall be subject to the following:

- (a) Expenses must be reasonable, necessary and not in excess of fair market value.
- (b) The total each year shall be limited to the amount budgeted by the City for that purpose.

IV. RESIDENCY

4.1 Residency within the City. Though not required by the Charter, it is agreed that the City Manager's residency in or near the City benefits the City, its citizens and the City Manager. For the first year of employment under this Agreement, Manager agrees to reside within one mile of the corporate limits of the City. After the first year of employment, Manager agrees to use his best efforts to secure residency within the City and the City agrees to take such action as deemed reasonably prudent by the City Council to facilitate such residency.

V. PROFESSIONAL DEVELOPMENT AND EDUCATION

5.1 Professional Dues and Subscriptions. The City agrees to budget and pay for the Manager's civic and professional membership dues and subscriptions necessary for Manager's participation in national, state, regional, and local associations and organizations necessary and desirable for the good of the City through the Manager's continued professional participation, growth and advancement. The parties recognize that developing and maintaining professional association contacts provides the City access to valuable resources, and the reasonable participation and related travel by Manager as provided for in the City's annual budget will be a part of the Manager's Duties, subject to the following:

- (a) Costs must be reasonable, necessary and not in excess of fair market value.
- (b) All requests related to pay or reimbursements of expenses incurred pursuant to the terms of this section shall be reviewed and approved by the Mayor of the City, with notice to the Council.

5.2 Professional Continuing Education. The City also agrees to budget and pay for reasonable and necessary travel and subsistence expenses of Manager to attend and participate in short courses, institutes and seminars that are necessary and/or desirable for the good of the City through the Manager's professional development.

VI. MISCELLANEOUS PROVISIONS

6.1 Notices. All notices, demands, and other writings may be delivered by either party hereto to the other by United States Mail, or by a reliable commercial courier at the following address:

If to City: Mayor
City of Bellaire
7008 South Rice Avenue
Bellaire, TX 77401

If to Manager: Mr. Paul A. Hofmann
7008 South Rice Avenue
Bellaire, TX 77401

Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service, or three (3) days after the date the notice is deposited in the United States Mail or with a commercial courier.

6.2 Compliance with Policies. The Manager at all times during the Term of this Agreement shall strictly adhere to and obey all rules and regulations now in effect or subsequently promulgated governing the conduct of employees of the City.

6.3 Conflict of Interest Prohibition. The Manager shall not, during the Term of this Agreement, individually or as a partner, joint venturer, officer or shareholder, directly or indirectly invest or participate in any business venture conducting business with or within the corporate limits of the City, except for stock ownership in a company whose capital stock is publicly held and regularly traded on any stock exchange, without the prior written approval of the Council. For and during the Term of this Agreement, the Manager shall, except for a personal residence or residential property acquired or held for future use as the Manager's personal residence, not invest in any other real estate or property improvements within the City, without the prior written consent of the Council.

6.4 Indemnification. To the extent it may be permitted to do so by applicable law, the City does hereby agree to defend, hold harmless, and indemnify Manager from any and all demands, claims, suits, actions, judgments, expenses and attorneys' fees incurred in any legal proceedings brought against Manager in the Manager's individual or official capacity as an employee and as City Manager, providing the incident(s), which is (are) the basis of any such demand, claim, suits, actions, judgments, expenses and attorneys' fees, arose or does arise in the future from an act or omission of Manager, as an employee of the City, acting within the course and scope of the Manager's employment with the City; excluding, however, any such demand, claim, suits, actions, judgments, expenses and attorneys' fees for those claims or any causes of action where it is determined that the Manager committed official misconduct, or committed a willful or wrongful act or omission, or an act or omission constituting gross negligence, or acted in bad faith; and excluding any costs, fees, expenses or damages that would be recoverable or payable under an insurance contract, held either by the City or by the Manager. The selection of the Manager's legal counsel shall be by the mutual agreement of the Manager and the City if such legal counsel is not also City's legal counsel. A legal defense may be provided through insurance coverage, in which case the Manager's right to agree to legal counsel provided for him will depend on the terms of the applicable insurance contract. To the extent this Paragraph 6.4 exceeds the authority provided and limitations imposed by Texas Civil Practice & Remedies Code, Chapter 102, it shall be construed and modified accordingly. This indemnification shall survive the termination, expiration or other end of this Agreement and/or the Manager's employment with the City.

6.5 Appropriation. The Council has appropriated, set aside and encumbered, and does hereby appropriate, set aside, and encumber, available and otherwise unappropriated funds of the City in an amount sufficient to fund and pay all financial obligations of the City pursuant to this Agreement.

VII. GENERAL PROVISIONS

7.1 Complete Agreement. This Agreement sets forth and establishes the entire understanding between the City and the Manager relating to the employment of the Manager by the City. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties, by mutual written signed amendment, may amend any provision of this Agreement during the Term of this Agreement; such amendments shall be incorporated and made a part of this Agreement.

7.2 Binding Effect. This Agreement shall be binding on the City and the Manager as well as their heirs, assigns, executors, personal representatives and successors in interest.

7.3 Savings Clause. If any term or provision of this Agreement, as applied to any party or to any circumstance, is declared by a court of competent jurisdiction to be illegal, unenforceable or void in any situation and in any jurisdiction, such determination shall not affect the validity or enforceability of the remaining terms and provisions hereof or the validity or enforceability of the offending provision in any other situation or in any other jurisdiction. The parties agree that the court making such determination shall have the power to reduce the scope, duration, area or applicability of the term or provision, to delete specific words or phrases or to replace any illegal, unenforceable or void term or provision with a term or provision that is valid and enforceable and that comes closest to expressing the intention of the invalid or unenforceable term or provision.

7.4 Conflicts. In the event of any conflict between the terms, conditions and provisions of this Agreement and the Applicable Laws and Authorities, then, unless otherwise prohibited by law, the terms of this Agreement shall take precedence over the contrary provisions of the Applicable Laws and Authorities during the Term of this Agreement.

7.5 Governing Law. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Texas, without regard to the conflicts of laws principles thereof. Venue shall lie exclusively in Harris County, Texas.

7.6 Effective Date. This Agreement shall be and become in full force and effect as of the date above first written upon the adoption by and approval of the Council, and the execution and delivery hereof by the authorized officer of the City and the Manager.

7.7 Counterparts. This Agreement may be executed in duplicate original counterparts, each of which when so executed shall be deemed to be an original, and such counterparts shall together constitute but one in the same instrument.

IN WITNESS WHEREOF, the City and the Manager have executed this Agreement effective as of the date first written above.

CITY OF BELLAIRE, TEXAS

By: _____

Mayor, City of Bellaire, Texas

ATTEST:

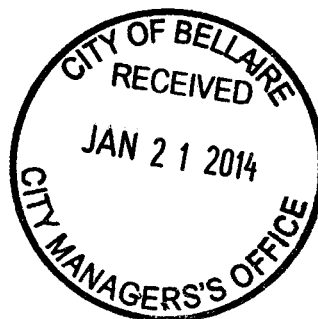
By: _____

City Clerk, City of Bellaire, Texas

MANAGER

By: Paul A. Hofmann

Paul A. Hofmann



Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 01/27/14 07:00 PM
Department: City Clerk
Category: Appointment
Department Head: Tracy L. Dutton
DOC ID: 1052

**ADOPTED
ORDINANCE (ID # 1052)**

Item Title:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing Patricia D. (Pat) Lunn, CPA, to serve as a member of the Audit Finance Board of the City of Bellaire, Texas, for a one-year term commencing on February 1, 2014, and expiring on January 31, 2015.

Background/Summary:

Chapter 2, Administration, Article VII, Boards and Commissions, Division 3, Boards and Commissions Governed by City Charter, Ordinance or Resolution, Section 2-120, Audit Finance Board, Subsection (c), Membership and Appointment, outlines the composition of the Audit Finance Board as follows: “. . . three members of the city council, a citizen appointee with financial and/or audit experience, as well as the city manager and the chief financial officer of the city, ex officio, as non-voting members. The councilmembers of the city serving on the audit finance board shall be appointed by the mayor; the mayor may appoint him or herself as one of the councilmember appointees. The citizen member of the audit finance board shall be appointed by the city council.”

The first citizen member of the Audit Finance Board, Patricia D. (Pat) Lunn, CPA, was appointed by the City Council of the City of Bellaire, Texas, for a one-year term commencing on February 1, 2013, and expiring on January 31, 2014. Ms. Lunn was appointed by Ordinance (Ordinance No. 13-001, approved and adopted on January 7, 2013).

As there are no term limits for the citizen member of the Audit Finance Board (“Board”), Ms. Lunn was asked if she would like to serve a second one-year term on the Board. She indicated that she would be happy to serve, if approved by City Council.

Accordingly, an ordinance has been prepared for City Council consideration and attached hereto for purposes of appointing Ms. Lunn as the citizen member on the Board.

Source of Funding:

Not Applicable.

Staff Recommendation:

Action as City Council deems appropriate.

ATTACHMENTS:

- Appointment of Citizen to Audit Finance Board - 2014 (DOCX)
- 13-001 - Appt - Audit Finance Board - Lunn (PDF)
- 12-038 - Code Amendment - Ch 2 - Art VII - Boards and Commissions (PDF)

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James P. Avioli Sr., Councilman |
| SECONDER: | Pat B. McLaughlan, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |



ORDINANCE NO. 14-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, APPOINTING PATRICIA D. (PAT) LUNN, CPA, TO SERVE AS THE CITIZEN MEMBER OF THE AUDIT FINANCE BOARD OF THE CITY OF BELLAIRE, TEXAS, FOR A ONE-YEAR TERM COMMENCING ON FEBRUARY 1, 2014, AND EXPIRING ON JANUARY 31, 2015.

WHEREAS, in November of 1998, the City Council of the City of Bellaire, Texas, by unanimous action, established an Audit Finance Committee consisting of three (3) members of the City Council of the City of Bellaire, Texas (appointed by the Mayor), as well as the City Manager and Chief Financial Officer of the City of Bellaire, Texas, as non-voting members, for the purpose of advising the City Council concerning the audits of the City of Bellaire, Texas; and

WHEREAS, on November 1, 2010, the City Council of the City of Bellaire, Texas, by Ordinance No. 10-078, established a Sunset Review Committee for the purpose of reviewing the charge, size, and need for each of the City's boards, commissions, and committees, as well as reviewing and updating the City's *Board Handbook*; and

WHEREAS, on August 20, 2012, based, in part, on recommendations submitted by the Sunset Review Committee, the City Council of the City of Bellaire, Texas, adopted Ordinance No. 12-038, which amended *Article VII, Boards and Commissions*, of *Chapter 2, Administration*, of the *Code of Ordinances of the City of Bellaire, Texas*. One such recommendation related to a change in the name of the Audit Finance Committee of the City of Bellaire, Texas, to "Audit Finance Board" and a change in the membership of the Audit Finance Board, resulting in the addition of one (1) citizen member with financial and/or audit experience to be appointed by the City Council of the City of Bellaire, Texas, for a one-year term; and

WHEREAS, the City Council of the City of Bellaire, Texas, desires to appoint one (1) citizen with financial and/or audit experience to the Audit Finance Board of the City of Bellaire, Texas, to serve a one-year term commencing on February 1, 2014, and expiring on January 31, 2015; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS:

1. THAT the recitals set forth hereinabove are true and correct.

2. THAT Patricia D. (Pat) Lunn, CPA, is hereby appointed as a member of the Audit Finance Board of the City of Bellaire, Texas, for a term of one (1) year commencing on February 1, 2014, and expiring on January 31, 2015.

3. THAT the appointment set forth herein shall be effective as of February 1, 2014, and such newly appointed member shall be installed at the first meeting of the Audit Finance Board of the City of Bellaire, Texas, following the effective date of the appointment herein.

APPROVED and **ADOPTED** this 27th day of January, 2014.

(SEAL)

ATTEST:

Tracy L. Dutton, TRMC
City Clerk

SIGNED:

Philip L. Nauert
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

Attachment: Appointment of Citizen to Audit Finance Board - 2014 (1052 : Appointment of Citizen Member to the Audit Finance Board)



ORDINANCE NO. 13-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, APPOINTING ONE (1) CITIZEN TO SERVE AS A MEMBER OF THE AUDIT FINANCE BOARD OF THE CITY OF BELLAIRE, TEXAS, FOR A ONE-YEAR TERM COMMENCING ON FEBRUARY 1, 2013, AND EXPIRING ON JANUARY 31, 2014.

WHEREAS, in November of 1998, the City Council of the City of Bellaire, Texas, by unanimous action, established an Audit Finance Committee consisting of three (3) members of the City Council of the City of Bellaire, Texas (appointed by the Mayor), as well as the City Manager and Chief Financial Officer of the City of Bellaire, Texas, as non-voting members, for the purpose of advising the City Council concerning the audits of the City of Bellaire, Texas; and

WHEREAS, on November 1, 2010, the City Council of the City of Bellaire, Texas, by Ordinance No. 10-078, established a Sunset Review Committee for the purpose of reviewing the charge, size, and need for each of the City's boards, commissions, and committees, as well as reviewing and updating the City's *Board Handbook*; and

WHEREAS, on August 20, 2012, based, in part, on recommendations submitted by the Sunset Review Committee, the City Council of the City of Bellaire, Texas, adopted Ordinance No. 12-038, which amended *Article VII, Boards and Commissions*, of *Chapter 2, Administration*, of the *Code of Ordinances of the City of Bellaire, Texas*. One such recommendation related to a change in the name of the Audit Finance Committee of the City of Bellaire, Texas, to "Audit Finance Board" and a change in the membership of the Audit Finance Board, resulting in the addition of one (1) citizen member with financial and/or audit experience to be appointed by the City Council of the City of Bellaire, Texas, for a one-year term; and

WHEREAS, the City Council of the City of Bellaire, Texas, desires to appoint one (1) citizen with financial and/or audit experience to the Audit Finance Board of the City of Bellaire, Texas, to serve a one-year term commencing on February 1, 2013, and expiring on January 31, 2014; **NOW, THEREFORE**,

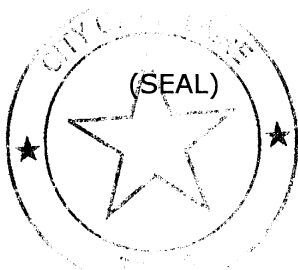
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS:

1. **THAT** the recitals set forth hereinabove are true and correct.

2. **THAT Patricia D. Lunn, CPA**, is hereby appointed as a member of the Audit Finance Board of the City of Bellaire, Texas, for a term of one (1) year commencing on February 1, 2013, and expiring on January 31, 2014.

3. **THAT** the appointment set forth herein shall be effective as of February 1, 2013, and such newly appointed member shall be installed at the first meeting of the Audit Finance Board of the City of Bellaire, Texas, following the effective date of the appointment herein.

APPROVED and **ADOPTED** this 7th day of January, 2013.



ATTEST:

Tracy L. Dutton
Tracy L. Dutton, TRMC
City Clerk

SIGNED:

Philip L. Nauert
Philip L. Nauert
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
Alan P. Petrov
City Attorney

ORDINANCE NO. 12-038

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AMENDING CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS, BY REPEALING ARTICLE VII, BOARDS, COMMISSIONS AND COMMITTEES, IN ITS ENTIRETY AND ADDING A NEW ARTICLE VII TO BE TITLED "BOARDS AND COMMISSIONS," AS APPROVED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, ON JULY 2, 2012, BASED ON THE RECOMMENDATIONS OF THE SUNSET REVIEW COMMITTEE OF THE CITY OF BELLAIRE, TEXAS, IN ITS REPORT AND RECOMMENDATIONS TO CITY COUNCIL DATED NOVEMBER 14, 2011; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO MAKE FURTHER CHANGES TO THE BOARDS HANDBOOK, AS APPROVED BY THE CITY COUNCIL ON JULY 2, 2012, AS NECESSARY TO ENSURE THAT SAID HANDBOOK COMPLIES WITH THE NEWLY ADOPTED ARTICLE VII OF THE CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS.

WHEREAS, the City Council of the City of Bellaire, Texas, by Ordinance No. 10-078, duly approved and adopted on November 1, 2010, established a Sunset Review Committee for the purpose of reviewing the charge, size, and need for each of the City's boards, commissions and committees; and

WHEREAS, the Sunset Review Committee completed its charge and presented its *Report and Recommendations to City Council* on November 14, 2011; and

WHEREAS, the City Council of the City of Bellaire, Texas, accepted the *Report and Recommendations* as submitted by the Sunset Review Committee on November 14, 2011, and subsequently considered and acted upon said *Report and Recommendations*, with amendments adopted by the City Council, on July 2, 2012; and

WHEREAS, the recommendations made by the Sunset Review Committee and subsequently amended and adopted by the City Council of the City of Bellaire, Texas, require numerous amendments to *Chapter 2, Administration, Article VII, Boards, Commissions and Committees*, of the *Code of Ordinances of the City of Bellaire, Texas*, and to the *Boards Handbook* of the City of Bellaire, Texas; **NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
BELLAIRE, TEXAS:**

SECTION 1. THAT *Chapter 2, Administration*, of the *Code of Ordinances of the City of Bellaire, Texas* ("Code"), is hereby amended by repealing *Article VII, Boards, Commissions and Committees*, in its entirety and adding a new *Article VII, "Boards and Commissions,"* as approved by the City Council of the City of Bellaire, Texas, on July 2, 2012, based on the recommendations of the Sunset Review Committee of the City of Bellaire, Texas, in its *Report and Recommendations to City Council* dated November 14, 2011. The amended Code shall read as set out in Appendix A, attached hereto. All other portions of *Chapter 2, Administration*, of the City's Code not specifically amended hereby shall remain in full force and effect.

SECTION 2. THAT the City Manager is hereby authorized and directed to make further changes to the *Boards Handbook*, as approved by the City Council on July 2, 2012, as necessary to ensure that said handbook complies with the newly adopted *Article VII of the Code of Ordinances of the City of Bellaire, Texas*, as set out in Appendix A, attached hereto.



SECTION 3. THAT all ordinances and parts ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

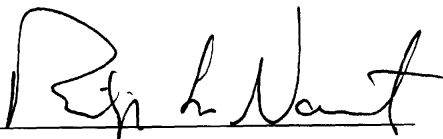
SECTION 4. THAT If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any persons or circumstances shall be affected thereby.

SECTION 5. THAT the City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the *Texas Open Meetings Act*, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

SECTION 6. THAT this Ordinance shall be effective immediately upon passage, approval and adoption.

PASSED, APPROVED and ADOPTED this 20th day of August, 2012.

ATTEST: 

 Tracy L. Dutton, TRMC
 City Clerk
 City of Bellaire, Texas


 Philip L. Nauert, Mayor
 City of Bellaire, Texas

APPROVED AS TO FORM:


 Alan P. Petrov, City Attorney
 City of Bellaire, Texas

APPENDIX A

Instructions:

Chapter 2. ADMINISTRATION.

Delete Article in its entirety:

ARTICLE VII. BOARDS, COMMISSIONS AND COMMITTEES

New Article to be added to Chapter 2 (see Article VII below);

Global changes should be made to reflect a change in the names of the following boards:

- **Audit/finance committee or audit finance committee is now the "audit finance board;"**
- **Bellaire recycling committee or recycling committee is now the "environmental and sustainability board;"**
- **Bellaire L.I.F.E. advisory board is now the "L.I.F.E. advisory board;" and**
- **Bellaire cultural arts commission is now the "cultural arts board."**

Global changes should also be made to update cross-references to existing sections that are renumbered in the new Article as set forth below.

ARTICLE VII. BOARDS AND COMMISSIONS

DIVISION 1. GENERALLY

Sec. 2-90. Application.

The requirements contained in this division shall apply to all boards of the city unless there is any statutory provision to the contrary, or unless otherwise stated in this code or the city charter.

Sec. 2-91. Definition of board; statutory boards and advisory boards.

The term "board" is defined to include every agency, authority, advisory board, regulatory board, quasi-judicial board, commission, committee, task force or any other citizens' ad hoc group created and funded in whole or in part by the city. The foregoing notwithstanding, this division shall not apply to citizens' ad hoc groups created for specific advisory purposes where such group's existence is limited to a

period of less than one year. Except as otherwise provided herein or in the city charter, city boards, and citizens' ad hoc advisory groups shall only be created by action of the city council. The boards governed by state law and contained in division 2 of this article may be referred to collectively as the "statutory boards." The boards governed by city charter, ordinance or resolution and contained in division 3 of this article may be referred to collectively as the "advisory boards."

Sec. 2-92. Creation of new boards.

(a) All city boards created after the effective date of this division shall be created only by ordinance. Such ordinance shall set forth the board's purpose, function, power, responsibility, jurisdiction, membership requirements and restrictions, terms and conditions of appointment to or removal from the board, and the specific staff support, if any, to be provided to the board. The ordinance shall also provide for an annual report, either oral or written, to the city council.

(b) Prior to adoption of an ordinance creating and establishing any new board, and each five years thereafter, city council shall specifically review and consider the following:

- (1) For boards other than ad hoc advisory boards, whether the establishment of the board will create sufficient betterment to the community to justify the city's delegation of a portion of its authority;
- (2) Whether another board or agency, either public or private, which is already in existence could serve the same purpose;
- (3) The costs, both direct and indirect, of establishing and maintaining the board;
- (4) Whether the board is necessary to enable the city to obtain state or federal grants or other financing; and
- (5) Whether the creation of a new board is the best method of achieving the benefit desired.

Sec. 2-93. Eligibility for membership on boards.

Unless otherwise specified by the city charter or this code, each board shall be comprised of seven members, each of whom shall be at the time of appointment a permanent resident of the city for a minimum of six months, and at all times while serving as a member of such board, a qualified elector of the city, except as follows:

(a) The city council may appoint a person or persons to a board who does not meet current State of Texas voter registration regulations to become a qualified elector due to age; and/or

(b) The city council may appoint an ex-officio member or members who may contribute special consultative information to a board.

The members of each board shall be appointed by and, for the advisory boards, shall serve at the pleasure of the city council. The primary consideration in appointing board members shall be to provide the board with the needed technical, professional, financial, business, or administrative expertise. The membership of each board should be representative of the community at large and should reflect the racial, ethnic, and cultural makeup of the community.

Sec. 2-94. Terms of office.

For all boards other than the audit finance board, each member, unless sooner removed by the City Council, shall serve a term of two (2) years. Their terms shall be staggered, such that the terms of either three (3) or four (4) members, on an alternating basis, shall end on the 30th day of June of each year. Members may be appointed to succeed themselves; however, no member may be appointed to serve more than three consecutive terms, not including partial terms. All members shall serve until their successors are appointed and qualified. Terms of office for the audit finance board are as provided in sec. 2-120.

Sec. 2-95. Term limits.

No board member shall serve more than three consecutive terms on any one board. Any part of a term shall not constitute a full term.

Sec. 2-96. Vacancies.

Vacancies on the boards, other than councilmember vacancies on the audit finance board, shall be filled by the city council. Unless sooner removed by the city council, a person appointed to fill a vacancy shall serve for the remainder of the time for which his predecessor on the board was appointed. Newly appointed members shall be installed at or prior to the first regular meeting of the board following their appointment. Councilmember vacancies on the audit finance board shall be filled by the mayor.

Sec. 2-97. Attendance and training requirements.

(a) A board member may be subject to removal by the city council if he or she is absent from three consecutive regular meetings. A member of a board shall be deemed absent from a meeting when he or she is not present at the meeting at least 75 percent of its duration. A report of such consecutive absences by a member of the board shall be reported to the city council by the board.

(b) Board members are required to attend all applicable trainings: state mandated trainings; board orientations conducted by the city; and for the statutory boards, specialized trainings conducted by the city.

Sec. 2-98. Compensation.

Members of the boards shall serve without compensation; however, each member shall be entitled to reimbursement of actual and necessary expenses incurred by the member in the discharge of his or her official duties, subject to prior approval by the city council.

Sec. 2-99. Conflicts of interest.

Members of the boards shall not vote or participate in any proceeding that involves any matter or property in which they have a personal or pecuniary interest, in which the decision of the board will directly affect them. In the event any such possible conflict should arise, the member affected thereby shall make disclosure of such fact to the board, which disclosure shall be duly noted in the minutes of the board, and disqualify himself from any further participation in the board's consideration of such matter. The provisions of chapter 2, article VI of this code (code of ethics) shall serve as ethical guidelines and apply to the participation of members in board proceedings.

Sec. 2-100. Quorum requirements, exceptions.

For all boards other than the board of adjustment, a majority of the members of each board shall constitute a quorum for the transaction of business. The quorum requirement for the board of adjustment is as provided in Sec. 2-112.

Sec. 2-101. Notice and posting of meeting agendas or cancellations.

For the advisory boards other than the audit finance board, regular meetings shall be held monthly as business shall require, and special meetings at the call of the chair, the vice-chair or a majority of the members. Meetings of the statutory boards shall be held as provided in sections 2-112, 2-113 and 2-114, respectively. Meetings of the audit finance board shall be held as provided in section 2-120. Each

board shall provide notice of its meetings and specific agenda items in accordance with the procedures of the Texas Open Meetings Act.

Sec. 2-102. Board organization.

Except for the audit finance board and board of adjustment, each board shall hold an organizational meeting in July of each year, at which meeting it shall elect from among its members a chair and a vice-chair before proceeding to any other matters of business. The board shall appoint a secretary and such other officers as it deems necessary either from its membership or from the staff representative assigned by the city manager of the city to work with the board. The organization of the audit finance board shall be as provided in sec. 2-120; of the board of adjustment as provided in sec. 2-112. Each board, other than the audit finance board, shall adopt its own rules of procedure and shall keep a record of its proceedings consistent with the requirements of law.

Sec. 2-103. City staff to keep records.

The city manager or his designee shall serve as liaison between the city council and all boards. He shall prepare a standard form to be used by all boards to report their members' attendance to their meetings. All boards shall submit copies of the minutes of their meetings and records of their members' attendance to said meetings to the city to be maintained as a record of the city.

Sec. 2-104. Annual or special reports to city council.

Commencing with the year 2003, each city board and committee shall report in the following manner: by the first city council meeting in February of each year, its chairperson shall submit a report, approved by the board, to the city council setting forth the following information concerning the board:

- (1) Whether the board is serving the purpose for which it was created;
- (2) Whether the board is serving current community needs;
- (3) A list of the board's major accomplishments;
- (4) Whether there is any other board, either public or private, which would better serve the function of the board; and
- (5) Other recommendations.

Sec. 2-105. City council liaisons to boards.

The mayor shall annually appoint a member of city council to serve as the city council liaison to each board. Said appointment shall remain effective until reassignment or reappointment by the mayor.

Sec. 2-106. Staff liaisons to boards.

The city manager shall appoint a member of the city staff to serve as the staff liaison to each statutory board, such appointment to remain effective until reassignment or reappointment by the city manager. The city manager may, but shall not be required to, appoint staff liaisons to the advisory boards.

Secs. 2-107—2-111. Reserved.**DIVISION 2. BOARDS AND COMMISSIONS GOVERNED BY STATE LAW****Sec. 2-112. Board of adjustment.**

A. *Creation.* There is hereby created the board of adjustment, which was established, in its original form, by ordinance no. 115 on May 7, 1939.

B. *Purpose.* The board is created pursuant to Tex. Local Gov't Code § 211.008, *et seq.*, for the purposes therein authorized.

C. *Membership and appointment.* The board of adjustment shall be composed of seven (7) regular members to be appointed by the city council. Members of the board of adjustment shall possess the following minimum qualifications:

1. Shall be citizens of the United States of America and qualified voters of the State of Texas;
2. Shall have resided for at least one (1) year next preceding their appointment within the corporate limits of the City of Bellaire; and
3. Shall possess such other qualifications as shall be from time to time imposed by law by the city council.

D. *Removal for cause.* The city council may remove a board member for cause, as found by the City Council, on a written charge after a public hearing. Tex. Local Gov't Code § 211.008(b).

E. *Organization.*

1. Chair and vice-chair.
 - a. At the first meeting after the appointment of members of the board for a new term, the members of the board shall elect one of their number as chair and one of their number as vice-chair.
 - b. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair.
 - c. The members of the board may select an additional person to preside over meetings in the absence of the chair and the vice-chair.
 - d. The presiding officer of any meeting of the board may administer oaths and shall be in charge of all proceedings before the board and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the board.
2. Staff secretary. The city manager shall appoint a secretary to the board who shall serve at the pleasure of the city manager. The secretary shall keep minutes of all proceedings of the board, which shall include the vote of each member upon every question. Such minutes shall be a summary of all proceedings before the board attested to by the secretary and shall be approved by a vote of a majority of the members of the board voting to approve the minutes. The secretary shall maintain all records of the board and shall, in addition, prepare orders of the board for signature by the chair as the official order of the board.
3. Planning and zoning official and building official. In order to implement the applicable provisions of chapter 24 of this code, the planning and zoning official and the building official shall provide necessary staff support to the board.

F. *Meetings.*

1. Regular meetings of the board shall be held monthly as business shall require, and special meetings at the call of the chair, the vice-chair or a majority of the members.
2. All meetings and hearings of the board shall be open to the public.
3. Notices of appeals to the board and requests for variances or special exceptions or for determination of nonconforming uses or elimination thereof shall be given by mail to the persons-in-interest and by publishing a notice of such hearing in a newspaper of general circulation in the City of Bellaire at least ten (10) days prior to the date set for the hearing.
4. All records of the board shall be public records open to inspection at reasonable times and upon reasonable notice in accordance with Tex. Gov't Code § 552.021. State law reference—Board of adjustment, Tex. Local Gov't Code, §§ 211.008—211.013.

G. *Quorum.* No meeting of the board may be called to order nor may any business be transacted by the board without a quorum, consisting of at least seventy-five percent of the members of the board, being present. The concurring vote of at least seventy-five percent of the members (six members) shall be necessary for the board to take action, save and except to consider and pass rules of procedure or a motion of adjournment which shall require the concurring vote of a simple majority of the members of the board then present and voting. State law reference— Board of adjustment, Tex. Local Gov't Code, §§ 211.008—211.013.

H. *Duties and powers.* The board shall have the following duties and powers:

1. To hear and decide an appeal that alleges error in any order, requirement, decision or determination made by an administrative official in the enforcement of Tex. Local Government Code chapter 211, or of chapter 24 of this Code;
2. To hear and decide special exceptions to the terms of chapter 24;

3. To authorize, upon appeal in specific cases, such variances from the terms of chapter 24 as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of chapter 24 will result in unnecessary hardship, and so that the spirit of chapter 24 shall be observed and substantial justice done;
4. Appeals from the board. Any person or persons, jointly or severally, or any taxpayer, any officer, department or board of the municipality, aggrieved by any decision of the board, may present to the district court of Harris County, Texas, a verified petition stating that a decision is illegal and specifying the grounds of the illegality. Such petition shall be filed with the court no later than ten (10) days after the filing of the board's decision with the office of the board. If such person or persons fails to file such petition within such ten (10) day period of time, then the decision of the board shall become final and binding.
5. To review and report on any matter referred to it by the city council; and
6. To adopt rules of procedure which are not in conflict with the provisions of chapter 24.

Sec. 2-113. - Building and standards commission.

A. *Creation.* There is hereby created, as authorized by state law, the building and standards commission, which was established, in its original form, by ordinance no. 2137 on August 4, 1975.

B. *Purpose.* The commission is created for the purpose of fulfilling, in a manner consistent with the laws of the State of Texas, those responsibilities delegated to it by the charter and ordinances of the city. The city does adopt the provisions of the Texas Local Government Code ch. 54, subchapter C, thereof, entitled "Quasi-Judicial Enforcement of Health and Safety Ordinances," and does further adopt the provisions of Texas Local Government Code ch. 214, entitled "Municipal Regulation of Structures," and does authorize the building official and/or the building and standards commission to proceed under either Texas Local Government Code ch. 54 or ch. 214 or both chapters to the extent the same is deemed appropriate and necessary. The building official and/or the building and standards commission are further authorized to implement and comply with the

provisions of Title 44, Code of Federal Regulations, Section 60. A. "Requirements for Floodplain Management Regulations" and 60.6 "Variances and Exceptions."

C. *Membership and appointment.* The commission shall be composed of seven (7) members appointed by the city council.

D. *Removal for cause.* The city council may remove a commission member for cause on a written charge. Before a decision regarding removal is made, the city council must hold a public hearing on the matter if requested by the commission member subject to the removal action. Tex. Local Gov't Code § 54.033(c).

E. *Meetings.* The proceedings, notifications, and authority shall be as provided for and specified under the provisions of law, it being the intent of the city council to grant to the building official and the building and standards commission the maximum authority and right to implement and/or proceed under the provisions of Texas Local Government Code ch. 54 and ch. 214 to the maximum extent as permitted and authorized by law.

F. *Duties and powers.* The commission shall have the following duties and powers:

1. all powers, duties and responsibilities provided for under Texas Local Government Code chapters 54 and 214, including but not limited to those pertaining to substandard structures;
2. to hold hearings and grant variances as provided for by city ordinances and by Title 44, Code of Federal Regulations, Section 60. A. "Requirements for Floodplain Management Regulations" and 60.6 "Variances and Exceptions";
3. to review, report and/or make recommendations on any matter referred to it by the city council;
4. to identify community needs and to advise city council of the implications of such needs for the health and safety ordinances of the city;
5. to make recommendations to city council regarding the building code and the ordinances under the commission's purview;
6. to provide public education on issues pertaining to building codes; and

7. to report annually to city council.

In addition, if not specifically provided for in either of ch. 54 or ch. 214 of the Texas Local Government Code, and/or to the extent either of said chapters requires specific authorization by the city council, the city council does hereby grant and delegate to the appropriate officer of the city and/or the building and standards commission any and all powers, duties and responsibilities as shall be from time to time provided for, permitted or allowed by the legislature of the State of Texas to be so granted and delegated, it being the intent of the city to fully implement Texas Local Government Code ch. 54 and ch. 214 as well as to further provide the building and standards commission and any other commission, officer or legal authority, as provided for under the provisions of state law, the maximum powers, privileges, and rights as may be from time to time provided for, created or permitted to be delegated by the city council to such commissions, officers and/or legal authorities of the city, without restriction or limitation.

Sec. 2-114. - Planning and zoning commission.

A. *Creation.* There is hereby created the planning and zoning commission, which was established, in its original form, by ordinance no. 115 on May 7, 1939.

B. *Purpose.* The commission is created for the purpose of fulfilling, in a manner consistent with the laws of the State of Texas, those planning and zoning responsibilities delegated to it by the charter and ordinances of the city. One of its dominant purposes shall be to accomplish the following:

1. To identify community needs and to advise the city council of the short-range and long-range implications of such needs for the total development of the city.
2. To recommend to the city council achievable community goals for planning and development programs.
3. To recommend to the city council plans, programs and policies calculated to aid the community in achieving its defined goals.
4. To explain to and explore with citizens those plans and programs adopted by the city council in an effort to ensure that private activities and desires may be accomplished in harmony with public needs and policies.

C. *Membership and appointment.* The commission shall be composed of seven (7) persons, each of whom shall be at the time of his appointment and at all times while serving as a member of such commission a qualified elector of the city. The members of the commission shall be appointed by the city council.

D. *Removal for cause.* The city council may remove a commission member for cause on a written charge. Before a decision regarding removal is made, the city council must hold a public hearing on the matter if requested by the commission member subject to the removal action.

E. *Meetings.* The commission shall meet regularly at least once each month and shall designate the date, time, and place of its meetings. It shall hold such special meetings as may be called by the chair, the vice-chair, or a majority of its members. The commission shall adopt its own rules of procedure and shall keep a record of its proceedings consistent with the provisions of this section and the requirements of law.

F. *Duties and powers.* The commission is hereby charged with the responsibility and vested with the authority to:

1. Formulate and recommend to the city council, for its adoption, such plans, programs and policies related to the future growth and development of the city as the commission deems appropriate and necessary;
2. Exercise all of the powers and responsibilities of a planning commission relating to the approval or disapproval of land subdivision plans, plats or replats and to the vacation of such plans, plats or replats granted by the laws of the State of Texas including, but not limited to, Texas Local Government Code chapters 42, 43, 211 and 212, and by the ordinances of the city including, but not limited to, chapter 23.5 (land subdivision regulations) of this code;
3. Exercise all of the powers and responsibilities of a zoning commission relating to the formulation of a zoning plan, hold public hearings, and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations, classifications, and districts, all as provided for in the laws of the State of Texas including, but not limited to, Texas Local Government Code chapter 211, and the ordinances of the city including, but not limited to, chapter 24 (planning and zoning regulations) of this code;
4. Perform such other duties and address such other matters as may be conferred upon or referred to the commission by the city council.

Secs. 2-115—2-119. Reserved.

DIVISION 3. BOARDS AND COMMISSIONS GOVERNED BY CITY CHARTER, ORDINANCE OR RESOLUTION

Sec. 2-120. Audit finance board.

A. *Creation.* There is hereby created the audit finance board, which was established, in its original form, by ordinance no. 02-051 on September 9, 2002.

B. *Purpose.* The purpose of the board is to advise the city council concerning audits of the city and any auditing matters as may be referred to it by the chief financial officer of the city and/or the city council.

C. *Membership and appointment.* The board shall be composed of three (3) members of the city council, a citizen appointee with financial and/or audit experience, as well as the city manager and the chief financial officer of the city, *ex officio*, as non-voting members. The councilmembers of the city serving on the audit finance board shall be appointed by the mayor; the mayor may appoint him or herself as one of the councilmember appointees. The citizen member of the audit finance board shall be appointed by the city council.

D. *Terms of office.* The members of the board shall serve a term of one year each, commencing February 1 of each year and continuing through January 31 of the following year. Councilmembers may not be appointed to serve more than three consecutive one-year terms on the board; the citizen member and the mayor, should he or she serve on the board, shall not be subject to such term limit.

E. *Organization.* The board may elect from among its voting members any officers as it deems necessary.

F. *Meetings.* The board shall meet as needed, but at least annually, in order to monitor the city's financial status throughout the year. Notwithstanding any other provisions of this code, section 2-101 shall not apply to the audit finance board.

G. *Duties and powers.* The audit finance board shall be responsible for the following:

1. Recommending an auditor to city council during those years in which an auditor must be appointed by the city.
2. Reviewing the audit of the city prior to submission to city council.
3. Assisting the auditor and city staff with the presentation of the audit to city council.
4. Providing a communication link between the auditor and city council concerning the following areas:

- a. Accounting and financial reporting policies;
 - b. Debt management and fiscal policies;
 - c. Cash and investment management policies;
 - d. Purchasing policies;
 - e. Business services policies;
 - f. Other matters as may be referred by the city council;
 - g. Assist city council in carrying out its oversight and improvement responsibilities as they relate to the city's financial and performance reporting practices, internal controls, compliance with laws and regulations, and initiatives to improve the performance of city services; and
 - h. Any other auditing matters as the board deems appropriate.
5. Reporting to city council at council meetings regarding the meetings of said board and at any other time deemed appropriate by said board.

Sec. 2-121. Parks and recreation advisory board.

A. *Creation.* There is hereby created the parks and recreation advisory board, which was established, in its original form, by resolution no. 88-03 on January 18, 1988.

B. *Purpose.* The board shall serve in an advisory capacity to the parks and recreation department (the "department") and to the city council regarding policy matters pertaining to city parks and recreation, and is responsible to the city council.

C. *Membership and appointment.* The board shall be composed of seven (7) members appointed by city council. Additionally, the director of the parks and recreation department shall serve, *ex officio*, as a non-voting member of the board.

D. *Duties and powers.* The board shall have the following specific purposes:

- 1. Make recommendations to the city council regarding sources of funding for parks and recreation programs, additions, and improvements;

2. Review and make advisory recommendations to the department and the city council on proposed parks and recreation programs, additions, and improvements;
3. Promote and stimulate public interest in parks and recreational programs and assist the director of the department in seeking the cooperation of public and private agencies that may have a direct or indirect involvement in parks and recreation; and
4. Review and make advisory recommendations to the department and the city council on changes, modifications, and amendments to parks and recreation policies of the city. Other functions and duties of the board shall be to:
 - a. Acquaint itself with and make a continuous study and inspection of the complete parks and recreation system;
 - b. Recommend and help secure a comprehensive master plan and other studies for parks and recreation for the development of parks, facilities, and recreation programs;
 - c. Conduct a periodic review and update of the master plan and provide an annual report to the city council; and
 - d. Perform such other duties as the city council may prescribe.

Sec. 2-122. Environmental and sustainability board.

A. *Creation.* There is hereby created the environmental and sustainability board, which was established, in its original form, by resolution 88-10 on May 9, 1988.

B. *Purpose.* The board shall serve in an advisory capacity to the public works department and to the city council regarding policy matters pertaining to environmental sustainability, and is responsible to the city council.

C. *Membership and appointment.* The board shall be composed of seven (7) members to be appointed by the city council.

D. *Duties and powers.* The board shall have the following specific purposes:

1. Review and make advisory recommendations to city council in the initiation, prioritization, and development of programs, policies, and activities relating to environmental sustainability, including but not limited to energy and natural resource conservation and recycling;

2. Research and recommend financial resources to offset costs of programs and initiatives relating to sustainability, including without limitation grants, sponsorships, and cost-savings programs; and
3. Develop programs to educate the public and increase city residents' participation in and knowledge of environmental sustainability practices.

Sec. 2-123. L.I.F.E. advisory board.

A. *Creation.* There is hereby created the L.I.F.E. (Living, Information, Fun and Enrichment) advisory board, which was established, in its original form, by resolution no. 85-21 on December 2, 1985.

B. *Purpose.* The purpose of the board is to provide input to the parks and recreation department from the community regarding services and programs that have been or could be implemented by the city for the benefit and assistance of mature adults (aged 50 and older).

C. *Membership and appointment.* The board shall be composed of seven (7) members to be appointed by the city council.

Sec. 2-124. - Cultural arts board.

A. *Creation.* There is hereby created the cultural arts board, which was established, in its original form as an ad hoc committee, by ordinance no. 03-046 on June 16, 2003, and later reconstituted as a standing board by ordinance no. 04-027 on April 19, 2004.

B. *Purpose.* The purpose of the board is to advise the city council concerning public art, including visual and performing arts, and related programming in the city.

C. *Membership and appointment.* The board shall be composed of seven (7) members to be appointed by the city council.

D. *Duties and powers.* The board shall have the following objectives:

1. To enhance the quality of life in the city with visual and performing arts by transforming the places our citizens live, work, and play into more welcoming and beautiful environments through the integration of artistic styles that reflect the vibrant image of the city as a contemporary and progressive city.
2. Provide the city and its citizens with an art program for future public art and acquisition, performing and visual art exhibition and demonstration.

3. To serve as a vehicle to approach other governmental agencies and the private sector for financial assistance to develop public art in the city.
4. To serve as a guide for future cultural arts board members.
5. To prepare and submit to the city council recommendations for public art projects and improvements to be located in public spaces within the city.
6. To prepare and submit budgets for the development and installation of any public art projects and improvements recommended by the cultural arts board to the city council.
7. To investigate and recommend to the city council possible funding mechanisms for an ongoing public arts program.
8. To participate in cooperative projects with city departments and boards, and nonprofit entities.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 01/27/14 07:00 PM
Department: City Clerk
Category: Appointment
Department Head: Tracy L. Dutton
DOC ID: 1055

**ADOPTED
ORDINANCE (ID # 1055)**

Item Title:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing one (1) member to the Building and Standards Commission of the City of Bellaire, Texas, to fill an unexpired term commencing on January 27, 2014, and expiring on June 30, 2014.

Background/Summary:

During the month of November 2013, Chair Kristin Schuster of the Building and Standards Commission of the City of Bellaire, Texas, advised the City Clerk's Office that one of her Commissioners, John Rigby, regrettably had to resign his appointment prior to the expiration of his term (i.e., June 30, 2014) due to a work assignment outside of Bellaire.

After discussing the resignation and need to appoint a member to the Building and Standards Commission to fill Mr. Rigby's unexpired term with Mayor Nauert, the City Manager's Office began advertising for the position during the month of December through January 15, 2014. The City Manager's Office received applications from three Bellaire residents expressing an interest in serving on the Building and Standards Commission as follows: Joe W. Beverly, Soumya Rege, and Danny A. Spencer.

Appointments were set for each of the applicants for 15-minute intervals beginning at 6:00 p.m. on Monday, January 27, 2014, in the Council Conference Room at City Hall. The interviews will be conducted in a Special Session and will be open to the public.

In the event that City Council desires to appoint one of the interviewees to fill the unexpired term of Commissioner John Rigby, Building and Standards Commission, a ballot and ordinance have been prepared for that purpose and attached hereto. Also attached are copies of the applications submitted to the City Manager's Office.

Source of Funding:

Not Applicable.

Recommendation:

City Staff respectfully requests consideration of one of the applicants presented to City Council on January 27, 2014, to fill the unexpired term of John Rigby on the Building and Standards Commission.

ATTACHMENTS:

- Appointment to Building and Standards Commission to Fill Vacancy - 2014 (DOC)
- Ballot - Building and Standards Commission - 2014 Sample - Unexpired Term (DOC)
- Applications for Unexpired Term on BSC(PDF)

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Roman F. Reed, Councilman |
| SECONDER: | Pat B. McLaughlan, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |



ORDINANCE NO. 14-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, APPOINTING ONE (1) MEMBER TO THE BUILDING AND STANDARDS COMMISSION OF THE CITY OF BELLAIRE, TEXAS, TO FILL AN UNEXPIRED TERM COMMENCING ON JANUARY 27, 2014, AND EXPIRING ON JUNE 30, 2014.

WHEREAS, pursuant to the *Code of Ordinances of the City of Bellaire, Texas, Chapter 2, Administration, Article VII, Boards, Commissions, and Committees, Division 1, Generally, Section 2-93, Eligibility for membership on boards, and Chapter 2, Administration, Article VII, Boards, Commissions, and Committees, Division 2, Boards and Commissions Government by State Law, Section 2-103, Building and standards commission*, the City Council of the City of Bellaire, Texas ("City Council"), appoints the members to the Building and Standards Commission of the City of Bellaire, Texas; and

WHEREAS, John Rigby has resigned his appointment as a member of the Building and Standards Commission of the City of Bellaire, Texas, prior to the expiration of his term (June 30, 2014); and

WHEREAS, the City Council has determined that it is in the best interest of the City to appoint the herein named person to fill the unexpired term of member John Rigby as a member of the Building and Standards Commission of the City of Bellaire, Texas, for a term commencing on January 27, 2014, and expiring on June 30, 2014; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS:

1. **THAT** the recitals contained here are found to be true and correct.
2. **THAT** _____ is hereby appointed as a member of the Building and Standards Commission of the City of

Bellaire, Texas, to fill the unexpired term of John Rigby commencing on January 27, 2014, and expiring on June 30, 2014.

3. THAT the appointment set forth herein shall be effective as of January 27, 2014, and such newly appointed member shall be installed at the first meeting of the Building and Standards Commission of the City of Bellaire, Texas, following the effective date of the appointment made herein.

APPROVED and **ADOPTED** this 27th day of January, 2014.

(SEAL)

ATTEST:

SIGNED:

Tracy L. Dutton, TRMC
City Clerk

Philip L. Nauert
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

*City of Bellaire***Building and Standards Commission – Unexpired Term****Ballot**

Please select 1 applicant:

_____ **Beverly**, Joe W.

_____ **Rege**, Soumya

_____ **Spencer**, Danny A.

Signature of Council Member Casting Vote: _____

Date: January 27, 2014

* indicates required fields.

The following form was submitted via your website: Application to Serve on a City Board or Commission

Select from the following choices: Building and Standards Commission

Name: Joe W. Beverly

Home Address:

Contact Number:

Business Phone Number:

Occupation: Attorney

Email Address:

Years in Bellaire. (Must be a resident for at least 6 months before appointment date in June).: 22

Are you a registered voter in a Bellaire Precinct?: Yes

Are you 18 or older?: Yes

First Time Appointment?: Yes

Reappointment, if so name of Board.: None

Have you ever attended a meeting of the Board to which you seek appointment? If so, indicate which one(s). If applying for Audit Finance Board you must be a resident with financial and/or audit experience. Attach Resume with Application.: No

Please write a brief summary of your qualifications for service on this Board, Commission, or Committee.: I have had extensive experience in the area of construction and real estate litigation. I have also represented clients in connection with condemnation of substandard buildings. I have worked with several municipal building codes and ordinances dealing with condemnation of dangerous buildings.

Briefly describe previous community activities associated with the City of Bellaire, as well as any outside civic, charitable, and other community work.: Soccer Coach - Weekley Family YMCA

Soccer Coach - Houston Express

Baseball Coach - Bellaire Little League

President - Pilgrim Lutheran School PTL

Member and Volunteer - St. Paul's UMC

Speaker's Bureau - Houston Bar Assn

Disaster Services Coordinator - American Red Cross (Austin)

Do you anticipate any conflicts of interest arising in connection with your service on the selected Board?: No

Attachment: Applications for Unexpired Term on BSC (1055 : Appointment to Building and Standards Commission - Unexpired Term)

If you answered yes and a conflict of interest did arise, how would you propose to resolve it?:

Do you understand the time commitment on this Board, Commission, or Committee for meetings as well as preparation prior to meetings? (As a reference, previous Board and Commission members have stated their time commitment ranged, on an average, from 2 to 6 hours per month.): Yes

Please complete the following only if you are applying for reappointment to a particular Board, Commission, or Committee. Do you have any thoughts regarding the responsibilities of and/or recent actions by your Board, Commission, or Committee?:

Do you have any ideas on how the effectiveness of your Board, Commission, or Committee can be improved?:

Name: Joe W. Beverly

Date: 12/02/2013

Indicate your Board selection(s) by marking "1" or "2" or "3" in rank order of your preference (1= most preferred)here. There is no need to mark more than "1" if you're not interested in another Board.: 1. Building and Standards Commission

By submitting this application online or by email and executing it by entering my name where indicated, I intend to electronically certify it as if signed in writing:

Additional Information:

Form submitted on: 12/2/2013 3:31:39 PM

Submitted from IP Address:

Referrer Page: <http://www.ci.bellaire.tx.us/>

Form Address: <http://ci.bellaire.tx.us/Forms.aspx?FID=103>

The following form was submitted via your website: Application to Serve on a City Board or Commission

Select from the following choices: Building and Standards Commission, Planning & Zoning Commission

Name: Soumya Rege

Home Address: 826 Jaquet Drive

Contact Number:

Business Phone Number:

Occupation: Architect, Residential Permits Manager-Harris County, Facilities Manager-Harris County

Email Address:

Years in Bellaire. (Must be a resident for at least 6 months before appointment date in June).: 16

Are you a registered voter in a Bellaire Precinct?: Yes

Are you 18 or older?: Yes

First Time Appointment?: Yes

Reappointment, if so name of Board.: N/A

Have you ever attended a meeting of the Board to which you seek appointment? If so, indicate which one(s). If applying for Audit Finance Board you must be a resident with financial and/or audit experience. Attach Resume with Application.: No

Please write a brief summary of your qualifications for service on this Board, Commission, or Committee.: I am a Registered Architect in Texas. I have worked as a Construction Project Manager and a Facilities Administrator in the past, and currently am Residential Permits Manager at Harris County. I am very familiar with Building Codes and standards. I have a CFM certification and valuable experience with flood plain management. I am also familiar with subdivision platting.

Briefly describe previous community activities associated with the City of Bellaire, as well as any outside civic, charitable, and other community work.: None.

Do you anticipate any conflicts of interest arising in connection with your service on the selected Board?: No

If you answered yes and a conflict of interest did arise, how would you propose to resolve it?:

Do you understand the time commitment on this Board, Commission, or Committee for meetings as well as preparation prior to meetings? (As a reference, previous Board and Commission members have stated their time commitment ranged, on an average, from 2 to 6 hours per month.): Yes

Please complete the following only if you are applying for reappointment to a particular Board, Commission, or Committee. Do you have any thoughts regarding the responsibilities of and/or recent actions by your Board, Commission, or Committee?:

Do you have any ideas on how the effectiveness of your Board, Commission, or Committee can be improved?:
None at this time.

Name: Soumya Rege

Date: January 4, 2014

Indicate your Board selection(s) by marking "1" or "2" or "3" in rank order of your preference (1= most preferred)here. There is no need to mark more than "1" if you're not interested in another Board.: 1-Building and Standards Commission
2-Planning and Zoning Commission

By submitting this application online or be email and executing it by entering my name where indicated, I intend to electronically certify it as if signed in writing:

Additional Information:

Form submitted on: 1/4/2014 5:48:50 PM

Submitted from IP Address:

Referrer Page: No Referrer - Direct Link

Form Address: <http://ci.bellaire.tx.us/Forms.aspx?FID=103>

Danny A Spencer - B + S Only

The following form was submitted via your website: Application to Serve on a City Board or Commission

Select from the following choices: Building and Standards Commission

Name: Danny A. Spencer

Home Address: 5207 Chestnut Street

Contact Number: ~~413~~

Business Phone Number: ~~713~~

Occupation: Construction Project Manager

Email Address: ~~95~~

Years in Bellaire. (Must be a resident for at least 6 months before appointment date in June): 19 years

Are you a registered voter in a Bellaire Precinct?: Yes

Are you 18 or older?: Yes

First Time Appointment?: Yes

Reappointment, if so name of Board.: N/A

Have you ever attended a meeting of the Board to which you seek appointment? If so, indicate which one(s). If applying for Audit Finance Board you must be a resident with financial and/or audit experience.
Attach Resume with Application.: No

Please write a brief summary of your qualifications for service on this Board, Commission, or Committee.: 15 years experience as a commercial construction superintendent and project manager. Knowledgeable of building standards and city codes

Briefly describe previous community activities associated with the City of Bellaire, as well as any outside civic, charitable, and other community work.: 7 years of service with the Bellaire Volunteer fire Department. Leader of the Boy Scouts of America for the past 12 years. Work with Faith in Practice for the past 7 years.

Do you anticipate any conflicts of interest arising in connection with your service on the selected Board?: No

If you answered yes and a conflict of interest did arise, how would you propose to resolve it?:

Do you understand the time commitment on this Board, Commission, or Committee for meetings as well as preparation prior to meetings? (As a reference, previous Board and Commission members have stated their time commitment ranged, on an average, from 2 to 6 hours per month.): Yes

Please complete the following only if you are applying for reappointment to a particular Board, Commission, or Committee. Do you have any thoughts regarding the responsibilities of and/or recent actions by your Board, Commission, or Committee?:

Do you have any ideas on how the effectiveness of your Board, Commission, or Committee can be improved?:

Name: Danny A. Spencer

Date: 5/14/2013

Indicate your Board selection(s) by marking "1" or "2" or "3" in rank order of your preference (1= most preferred)here. There is no need to mark more than "1" if you're not interested in another Board.: 1

By submitting this application online or by email and executing it by entering my name where indicated, I intend to electronically certify it as if signed in writing:

Additional Information:

Form submitted on: 5/14/2013 8:41:31 PM

Submitted from:

Referrer Page: <http://www.ci.bellaire.tx.us/index.aspx?NID=615>

Form Address: <http://ci.bellaire.tx.us/Forms.aspx?FID=103>

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 01/27/14 07:00 PM
Department: Finance Administration
Category: Report
Department Head: Linda Symank
DOC ID: 1035

ADOPTED**ACTION ITEM (ID # 1035)****Item Title:**

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, verifying and acknowledging that the City Council of the City of Bellaire, Texas, has performed its annual review of the City of Bellaire Investment Policy and Investment Strategies.

Background/Summary:

Chapter 2, Administration, Section 2-10, Investment Policy, of the Code of Ordinances of the City of Bellaire, Texas, requires the governing body to annually review the City of Bellaire Investment Policy and Investment Strategies in compliance with the Texas Public Funds Investment Act, V.T.C.A., Government Code Ch. 2256 as amended (the "Act").

The City submitted its investment policy to the Government Treasurer's Organization of Texas (GTOTO) for review and was awarded the Certificate of Distinction for an additional two year period ending October 31, 2014. The committee evaluated our policy to ensure that all requirements of the Public Fund Investment Act have been properly addressed in the policy. There were no recommended changes with this certification nor are there any mandated changes from the 83rd Legislative session.

The City's Chief Financial Officer has reviewed the existing policy and is proposing no changes to update or revise the policy. City Attorney Alan Petrov concurs that there are no changes to be made at this time and has prepared an ordinance to verify and acknowledge City Council's annual review of the City's Investment Policy and Investment Strategies. The attached ordinance is presented for your consideration.

Source of Funding:

N/A

Recommendation:

Review and approval of the Investment Policy and Investment Strategies.

ATTACHMENTS:

- Investment Policy and Strategies (DOC)
- Annual Review of Investment Policy and Strategies - 2014 (DOC)

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Andrew S. Friedberg, Councilman |
| SECONDER: | Amanda B. Nathan, Mayor Pro Tem |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

Sec. 2-10. Investment policy.

(a) *Policy statement.* It is the policy of the city to invest public funds in a manner that will ensure the preservation of capital, meet the daily cash flow needs of the city, conform to all applicable state statutes and city ordinances governing the investment of public funds, and provide reasonable investment returns.

The Texas Public Funds Investment Act, V.T.C.A., Government Code Ch. 2256 as amended (the “Act”) prescribes that each city shall adopt rules to govern its investment practices and to define the authority of the investment officers. This policy addresses the methods, procedures, and practices established to ensure effective and judicious fiscal management of the city’s funds worthy of the public trust.

(b) *Scope.* This investment policy shall apply to all financial assets and funds under control of the city, other than those expressly excluded herein or by applicable law or valid agreement. The city commingles its funds into one pooled investment fund for efficiency and maximum investment opportunity, except for monies held in demand and time deposits as provided under Chapter 105 of the Local Government Code or as stipulated by applicable laws, bond covenants or contracts. The funds are defined in the city's Comprehensive Annual Financial Report (“CAFR”) and include the General Fund, Special Revenue Funds, Debt Service Funds, Capital Project Funds, Enterprise Funds, and any new funds created by the city unless specifically exempted by the city council and this policy.

This Policy shall not supersede the restrictions on investment and use applicable to any specific fund and, in the event of any conflict between this policy and the requirements of any fund subject hereto, the specific requirement applicable to such fund shall be followed as well as all other provisions of this policy other than those in conflict.

The overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. The investment officers and city staff shall recognize that the investment activities of the city are a matter of public record.

(c) *Objectives and strategy.* The city strives to invest funds in a manner where the rate of return is secondary to safety and liquidity. To accomplish this, the city’s principal investment objectives in order of priority are as follows: 1) suitability, 2) preservation and safety of principal, 3) liquidity, 4) marketability, 5) diversification, and 6) yield.

(1) *Suitability.* Each investment must be in conformance with all federal regulations, state statutes, and other legal requirements—including the city charter, city ordinances, and this investment policy.

(2) *Preservation and safety of principal.* Investments shall be handled in a manner that seeks to ensure the preservation of capital and the protection of investment principal in the overall portfolio. All participants in the investment process shall act responsibly as custodians of the public trust.

(3) *Liquidity.* The city's investment portfolio will remain sufficiently liquid to enable the city to meet operating requirements that might be reasonably anticipated. Liquidity shall be achieved by matching investment maturities with forecasted cash flow requirements and by investing in securities with active secondary markets.

(4) *Marketability.* The city's policy is to buy and hold investments until maturity; however, marketability is of great importance should the need arise to liquidate an investment before maturity.

(5) *Diversification.* Investments shall be diversified by type and maturity to eliminate the risk of loss resulting from the concentration of assets in a specific maturity, a specific issuer or a specific class of securities. Portfolio maturities should be laddered in a way that protects interest income from the volatility of market and avoids the concentration of assets in a specific maturity sector. The majority of the city's funds will be invested in maturities of 12 months or less targeted to the projected cash flow needs of the city. Investments with maturities in excess of 12 months can be made to match specific cash flow requirements (e.g., funds held for future capital projects may be invested to meet anticipated cash flow requirements). The stated maturity of any investment in the city's portfolio will not exceed 36 months and the weighted average maturity of the city's portfolio will not exceed 365 days.

(6) *Yield.* The city's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the city's risk constraints and the cash flow characteristics of the portfolio. Given this strategy, the basis used to determine whether reasonable yields are being achieved shall be the average yield of the current three-month U.S. Treasury Bill or such other index that most closely matches the average maturity of the portfolio.

(d) *Authorization.* Authority to manage the investment program is derived from the Act, specifically; section 2256.005(f)--(h). Management responsibility for the investment program is hereby delegated to the chief financial officer including responsibility for all investment transactions and the related system of controls to

regulate the activities of subordinate officials. The chief financial officer and the finance manager shall serve as the investment officers of the city and shall invest city funds in legally authorized and adequately secured investments in accordance with this policy and the Act. In the event the position of chief financial officer becomes vacant, the city manager shall serve as an investment officer during such vacancy. The city investment officers shall be bonded.

(e) *Responsibility and control.* Investments shall be made with judgment and care, under prevailing circumstances that a person of prudence, discretion, and intelligence would exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of capital and the income to be derived.

In determining whether investment decisions were made exercising prudence, consideration shall be given to the following: the investment of all funds, or funds under the city's control, taken as a whole, rather than the prudence of a single investment; and whether the investment decision is consistent with the written investment policy of the city at that time.

The chief financial officer shall establish written procedures for the operation of the investment program consistent with this investment policy. Procedures shall address safekeeping, repurchase agreements, wire transfer agreements, collateral/depository agreements, banking services contracts, and explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the chief financial officer.

(f) *Ethics and conflicts of interest.* In addition to any other requirements of law, investment officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions. An investment officer who has a personal business relationship with a business organization offering to engage in an investment transaction with the city or who is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to the city shall file a statement disclosing that relationship with the city and the Texas Ethics Commission. An investment officer has a personal business relationship with a business organization if the investment officer owns 10 percent or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organization, the investment officer receives funds from the business organization exceeding 10 percent of the investment officer's gross income for the previous year, or the investment officer has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the investment officer.

(g) *Investment training.* The City shall provide periodic training in investments for the investment officers through courses and seminars offered by professional organizations and associations in order to insure the quality and capability of the City's investment officers making investment decisions in compliance with the Act. The investment officers shall attend at least one training session relating to the investment officer's responsibilities under the Act within 12 months after taking office or assuming the duties of investment officer. Further, the investment officers shall attend an investment training session not less than once in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than 10 hours of instruction relating to investment responsibilities under the Act from an independent source approved by the governing body of the city. The designated training may be sponsored by the Government Finance Officers Association of Texas, the Government Treasurer's Organization of Texas, the Texas Municipal League, or the University of North Texas. Training must include education in investment controls, security risks, strategy risks, market risks, diversification of the investment portfolio, and compliance with the Act.

(h) *Authorized investments.* Authorized investments include the following:

- (1) Obligations of the United States or its agencies and instrumentalities;
- (2) Direct obligations of the state or its agencies and instrumentalities;
- (3) Other obligations, the principal of and interest on which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the state or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;
- (4) Certificates of deposit issued by a depository institution that has its main office or branch office in the state that are for the full amount of the principal and accrued interest that are guaranteed or insured by the Federal Deposit Insurance Corporation, or its successor or the National Credit Union Share Insurance Fund or its successor, secured by an obligation issued directly by a federal agency or instrumentality, including any mortgage backed securities not disallowed by the Act, having a market value of not less than the principal amount of the certificates, or secured in any other manner and amount provided by the Act;
- (5) Fully collateralized repurchase agreements with a defined termination date of 90-days or less, secured by a combination of cash and an authorized investment, pledged to the city, held in the city's name and deposited at the time the investment is made with the city or with a third party selected and approved by the city. A repurchase agreement is a

simultaneous agreement to buy, hold for a specified time, and sell back at a future date at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The repurchase agreement shall be placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in the state only after a Master Repurchase Agreement has been executed between the city and the securities dealer or the financial institution;

(6) An investment pool to the extent and manner provided by law if the city by rule, ordinance, order or resolution authorizes investment in the particular pool and if the investment pool has furnished to the chief financial officer an offering circular or similar disclosure document conforming to the requirements of the Act. To maintain eligibility, an investment pool must furnish to the city a confirmation of all investment transactions and a monthly report conforming to the requirements of the Act. Further, the investment pool must be continuously rated no lower than AAA or AAA-m or its equivalent by at least one nationally recognized rating service; and

(7) Such other investments as permitted by the Act and not specifically prohibited by this policy.

All investment transactions will be completed on a delivery versus payment (“DVP”) basis. The investment officers are authorized to solicit bids for investments orally, in writing, electronically, or in any combination of these methods. No investment of city funds shall be authorized unless it conforms to this investment policy and the seller of the investment has executed a Certification Form in favor of the city as set forth in this policy.

When the City invests in an investment that requires a minimum rating, it must establish at the time of the investment procedures to monitor rating changes. If an investment’s rating falls below the required minimum rating, it is no longer an authorized investment. The city shall take all prudent measures consistent with this policy to liquidate any investment that does not have the minimum rating.

The city shall verify prior to participation in an investment pool, that the pool’s investment policy has established, satisfactory procedures for monitoring investment rating changes sufficient for the City to determine whether investments in the pool have the required minimum rating.

(i) *Prohibited investments.* The following are not authorized investments under this policy:

(1) Obligations for which the payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and which pays no principal;

(2) Obligations for which the payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;

(3) Collateralized mortgage obligations that have a stated final maturity greater than 10 years; and

(4) Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to changes in a market index.

Further, the city will not invest in derivatives including instruments with embedded features that alter their character or income stream or allow holders to hedge or speculate on a market or spreads between markets that are external to the issuer, or are not correlated on a one-to-one basis to the associated index or market. Prohibited derivatives include arrangements in which an investor has swapped the natural cash flows or some portion of the natural cash flows of an instrument for a different set of cash flows. (e.g., interest rate swaps), over-the-counter exchange traded options or futures (e.g., option contracts or future contracts), inverse floating rate notes, range index notes, non-money market index based notes, dual index notes, index amortizing notes, inverse multi-index bonds, inverse index bonds, and stepped inverse index bonds.

(j) *Investment limits and diversification.* The asset allocation in the portfolio should be flexible and responsive to the outlook for the economy and the securities markets. Risk shall be controlled through portfolio diversification achieved by:

(1) Limiting investments to avoid over concentration in securities from a specific issuer or business sector, U. S. Treasury securities being the only exception;

(2) Limiting investment in securities that have higher credit risks;

(3) Investing in securities with varying maturities; and

(4) Maintaining the liquidity necessary to meet ongoing obligations.

The following standards shall be applied: the city shall maintain at least 10 percent of the total portfolio in investments maturing in 90-days or less; the city shall invest no more than 50 percent of the portfolio in federal agencies or instrumentalities or in certificates of deposit; and the city may invest any amount

of funds in U. S. Treasury securities or in repurchase agreements backed by U. S. Treasury securities.

(k) *Authorized broker/dealers.* The chief financial officer shall maintain a list of security broker/dealers authorized by the investment policy. All broker/dealers shall maintain complete records of all transactions conducted on behalf of the city and shall make those records available for inspection at the city's request. At least annually, the investment officers shall review the list of broker/dealers authorized to engage in investment transactions with the city and shall make a recommendation as part of the annual review of the investment policy. As part of this process, the chief financial officer shall review the quality of service and financial stability of each broker/dealer. The chief financial officer may remove an authorized broker/dealer from the list, if in the opinion of the chief financial officer, the firm has not performed adequately or its financial condition has become unacceptable. Currently, the following broker/dealers are authorized to engage in investment transactions with the city: Coastal Securities, Inc.; Duncan-Williams, Inc.; First Southwest Company; SAMCO Capital Markets; and Vining Sparks.

Nothing in this section relieves the city of the responsibility for monitoring the investments made by the city to determine that they are in compliance with this investment policy.

(l) *Investment management.* The investment officers shall exhibit prudence and discretion in the selection and management of securities in order that no individual or group of transactions undertaken shall jeopardize the total capital of the portfolio. The city will not allow speculation (e.g., anticipating an appreciation of capital through changes in market interest rates) in the selection of any investments. The chief financial officer shall monitor financial market indicators, study financial trends, and utilize available educational tools in order to maintain appropriate managerial expertise.

Each investment transaction – exclusive of investment pool transactions – must be based upon competitive quotations received from at least three broker/dealers authorized by this policy. An exception is a new issue debenture or discount note still in the primary market. In this case, the competitive offering process is not possible because competing broker/dealers do not have access to the security or all broker/dealers have access to the security at par. For these types of securities only, investment officers are authorized to purchase the security without seeking competitive offerings if the investment is deemed to be in the best interest of the city.

While the city utilizes a buy and hold strategy, active portfolio management may from time to time dictate the sale of securities to better position the overall portfolio. The chief financial officer must approve the sale of any security prior

to maturity. Any sale of a security for less than the book value of the security must be approved by the chief financial officer.

(m) *Reporting.* The investment officers shall submit to each member of the city council an investment report no less than on a quarterly basis signed by each investment officer. The report shall contain sufficient information to provide a comprehensive review of investment activity and current investments and shall address any variations noted from the investment strategy of the city. The report must contain a summary statement of each pooled fund group that states the beginning and ending market value and accrued interest for the period. It must state the maturity date, book value and market value of each separately invested asset at the end of the reporting period by type of asset and fund type invested and the fund or pooled group which acquired the investment. The chief financial officer may use any generally accepted method to monitor the market price of investments, including, but not limited to, periodic reports from any of the approved broker/dealers (whether or not that broker/dealer actually sold the security to the City) or nationally recognized business publications that provide daily market valuations on individual securities. Each report shall include a statement of compliance with the city's investment policy and the Act. The annual audit shall include a review of the quarterly reports and a compliance audit of management controls on investments and adherence to the city's established investment policies.

(n) *Internal controls.* A system of internal controls shall be documented in writing and shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and management of the city. Controls deemed most important shall include:

- (1) Control of collusion;
- (2) Separation of duties;
- (3) Separation of transaction authority from accounting and recordkeeping;
- (4) Custodial safekeeping;
- (5) Avoidance of bearer-form securities;
- (6) Clear delegation of authority;
- (7) Specific limitations regarding securities losses;
- (8) Written confirmation of telephone transactions; and

(9) Limiting the number of authorized investment officials.

These controls shall be reviewed periodically by the city's independent audit firm.

(o) *Depositories.* Consistent with the requirements of the Texas Public Funds Collateral Act, V.T.C.A., Government Code Ch. 2257 as amended (“Public Funds Collateral Act”), the city shall require all depository institution deposits to be federally insured or collateralized with eligible securities. Any financial institution serving the city as a depository institution will be required to sign a depository agreement and a tri-party safekeeping agreement. The safekeeping agreement shall define the city’s rights to collateral in case of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with Federal and State regulations.

(p) *Collateral.* Eligible securities for collateralization of deposits are defined by the Public Funds Collateral Act and must meet the constraints of this policy. The market value of the principal portion of collateral pledged for deposits must at all times be equal to or greater than 105 percent of the total amount of deposits plus any accrued interest, less the insurance amount provided by the Federal Deposit Insurance Corporation (“FDIC”).

Depository institutions with which the city maintains collateralized deposits shall provide a monthly report of market values for the pledged securities. The chief financial officer shall monitor collateralization levels to verify market values and total collateral positions. If the value of the securities pledged falls below the required collateral level, the depository institution holding the deposit must pledge additional securities no later than the end of the next succeeding business day.

Collateralized deposits may require substitution of securities. Any depository institution requesting substitution of collateral must contact the chief financial officer for approval. Written approval is required before any pledged security is released. The value of the substituted security will be calculated and substitution approved if the substitution maintains the required collateral level.

(q) *Custody and safekeeping.* Investment securities purchased for the city, except investment pool funds and mutual funds, will be on a delivery versus payment basis. To protect against fraud, the cash and investments of the city shall be secured in accordance with third-party custody and safekeeping procedures approved by the city. Securities shall be held in a third-party safekeeping account at a custodian bank. A written safekeeping agreement shall be executed with each custodian bank, such bank being a permitted institution under the Public Funds Collateral Act. Upon receipt of purchased or pledged securities, the custodian bank shall promptly issue and deliver to the city a safekeeping receipt identifying and evidencing receipt of the security. The chief financial officer or their designee shall maintain the original safekeeping receipts. All securities shall be

confirmed in the name of the city and shall be held in an account naming the city as the customer. The market value of purchased or pledged securities shall be independently monitored by the custodian bank on a monthly basis and reported directly to the city. At least quarterly, the chief financial officer shall verify that all securities owned by or pledged to the city are documented and held in safekeeping in the city's account. These records shall also be subject to an annual compliance audit of management controls on investments and adherence to the city's established investment policies.

(r) *Certification form.* A written copy of the investment policy shall be provided to any person or organization offering to engage in an investment transaction with the city. Every seller of investments to the city must execute a certificate in favor of the city substantially in the form set out herein below, and the investment officers may not acquire or otherwise obtain any authorized investment from any seller until a signed certification form has been delivered to the city.

(s) *Other policy considerations.* The city is not required to liquidate investments that were authorized investments at the time of purchase.

(t) *Annual review.* The city council shall review this investment policy and investment strategies not less than annually. The city council shall adopt a written instrument by ordinance or resolution stating that it has reviewed the investment policy and investment strategies and the written instrument so adopted shall record any changes made to either the investment policy or investment strategies.

CERTIFICATION FORM

As required by V.T.C.A., Government Code § 2256.005(k)

CITY OF BELLAIRE, TEXAS (the "City")

The undersigned hereby acknowledges and certifies as follows:

1. The undersigned is a qualified representative of _____, a business organization (the "Organization"), offering to engage in an investment transaction with the City.
2. The Organization has received and reviewed the investment policy of the City.
3. The Organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City and the Organization that are not authorized by the City's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the entity's entire portfolio or requires an interpretation of subjective investment standards.

Signature

Name: _____

Title: _____

Date: _____

(Ord. No. 96-020, 3-18-1996; amended by Ord. No. 98-008)

State law references: Public Funds Investment Act, V.T.C.A., Government Code § 2256.001 et seq.



ORDINANCE NO. 14-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, VERIFYING AND ACKNOWLEDGING THAT THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, HAS PERFORMED ITS ANNUAL REVIEW OF THE CITY OF BELLAIRE INVESTMENT POLICY AND INVESTMENT STRATEGIES.

WHEREAS, the City of Bellaire, Texas, is a political subdivision in the State of Texas, subject to the requirements of the *Texas Public Funds Investment Act* (the "Act"), *Texas Government Code, Section 2256.001 et. seq*; and

WHEREAS, the City Council of the City of Bellaire, Texas, has previously adopted an Investment Policy and Investment Strategies in compliance with the requirements of the Act, which policy and strategies are found at *Chapter 2, Administration, Section 2-10, Investment Policy*, of the *Bellaire City Code of Ordinances*; and

WHEREAS, pursuant to *Section 2256.005* of the Act and *Section 2-10(b)* of the *Bellaire City Code of Ordinances*, the City Council is required to annually review its Investment Policy and Investment Strategies and to adopt a written instrument by ordinance or resolution stating that such policies have been reviewed and recording any changes thereto; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS:

1. THAT the recitals contained herein above are found to be true and correct.

2. **THAT** the City Council of the City of Bellaire, Texas, has hereby reviewed its Investment Policy and Investment Strategies found at *Chapter 2, Administration, Section 2-10, Investment Policy*, of the *Bellaire City Code of Ordinances*.

3. **THAT** the City Council of the City of Bellaire, Texas, finds that no changes to its Investment Policy and Investment Strategies are necessary at this time.

4. **THAT** this Ordinance shall be effective immediately upon its adoption.

PASSED, APPROVED, and ADOPTED this 27th day of January, 2014.

(SEAL)

ATTEST:

Tracy L. Dutton, TRMC
City Clerk

SIGNED:

Philip L. Nauert
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 01/27/14 07:00 PM
Department: Public Works
Category: Change Order
Department Head: Joe Keene
DOC ID: 1051

ADOPTED
ACTION ITEM (ID # 1051)

Item Title:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute a Final Change Order (No. 1) with Gulf States Protective Coatings, Inc., to a contract for the Rehabilitation of Water Storage Tanks at Central Water Plant consisting of a net decrease of \$27,761.21, and approval for the City of Bellaire, Texas, to make the final payment to Gulf States Protective Coatings, Inc., in an amount not to exceed \$99,813.94.

Background/Summary:

This contract was for the rehabilitation of the water storage tanks at the Central Water Well site.

Final payment request (Payment #8 herein) is in the amount of \$99,813.94.

The Original Contract Price for this project was \$753,415.00. The Final Contract Price is \$725,653.79, which reflects a net decrease of \$27,761.21 indicated in the final charge order herein.

Included for your review are:

- Change Order No. 1 - Final
- Application for Final Payment
- Agreement for Final Payment and Contractor's Sworn Release Form
- Affidavit

Source of Funding:

CIP - Enterprise

Recommendation:

Staff respectfully requests favorable City Council action with respect to the final payment request of \$99,813.94 and Final Change Order (No. 1) reflecting a \$27,761.21 decrease in the initial contract amount on the contract for Rehabilitation of Water Storage Tanks at Central Water Plant, with Gulf States Protective Coatings, Inc, and authorization for the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest to a Final Payment with Gulf States Protective Coatings, Inc in the amount of \$99,813.94 and the Final Change Order (No. 1) reflecting a \$27,761.21 decrease in the initial contract amount.

ATTACHMENTS:

- FCO1 - Gulf States Protective Coatings Inc - Rehabilitation of Water Storage Tanks at Central Water Plant (DOC)
- Central Tank Rehab Project Closeout Documents (PDF)

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James P. Avioli Sr., Councilman |
| SECONDER: | Amanda B. Nathan, Mayor Pro Tem |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |



ORDINANCE NO. 14-____

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE A *FINAL CHANGE ORDER (NO. 1)* WITH GULF STATES PROTECTIVE COATINGS, INC., IN A FORM AS ATTACHED HERETO AND MARKED "EXHIBIT A," TO A CONTRACT FOR THE "REHABILITATION OF WATER STORAGE TANKS AT CENTRAL WATER PLANT" CONSISTING OF A NET DECREASE IN SAID CONTRACT OF \$27,761.21, AND APPROVAL FOR THE CITY OF BELLAIRE, TEXAS, TO MAKE THE FINAL PAYMENT TO GULF STATES PROTECTIVE COATINGS, INC., ON SAID CONTRACT, IN A FORM AS ATTACHED HERETO AND MARKED "EXHIBIT B," IN AN AMOUNT NOT TO EXCEED \$99,813.94.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS:

1. THAT the Mayor of the City of Bellaire, Texas, is hereby authorized to execute, for and on behalf of the City of Bellaire, Texas, a *Final Change Order (No. 1)* with Gulf States Protective Coatings, Inc., in a form as attached hereto and marked "**Exhibit A,**" to a contract for the "Rehabilitation of Water Storage Tanks at Central Water Plant" consisting of a net decrease in said contract of \$27,761.21.

2. THAT the City of Bellaire, Texas, is hereby authorized to make the final payment to Gulf States Protective Coatings, Inc., on a contract for the "Rehabilitation of Water Storage Tanks at Central Water Plant" in an amount not to exceed \$99,813.94, based on an *Application for Payment (No. 8—Final and Retainage)*, as attached hereto and marked "**Exhibit B.**"

3. THAT the City of Bellaire, Texas, has received an executed *Agreement for Final Payment and Contractor's Sworn Release*, in a form as attached hereto and marked "**Exhibit C,**" from Gulf States Protective Coatings, Inc., related

to the contract for the "Rehabilitation of the Water Storage Tanks at Central Water Plant."

4. THAT upon execution of said *Final Change Order (No. 1)* and approval of the *Application for Payment (No. 8—Final and Retainage)*, the total amount paid to Gulf States Protective Coatings, Inc., will equal \$725,653.79.

PASSED and **APPROVED** this 27th day of January, 2014.

(SEAL)

ATTEST:

Tracy L. Dutton, TRMC
City Clerk

SIGNED:

Dr. Philip L. Nauert
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

klotz  associates

1160 Dairy Ashford, Suite 500
Houston, Texas 77079
T 281.589.7257 F 281.589.7309
houston.office@klotz.com

January 21, 2014

Mr. Joe Keene
Director of Public Works
City of Bellaire
4337 Edith
Bellaire, Texas 77401

Re: City of Bellaire Rehabilitation of Water Storage Tanks at Central Water Plant
Pay Estimate 8 (FINAL)
Klotz Associates Project No. 0105.037.001

Dear Mr. Keene:

Enclosed please find Pay Estimate No. 8 (FINAL) for the above referenced project for work completed through December 19, 2013. Klotz Associates has reviewed this pay estimate and recommends payment to Gulf States Protective Coatings, Inc. in the amount shown below.

| | |
|--------------------------------|----------------------|
| Original Contract Amount | \$ 753,415.00 |
| No Change Orders | (\$ 27,761.21) |
| <u>Revised Contract Amount</u> | <u>\$ 725,653.79</u> |

| | |
|------------------------|----------------------|
| Work Performed to Date | <u>\$ 725,653.79</u> |
| Less 5% Retainage | <u>\$ 0.00</u> |
| Subtotal | \$ 725,653.79 |
| Less Previous Payments | <u>\$ 625,839.85</u> |
| Amount Due | \$ 99,813.94 |

Please feel free to call if you have any questions or require any additional information.

Sincerely,



Monica Stiggins, P.E.
Project Engineer

MLS:azm

Attachment

Attachment: Central Tank Rehab Project Closeout Documents (1051 : Rehabilitation of Water Storage Tanks at Central Water Plant Closeout)



EXHIBIT A

Final Change Order (No. 1)

Bellaire Public Works Department

Contractor: Gulf States Protective Coating, Inc.

Project: Rehabilitation of Water Storage Tanks at Central Water Plant

1160 Dairy Ashford, Suite 500
Houston, Texas 77079
T 281.589.7257 F 281.589.7309
houston.office@klotz.com

January 13, 2014

Mr. Joe Keene
Director of Public Works
City of Bellaire
4337 Edith
Bellaire, Texas 77401

Re: City of Bellaire Rehabilitation of Water Storage Tanks at Central Water Plant
Klotz Associates Project No. 0105.037.001

Dear Mr. Keene:

Enclosed please find three copies of Change Order No. 1 for the referenced project for execution by the City of Bellaire. The change (reduction) in contract price is due to unused extra unit price items.

Please execute all three copies and return two copies to us. Please feel free to call if you have any questions or require any additional information.

Sincerely,



Ralph E. Cox, P.E.
Vice President

REC:mv

Attachment

Attachment: Central Tank Rehab Project Closeout Documents (1051 : Rehabilitation of Water Storage Tanks at Central Water Plant Closeout)

CHANGE ORDER NO. 01Project Name: Rehabilitation of Water Storage Tanks at Central Water PlantKlotz Associates Project Number: 0105.037.001Contractor: Gulf States Protective Coating Date: January 13, 2014

Description:

Contract price shall change from \$753,415.00 to \$725,653.79, providing a credit of \$27,761.21.

Reasons for Change Order:

Contract price change is due to unused extra unit price items in the contract and a \$500 credit for damaged aluminum insulation on exposed piping.

Klotz Associate, Inc.**CHANGE ORDER FORM
APPENDIX G – PAGE 1**

| Contract Price | | Contract Time (Calendar Days) | | |
|--------------------------------------|---------------|-------------------------------|---------------------------|---------------------|
| | | | To Substantial Completion | To Final Completion |
| Original | \$753,415.00 | Original | 210 | 240 |
| Previous COs (+ or -) | 0.00 | Previous COs (+ or -) | 0 | 0 |
| This CO (+ or -) | (\$27,761.21) | This CO (+ or -) | 0 | 0 |
| Contract Price with all approved COs | \$725,653.79 | Contract times with all COs | 0 | 0 |
| | | Completion dates with all COs | 11/19/2013 | 12/19/2013 |

The Contractor agrees that this Change Order includes any and all costs associated with or resulting from the change(s) ordered herein, including all impact, delays, and acceleration costs. Other than the dollar amount and time allowance listed above, there shall be no further time or dollar compensation as a result of this Change Order.

THIS DOCUMENT SHALL BECOME AN AMENDMENT TO THE CONTRACT AND ALL STIPULATIONS AND COVENANTS OF THE CONTRACT SHALL APPLY HERETO.

RECOMMENDED:

By: _____

Engineer (Authorized Signature)

Date

APPROVED:

By: _____

Owner (Authorized Signature)

Date

ACCEPTED:

By: _____

Contractor (Authorized Signature)

Date

Attachments:

Klotz Associate, Inc.

CHANGE ORDER FORM
APPENDIX G – PAGE 2

CHANGE ORDER NO. 01Project Name: Rehabilitation of Water Storage Tanks at Central Water PlantKlotz Associates Project Number: 0105.037.001Contractor: Gulf States Protective Coating Date: January 13, 2014

Description:

Contract price shall change from \$753,415.00 to \$725,653.79, providing a credit of \$27,761.21.

Reasons for Change Order:

Contract price change is due to unused extra unit price items in the contract and a \$500 credit for damaged aluminum insulation on exposed piping.

Klotz Associate, Inc.

CHANGE ORDER FORM
APPENDIX G – PAGE 1

| Contract Price | | Contract Time (Calendar Days) | | |
|---|---------------|-------------------------------------|---------------------------|---------------------|
| | | | To Substantial Completion | To Final Completion |
| Original | \$753,415.00 | Original | 210 | 240 |
| Previous COs (+ or -) | 0.00 | Previous COs (+ or -) | 0 | 0 |
| This CO (+ or -) | (\$27,761.21) | This CO (+ or -) | 0 | 0 |
| Contract Price with all approved COs | \$725,653.79 | Contract times with all COs | 0 | 0 |
| | | Completion dates with all COs | 11/19/2013 | 12/19/2013 |

The Contractor agrees that this Change Order includes any and all costs associated with or resulting from the change(s) ordered herein, including all impact, delays, and acceleration costs. Other than the dollar amount and time allowance listed above, there shall be no further time or dollar compensation as a result of this Change Order.

THIS DOCUMENT SHALL BECOME AN AMENDMENT TO THE CONTRACT AND ALL STIPULATIONS AND COVENANTS OF THE CONTRACT SHALL APPLY HERETO.

RECOMMENDED:

By: [Signature]
Engineer (Authorized Signature)

1/21/14
Date

APPROVED:

By: _____
Owner (Authorized Signature)

Date

ACCEPTED:

By: [Signature]
Contractor (Authorized Signature)
Jane O. McKenzie

1/21/14
Date

Attachments:

Klotz Associate, Inc.

CHANGE ORDER FORM
APPENDIX G – PAGE 2

CHANGE ORDER NO. 01Project Name: Rehabilitation of Water Storage Tanks at Central Water PlantKlotz Associates Project Number: 0105.037.001Contractor: Gulf States Protective Coating Date: January 13, 2014

Description:

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Klotz Associate, Inc.**CHANGE ORDER FORM
APPENDIX G – PAGE 1**

| Contract Price | | Contract Time (Calendar Days) | | |
|---|---------------|-------------------------------------|---------------------------|---------------------|
| | | | To Substantial Completion | To Final Completion |
| Original | \$753,415.00 | Original | 210 | 240 |
| Previous COs (+ or -) | 0.00 | Previous COs (+ or -) | 0 | 0 |
| This CO (+ or -) | (\$27,761.21) | This CO (+ or -) | 0 | 0 |
| Contract Price with all approved COs | \$725,653.79 | Contract times with all COs | 0 | 0 |
| | | Completion dates with all COs | 11/19/2013 | 12/19/2013 |

The Contractor agrees that this Change Order includes any and all costs associated with or resulting from the change(s) ordered herein, including all impact, delays, and acceleration costs. Other than the dollar amount and time allowance listed above, there shall be no further time or dollar compensation as a result of this Change Order.

THIS DOCUMENT SHALL BECOME AN AMENDMENT TO THE CONTRACT AND ALL STIPULATIONS AND COVENANTS OF THE CONTRACT SHALL APPLY HERETO.

RECOMMENDED:

By: [Signature]
Engineer (Authorized Signature)

1/21/14
Date

APPROVED:

By: _____
Owner (Authorized Signature)

Date

ACCEPTED:

By: [Signature]
Contractor (Authorized Signature)
Sane O. McKenzie

1/21/14
Date

Attachments:

Klotz Associate, Inc.

CHANGE ORDER FORM
APPENDIX G – PAGE 2



EXHIBIT B

Final Request for Payment (No. 8)

Bellaire Public Works Department

Contractor: Gulf States Protective Coating, Inc.

Project: Rehabilitation of Water Storage Tanks at Central Water Plant

APPLICATION FOR PAYMENT

Estimate No. 8 Final + Retainage
 For Period From 12/1/13 To 1/3/14
 Date of Request: 1/21/14 Current Contract Completion Date: _____
 Current Amount of Contract: 725 653.79

TOTAL AMOUNT WORK DONE TO DATE: \$ 725 653.79
 Less Amount Retained: \$(N/A)
 Less Previous Payments: \$(625 839.85)
 AMOUNT DUE CONTRACTOR: \$ 99 813.94

CERTIFICATE OF THE CONTRACTOR OR HIS DULY AUTHORIZED REPRESENTATIVE

To the best of my knowledge, I certify that all times, quantities and prices of work and materials shown on the face of this estimate are correct; that all work has been performed and materials supplied in full accordance with the terms and conditions of the corresponding construction contractual documents between the Owner and the Contractor, including all changes authorized thereto; that the foregoing is a true and correct statement of the contract amount up to and including the last day of the period covered by this estimate and that no part of the "AMOUNT DUE CONTRACTOR" has been received.

I further certify that all just and lawful bills against the below named Contractor, for labor, material and expendable equipment employed in the performance of said contract have been paid in full accordance with the Contract requirements.

Gulf States Protective Coatings, Inc
 NAME OF CONTRACTOR: Jane O. McKenzie
 BY: Jane O. McKenzie DATE: 1/21/14
 TITLE: President

Klotz Associates Inc.

APPLICATION FOR PAYMENT
APPENDIX F - Page 1

PARTIAL/FINAL WAIVER OF LIEN

THE STATE OF TEXAS

COUNTY OF Harris

The undersigned contracted with City of Bellaire, TX to furnish Water Storage Tanks Painting and maintenance in connection with certain improvements to real property located in Harris County, Texas, and owned by Bellaire, TX, which improvements are described as follows:

Water Storage Tanks Painting and maintenance

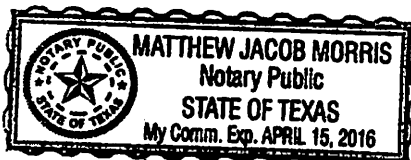
In consideration of Pay Estimate No. 8 in the amount of One Hundred Thousand Three Hundred Thirteen & 94/100 DOLLARS (\$100313.94) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and confessed, the undersigned does hereby waive and release any mechanics' lien or materialmen's lien or claims of lien that the undersigned has or hereafter has on the above-mentioned real property on account of any labor performed or materials furnished or to be furnished or labor performed and materials furnished by the undersigned pursuant to the above-mentioned contract or any constitutional lien that the undersigned may have.

Undersigned hereby guarantees that all bids for labor performed and/or materials furnished in the erection and construction of such improvements on the Property have been fully paid and satisfied and Undersigned does further guarantee that if for any reason a lien or liens are filed for material or labor against said Property arising out of any bills for material or labor in connection with the erection or construction of said improvements thereon, Undersigned will obtain a settlement of such lien or liens and a proper release thereof shall be obtained.

GULF STATES PROTECTIVE COATINGS, INC.
201 NORTH 16TH STREET
LA PORTE, TX 77571

Jose O. Hernandez
CONTRACTOR
By: President
TITLE

SWORN TO AND SUBSCRIBED BEFORE ME, on this the 7 day of Jan, 2014, to certify which witness my hand and seal of office.



My Commission Expires: 4/15/16

Matthew Jacob Morris
NOTARY PUBLIC in and for the State of Texas

Klotz Associates, Inc.

PARTIAL/FINAL WAIVER OF LIEN
APPENDIX H - Page 1

Attachment: Central Tank Rehab Project Closeout Documents (1051 : Rehabilitation of Water Storage Tanks at Central Water Plant Closeout)

CONSENT OF SURETY TO FINAL PAYMENT

AIA Document G707

Bond No. PB118837000012

OWNER ☐
ARCHITECT ☐
CONTRACTOR ☐
SURETY ☒
OTHER ☐

TO OWNER:

(Name and address)

City of Bellaire, Texas
City Hall - 7008 South Rice Avenue
Bellaire, TX 77401-4495

PROJECT:

(Name and address)

Rehabilitation of Water Storage Tanks at Central Water Plant
Bellaire, Texas

ARCHITECT'S PROJECT NO.: N/A

CONTRACT FOR: Rehabilitation of Water Storage Tanks
at Central Water Plant Bellaire, Texas

CONTRACT DATED: Undated

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
(Insert name and address of Surety)

Philadelphia Indemnity Insurance Company
One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-1403

, SURETY,

on bond of

(Insert name and address of Contractor)

Gulf States Protective Coatings, Inc.
201 N. 16th Street
La Porte, TX 77571

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the Surety of
any of its obligations to

(Insert name and address of Owner)

City of Bellaire, Texas
City Hall - 7008 South Rice Avenue
Bellaire, TX 77401-4495

, OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: January 14, 2014

(Insert in writing the month followed by the numeric date and year.)

Philadelphia Indemnity Insurance Company

(Surety)

By: Blaine Allen

(Signature of authorized representative)

Blaine Allen

Attorney-in-Fact

(Printed name and title)

Attest:

(Seal):

Candice Allen

PHILADELPHIA INDEMNITY INSURANCE COMPANY

231 St. Asaph's Rd., Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint: **William D. Baldwin, Blaine Allen, Brent Baldwin, Brock Baldwin, Michael B. Hill, Monica Campos and Brady K. Cox of Baldwin-Cox Agency LLC of Dallas, Texas ,**

Its true and lawful Attorney(s) in fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$ 7,500,000.00 :

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY at a meeting duly called the 1st day of July, 2011.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company to: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with the respect to any bond or undertaking to which it is attached.

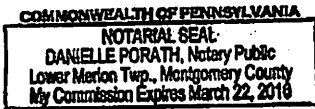
IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 7TH DAY OF FEBRUARY 2013.



(Seal)

Robert D. O'Leary Jr., President & CEO
Philadelphia Indemnity Insurance Company

On this 7th day of February 2013, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



Notary Public: _____

residing at: Bala Cynwyd, PA

(Notary Seal)

My commission expires: March 22, 2016

I, Craig P. Keller, Executive Vice President, Chief Financial Officer and Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 14th day of January, 20 14.



Craig P. Keller, Executive Vice President, Chief Financial Officer & Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY



EXHIBIT C

Agreement for Final Payment and Contractor's Sworn Release

Bellaire Public Works Department

Contractor: Gulf States Protective Coating, Inc.

Project: Rehabilitation of Water Storage Tanks at Central Water Plant

AGREEMENT FOR FINAL PAYMENT
AND CONTRACTOR'S SWORN RELEASE

In order to insure that the rights, obligations and responsibilities of all parties to the original contract document are fully protected, which contract document was signed and executed on the 13th day of January, A.D. 14 by Gulf States Protective Coating, Inc., referred to therein as CONTRACTOR and hereinafter referred to as CONTRACTOR, and the CITY OF BELLAIRE, TEXAS on the 13th day of January, 20 , and further in consideration for the final payment of all sums due and claimed by the CONTRACTOR against the CITY OF BELLAIRE, TEXAS, the CONTRACTOR makes the following representations to the CITY OF BELLAIRE, TEXAS, either individually if a proprietorship, jointly by all partners if a partnership, or if a corporation, by action of the president and secretary of said corporation, as duly authorized by appropriate action of the stockholders and/or board of directors of said corporation, their signatures hereon constituting a representation under oath by said individuals that they have the power and authority to execute this Agreement for and on behalf of the said corporation:

I.

The CONTRACTOR has received 7 (number) payments pursuant to 8 (number) Contractor Payment Estimates, copies of which are attached hereto and marked Exhibit "A", presented to

the CITY OF BELLAIRE, TEXAS and paid during the progress of the job referred to in the Contract between the parties; and in this regard, the undersigned CONTRACTOR represents to the CITY OF BELLAIRE, TEXAS that it does not claim nor intend to claim at any future date, any additional sums of money of any nature whatsoever under and by virtue of the payment estimates previously submitted to the PROFESSIONAL for approval, or any other sums of money of any nature whatsoever for materials furnished and used in the job or for work done, and hereby releases and discharges the CITY OF BELLAIRE, TEXAS from any liability of any nature whatsoever, for any claims of any nature made by the CONTRACTOR at some future date, or by its successors or assigns.

II.

The undersigned CONTRACTOR further represents to the CITY OF BELLAIRE, TEXAS that the Final Payment Estimate and Change Order, if any, submitted by the CONTRACTOR to the CITY OF BELLAIRE, TEXAS, whether or not modified, corrected or changed in some way by deletions or other modifications by the PROFESSIONAL, the CONTRACTOR or the OWNER, a copy of which is attached hereto and marked Exhibit "B", is true, correct and accurate; and it is further agreed and stipulated by the undersigned CONTRACTOR that upon the receipt of final payment in the amount as set out on the Final Payment Estimate and Change Order, the CONTRACTOR, by execution of this instrument of release, does, therefore, release and forever discharge the CITY OF BELLAIRE, TEXAS of and from all manner of debts, demands, obligations, suits, liabilities and causes of action of any nature

whatsoever under and by virtue of the terms and provisions of the Contract hereinbefore referred to, and any change or modification thereof, or in any manner growing out of or arising from or by virtue of the work, labor and services performed by the CONTRACTOR.

III.

CONTRACTOR, in addition to the provisions set out in the contract document, agrees to indemnify and hold the CITY OF BELLAIRE, TEXAS harmless from any and all causes of action, claims, demands or suits made by any person or other entity against the CITY OF BELLAIRE, TEXAS, by reason of the work performed by such CONTRACTOR, and agrees to defend or to cause the same to be defended at the CONTRACTOR's sole expense and obligation, whenever such actions may be brought, and further, to pay all costs incurred by the CITY OF BELLAIRE, TEXAS in the defense thereof, including administrative costs and attorney's fees, and further to pay any judgments or settlements which may be entered into or agreed to against or for the benefit of the CITY OF BELLAIRE, TEXAS. It is, however, specifically agreed that the CITY OF BELLAIRE, TEXAS shall not enter into any settlement agreements without the acquiescence and agreement of the CONTRACTOR.

IV.

The CONTRACTOR, acting by and through the person or persons whose names are subscribed hereto, does solemnly swear and affirm that all bills and claims have been paid to all materialmen, suppliers, laborers, subcontractors, or other entities performing

services or supplying materials, and that the CITY OF BELLAIRE, TEXAS shall not be subject to any bills, claims, demands, litigation or suits in connection therewith.

V.

It is further specifically understood and agreed that this Agreement for Final Payment and Contractor's Sworn Release shall constitute a part of the original Contract of the parties heretofore previously referred to, and it is also specifically understood and agreed that this Agreement shall not act as a modification, waiver or renunciation by the CITY OF BELLAIRE, TEXAS of any of its rights or remedies as set out in the contract itself, but this Agreement for Final Payment and Contractor's Sworn Release shall constitute a supplement thereto for the additional protection of the CITY OF BELLAIRE, TEXAS.

VI.

This Agreement for Final Payment and Contractor's Sworn Release shall be considered to be continuing and binding upon the parties hereto and shall not terminate upon receipt and acceptance by the CONTRACTOR of final payment, but shall be deemed continuing so long as any actions, claims or other demands contemplated herein against the CITY OF BELLAIRE, TEXAS, may lawfully be brought under applicable statutes of limitations, and shall in addition be deemed to be continuing for such additional period of time as shall be necessary to compensate and repay to the CITY OF BELLAIRE, TEXAS, all costs or damages incurred by it by reason of such claims.

_____ i 20¹⁴.

CONTRACTOR

Print Name: Jane O. McKenzie

Packet Pg. 188

[This form is for use by either a proprietorship or a partnership. In the event CONTRACTOR is a partnership or a joint proprietorship, additional signature lines should be added for each individual.]

AFFIDAVIT

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared the person or persons whose name(s) are subscribed to the above and foregoing Agreement for Final Payment and Contractor's Sworn Release, who each, after being by me duly sworn, on their oaths deposed and said:

I(We) am(are) the person(s) who signed and executed the above and foregoing Agreement for Final Payment and Contractor's Sworn Release, and I(we) have read the facts and statements as therein set out and the representations as made therein, and I(we) state that the above and foregoing are true and correct.

CONTRACTOR - Affiant

SWORN TO AND SUBSCRIBED TO before me this, the _____ day
of _____, 20____.

Notary Public, State of Texas

My Commission Expires: _____

[This form is for use in the event CONTRACTOR is a corporation.]

AFFIDAVIT

STATE OF TEXAS

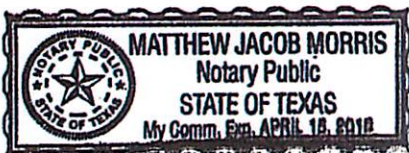
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared the persons who signed and executed the above and foregoing Agreement for Final Payment and Contractor's Sworn Release, whose names are set out above, who each, after being by me duly sworn, on their oaths deposed and said:

We each are the persons whose names are subscribed above, and hold respectively the offices in the corporation as set out above, and each state under oath that we have the authority to execute this Agreement for Final Payment and Contractor's Sworn Release for and on behalf of said corporation, pursuant to authority granted to us in the Charter of said corporation, the By-Laws of said corporation and/or the Minutes of said corporation; and the facts, statements and representations as set out in the instrument to which this Affidavit is attached are true and correct.

Jane O. McKenzie
Jane O. McKenzie, President

SWORN TO AND SUBSCRIBED TO before me this, the 13 day
of January, 2014.



Matthew Morris
Notary Public, State of Texas

My Commission Expires: 4-15-16

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 01/27/14 07:00 PM
Department: Public Works
Category: Change Order
Department Head: Joe Keene
DOC ID: 1050

ADOPTED**ACTION ITEM (ID # 1050)****Item Title:**

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute a Final Change Order (No. 1) with Metro City Construction, LP, to a contract for the Reconstruction of Baldwin Avenue consisting of a net decrease in said contract of \$962,476.81 and approval for the City of Bellaire, Texas, to make the final payment to Metro City Construction, LP, on said contract in an amount not to exceed \$272,554.91.

Background/Summary:

This contract was for the reconstruction of Baldwin Avenue.

Final payment request (Payment #22 herein) is in the amount of \$272,554.91.

The Original Contract Price for this project was \$6,319,905.00. The Final Contract Price is \$5,357,428.19, which reflects a net decrease of \$962,476.81 indicated in the final charge order herein.

Included for your review are:

- Agreement for Final Payment and Contractor's Sworn Release Form
- Application for Final Payment
- Change Order No. 1 - Final
- Contractor's Maintenance Bond
- Affidavit

Source of Funding:

CIP - Bond & METRO

Recommendation:

Staff respectfully requests favorable City Council action with respect to the final payment request of \$272,554.91 and Final Change Order (No. 1) reflecting a \$962,476.81 decrease in the initial contract amount on the contract for Baldwin Avenue Reconstruction Project, with Metro City Construction, LP, and authorization for the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest to a Final Payment with Metro City Construction, LP in the amount of \$272,554.91 and the Final Change Order (No. 1) reflecting a \$962,476.81 decrease in the initial contract amount.

ATTACHMENTS:

- FCO1 - Metro City Construction LP - Reconstruction of Baldwin Avenue (DOC)
- Baldwin Avenue Closeout Documents (PDF)

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Amanda B. Nathan, Mayor Pro Tem |
| SECONDER: | James P. Avioli Sr., Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |



ORDINANCE NO. 14-____

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE A *FINAL CHANGE ORDER (NO. 1)* WITH METRO CITY CONSTRUCTION, LP, IN A FORM AS ATTACHED HERETO AND MARKED "EXHIBIT A," TO A CONTRACT FOR THE "RECONSTRUCTION OF BALDWIN AVENUE" CONSISTING OF A NET DECREASE IN SAID CONTRACT OF \$962,476.81, AND APPROVAL FOR THE CITY OF BELLAIRE, TEXAS, TO MAKE THE FINAL PAYMENT TO METRO CITY CONSTRUCTION, LP, ON SAID CONTRACT, IN A FORM AS ATTACHED HERETO AND MARKED "EXHIBIT B," IN AN AMOUNT NOT TO EXCEED \$272,554.91.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS:

1. THAT the Mayor of the City of Bellaire, Texas, is hereby authorized to execute, for and on behalf of the City of Bellaire, Texas, a *Final Change Order (No. 1)* with Metro City Construction, LP, in a form as attached hereto and marked "**Exhibit A,**" to a contract for the "Reconstruction of Baldwin Avenue" consisting of a net decrease in said contract of \$962,476.81.

2. THAT the City of Bellaire, Texas, is hereby authorized to make the final payment to Metro City Construction, LP, on a contract for the "Reconstruction of Baldwin Avenue" in an amount not to exceed \$272,554.91, based on an *Application for Final Payment (No. 22)*, as attached hereto and marked "**Exhibit B.**"

3. THAT the City of Bellaire, Texas, has received an executed *Agreement for Final Payment and Contractor's Sworn Release*, in a form as attached hereto and marked "**Exhibit C,**" from Metro City Construction, LP, related to the contract for the "Reconstruction of Baldwin Avenue."

4. **THAT** upon execution of said *Final Change Order (No. 1)* and approval of the *Application for Payment (No. 22)*, the total amount paid to Metro City Construction, LP, will equal \$5,357,428.19.

PASSED and **APPROVED** this 27th day of January, 2014.

(SEAL)

ATTEST:

Tracy L. Dutton, TRMC
City Clerk

SIGNED:

Dr. Philip L. Nauert
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

January 17, 2014

Mr. Joe Keene
Director of Public Works
City of Bellaire
7008 S. Rice Ave.
Bellaire, Texas 77401

RE: Baldwin Avenue Reconstruction
City of Bellaire, Texas
CMI Job No. 10-038

Dear Mr. Keene:

In accordance with the specifications, enclosed please find the following items:

- One copy of "AGREEMENT FOR FINAL PAYMENT AND CONTRACTOR'S SWORN RELEASE FORM" with Exhibits A & B.
- Five executed copies of Change Order No. 1-Final.
- Contractor's Maintenance Bond

The documents are in order and the work has been completed. We recommend payment of the Final Payment request and acceptance of the work by the City. Upon acceptance, the City should issue a "Certificate of Acceptance" of the work to the Contractor.

Sincerely,

HDR Engineering, Inc.



Terry Maher CFM
Project Manager

**AGREEMENT FOR FINAL PAYMENT AND
CONTRACTOR'S SWORN RELEASE FORM**

**AGREEMENT FOR FINAL PAYMENT
AND CONTRACTOR'S SWORN RELEASE**

In order to insure that the rights, obligations and responsibilities of all parties to the original contract document are fully protected, which contract document was signed and executed on the 5th day of December, 2011 by Metro City Construction, LP, referred to therein as CONTRACTOR and hereinafter referred to as CONTRACTOR, and the CITY OF BELLAIRE, TEXAS on the 5th day of December, 2011, and further in consideration for the final payment of all sums due and claimed by the CONTRACTOR against the CITY OF BELLAIRE, TEXAS, the CONTRACTOR makes the following representations to the CITY OF BELLAIRE, TEXAS, either individually if a proprietorship, jointly by all partners if a partnership, or if a corporation, by action of the president and secretary of said corporation, as duly authorized by appropriate action of the stockholders and/or board of directors of said corporation, their signatures hereon constituting a representation under oath by said individuals that they have the power and authority to execute this Agreement for and on behalf of the said corporation:

I.

The CONTRACTOR has received 21 (number) payments pursuant to 21 (number) Contractor Payment Estimates, copies of which are attached hereto and marked Exhibit "A", presented to

Attachment: Baldwin Avenue Closeout Documents (1050 : Baldwin Avenue Reconstruction Project Closeout)

the CITY OF BELLAIRE, TEXAS and paid during the progress of the job referred to in the Contract between the parties; and in this regard, the undersigned CONTRACTOR represents to the CITY OF BELLAIRE, TEXAS that it does not claim nor intend to claim at any future date, any additional sums of money of any nature whatsoever under and by virtue of the payment estimates previously submitted to the PROFESSIONAL for approval, or any other sums of money of any nature whatsoever for materials furnished and used in the job or for work done, and hereby releases and discharges the CITY OF BELLAIRE, TEXAS from any liability of any nature whatsoever, for any claims of any nature made by the CONTRACTOR at some future date, or by its successors or assigns.

II.

The undersigned CONTRACTOR further represents to the CITY OF BELLAIRE, TEXAS that the Final Payment Estimate and Change Order, if any, submitted by the CONTRACTOR to the CITY OF BELLAIRE, TEXAS, whether or not modified, corrected or changed in some way by deletions or other modifications by the PROFESSIONAL, the CONTRACTOR or the OWNER, a copy of which is attached hereto and marked Exhibit "B", is true, correct and accurate; and it is further agreed and stipulated by the undersigned CONTRACTOR that upon the receipt of final payment in the amount as set out on the Final Payment Estimate and Change Order, the CONTRACTOR, by execution of this instrument of release, does, therefore, release and forever discharge the CITY OF BELLAIRE, TEXAS of and from all manner of debts, demands, obligations, suits, liabilities and causes of action of any nature

whatsoever under and by virtue of the terms and provisions of the Contract hereinbefore referred to, and any change or modification thereof, or in any manner growing out of or arising from or by virtue of the work, labor and services performed by the CONTRACTOR.

III.

CONTRACTOR, in addition to the provisions set out in the contract document, agrees to indemnify and hold the CITY OF BELLAIRE, TEXAS harmless from any and all causes of action, claims, demands or suits made by any person or other entity against the CITY OF BELLAIRE, TEXAS, by reason of the work performed by such CONTRACTOR, and agrees to defend or to cause the same to be defended at the CONTRACTOR's sole expense and obligation, whenever such actions may be brought, and further, to pay all costs incurred by the CITY OF BELLAIRE, TEXAS in the defense thereof, including administrative costs and attorney's fees, and further to pay any judgments or settlements which may be entered into or agreed to against or for the benefit of the CITY OF BELLAIRE, TEXAS. It is, however, specifically agreed that the CITY OF BELLAIRE, TEXAS shall not enter into any settlement agreements without the acquiescence and agreement of the CONTRACTOR.

IV.

The CONTRACTOR, acting by and through the person or persons whose names are subscribed hereto, does solemnly swear and affirm that all bills and claims have been paid to all materialmen, suppliers, laborers, subcontractors, or other entities performing

services or supplying materials, and that the CITY OF BELLAIRE, TEXAS shall not be subject to any bills, claims, demands, litigation or suits in connection therewith.

V.

It is further specifically understood and agreed that this Agreement for Final Payment and Contractor's Sworn Release shall constitute a part of the original Contract of the parties heretofore previously referred to, and it is also specifically understood and agreed that this Agreement shall not act as a modification, waiver or renunciation by the CITY OF BELLAIRE, TEXAS of any of its rights or remedies as set out in the contract itself, but this Agreement for Final Payment and Contractor's Sworn Release shall constitute a supplement thereto for the additional protection of the CITY OF BELLAIRE, TEXAS.

VI.

This Agreement for Final Payment and Contractor's Sworn Release shall be considered to be continuing and binding upon the parties hereto and shall not terminate upon receipt and acceptance by the CONTRACTOR of final payment, but shall be deemed continuing so long as any actions, claims or other demands contemplated herein against the CITY OF BELLAIRE, TEXAS, may lawfully be brought under applicable statutes of limitations, and shall in addition be deemed to be continuing for such additional period of time as shall be necessary to compensate and repay to the CITY OF BELLAIRE, TEXAS, all costs or damages incurred by it by reason of such claims.

SIGNED and EXECUTED this, the 17th day of January
20 14.

CONTRACTOR

Signature

Print Name: Anthony Ray Rodriguez

[If CONTRACTOR is a proprietorship, owner must sign; if a partnership, each partner must sign; if a corporation, the following language should be used.]

SIGNED and EXECUTED this, the _____ day of _____
_____, 20____, by _____
_____, a Texas corporation, under
authority granted to the undersigned by said corporation as contained
in the Charter, By-Laws or Minutes of a meeting of said corporation
regularly called and held.

CONTRACTOR

By: President

ATTEST:

Corporate Secretary

(Corporate Seal)

January 17, 2014

Mr. Joe Keene
Director of Public Works
City of Bellaire
7008 S. Rice Ave.
Bellaire, Texas 77401

RE: Baldwin Avenue Reconstruction
City of Bellaire, Texas
CMI Job No. 10-038

Dear Mr. Keene:

Enclosed please find one copy of the following items for the above referenced project:

1. Application for Payment No. 22-Final
2. Pay Estimate No. 22-Final

The amount of Application for Payment No. 22-Final is \$272,554.91.

HDR Engineering, Inc has reviewed this application and recommends payment of said application.

Sincerely,

HDR Engineering, Inc



Terry Maher, CFM
Project Manager

APPLICATION FOR PAYMENT NUMBER: 22 - FINALPROJECT: Baldwin Avenue Reconstruction ProjectCONTRACTOR: Metro City Construction, LP. 1006 Red Bluff Road, Pasadena, Texas 77506OWNER: City of BellaireOWNERS PROJECT NO: 11-083 ENGR. PROJECT NO: 10-038PAY PERIOD FROM: November 1, 2013 TO: December 31, 2014

| | |
|------------------------------|-----------------|
| ORIGINAL CONTRACT SUM: | \$ 6,319,905.00 |
| NET CHANGE BY CHANGE ORDER: | \$ (962,476.81) |
| CONTRACT SUM TO DATE: | \$ 5,357,428.19 |
| INSTALLATIONS: | \$ 5,357,428.19 |
| LESS 5% RETAINAGE: | \$ - |
| LESS PREVIOUS PAYMENTS: | \$ 5,084,873.28 |
| AMOUNT DUE THIS APPLICATION: | \$ 272,554.91 |

ACCOMPANYING DOCUMENTATION: Daily Report Summary, Engineer's Estimate No. 22 - FINAL

CONTRACTOR'S Certification:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied to discharge in full all obligations of CONTRACTOR incurred in connection with Work covered by prior Applications for Payment numbered 1 through 21 inclusive; and (2) title to all materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all liens, claims, security interests and encumbrances (except such as covered by Bond acceptable to OWNER).

DATE: 1-10-14Metro City Construction, LP
Orrell Espree, Jr.
 CONTRACTOR, Printed Name

Orrell Espree, Jr.
 CONTRACTOR, Project Manager

ENGINEER'S CERTIFICATION:

PAYMENT OF THE ABOVE AMOUNT DUE THIS APPLICATION IS RECOMMENDED

DATE: January 17, 2014HDR ENGINEERING, INC.
Terry Maher
 Terry Maher, CFM
 Project Manager

Attachment: Baldwin Avenue Closeout Documents (1050 : Baldwin Avenue Reconstruction Project Closeout)

AFFIDAVIT

[This form is for use by either a proprietorship or a partnership. In the event CONTRACTOR is a partnership or a joint proprietorship, additional signature lines should be added for each individual.]

AFFIDAVIT

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared the person or persons whose name(s) are subscribed to the above and foregoing Agreement for Final Payment and Contractor's Sworn Release, who each, after being by me duly sworn, on their oaths deposed and said:

I(We) am(are) the person(s) who signed and executed the above and foregoing Agreement for Final Payment and Contractor's Sworn Release, and I(we) have read the facts and statements as therein set out and the representations as made therein, and I(we) state that the above and foregoing are true and correct.

Chris Espree Jr.
CONTRACTOR - Affiant

SWORN TO AND SUBSCRIBED TO before me this, the 17th day of January, 2014.



Orrell Espree Jr.
Notary Public, State of Texas

My Commission Expires: 1-26-2016

CHANGE ORDER NO. 1-FINAL

CHANGE ORDER No. 1-FINAL

PROJECT : **BALDWIN RECONSTRUCTION**

DATE OF ISSUANCE: _____

OWNER: **City of Bellaire**
7008 S. Rice Ave.
Bellaire, Texas 77401

ENGINEER: **HDR Engineering, Inc.**
4635 Southwest Freeway,
Suite 1000
Houston, Texas 77027

CONTRACTOR: **Metro City Construction, LP**
1006 Red Bluff Road
Pasadena, Texas 77506

ENGINEER'S Project No.: 10-038OWNER'S Project No.: 11-083CONTRACT FOR: **Baldwin Reconstruction Project**

You are directed to make the following changes in the Contract Documents:

Purpose of Change Order: Adjustment of Final Quantities and Contract Amount.**Attachments: Pay Estimate No. 22-Final**

| CHANGE IN CONTRACT PRICE | CHANGE IN CONTRACT TIME |
|--|---|
| Original Contract Price \$ <u>6,319,905.00</u> | Original Contract Time <u>540</u> calendar days |
| Previous Change Orders \$ <u>0.00</u> | Net change from previous Change Orders <u>0</u> calendar days |
| Contract Price prior to this Change Order \$ <u>6,319,905.00</u> | Contract Time Prior to this Change Order <u>540</u> calendar days |
| Net Increase (Decrease) of this Change Order \$ <u>- 962,476.81</u> | Net Increase (Decrease) of this Change Order <u>0</u> calendar days |
| Contract Price with all approved Change Orders \$ <u>5,357,428.19</u> | Contract Time with all approved Change Orders <u>540</u> calendar days |

RECOMMENDED:
HDR Engineering, Inc.

APPROVED:
City of Bellaire

APPROVED:
Metro City Construction, LP

by *Jerry Mahan*
 Project Manager

by _____
 Owner

by *Ornell Espree, Jr.*
 Contractor

Attachment: Baldwin Avenue Closeout Documents (1050 : Baldwin Avenue Reconstruction Project Closeout)

CONTRACTOR'S MAINTENANCE BOND



Liberty Mutual Surety
450 Plymouth Road, Suite 400
Plymouth Meeting, PA 19462

H.1.g.b

MAINTENANCE BOND

Bond 022038161

KNOW ALL BY THESE PRESENTS, That we, Metro City Construction, L.P.

as Principal, and Liberty Mutual Insurance Company,

a corporation organized under the laws of the State of Massachusetts and duly authorized to do business in

the State of Texas, as Surety, are held and firmly bound unto City of Bellaire

7008 S. Rice Avenue, Bellaire TX 77401

as Obligee, in the penal sum of Five Million Three Hundred Fifty-seven Thousand Four Hundred Twenty-eight Dollars And

Nineteen Cents (\$ 5,357,428.19)

to which payment well and truly to be made we do bind ourselves, our and each of our heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, the said Principal entered into a Contract with the

City of Bellaire, Texas dated 12/5/2011

for Baldwin Avenue Reconstruction Project.

WHEREAS, said Contract has been completed, and was approved on 31st
day of December, 2013.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That if the Principal shall guarantee that the work will be free of any defective materials or workmanship which became apparent during the period of One
year(s) following completion of the Contract then this obligation shall be void, otherwise to remain in full force and effect, provided however, any additional warranty or guarantee whether expressed or implied is extended by the Principal or Manufacturer only, and the Surety assumes no liability for such a guarantee.

Signed and sealed this 16th day of January, 2014

Metro City Construction, L.P.

[Signature] (Seal)

____ (Seal)

____ (Seal)



Liberty Mutual Insurance Company

[Signature]

By Steven E. White

Attorney-in-Fact

American Fire and Casualty Company
The Ohio Casualty Insurance Company

Liberty Mutual Insurance Company
West American Insurance Company

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Cynthia Campbell; Jaye M. Reinertsen; Lawrence L. Rhodes; Steven E. White

all of the city of Houston, state of TX each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 19th day of March, 2013.



STATE OF WASHINGTON ss
COUNTY OF KING

American Fire and Casualty Company
The Ohio Casualty Insurance Company
Liberty Mutual Insurance Company
West American Insurance Company

By: Gregory W. Davenport
Gregory W. Davenport, Assistant Secretary

On this 19th day of March, 2013, before me personally appeared Gregory W. Davenport, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Seattle, Washington, on the day and year first above written.



By: KD Riley
KD Riley, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS – Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts – SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes Gregory W. Davenport, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, David M. Carey, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 16th day of January, 2014.



By: David M. Carey
David M. Carey, Assistant Secretary

AFFIDAVIT

[This form is for use by either a proprietorship or a partnership. In the event CONTRACTOR is a partnership or a joint proprietorship, additional signature lines should be added for each individual.]

AFFIDAVIT

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared the person or persons whose name(s) are subscribed to the above and foregoing Agreement for Final Payment and Contractor's Sworn Release, who each, after being by me duly sworn, on their oaths deposed and said:

I(We) am(are) the person(s) who signed and executed the above and foregoing Agreement for Final Payment and Contractor's Sworn Release, and I(we) have read the facts and statements as therein set out and the representations as made therein, and I(we) state that the above and foregoing are true and correct.

Chris Espree Jr.
CONTRACTOR - Affiant

SWORN TO AND SUBSCRIBED TO before me this, the 17th day of January, 2014.



Orrell Espree Jr.
Notary Public, State of Texas

My Commission Expires: 1-26-2016

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 01/27/14 07:00 PM
Department: Public Works
Category: Bid
Department Head: Joe Keene
DOC ID: 1063

ADOPTED**ACTION ITEM (ID # 1063)****Item Title:**

Consideration of and possible action on a recommendation from the Public Works Department to award Bid No. 14-002, FY2013 Street Pavement Management Project, to AAA Asphalt Paving, Inc., in an amount not to exceed \$1,242,942.00 and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with AAA Asphalt Paving, Inc., for said project in an amount not to exceed \$1,242,942.00.

Background/Summary:

Two (2) bids were opened on January 21, 2014. Bids ranged from \$1,242,942.00 to \$1,827,324.50.

AAA Asphalt Paving, Inc. had the lowest responsible bid.

This project involves the milling of existing asphalt pavement, concrete and asphalt pavement point repairs, and the placement of asphalt overlay over concrete & asphaltic concrete pavement & placement of storm sewer throughout the City.

Based on the Street Condition Assessment, the following streets are in the project:

- 900 - 1200 Blocks of Mulberry Lane
- 4300 Block of Lamont Circle
- 4300 Block of Compton Circle
- 4300 Block of Lampton Circle
- 4400 Block of Basswood Lane
- 5700 Block of Innsbruck Drive
- 100 Block of McTighe Drive
- 4700 Block of Saxon Street
- 1100 Block of Colonial Street
- 1100 Block of Sheffield Street
- 4700 Block of Mayfair Street
- 1000 - 1100 Blocks of Anderson Street
- 4700 Block of Wedgewood Drive
- 800 Block of Circle Drive
- 5100 - 5200 Blocks of Palmetto Street
- 6600 Block of Ferris Street
- 6800 Block of Second Street
- 7100 Block of First Street
- 500 Block of Bolivar Street
- 4700, 5000 & 5200 Blocks of Braeburn Drive
- 5100 - 5200 Blocks of Pine Street
- Intersection of Huisache Street and Mapleridge
- Inlet repairs on S Rice Avenue
- 5000 Block of Bellaire Blvd (Westbound)
- 500 Block of Chelsea Street

The *Texas Local Government Code, Section 252.043, Award of Contract*, states, "If the competitive sealed bidding requirement applies to the contract, the contract must be awarded to the lowest responsible bidder. The governing body may reject any and all bids."

The construction cost of \$1,242,942.00 combined with the construction phase services of \$206,240.00 brings the total project cost to \$1,449,182.00.

Included for your review:

- Engineering Letter of Recommendation
- Bid Tabulation
- Bid Proposal
- Bid Bond
- Financial Statement
- Reference Sheets

Source of Funding:

FY 2013 METRO Fund CIP - Street Condition Management Program, \$1,500,000

Recommendation:

Staff and Consulting Engineers recommend that this bid be awarded to the lowest qualified bidder, AAA Asphalt Paving, Inc. ARKK Engineers has thoroughly researched the qualifications and reputation of said firm and has found them to be fully qualified and capable of completing the project within the bid cost.

ATTACHMENTS:

- Standard Form of Agreement with AAA Asphalt Paving Inc - FY 2013 Street Pavement Management Project - 2014 (DOC)
- FY2013 Street Pavement Management Project LoR (PDF)

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Roman F. Reed, Councilman |
| SECONDER: | Pat B. McLaughlan, Councilman |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |



ORDINANCE NO. 14-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AUTHORIZING THE MAYOR AND THE CITY CLERK OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE AND ATTEST, RESPECTIVELY, FOR AND ON BEHALF OF THE CITY OF BELLAIRE, TEXAS, A *STANDARD FORM OF AGREEMENT* WITH AAA ASPHALT PAVING, INC., IN A FORM AS ATTACHED HERETO AND MARKED EXHIBIT "A," FOR THE MILLING OF EXISTING ASPHALT PAVEMENT, CONCRETE AND ASPHALT PAVEMENT REPAIRS, AND THE PLACEMENT OF ASPHALT OVERLAY OVER CONCRETE AND ASPHALTIC CONCRETE PAVEMENT AND PLACEMENT OF STORM SEWER ON VARIOUS STREETS THROUGHOUT THE CITY OF BELLAIRE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$1,242,942.00.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS:

THAT the Mayor and the City Clerk of the City of Bellaire, Texas, are each hereby authorized to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a *Standard Form of Agreement* with AAA Asphalt Paving, Inc., in a form as attached hereto and marked Exhibit "A," for the milling of existing asphalt pavement, concrete and asphalt pavement repairs, and the placement of asphalt overlay over concrete and asphaltic concrete pavement and placement of storm sewer on various streets throughout the City of Bellaire, Texas, in an amount not to exceed \$1,242,942.00 (Bid No. 14-002, FY 2013 Street Pavement Management Project).

PASSED and **APPROVED** this 27th day of January, 2014.

(SEAL)

ATTEST:

Tracy L. Dutton, TRMC
City Clerk

SIGNED:

Philip L. Nauert
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

LETTER OF RECOMMENDATION
for
FY 2013 STREET PAVEMENT MANAGEMENT
PROJECT



CITY OF BELLAIRE

JANUARY, 2014

ARKK JOB NO. 13-021



City of Bellaire
FY2013 Street Pavement Management Project

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LETTER OF RECOMMENDATION



January 21, 2014

Mr. Joe Keene
 Director of Public Works
 City of Bellaire
 7008 S. Rice Ave.
 Bellaire, Texas 77401

Re: **Letter of Recommendation for FY 2013 Street Pavement Management Project**
 City of Bellaire
 ARKK Job No. 13-021

Dear Mr. Keene:

On January 21, 2014, two (2) bids were received for the above referenced project. This project involves the milling of existing asphalt pavement, concrete and asphalt pavement point repairs, and the placement of asphalt overlay over concrete & asphaltic concrete pavement & placement of storm sewer throughout the City.

The Following is a summary of our bid evaluation:

1. Bid Tabulation Sheet – Two (2) construction firms participated in the bidding process. The bids were checked for mathematical errors and/or bid irregularities. The project was bid with a base bid and one (1) add alternate. The add alternate included the replacement of additional asphalt paving, concrete curb, and concrete driveways in the City. The City's budget for this project is \$1,285,000.00
2. Public Works and the Engineer recommend that both the Base Bid and Add Alternate No. 1 be used as the basis for award of the contract. The bids for the total project (including the one add alternate) are as follows:

| <u>Bidder</u> | <u>Total Bid</u> |
|--------------------------|------------------|
| AAA Asphalt Paving, Inc. | \$1,242,942.00 |
| Hubco, Inc. | \$1,827,324.50 |

A copy of the bid tabulation is enclosed with this letter.

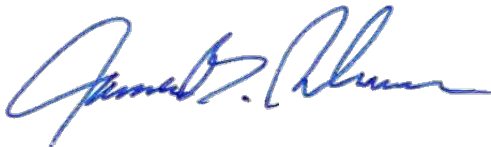
3. Qualifications and References – AAA Asphalt Paving, Inc. provided a List of Qualifications, Subcontractors and Major Suppliers for this project. The references provided by AAA Asphalt Paving, Inc. were contacted and information on their performance and capabilities to perform similar work was obtained. The references contacted indicated that AAA Asphalt Paving, Inc. completed the work in a timely manner and they were impressed with their work.

AAA Asphalt Paving, Inc. appears to be a responsible firm that is capable of performing the specified work in a satisfactory manner. For these reasons, we recommend that the City of Bellaire City award the **FY 2013 Street Pavement Management Project to AAA Asphalt Paving, Inc. for a total amount of \$1,242,942,00 which includes the award of the Base Bid and the Add Alternate #1.**

If you have any questions, please contact me.

Sincerely,

ARKK ENGINEERS, LLC

A handwritten signature in blue ink, appearing to read "James B. Andrews".

James B. Andrews, P.E.
City Engineer

BID TABULATION

| ITEM NO. | ITEM DESCRIPTION | UNIT | QUAN. | LOW BIDDER | | | |
|--|---|------|--------|--------------------------|----------------|-------------|----------------|
| | | | | AAA Asphalt Paving, Inc. | | Hubco, Inc. | |
| BASE BID ITEMS - PAVING | | | | | | | |
| 1 | Mill existing hot mix asphaltic concrete overlay (all depths), complete in place, the sum of | S.Y. | 17,364 | \$2.50 | \$43,410.00 | \$5.00 | \$86,820.00 |
| 2 | Mill or grind existing concrete pavement (2" max depth, 12" wide) leaving a smooth surface, complete in place, the sum of | L.F. | 250 | \$25.00 | \$6,250.00 | \$40.00 | \$10,000.00 |
| 3 | Asphalt overlay, level up course including tack coat to provide cross section and grades as directed by Engineer after survey by Contractor, complete in place, the sum of | TON | 1,922 | \$93.00 | \$178,746.00 | \$88.00 | \$169,136.00 |
| 4 | Asphalt overlay, surface course (2"), including tack coat, complete in place, the sum of | S.Y. | 17,946 | \$11.00 | \$197,406.00 | \$11.00 | \$197,406.00 |
| 5 | Clean and seal existing cracks prior to overlay, and expansion joints, hot rubber asphalt compound, (cracks >1/4"), complete in place, the sum of | L.F. | 12,950 | \$2.00 | \$25,900.00 | \$2.25 | \$29,137.50 |
| 6 | Geocomposite Self-Adhesive Membrane PavePrep SA | S.Y. | 800 | \$5.00 | \$4,000.00 | \$6.00 | \$4,800.00 |
| 7 | Remove and replace existing concrete pavement on 12" cement stabilized sand, match existing thickness (7" min), including required sawcutting, reinforcement, undercut, dowel bars drilled into existing pavement, and subgrade, complete in place, the sum of | S.Y. | 1,877 | \$105.00 | \$197,085.00 | \$240.00 | \$450,480.00 |
| 8 | Remove and replace existing concrete pavement with High Early 7-sack minimum on 12" cement stabilized sand, match existing thickness (7" min), including required sawcutting, reinforcement, undercut, dowel bars drilled into existing pavement, and subgrade, on BELLAIRE BOULEVARD complete in place, the sum of | S.Y. | 261 | \$115.00 | \$30,015.00 | \$330.00 | \$86,130.00 |
| 9 | Remove and replace existing concrete curb, including sawcutting and reinforcement, complete in place, the sum of | L.F. | 751 | \$10.00 | \$7,510.00 | \$6.00 | \$4,506.00 |
| 10 | Remove and replace existing concrete curb & gutter, including sawcutting and reinforcement, complete in place, the sum of | L.F. | 100 | \$40.00 | \$4,000.00 | \$40.00 | \$4,000.00 |
| 11 | Remove and replace existing concrete driveways, including sawcutting, reinforcement and 6" cement stabilized sand subgrade, match existing driveway material, color, and pattern, complete in place, the sum of | S.Y. | 301 | \$135.00 | \$40,635.00 | \$150.00 | \$45,150.00 |
| 12 | Remove and replace existing concrete sidewalks, including sawcutting, 6" subgrade, steel reinforcement, and dowels to adjacent concrete, complete in place, the sum of | S.F. | 249 | \$15.00 | \$3,735.00 | \$65.00 | \$16,185.00 |
| 13 | Removal of unsuitable material below proposed subgrade and replace with compacted cement stabilized sand, complete in place, the sum of | C.Y. | 150 | \$60.00 | \$9,000.00 | \$24.00 | \$3,600.00 |
| 14 | Removal and replacement of HMA next to curb, 12" wide, to grade set by Engineer after Survey by Contractor, complete in place, the sum of | L.F. | 300 | \$30.00 | \$9,000.00 | \$12.00 | \$3,600.00 |
| SUBTOTAL BASE BID PAVING ITEMS: | | | | | \$756,692.00 | | \$1,110,950.50 |
| BASE BID ITEMS - DRAINAGE | | | | | | | |
| 15 | Remove and replace PVC yard drain lines with like size PVC Schedule 40 pipe, through concrete curb, complete in place, the sum of | L.F. | 50 | \$50.00 | \$2,500.00 | \$300.00 | \$15,000.00 |
| 16 | Remove & Replace Existing Inlet with Type B Inlet, complete in place, the sum of | EA. | 8 | \$2,800.00 | \$22,400.00 | \$4,000.00 | \$32,000.00 |
| 17 | Remove & Replace Existing Inlet with Type BB Inlet, complete in place, the sum of | EA. | 1 | \$3,300.00 | \$3,300.00 | \$4,600.00 | \$4,600.00 |
| 18 | Remove & Replace Existing Inlet with Type C-1 Inlet, complete in place, the sum of | EA. | 1 | \$3,300.00 | \$3,300.00 | \$5,500.00 | \$5,500.00 |
| 19 | Concrete valley gutter, complete in place, the sum of | S.Y. | 40 | \$100.00 | \$4,000.00 | \$90.00 | \$3,600.00 |
| 20 | Type B Inlet, cast in place or precast, complete in place, the sum of | EA. | 2 | \$2,600.00 | \$5,200.00 | \$3,500.00 | \$7,000.00 |
| 21 | Type BB Inlet, cast in place or precast, complete in place, the sum of | EA. | 1 | \$3,100.00 | \$3,100.00 | \$4,000.00 | \$4,000.00 |
| 22 | Type C-1 Inlet, cast in place or precast, complete in place, the sum of | EA. | 1 | \$3,100.00 | \$3,100.00 | \$5,000.00 | \$5,000.00 |
| 23 | Remove & Replace Type B Inlet top section, complete in place, the sum of | EA. | 2 | \$1,500.00 | \$3,000.00 | \$1,825.00 | \$3,650.00 |
| 24 | Remove & Replace Type BB Inlet top section, complete in place, the sum of | EA. | 3 | \$2,000.00 | \$6,000.00 | \$1,825.00 | \$5,475.00 |
| 25 | Adjust 2x3 Inlet Frame and Grate to grade of HMA overlay, complete in place, the sum of | EA. | 8 | \$500.00 | \$4,000.00 | \$1,825.00 | \$14,600.00 |
| 26 | 12" SDR26 PVC storm sewer, all depths, complete in place, the sum of | L.F. | 20 | \$50.00 | \$1,000.00 | \$60.00 | \$1,200.00 |
| 27 | 18" RCP storm sewer, all depths, complete in place, the sum of | L.F. | 30 | \$85.00 | \$2,550.00 | \$100.00 | \$3,000.00 |
| 28 | Trench Protection, complete in place, the sum of | L.F. | 50 | \$5.00 | \$250.00 | \$12.00 | \$600.00 |
| SUBTOTAL BASE BID DRAINAGE ITEMS: | | | | | \$63,700.00 | | \$105,225.00 |
| SUPPLEMENTAL ITEMS | | | | | | | |
| 29 | Extra compacted cement stabilized sand backfill, complete in place, the sum of | C.Y. | 140 | \$35.00 | \$4,900.00 | \$60.00 | \$8,400.00 |
| 30 | Extra concrete (all classes), complete in place, the sum of | C.Y. | 80 | \$200.00 | \$16,000.00 | \$225.00 | \$18,000.00 |
| 31 | Extra select backfill (P1 between and 20), complete in place, the sum of | C.Y. | 80 | \$24.00 | \$1,920.00 | \$28.00 | \$2,240.00 |
| 32 | As authorized by Engineer, exploratory trench excavation, backfill and pavement and/or sodding restoration for the purpose of locating existing utilities (No reimbursement for this pay item if proposed improvements are placed in excavation), complete in place, the sum of | C.Y. | 200 | \$50.00 | \$10,000.00 | \$55.00 | \$11,000.00 |
| 33 | As authorized by Engineer, extra excavation of unsuitable material for replacement with imported backfill, complete in place, the sum of | C.Y. | 100 | \$30.00 | \$3,000.00 | \$60.00 | \$6,000.00 |
| 34 | Additional removal of unsuitable material and soft spots under point repair locations, complete in place, the sum of | C.Y. | 300 | \$30.00 | \$9,000.00 | \$60.00 | \$18,000.00 |
| 35 | Sanitary sewer service adjustment, complete in place, the sum of | EA. | 2 | \$1,000.00 | \$2,000.00 | \$600.00 | \$1,200.00 |
| 36 | Waterline service adjustment, complete in place, the sum of | EA. | 10 | \$600.00 | \$6,000.00 | \$1,000.00 | \$10,000.00 |
| 37 | 4" White thermoplastic pavement striping, complete in place, the sum of | L.F. | 200 | \$3.00 | \$600.00 | \$10.00 | \$2,000.00 |
| 38 | 12" White thermoplastic pavement striping, complete in place, the sum of | L.F. | 120 | \$9.00 | \$1,080.00 | \$10.00 | \$1,200.00 |
| 39 | 24" White thermoplastic pavement striping, complete in place, the sum of | L.F. | 50 | \$20.00 | \$1,000.00 | \$20.00 | \$1,000.00 |
| 40 | Inlet protection barrier on existing curb inlet, complete in place, the sum of | EA. | 20 | \$100.00 | \$2,000.00 | \$20.00 | \$400.00 |
| 41 | Allowance for miscellaneous items, complete in place, the sum of | L.S. | 1 | \$3,000.00 | \$3,000.00 | \$5,000.00 | \$5,000.00 |
| SUBTOTAL BASE BID SUPPLEMENTAL ITEMS: | | | | | \$60,500.00 | | \$84,440.00 |
| ADD ALTERNATE NO.1 ITEMS - PAVING | | | | | | | |
| 42 | Mill existing hot mix asphaltic concrete overlay (all depths), complete in place, the sum of | S.Y. | 6,072 | \$3.00 | \$18,216.00 | \$6.00 | \$36,432.00 |
| 43 | Asphalt overlay, level up course including tack coat to provide cross section and grades as directed by Engineer after survey by Contractor, complete in place, the sum of | TON | 681 | \$93.00 | \$63,333.00 | \$85.00 | \$57,885.00 |
| 44 | Asphalt overlay, surface course (2"), including tack coat, complete in place, the sum of | S.Y. | 6,072 | \$13.00 | \$78,936.00 | \$11.00 | \$66,792.00 |
| 45 | Clean and seal existing cracks prior to overlay, and expansion joints, hot rubber asphalt compound, (cracks >1/4"), complete in place, the sum of | L.F. | 1,250 | \$2.00 | \$2,500.00 | \$2.40 | \$3,000.00 |
| 46 | Remove and replace existing concrete pavement on 12" cement stabilized sand, match existing thickness (7" min), including required sawcutting, reinforcement, undercut, dowel bars drilled into existing pavement, and subgrade, complete in place, the sum of | S.Y. | 1,121 | \$110.00 | \$123,310.00 | \$240.00 | \$269,040.00 |
| 47 | Remove and replace existing concrete curb, including sawcutting and reinforcement, complete in place, the sum of | L.F. | 472 | \$10.00 | \$4,720.00 | \$10.00 | \$4,720.00 |
| 48 | Remove and replace existing concrete driveways, including sawcutting, reinforcement and 6" cement stabilized sand subgrade, match existing driveway material, color, and pattern, complete in place, the sum of | S.Y. | 211 | \$135.00 | \$28,485.00 | \$140.00 | \$29,540.00 |
| 49 | Removal of unsuitable material below proposed subgrade and replace with compacted cement stabilized sand, complete in place, the sum of | C.Y. | 150 | \$60.00 | \$9,000.00 | \$60.00 | \$9,000.00 |
| 50 | Removal and replacement of HMA next to curb, 12" wide, to grade set by Engineer after Survey by Contractor, complete in place, the sum of | L.F. | 300 | \$30.00 | \$9,000.00 | \$24.00 | \$7,200.00 |
| SUBTOTAL ADD ALTERNATE NO. 1 PAVING ITEMS: | | | | | \$337,500.00 | | \$483,609.00 |
| ADD ALTERNATE NO.1 ITEMS - DRAINAGE | | | | | | | |
| 51 | Remove and replace PVC yard drain lines with like size PVC Schedule 40 pipe, through concrete curb, complete in place, the sum of | L.F. | 50 | \$50.00 | \$2,500.00 | \$300.00 | \$15,000.00 |
| 52 | Remove & Replace Existing Inlet with Type BB Inlet, complete in place, the sum of | EA. | 2 | \$2,800.00 | \$5,600.00 | \$4,000.00 | \$8,000.00 |
| 53 | Remove & Replace Existing Inlet with Type C-1 Inlet, complete in place, the sum of | EA. | 1 | \$3,300.00 | \$3,300.00 | \$5,000.00 | \$5,000.00 |
| 54 | Type BB Inlet, cast in place or precast, complete in place, the sum of | EA. | 1 | \$3,300.00 | \$3,300.00 | \$3,000.00 | \$3,000.00 |
| 55 | Type C-1 Inlet, cast in place or precast, complete in place, the sum of | EA. | 1 | \$3,100.00 | \$3,100.00 | \$4,500.00 | \$4,500.00 |
| 56 | Remove & Replace Type B Inlet top section, complete in place, the sum of | EA. | 1 | \$1,500.00 | \$1,500.00 | \$2,000.00 | \$2,000.00 |
| 57 | Remove & Replace Type BB Inlet top section, complete in place, the sum of | EA. | 2 | \$2,000.00 | \$4,000.00 | \$2,000.00 | \$4,000.00 |
| 58 | 12" SDR26 PVC storm sewer, all depths, complete in place, the sum of | L.F. | 20 | \$50.00 | \$1,000.00 | \$55.00 | \$1,100.00 |
| 59 | Trench Protection, complete in place, the sum of | L.F. | 50 | \$5.00 | \$250.00 | \$10.00 | \$500.00 |
| SUBTOTAL ADD ALTERNATE NO. 1 DRAINAGE ITEMS: | | | | | \$24,550.00 | | \$43,100.00 |
| TOTAL BASE BID ITEMS: | | | | | \$880,892.00 | | \$1,300,615.50 |
| TOTAL ADD ALTERNATE NO. 1 ITEMS: | | | | | \$362,050.00 | | \$526,709.00 |
| TOTAL AMOUNT BID (BASE BID + ADD ALTERNATE NO. 1): | | | | | \$1,242,942.00 | | \$1,827,324.50 |

BID PROPOSAL

City of Bellaire
FY2013 Street Pavement Management Project

BID PROPOSAL
BID FOR UNIT PRICE CONTRACT

PLACE: Bellaire, Texas

DATE: 1-21-14

PROJECT NO. 13-021 / 14-002

Proposal of

AAA Asphalt Paving Inc.

(Hereinafter called "Bidder")



TO: THE HONORABLE MAYOR AND CITY COUNCIL
CITY OF BELLAIRE, TEXAS
(Hereinafter called "Owner")

The Bidder, in compliance with your invitation for bids for the construction of:

FY2013 STREET PAVEMENT MANAGEMENT PROJECT

having carefully examined the plans, specifications, instructions to bidders, notice to bidders and all other related contract documents and the site of the proposed work, and being familiar with all of the conditions surrounding the construction of the proposed project including the availability of materials and labor, hereby proposes to furnish all labor, materials and supplies and to construct the project in accordance with the plans, specifications and contract documents, within the time set forth therein and at the prices stated in Exhibit "A" attached hereto.

The Bidder binds himself, upon acceptance of his proposal, to execute a contract and any required bonds, according to the accompanying forms, for performing and completing the said work within the time stated and for the prices stated in Exhibit "A" of this proposal.

Bidder hereby agrees to commence the work on the above project on or before a date to be specified in a written "Notice to Proceed" of the Owner and to fully complete the project within **180 consecutive calendar** days thereafter as stipulated in the specifications and other contract documents. Bidder hereby further agrees to pay to Owner as liquidated damages the sum of **\$400.00** for each consecutive calendar day in excess of the time set forth hereinabove for completion of this project, all as more fully set forth in the General Conditions of the contract documents.

The following unit prices are bid and shall be complete compensation as measured in place for all materials, labor, overhead, profits and any other cost that is necessary to complete the job to the Engineers specifications and satisfaction. It is also understood that the quantities shown are only an estimate of the work to be done. No re-negotiation of prices bid will be made for over runs or under runs of quantities.

City of Bellaire
FY2013 Street Pavement Management Project

Bidder understands and agrees that this bid proposal shall be completed and submitted in accordance with the General Instructions to Bidders.

Bidder understands that the Owner reserves the right to reject any or all bids, use deductible bid items and to waive any formality in the bidding.

Bidder agrees that this bid shall be good and may not be withdrawn for a period of ninety (90) calendar days after the scheduled closing time for receiving bids.

Bidder acknowledges receipt of the following addenda:

Addendum No. 1
dated 1-17-14

The undersigned Bidder hereby declares that he has visited the site of the work and has carefully examined the plans, specifications and contract documents pertaining to the work covered by this bid, and he further agrees to commence work on or before the date specified in the written notice to proceed and to substantially complete the work on which he has bid, as provided in the contract documents.

Enclosed with this proposal is a cashier's check or certified check for _____ Dollars (\$ _____) or a bid bond in the sum of 10% G.A.B. (\$ 10% G.A.B.) as which it is agreed shall be collected and retained by the Owner as liquidated damages in the event the proposal is accepted by the Owner and the undersigned fails to execute the necessary contract documents and the required bonds (if any) with the Owner within ten (10) days after the date of receipt of written notification of acceptance of said proposal; otherwise said check or bond shall be returned to the undersigned upon demand.

Discrepancies in the multiplication of units of Work and unit prices will be resolved in favor of unit prices. Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the correct sum.

The unit prices shall include all labor, materials, dewatering, shoring, removal, overhead, incidental costs, fees, profit, insurance, etc., to cover the finished work of the several kinds called for.

City of Bellaire
FY2013 Street Pavement Management Project

Bidder understands and agrees that the contract to be executed by Bidder shall be bound and include all contract documents made available to him for his inspection in accordance with the Notice to Bidders.

AAA Asphalt Paving Inc.
Bidder

By: Michael D. Hoffman
Signature

Type or Print:

Bidder's
Name: Michael D. Hoffman

(If Bidder is a Corporation)

Bidder's
Address: 10526 Tanner Rd.
Houston, Tx 77041

Attest:

Michael D. Hoffman
Secretary

(Corporate Seal)

Name of
Person Signing: Michael D. Hoffman
Office Held: President

City of Bellaire
FY2013 - Street Management Program
 Exhibit "A"

BID PROPOSAL

| Item No. | Item Description | Unit | Est. Quan. | Unit Price | Total Amount |
|--|---|------|------------|------------|---------------------|
| BASE BID ITEMS - PAVING | | | | | |
| 1 | Mill existing hot mix asphaltic concrete overlay (all depths), complete in place, the sum of | S.Y. | 17364 | \$ 2.50 | \$ 43,410.00 |
| 2 | Mill or grind existing concrete pavement (2" max depth, 12" wide) leaving a smooth surface, complete in place, the sum of | L.F. | 250 | \$ 25.00 | \$ 6,250.00 |
| 3 | Asphalt overlay, level up course including tack coat to provide cross section and grades as directed by Engineer after survey by Contractor, complete in place, the sum of | TON | 1922 | \$ 93.00 | \$ 178,746.00 |
| 4 | Asphalt overlay, surface course (2"), including tack coat, complete in place, the sum of | S.Y. | 17946 | \$ 11.00 | \$ 197,406.00 |
| 5 | Clean and seal existing cracks prior to overlay, and expansion joints, hot rubber asphalt compound, (cracks >1/4"), complete in place, the sum of | L.F. | 12950 | \$ 2.00 | \$ 25,900.00 |
| 6 | Geocomposite Self-Adhesive Membrane PavePrep SA | S.Y. | 800 | \$ 5.00 | \$ 4,000.00 |
| 7 | Remove and replace existing concrete pavement on 12" cement stabilized sand, match existing thickness (7" min), including required sawcutting, reinforcement, undercut, dowel bars drilled into existing pavement, and subgrade, complete in place, the sum of | S.Y. | 1877 | \$ 105.00 | \$ 197,085.00 |
| 8 | Remove and replace existing concrete pavement with High Early 7-sack minimum on 12" cement stabilized sand, match existing thickness (7" min), including required sawcutting, reinforcement, undercut, dowel bars drilled into existing pavement, and subgrade, on BELLAIRE BOULEVARD complete in place, the sum of | S.Y. | 261 | \$ 115.00 | \$ 30,015.00 |
| 9 | Remove and replace existing concrete curb, including sawcutting and reinforcement, complete in place, the sum of | L.F. | 751 | \$ 10.00 | \$ 7,510.00 |
| 10 | Remove and replace existing concrete curb & gutter, including sawcutting and reinforcement, complete in place, the sum of | L.F. | 100 | \$ 40.00 | \$ 4,000.00 |
| 11 | Remove and replace existing concrete driveways, including sawcutting, reinforcement and 6" cement stabilized sand subgrade, match existing driveway material, color, and pattern, complete in place, the sum of | S.Y. | 301 | \$ 135.00 | \$ 40,635.00 |
| 12 | Remove and replace existing concrete sidewalks, including sawcutting, 6" subgrade, steel reinforcement, and dowels to adjacent concrete, complete in place, the sum of | S.F. | 249 | \$ 15.00 | \$ 3,735.00 |
| 13 | Removal of unsuitable material below proposed subgrade and replace with compacted cement stabilized sand, complete in place, the sum of | C.Y. | 150 | \$ 60.00 | \$ 9,000.00 |
| 14 | Removal and replacement of H/MAC next to curb, 12" wide, to grade set by Engineer after Survey by Contractor, complete in place, the sum of | L.F. | 300 | \$ 30.00 | \$ 9,000.00 |
| SUBTOTAL BASE BID PAVING ITEMS: | | | | | \$756,692.00 |

Attachment: FY2013 Street Pavement Management Project LOR (1063 : FY2013 Street Pavement

City of Bellaire
FY2013 - Street Management Program
 Exhibit "A"

BID PROPOSAL

| Item No. | Item Description | Unit | Est. Quan. | Unit Price | Total Amount |
|----------------------------------|---|------|------------|-------------|--------------|
| BASE BID ITEMS - DRAINAGE | | | | | |
| 15 | Remove and replace PVC yard drain lines with like size PVC Schedule 40 pipe, through concrete curb, complete in place, the sum of | L.F. | 50 | \$ 50.00 | \$ 2,500.00 |
| 16 | Remove & Replace Existing Inlet with Type B Inlet, complete in place, the sum of | EA. | 8 | \$ 2,800.00 | \$ 22,400.00 |
| 17 | Remove & Replace Existing Inlet with Type BB Inlet, complete in place, the sum of | EA. | 1 | \$ 3,300.00 | \$ 3,300.00 |
| 18 | Remove & Replace Existing Inlet with Type C-1 Inlet, complete in place, the sum of | EA. | 1 | \$ 3,300.00 | \$ 3,300.00 |
| 19 | Concrete valley gutter, complete in place, the sum of | S.Y. | 40 | \$ 100.00 | \$ 4,000.00 |
| 20 | Type B Inlet, cast in place or precast, complete in place, the sum of | EA. | 2 | \$ 2,600.00 | \$ 5,200.00 |
| 21 | Type BB Inlet, cast in place or precast, complete in place, the sum of | EA. | 1 | \$ 3,100.00 | \$ 3,100.00 |
| 22 | Type C-1 Inlet, cast in place or precast, complete in place, the sum of | EA. | 1 | \$ 3,100.00 | \$ 3,100.00 |
| 23 | Remove & Replace Type B Inlet top section, complete in place, the sum of | EA. | 2 | \$ 1,500.00 | \$ 3,000.00 |
| 24 | Remove & Replace Type BB Inlet top section, complete in place, the sum of | EA. | 3 | \$ 2,000.00 | \$ 6,000.00 |
| 25 | Adjust 2x3 Inlet Frame and Grate to grade of HMA overlay, complete in place, the sum of | EA. | 8 | \$ 500.00 | \$ 4,000.00 |
| 26 | 12" SDR26 PVC storm sewer, all depths, complete in place, the sum of | L.F. | 20 | \$ 50.00 | \$ 1,000.00 |
| 27 | 18" RCP storm sewer, all depths, complete in place, the sum of | L.F. | 30 | \$ 85.00 | \$ 2,550.00 |
| 28 | Trench Protection, complete in place, the sum of | L.F. | 50 | \$ 5.00 | \$ 250.00 |

SUBTOTAL BASE BID DRAINAGE ITEMS:

\$63,700.00

Attachment: FY2013 Street Pavement Management Project LOR (1063 : FY2013 Street Pavement

City of Bellaire
FY2013 - Street Management Program
 Exhibit "A"

BID PROPOSAL

| Item No. | Item Description | Unit | Est. Quan. | Unit Price | Total Amount |
|---------------------------|---|------|------------|-------------|--------------|
| SUPPLEMENTAL ITEMS | | | | | |
| 29 | Extra compacted cement stabilized sand backfill, complete in place, the sum of | C.Y. | 140 | \$ 35.00 | \$ 4,900.00 |
| 30 | Extra concrete (all classes), complete in place, the sum of | C.Y. | 80 | \$ 200.00 | \$ 16,000.00 |
| 31 | Extra select backfill (PI between and 20), complete in place, the sum of | C.Y. | 80 | \$ 24.00 | \$ 1,920.00 |
| 32 | As authorized by Engineer, exploratory trench excavation, backfill and pavement and/or sodding restoration for the purpose of locating existing utilities (No reimbursement for this pay item if proposed improvements are placed in excavation), complete in place, the sum of | C.Y. | 200 | \$ 50.00 | \$ 10,000.00 |
| 33 | As authorized by Engineer, extra excavation of unsuitable material for replacement with imported backfill, complete in place, the sum of | C.Y. | 100 | \$ 30.00 | \$ 3,000.00 |
| 34 | Additional removal of unsuitable material and soft spots under point repair locations, complete in place, the sum of | C.Y. | 300 | \$ 30.00 | \$ 9,000.00 |
| 35 | Sanitary sewer service adjustment, complete in place, the sum of | EA. | 2 | \$ 1,000.00 | \$ 2,000.00 |
| 36 | Waterline service adjustment, complete in place, the sum of | EA. | 10 | \$ 600.00 | \$ 6,000.00 |
| 37 | 4" White thermoplastic pavement striping, complete in place, the sum of | L.F. | 200 | \$ 3.00 | \$ 600.00 |
| 38 | 12" White thermoplastic pavement striping, complete in place, the sum of | L.F. | 120 | \$ 9.00 | \$ 1,080.00 |
| 39 | 24" White thermoplastic pavement striping, complete in place, the sum of | L.F. | 50 | \$ 20.00 | \$ 1,000.00 |
| 40 | Inlet protection barrier on existing curb inlet, complete in place, the sum of | EA. | 20 | \$ 100.00 | \$ 2,000.00 |
| 41 | Allowance for miscellaneous items, complete in place, the sum of | L.S. | 1 | \$ 3,000.00 | \$ 3,000.00 |

\$60,500.00

SUBTOTAL BASE BID SUPPLEMENTAL ITEMS:

Attachment: FY2013 Street Pavement Management Project LOR (1063 : FY2013 Street Pavement

City of Bellaire
FY2013 - Street Management Program
 Exhibit "A"

BID PROPOSAL

| Item No. | Item Description | Unit | Est. Quan. | Unit Price | Total Amount |
|---|--|------|------------|------------|---------------------|
| ADD ALTERNATE NO.1 ITEMS - PAVING | | | | | |
| 42 | Mill existing hot mix asphaltic concrete overlay (all depths), complete in place, the sum of | S.Y. | 6072 | \$ 3.00 | \$ 18,216.00 |
| 43 | Asphalt overlay, level up course including tack coat to provide cross section and grades as directed by Engineer after survey by Contractor, complete in place, the sum of | TON | 681 | \$ 93.00 | \$ 63,333.00 |
| 44 | Asphalt overlay, surface course (2"), including tack coat, complete in place, the sum of | S.Y. | 6072 | \$ 13.00 | \$ 78,936.00 |
| 45 | Clean and seal existing cracks prior to overlay, and expansion joints, hot rubber asphalt compound, (cracks > 1/4"), complete in place, the sum of | L.F. | 1250 | \$ 2.00 | \$ 2,500.00 |
| 46 | Remove and replace existing concrete pavement on 12" cement stabilized sand, match existing thickness (7" min), including required sawcutting, reinforcement, undercut, dowel bars drilled into existing pavement, and subgrade, complete in place, the sum of | S.Y. | 1121 | \$ 110.00 | \$ 123,310.00 |
| 47 | Remove and replace existing concrete curb, including sawcutting and reinforcement, complete in place, the sum of | L.F. | 472 | \$ 10.00 | \$ 4,720.00 |
| 48 | Remove and replace existing concrete driveways, including sawcutting, reinforcement and 6" cement stabilized sand subgrade, match existing driveway material, color, and pattern, complete in place, the sum of | S.Y. | 211 | \$ 135.00 | \$ 28,485.00 |
| 49 | Removal of unsuitable material below proposed subgrade and replace with compacted cement stabilized sand, complete in place, the sum of | C.Y. | 150 | \$ 60.00 | \$ 9,000.00 |
| 50 | Removal and replacement of H/MAC next to curb, 12" wide, to grade set by Engineer after Survey by Contractor, complete in place, the sum of | L.F. | 300 | \$ 30.00 | \$ 9,000.00 |
| SUBTOTAL ADD ALTERNATE NO. 1 PAVING ITEMS: | | | | | \$337,500.00 |

Attachment: FY2013 Street Pavement Management Project LOR (1063 : FY2013 Street Pavement

City of Bellaire
FY2013 - Street Management Program
 Exhibit "A"

BID PROPOSAL

| Item No. | Item Description | Unit | Est. Quan. | Unit Price | Total Amount |
|---|---|------|------------|-------------|--------------------|
| ADD ALTERNATE NO. 1 ITEMS - DRAINAGE | | | | | |
| 51 | Remove and replace PVC yard drain lines with like size PVC Schedule 40 pipe, through concrete curb, complete in place, the sum of | L.F. | 50 | \$ 50.00 | \$ 2,500.00 |
| 52 | Remove & Replace Existing Inlet with Type BB Inlet, complete in place, the sum of | EA. | 2 | \$ 2,800.00 | \$ 5,600.00 |
| 53 | Remove & Replace Existing Inlet with Type C-1 Inlet, complete in place, the sum of | EA. | 1 | \$ 3,300.00 | \$ 3,300.00 |
| 54 | Type BB Inlet, cast in place or precast, complete in place, the sum of | EA. | 1 | \$ 3,300.00 | \$ 3,300.00 |
| 55 | Type C-1 Inlet, cast in place or precast, complete in place, the sum of | EA. | 1 | \$ 3,100.00 | \$ 3,100.00 |
| 56 | Remove & Replace Type B Inlet top section, complete in place, the sum of | EA. | 1 | \$ 1,500.00 | \$ 1,500.00 |
| 57 | Remove & Replace Type BB Inlet top section, complete in place, the sum of | EA. | 2 | \$ 2,000.00 | \$ 4,000.00 |
| 58 | 12" SDR26 PVC storm sewer, all depths, complete in place, the sum of | L.F. | 20 | \$ 50.00 | \$ 1,000.00 |
| 59 | Trench Protection, complete in place, the sum of | L.F. | 50 | \$ 5.00 | \$ 250.00 |
| SUBTOTAL ADD ALTERNATE NO. 1 DRAINAGE ITEMS: | | | | | \$24,550.00 |

| | |
|--|---------------------|
| TOTAL BASE BID ITEMS: \$ | 880,892.00 |
| TOTAL ADD ALTERNATE NO. 1 ITEMS: \$ | 362,050.00 |
| TOTAL AMOUNT BID (BASE BID+ADD ALTERNATE NO. 1): \$ | 1,242,942.00 |

Attachment: FY2013 Street Pavement Management Project LOR (1063 : FY2013 Street Pavement



AIA Document A305™ - 1986

Contractor's Qualification Statement

The Undersigned certifies under oath that the information provided herein is true and sufficiently complete so as not to be misleading.

SUBMITTED TO:

City of Bellaire
7008 S. Rice Ave.
Bellaire, TX 77401
ADDRESS:

Same as above

SUBMITTED BY:

Michael D. Hoffman

NAME:

AAA Asphalt Paving, Inc.

ADDRESS:

10526 Tanner Rd.
Houston, TX 77041

This form is approved and recommended by the American Institute of Architects (AIA) and The Associated General Contractors of America (AGC) for use in evaluating the qualifications of contractors. No endorsement of the submitting party or verification of the information is made by AIA or AGC.

PRINCIPAL OFFICE:

- ☒ Corporation
☐ Partnership
☐ Individual
☐ Joint Venture
☐ Other

NAME OF PROJECT: (If applicable)

Roadway and Paving Construction Projects for CISD

TYPE OF WORK: (File separate form for each Classification of Work)

- ☐ General Construction
☐ HVAC
☐ Electrical
☐ Plumbing
☒ Other (Please specify) Civil Construction

§ 1. ORGANIZATION

§ 1.1 How many years has your organization been in business as a Contractor?

Twenty-four (24)

§ 1.2 How many years has your organization been in business under its present business name?

Twenty (20)

§ 1.2.1 Under what other or former names has your organization operated?

DBA AAA Asphalt Paving 1990-1994

§ 1.3 If your organization is a corporation, answer the following:

§ 1.3.1 Date of incorporation: **10-20-94**§ 1.3.2 State of incorporation: **Texas**§ 1.3.3 President's name: **Michael D. Hoffman**§ 1.3.4 Vice-president's name(s): **Rue Ann Glass**§ 1.3.5 Secretary's name: **Michael D. Hoffman**§ 1.3.6 Treasurer's name: **Michael D. Hoffman**

§ 1.4 If your organization is a partnership, answer the following:

§ 1.4.1 Date of organization: **N/A**§ 1.4.2 Type of partnership, if applicable: **N/A**§ 1.4.3 Name(s) of general partner(s): **N/A**

§ 1.5 If your Organization is individually owned, answer the following:

§ 1.5.1 Date of organization: **10/20/1994**§ 1.5.2 Name of owner: **Michael D. Hoffman**

§ 1.6 If the form of your organization is other than those listed above, describe it and name the principals:

N/A

§2.LICENSING

§2.1 List jurisdictions and trade categories in which your organization is legally qualified to do business, and indicate registration or license numbers, if applicable.

N/A

§2.2 List jurisdiction s in which your organization's partnership or trade name is filed.

N/A

§3. EXPERIENCE

§3.1 List the categories of work that your organization normally performs with its own forces.

NAICS Codes

237310 Highway, Street, and Bridge Construction

237990 Other Heavy and Civil Engineering Construction

238110 Poured Concrete Foundation and Structure

238910 Site Preparation Contractors

238910-01 Site Preparation Contractors – Earthwork

§3.2 Claims and Suits. *(If the answer to any of the questions below is yes, please attach details.)*

§3.2.1 Has your organization ever failed to complete any work awarded to it?

No

§3.2.2 Are there any judgments, claims, arbitration proceedings or suits pending or outstanding against your organization or its officers?

No

§ 3.2.3 Has your organization filed any lawsuits or requested arbitration with regard to construction contracts within the last five years?

No

§ 3.3 Within the last five years, has any officer or principal of your organization ever been an officer or principal of another organization when it failed to complete a construction contract? *(If the answer is yes, please attach details.)*

No

§ 3.4 On a separate sheet, list major construction projects your organization has in progress, giving the name of project, owner, architect, contract amount, percent complete and scheduled completion date.

See Attached

§ 3.4.1 State total worth of work in progress and under contract:

\$14MM

§ 3.5 On a separate sheet, list the major projects your organization has completed in the past five years, giving the name of project, owner, architect, contract amount, date of completion and percentage of the cost of the work performed with your own forces.

See Attached

§ 3.5.1 State average annual amount of construction work performed during the past five years:

\$14MM

§ 3.6 On a separate sheet, list the construction experience and present commitments of the key individuals of your organization.

See Attached

§4. REFERENCES

§4.1 Trade References:

See Attached

§4.2 Bank References:

Allegiance Bank
8727 West Sam Houston Parkway North,
Houston, Texas, 77040

Officer: Danny Hudson
Cell: 832-693-3878
Phone: 281-894-3200
Email: danny.hudson@allegiancebktx.com

Comerica Bank
14104 Northwest Freeway
Houston, Texas 77040

Officer: Jim Guinn
Email: jmguinn@coamerica.com
Phone: (832)590-1539

§4.3 Surety

§4.3.1 Name of bonding company:

Merchants National Bonding
2100 Fleur Drive
Des Moines, IA 50321-1158

Phone: 515-243-8171
Fax: 800-678-8171

§4.3.2 Name and address of agent:

CHS Surety Division
25025 I-45 N Freeway, Ste. 525
The Woodlands, TX 77380

Phone: 832-482-4739
EFax: 414-231-4598

§ 5. FINANCING

§ 5.1 Financial Statement

§ 5.1.1 Attach a financial statement, preferably audited, including your organization's latest balance sheet and income statement showing the following items:

Current Assets (e.g., cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory and prepaid expenses);

Net Fixed Assets; **See Attached**

Other Assets; **See Attached**

Current Liabilities (e.g., accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries and accrued payroll taxes); and

Other Liabilities (e.g., capital, capital stock, authorized and outstanding shares par values, earned surplus and retained earnings).

§5.1.2 Name and address of firm preparing attached financial statement, and date thereof:

See Attached

§5.1.3 Is the attached financial statement for the identical organization named on page one?

Yes

§5.1.4 If not, explain the relationship and financial responsibility of the organization whose financial statement is provided (e.g., parent-subsidiary).

N/A

§5.2 Will the organization whose financial statement is attached act as guarantor of the contract for construction?

N/A

6. SIGNATURE

Michael D. Hoffman

§6.1 Dated this 20th day of January 2014

Name of Organization: AAA Asphalt Paving, Inc.

By: Michael D. Hoffman

Title: President

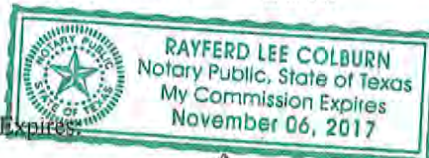
§6.2

Michael D. Hoffman duly sworn deposes and says that the information provided herein is true and sufficiently complete so as not to be misleading.

Subscribed and sworn before me this 20th day of January 2014

Notary Public:

My Commission Expires:



Rayferd Lee Colburn

CAUTION: You should sign an original AIA Contract Document on which this text appears in RED. An original assures that changes will not be obscured.

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Asphalt Paving, Inc.
10526 Tanner Road, Houston, Texas 77041

AAA Asphalt Paving, Inc. is a Texas corporation, with steady growth, completing jobs ranging from \$1,000.00 - \$5,000,000.00 in valuation. We feel that a true picture of a company's merit is gained from the respect shown to their customers, along with a relationship of trust established with their vendors. We endeavor to do quality work and stand behind it.

The following is general information on the company along with various vendor and customer references. Please feel free to contact any of them for their opinions of the work we have completed and/or verification of the manner in which we conduct our business.

COMPANY INFORMATION & KEY PERSONNEL

| | | |
|-----------------------------------|---|--|
| STREET ADDRESS: | 10526 Tanner Road Houston, Texas 77041 | Phone: (713) 896-7373 Fax: (713) 896-8889 |
| TYPE OF ENTITY: | Corporation Charter #01331057 issued 10/20/94 Company started in November, 1990 as same name DBA. | |
| CORPORATE TIN: | 76-0451285 | |
| TAX EXEMPTION CERTIFICATE NO.: | 1-760451285-9 | |
| DUN & BRADSTREET: | DUNS#: 83-209-1623 | |
| OFFICER/OWNER: Home Address: | Michael D. Hoffman, President 38110 Donigan Road Brookshire, Texas 77423 | 100% Ownership SS#: Provided upon request Cell Phone: (713) 817-4387 |
| MEMBERSHIPS: | Associated General Contractors of America, Inc. Houston Apartment Association Houston Contractors Association | |
| AWARDS: | No. "51" of the Houston 100 – "1998 Winner" | |
| KEY PERSONNEL: | <p>Michael D. Hoffman – Estimating & Project Management Mikeh@aaa-asphalt.com Cell: 713-817-4387 19 Years Experience 30% Commitment to Work in Progress</p> <p>Rayferd Colburn – General Superintendent & Safety Manager Rayferd@aaa-asphalt.com Cell: 713-898-6577 20 Years Experience 50% Commitment to Work in Progress</p> <p>Bob Stewart – Estimating Bob@aaa-asphalt.com Cell: 713-805-2686 24 Years Experience 20% Commitment to Work in Progress</p> | |

BANK, BONDING & INSURANCE INFORMATION

BANK: Allegiance Bank
8727 West Sam Houston Parkway North,
Houston, Texas, 77040
Email: danny.hudson@allegiancebktx.com
Officer: Danny Hudson
Cell: 832-693-3878
Phone: 281-894-3200

Coamerica Bank
14104 Northwest Freeway
Houston, Texas 77040
Officer: Jim Guinn
Email: jmguinn@coamerica.com
Phone: (832)590-1539

BONDING: *Surety Company:*
Merchant Bonding Co.
Best Key Rating: A
Phone: 512-241-4500
\$10 mm single - \$18 mm aggregate

Bonding Agent:
CHS Inc.
200 Valleywood, Ste.A450
The Woodlands, TX
Mr. Scott Chapman
Phone: 281-863-9861
Fax: 414-231-4600

INSURANCE: *Insurance Carrier: Travelers*
Insurance Agent:
Brady, Chapman, Holland & Assoc.
10055 W. Gulf Bank
Houston, Texas 77040
Mr. Ronald Wininger, CIC
Phone: (713) 979-9701

LIMITS: General Liability – Including Excess Liability.....\$2,000,000.00
Worker's Compensation.....\$1,000,000.00
Auto – Including Liability (Full Coverage).....\$1,000,000.00

Scheduled, Hired & Non-Owned Equipment Floater –
Various Scheduled Machinery.....\$1,127,542.00

ACCOUNTANT: Jacquemine, Wernli & Co., LLP
John H. Jacquemine
8554 Katy Freeway
Houston, Texas 77024

Blanket Additional Insured, Waiver of Subrogation, Certificates of Insurance – Issued Upon Request.

TRADE REFERENCES

Century Asphalt, Ltd.
P. O. Box 57, Baytown, TX 77522-0057
(281) 421-2621

CMC
2001 Brittmoore, Houston, TX 77043
(713) 895-6590

Cemex
920 Memorial City Way Ste.100
Houston, TX 77024

AAA Asphalt Paving, Inc.
10526 Tanner Road, Houston, TX 77041 ♦ (713) 896-7373 Phone (713) 896-8889 Fax
www.aaa-asphalt.com

Rinker Materials
6560 Langfield Rd., Houston, TX 77092
(832) 590-5400

ADDITIONAL CREDIT AND CUSTOMER REFERENCES PROVIDED UPON REQUEST

AAA Asphalt Paving, Inc.
10526 Tanner Road, Houston, TX 77041 ♦ (713) 896-7373 Phone (713) 896-8889 Fax
www.aaa-asphalt.com

AAA Asphalt Paving, Inc.
Job History 2012-2013

AAA Project No. 936
Name & Location: Young Street Extension Ph II & Paving Improv. For Long St.
Contract Amount: \$453,102.24
Start Date: March 2012
Completion Date: Oct. 2012
Owner Reference Contact: City of Willis
Name/Telephone/Address: n/a
A/E Reference Contact: Bleyl & Assoc.
Name/Telephone/Address: Ken Walker. 936-441-7833
100 Nugent St.
Conroe, TX 77301

Message

AAA Project No. : 1003
Name & Location: Reconstruction of 4 Roads in the Harvey Camp Area, Harris Co. Pct.4
Contract Amount: \$277,235.25
Start Date: Oct.2012
Completion Date: Jan. 2013
Owner Reference Contact: Harris County
Name/Telephone/Address: Patrick Givens, 713-755-5199
1310 Prairie Ste. 1105, Houston 77002
A/E Reference Contact: n/a
Name/Telephone/Address: n/a

*Mailbox
Fun*

AAA Project No. 1031
Name & Location: Concrete/Asphalt Street Repairs
Contract Amount: \$179,057.45
Start Date: Jan. 2013
Completion Date: March 2013
Owner Reference Contact: City of Hempstead
1125 Austin St.
Hempstead, TX 77445
Name/Telephone/Address: Colye Kilpatrick, 979-826-6097
A/E Reference Contact: n/a
Name/Telephone/Address: n/a

Message

AAA Asphalt Paving, Inc.
Job History 2012-2013

AAA Project No. 1033
Name & Location: Magnolia Way Street Renovations
Contract Amount: \$249,140.00
Start Date: Feb.2013
Completion Date: June 2013
Owner Reference Contact: City of Hunstville
Name/Telephone/Address: Ram Ramachandra, 936-294-5760
A/E Reference Contact: Absolute Energy Solutions
Name/Telephone/Address: Steve Stacy, 281-822-0588
1120 Westheimer Rd.
Houston, TX 77042

No
Answer

AAA Project No. : 1032
Name & Location: Central City Drainage Improvements
Contract Amount: \$535,060.50
Start Date: March 2013
Completion Date: July 2013
Owner Reference Contact: City of Dickinson
Name/Telephone/Address: Kellis George, 281-337-6267
4403 Hwy 3, Dickinson, TX 77539
A/E Reference Contact: IDS Engineering Group
Name/Telephone/Address: Travis Seller, 713-462-3178
13333 NW Frwy Ste.300, Houston, TX 77040

✓

AAA Project No. 940
Name & Location: Strey Lane Storm Sewer Improvements
Contract Amount: \$6,003,537.29
Start Date: April 2012
Completion Date: July 2013
Owner Reference Contact: City of Bunker Hill Village
Name/Telephone/Address: Steve Smith, 713-467-9762
A/E Reference Contact: Klotz Assoc.
Name/Telephone/Address: Ed Conger, 281-589-7257
1160 Dairy Ashford, Houston, TX 77079

✓

AAA Asphalt Paving, Inc.
Job History 2012-2013

AAA Project No. 1018.
Name & Location: Temp. Access Rd.Overlay
Contract Amount: \$412,284.00
Start Date: March 2013
Completion Date: March 2013
Owner Reference Contact: San Jacinto River Authority
Name/Telephone/Address: Phil Smith, 936-697-3115
PO Box 329 Conroe, TX 77305
A/E Reference Contact: n/a
Name/Telephone/Address: n/a

AAA Project No. : 992
Name & Location: Pine Tree Park Parking Lots, Access Rd & Drainage
Improvements
Contract Amount: \$980,397.00
Start Date: Aug. 2012
Completion Date: April 2013
Owner Reference Contact: Harris Co.
Name/Telephone/Address: Richard Arrendell, 713-755-7009 ✓
1001 Preston Houston, TX 77002
A/E Reference Contact: n/a
Name/Telephone/Address: n/a

AAA Project No. 661
Name & Location: Maintenance of Various Locations Pct. 3
Contract Amount: \$3,200,000.00
Start Date: April 2010
Completion Date: April 2013
Owner Reference Contact: Harris Co.
Name/Telephone/Address: Gary Howard, 713-755-8770
1310 Prairie Ste. 1105 Houston, TX 77002
A/E Reference Contact: n/a
Name/Telephone/Address: n/a

AAA ASPHALT PAVING INC.

10526 Tanner Road • Houston, Texas 77041
Phone (713) 896-7373 • Fax (713) 896-8889

City of Bellaire

FY2013 Street Pavement Management Project

List of Subcontractors

Environmental Allies

9625 Windfern Rd

Houston, TX 77064

Leo Aguillar 832-317-8614

Kossman

6125 W. Gulf Bank Rd.

Houston, TX 77088

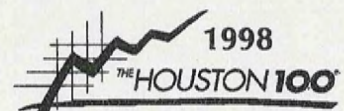
Sales (713) 464-4888

Batterson

955 Judiway

Houston, TX 77018

Sales 713-688-5433



PATTERNED ASPHALT - "THE CLASSIC LOOK OF BRICK"

AAA Asphalt Paving, Inc.
Job History 2012-2013

AAA Project No. 978
Name & Location: Dust Suppression 2012
Contract Amount: \$458,950.00
Start Date: June 2012
Completion Date: June 2013
Owner Reference Contact: Port of Houston Authority
Name/Telephone/Address: Ron Garrison, 713-670-2651
A/E Reference Contact: n/a
Name/Telephone/Address: n/a



Asphalt Paving, Inc.
10526 Tanner Road, Houston, Texas 77041

REFERENCES

Harris County

1001 Preston St.
Houston, TX 77001
Gary Howard 713-755-8770
ghoward@eng.hctx.net

Port of Houston Authority

111 East Loop North
Houston, TX 77029
Pedro Gonzales 713-670-2400
pgonzales@poha.com
Brock Lewis 713-670-2400
blewis@poha.com

City of Hedwig Village

955 Piney Point Road
Houston, TX 77024
Lane Standley 713-765-6009
lstandley@thecityofhedwigvillage.com

Claunch & Miller

4635 SW Freeway Ste. 1000
Houston, TX 77027
Terry Maher 713-622-9264
Terry.maher@hdrinc.com

City of Bunker Hill Village

11977 Memorial Dr.
Houston, TX 77024
Steve Smith 713-467-9762
ssmith@bunkerhill.net

Additional references available upon request.

REFERENCES

San Jacinto River Authority
PO Box 329, Conroe, TX 77305
1577 Dam Site Rd, Conroe, TX 77304
Phil Smith (936) 697-3715

Fort Bend ISD
2323 Texas Parkway
Missouri City, TX 77489
James Caylor 281-634-5585

Statewide Traffic Signal Company
1509 W. 34th Street
Houston, Texas 77018
Joe Spanos (713) 680-2875

Bleyl & Assoc.
1722 Broadmoor, Ste. 210
Bryan, TX 77802
David Besly (979) 268-1125

City of Huntsville
448 State Hwy 75 North
Huntsville, TX 77320
Y. S. "Ram" Ramachandra (936) 294-5760



CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)
 10/30/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| | | | | |
|---|--|--|--|---------------------------------------|
| PRODUCER Brady, Chapman, Holland & Associates 10055 West Gulf Bank Houston TX 77040 | | CONTACT NAME: PHONE (A/C, No, Ext): 713-688-1500 E-MAIL ADDRESS: ecerts@bch-insurance.com | | FAX (A/C, No): 713-688-7967 |
| | | INSURER(S) AFFORDING COVERAGE | | NAIC # |
| | | INSURER A: Travelers Casualty and Surety Compa | | 19038 |
| | | INSURER B: Travelers Lloyds Insurance Company | | 41262 |
| | | INSURER C: Travelers Indemnity Company of CT | | 25682 |
| | | INSURER D: St. Paul Fire & Marine (Travelers) | | 24767 |
| | | INSURER E: | | |
| | | INSURER F: | | |

COVERAGES
CERTIFICATE NUMBER: 1908626559

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|--|-----------|----------|-----------------|-------------------------|-------------------------|---|
| B | GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> 1000 GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC | Y | Y | CO8732R898TLC | 10/18/2013 | 10/18/2014 | EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$300,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$ |
| C | AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS | Y | Y | BA8772R282 | 10/18/2013 | 10/18/2014 | COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ |
| D | <input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$10,000 | Y | | ZUP13T9375413NF | 10/18/2013 | 10/18/2014 | EACH OCCURRENCE \$2,000,000 AGGREGATE \$2,000,000 \$ |
| A | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below | Y/N | Y | UB8834R288 | 10/18/2013 | 10/18/2014 | <input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000 |
| B | Contractors Equipment Floater | | | 6609345R442TLC | 10/18/2013 | 10/18/2014 | Rented/Leased Equipment \$350,000 Ded: \$2,500 Any one item |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

The policy includes Blanket additional insured on the general liability includes products/completed operations per form CGD604, automobile per form CAT353 and umbrella per form SU0001 with a waiver of subrogation on the general liability per form CGD316, automobile per form CAT353 and workers compensation per form WC420304 when required by written contract. General Liability includes prer project aggregate per form CGD2110104 as required by written contract. This insurance is primary and non-contributory as respects to general liability per form CGD604 as required by written contract.

CERTIFICATE HOLDER
CANCELLATION

| | |
|---|---|
| *SAMPLE CERTIFICATE AAA ASPHALT PAVING, INC. 10526 TANNER RD. HOUSTON TX 77041 | SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE |
|---|---|

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BID BOND

City of Bellaire
FY2013 Street Pavement Management Project

BID BOND

STATE OF TEXAS

SURETY'S NO. MB01126

COUNTY OF Harris

KNOW ALL MEN BY THESE PRESENTS that AAA Asphalt Paving, Inc.
 (hereinafter called the "Principal"), as Principal, and Merchants Bonding Company (Mutual),
 (hereinafter called the "Surety"), as Surety, are held and firmly bound unto the City of Bellaire,
 Texas (hereinafter called the "Obligee"), in the amount of Ten Percent Greatest Amount Bid
Dollars (\$ 10% G.A.B.), for the
 payment whereof the said Principal and Surety bind themselves and their heirs, administrators,
 executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a Bid or Proposal to enter into a certain written
 Contract with the Obligee to City of Bellaire FY2013 Street Pavement Management Project

NOW, THEREFORE, the condition of this obligation is such that if the said Principal
 shall faithfully enter into such written Contract, then this obligation shall be void but otherwise,
 shall remain in full force and effect.

City of Bellaire
FY2013 Street Pavement Management Project

Bidder hereby agrees to commence the work on the above project on or before a date to be specified in a written "Notice to Proceed" of the Owner and to fully complete the project within 180 consecutive calendar days thereafter as stipulated in the specifications and other contract documents. Bidder hereby further agrees to pay to Owner as liquidated damages the sum of \$400.00 for each consecutive calendar day in excess of the time set forth hereinabove for completion of this project, all as more fully set forth in the General Conditions of the contract documents.

Bidder understands and agrees that this bid proposal shall be completed and submitted in accordance with the General Instructions to Bidders.

Bidder understands that the Owner reserves the right to reject any or all bids and to waive any formality in the bidding.

Bidder agrees that this bid shall be good and may not be withdrawn for a period of thirty (30) calendar days after the scheduled closing time for receiving bids.

The undersigned Bidder hereby declares that he has visited the site of the work and has carefully examined the plans, specifications and contract documents pertaining to the work covered by this bid, and he further agrees to commence work on or before the date specified in the written notice to proceed and to substantially complete the work on which he has bid, as provided in the contract documents.

Enclosed with this proposal is a cashier's check or certified check for _____

Dollars (\$ _____) or a bid bond in the sum of Ten Percent Greatest Amount Bid
(\$ 10% G.A.B.),

which it is agreed shall be collected and retained by the Owner as liquidated damages in the event the proposal is accepted by the Owner and the undersigned fails to execute the necessary contract documents and the required bonds (if any) with the Owner within ten (10) days after the date of receipt of written notification of acceptance of said proposal; otherwise said check or bond shall be returned to the undersigned upon demand.

Bidder understands and agrees that the contract to be executed by Bidder shall be bound and includes all contract documents made available to him for his inspection in accordance with the Notice to Bidders.

AAA Asphalt Paving, Inc.

Bidder

By: 

Signature

City of Bellaire
FY2013 Street Pavement Management Project

Type or Print:

Bidder's

Name: AAA Asphalt Paving Inc

Bidder's

Address: 10526 Tanner Rd.

Houston, TX 77041

Name of

Person

Signing: Michael D. Hoffman

Office

Held: President

(If Bidder is a Corporation)

ATTEST:

Michael D. Hoffman
Secretary

(Corporate Seal)

Surety

Merchants Bonding Company Mutual

BY:

Justin McQuain, Attorney-in-Fact

Address 9500 Arboretum Blvd, Ste. 100, Austin, TX 78759

Date: January 21, 2014

MERCHANTS
BONDING COMPANY™
POWER OF ATTORNEY

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations duly organized under the laws of the State of Iowa (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint, individually,

Barbara K Sachi; Debra L Buckner; Elaine Lewis; Jeanne M Buchan; Justin McQuain; Kevin McQuain; Marc Halvorsen; Nancy J Portugal; Pamela C Martinson; Rhessa F Boulton; Rosalyn D Hassell; Scott D Chapman

of The Woodlands and State of TX their true and lawful Attorney-in-Fact, with full power and authority hereby conferred in their name, place and stead, to sign, execute, acknowledge and deliver in their behalf as surety any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

TEN MILLION (\$10,000,000.00) DOLLARS

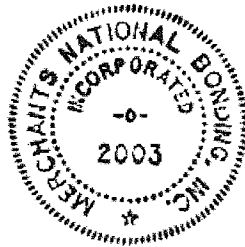
and to bind the Companies thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the Companies, and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Attorney is made and executed pursuant to and by authority of the following By-Laws adopted by the Board of Directors of the Merchants Bonding Company (Mutual) on April 23, 2011 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 24, 2011.

"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 1st day of January, 2012.



MERCHANTS BONDING COMPANY (MUTUAL)
MERCHANTS NATIONAL BONDING, INC.

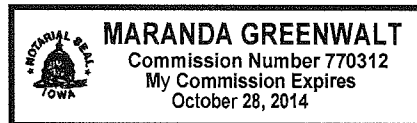
By

Larry Taylor
President

STATE OF IOWA
COUNTY OF POLK ss.

On this 1st day of January, 2012, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument is the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of Des Moines, Iowa, the day and year first above written.



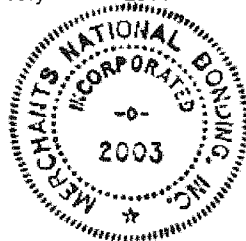
Maranda Greenwalt

Notary Public, Polk County, Iowa

STATE OF IOWA
COUNTY OF POLK ss.

I, William Warner, Jr., Secretary of the MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 21st day of January, 2014.



William Warner Jr.
Secretary



MERCHANTS BONDING COMPANY (MUTUAL) • MERCHANTS NATIONAL BONDING, INC.
2100 FLEUR DRIVE • DES MOINES, IOWA 50321-1158 • (800) 678-8171 • (515) 243-3854 FAX

IMPORTANT NOTICE

To obtain information or make a complaint:

You may contact your insurance agent at the telephone number provided by your insurance agent.

You may call Merchants Bonding Company (Mutual) toll-free telephone number for information or to make a complaint at:

1-800-678-8171

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at:

1-800-252-3439

You may write the Texas Department of Insurance at:

P. O. Box 149104
Austin, TX 78714-9104
Fax: (512) 475-1771
Web: <http://www.tdi.state.tx.us>
E-mail: ConsumerProtection@tdi.texas.gov

PREMIUM AND CLAIM DISPUTES: Should you have a dispute concerning your premium or about a claim you should contact the agent first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

ATTACH THIS NOTICE TO YOUR POLICY: This notice is for information only and does not become a part or condition of the attached document.

REFERENCE SHEETS

REFERENCE: City of Bunker Hill Village
TELEPHONE NO.: 713-467-9762
CONTACT: Steve Smith
PROJECT: Strey Lane Storm Sewer Improvements

QUESTIONS

1. How did AAA perform on the project? (On a scale of 1-10)

ANSWER: Paving 10, Underground Utilities 6

2. Were you satisfied with their performance?

ANSWER: Yes

3. How would you rate the quality of their work? (On a scale of 1-10)

ANSWER: 10

4. How would you rate their ability to coordinate the work with neighboring property owners? (Scale of 1-10)

ANSWER: 8

5. Did they have any problems with the job? If so, what was the nature of the problem?

ANSWER: Foreman unfamiliar with the job, angered many neighboring citizens. Was removed after a few months.

6. Were there many change orders on the project? If so, what were the reasons? Were they reasonable?

ANSWER: Yes, additions to the project, Yes

7. Were they able to complete the project within the time allotted? If not, what was the reason?

ANSWER: Yes

8. How would you rate their ability to cooperate with a client? (On a scale of 1-10)

ANSWER: 9

9. Would you like to have them perform a job for you again?

ANSWER: Yes

10. Do you see them capable of performing larger projects?

ANSWER: Yes

REFERENCE: Harris County

TELEPHONE NO.: 713-755-7009

CONTACT: Richard Arrendell

PROJECT: Pine Tree Park Parking Lots, Access Rd. and Drainage Improvements

QUESTIONS

1. How did AAA perform on the project? (On a scale of 1-10)

ANSWER: 8

2. Were you satisfied with their performance?

ANSWER: Yes

3. How would you rate the quality of their work? (On a scale of 1-10)

ANSWER: 8

4. How would you rate their ability to coordinate the work with neighboring property owners?
(Scale of 1-10)

ANSWER: All property was owned by Harris County.

5. Did they have any problems with the job? If so, what was the nature of the problem?

ANSWER: No

6. Were there many change orders on the project? If so, what were the reasons? Were they reasonable?

ANSWER: Yes, additional sidewalks and a detention pond were added.

7. Were they able to complete the project within the time allotted? If not, what was the reason?

ANSWER: Yes, additional time was provided to allow for the completion of the change orders.

8. How would you rate their ability to cooperate with a client? (On a scale of 1-10)

ANSWER: 9

9. Would you like to have them perform a job for you again?

ANSWER: Yes

10. Do you see them capable of performing larger projects?

ANSWER: Yes

REFERENCE: IDS Engineering Group
TELEPHONE NO.: 713-462-3178
CONTACT: Travis Seller
PROJECT: Central City Drainage Improvements

QUESTIONS

1. How did AAA perform on the project? (On a scale of 1-10)

ANSWER: 8.5

2. Were you satisfied with their performance?

ANSWER: Yes

3. How would you rate the quality of their work? (On a scale of 1-10)

ANSWER: 8.5

4. How would you rate their ability to coordinate the work with neighboring property owners?
(Scale of 1-10)

ANSWER: 9

5. Did they have any problems with the job? If so, what was the nature of the problem?

ANSWER: No

6. Were there many change orders on the project? If so, what were the reasons? Were they reasonable?

ANSWER: No,

7. Were they able to complete the project within the time allotted? If not, what was the reason?

ANSWER: Yes

8. How would you rate their ability to cooperate with a client? (On a scale of 1-10)

ANSWER: 9

9. Would you like to have them perform a job for you again?

ANSWER: Yes

10. Do you see them capable of performing larger projects?

ANSWER: Yes

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 01/27/14 07:00 PM
Department: City Clerk
Category: Appointment
Department Head: Tracy L. Dutton
DOC ID: 1053

**SCHEDULED
INFORMATION ITEM (ID
1053)**

Item Title:

Mayoral appointments to the Audit Finance Board: Dr. Philip L. Nauert, Mayor, will make formal appointments of three (3) members of the City Council of the City of Bellaire, Texas, to serve on the Audit Finance Board of the City of Bellaire, Texas, for a one-year term commencing on February 1, 2014, and expiring on January 31, 2015.

Background/Summary:

Chapter 2, Administration, Article VII, Boards and Commissions, Division 3, Boards and Commissions Governed by City Charter, Ordinance or Resolution, Section 2-120, Audit Finance Board, Subsection (c), Membership and Appointment, outlines the composition of the Audit Finance Board as follows: . . . "three members of the city council, a citizen appointee with financial and/or audit experience, as well as the city manager and the chief financial officer of the city, ex officio, as non-voting members. The councilmembers of the city serving on the audit finance board shall be appointed by the mayor; the mayor may appoint him or herself as one of the councilmember appointees" The terms of office for the members of the Audit Finance Board ("Board") are outlined in Chapter 2, Administration, Article VII, Boards and Commissions, Division 3, Boards and Commission Governed by City Charter, Ordinance or Resolution, Section 2-120, Audit Finance Board, Subsection (d), Terms of Office, as follows: "The members of the board shall serve a term of one year each, commencing February 1 of each year and continuing through January 31 of the following year. Councilmembers may not be appointed to serve more than three consecutive one-year terms on the board; the citizen member and the mayor, should he or she serve on the board, shall not be subject to such term limit."

Set forth below is a list of members that have recently served on the board

| 2010-2011 | 2011-2012 | 2012-2013 | 2013-2014 |
|----------------------|----------------------|----------------------|------------------------|
| James P. Avioli, Sr. | Dr. Philip L. Nauert | Dr. Philip L. Nauert | Dr. Philip L. Nauert |
| Cindy Siegel | Amanda B. Nathan | Amanda B. Nathan | Amanda B. Nathan |
| Corbett D. Parker | Corbett D. Parker | Corbett D. Parker | Andrew S. Friedberg |
| | | | Patricia D. (Pat) Lunn |
| Bernie Satterwhite | Bernie Satterwhite | Bernie Satterwhite | Bernie Satterwhite |
| Donna Todd | Linda Symank | Linda Symank | Linda Symank |

Dr. Philip L. Nauert, Mayor, and Andrew S. Friedberg, Councilman, are eligible for reappointment. Amanda B. Nathan, Mayor Pro Tem, is term-limited, having served three (3) consecutive one-year terms on the Board.

Source of Funding:

N/A

Recommendation:

Information Item (ID # 1053)

Meeting of January 27, 2014

N/A - Mayoral Appointments

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 01/27/14 07:00 PM
Department: City Clerk
Category: Appointment
Department Head: Tracy L. Dutton
DOC ID: 1054

**SCHEDULED
INFORMATION ITEM (ID
1054)**

Item Title:

Mayoral annual appointments of City Council liaisons to the following Bellaire boards and commissions: Board of Adjustment, Building and Standards Commission, Cultural Arts Board, Environmental and Sustainability Board, L.I.F.E. Advisory Board, Parks and Recreation Advisory Board, and Planning and Zoning Commission.

Background/Summary:

Chapter 2, Administration, Article VII, Boards and Commissions, Division 1, Generally, Section 2-105, City Council Liaisons to Boards, of the Code of Ordinances of the City of Bellaire, Texas, provides for the Mayor to ". . . annually appoint a member of City Council to serve as the City Council Liaison to each board. Said appointment shall remain effective until reassignment or reappointment by the Mayor."

Dr. Philip L. Nauert, Mayor, will make his annual City Council Liaison appointments this evening for each of the City's boards and commissions (with the exception of the Audit Finance Board, the composition of which includes three City Council members and one citizen appointee).

For reference purposes, the last five City Council Liaison appointments for the City's boards and commissions were as follows:

Board of Adjustment:

| Council Liaison | Period of Appointment |
|------------------------|--------------------------------|
| Peggy Faulk | January 2009 - December 2009 |
| Dr. Philip L. Nauert | January 2010 - December 2010 |
| Dr. Philip L. Nauert | January 2011 - February 2011* |
| Corbett Daniel Parker | February 2011 - December 2011* |
| Amanda B. Nathan | January 2012 - December 2012 |
| Andrew S. Friedberg | January 2013 - December 2013 |

Building and Standards Commission:

| Council Liaison | Period of Appointment |
|------------------------|------------------------------|
| Will Hickman | January 2009 - December 2009 |
| Andrew S. Friedberg | January 2010 - December 2010 |
| Andrew S. Friedberg | January 2011 - December 2011 |
| Andrew S. Friedberg | January 2012 - December 2012 |
| Pat B. McLaughlan | January 2013 - December 2013 |

Cultural Arts Board:

| Council Liaison | Period of Appointment |
|------------------------|------------------------------|
| John Jeffrey | January 2009 - December 2009 |
| Corbett Daniel Parker | January 2010 - December 2010 |
| Corbett Daniel Parker | January 2011 - June 2011* |
| Roman F. Reed | June 2011 - December 2011* |
| Roman F. Reed | January 2012 - December 2012 |
| Roman F. Reed | January 2013 - December 2013 |

Environmental and Sustainability Board:

| Council Liaison | Period of Appointment |
|------------------------|------------------------------|
| James P. Avioli, Sr. | January 2009 - December 2009 |
| Amanda B. Nathan | January 2010 - December 2010 |
| Amanda B. Nathan | January 2011 - December 2011 |
| Pat B. McLaughlan | January 2012 - December 2012 |
| James P. Avioli, Sr. | January 2013 - December 2013 |

L.I.F.E. Advisory Board:

| Council Liaison | Period of Appointment |
|------------------------|------------------------------|
| Cindy Siegel | January 2009 - December 2009 |
| Cindy Siegel | January 2010 - December 2010 |
| Cindy Siegel | January 2011 - December 2011 |
| Dr. Philip L. Nauert | January 2012 - December 2012 |
| Dr. Philip L. Nauert | January 2013 - December 2013 |

Parks and Recreation Advisory Board:

| Council Liaison | Period of Appointment |
|------------------------|------------------------------|
| Pat B. McLaughlan | January 2009 - December 2009 |
| James P. Avioli, Sr. | January 2010 - December 2010 |
| James P. Avioli, Sr. | January 2011 - December 2011 |
| James P. Avioli, Sr. | January 2012 - December 2012 |
| Amanda B. Nathan | January 2013 - December 2013 |

Planning and Zoning Commission:

| Council Liaison | Period of Appointment |
|------------------------|--------------------------------|
| Dr. Philip L. Nauert | January 2009 - December 2009 |
| Will Hickman | January 2010 - December 2010 |
| Will Hickman | January 2011 - February 2011* |
| Dr. Philip L. Nauert | February 2011 - December 2011* |
| Corbett Daniel Parker | January 2012 - December 2012 |

*Dr. Philip L. Nauert was elected to serve as an executive member of the Harris County Mayors' & Councils' Association Board, which met on the third Thursday of each month. Since the Board of Adjustment also met on the third Thursday of each month, then Mayor Cindy Siegel reappointed Dr. Nauert as Liaison to the Planning and Zoning Commission. Corbett Daniel Parker agreed to act as Liaison to the Board of Adjustment (in addition to his duties as Liaison to the Cultural Arts Board) until such time as a candidate was elected to fill the seat of Will Hickman (vacated in February 2011). Roman F. Reed was elected to fill the seat of Will Hickman in June of 2011, and he was subsequently appointed as Liaison to the Cultural Arts Board.

Source of Funding:

Not Applicable.

Recommendation:

Not Applicable: Mayoral Appointment.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 01/27/14 07:00 PM
Department: City Clerk
Category: Discussion
Department Head: Tracy L. Dutton
DOC ID: 1062 A

**SCHEDULED
ACTION ITEM (ID # 1062)**

Item Title:

Discussion and possible action to develop a policy and provide direction to City Staff regarding a possible City-wide campaign to raise awareness and encourage early morning walkers to wear reflective clothing.

Background/Summary:

Councilman Andrew S. Friedberg has requested a discussion among members of City Council, as well as possible action, guidance, and direction to City Staff, regarding a possible City-wide campaign to raise awareness and encourage early morning walkers to wear reflective clothing.

Source of Funding:

To be determined based on action.

Recommendation:

Approval and direction to City Staff to develop a policy regarding reflective clothing and a campaign to raise awareness and encourage early morning walkers to wear such reflective clothing.