

# CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

APRIL 21, 2014

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Council Chamber	Regular Session	7:00 PM
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7008 S. RICE AVENUE  
BELLAIRE, TX 77401



## Mayor

Dr. Philip L. Nauert

## Mayor Pro Tem

Amanda B. Nathan

## Councilman

James P. Avioli Sr.

## Councilman

Pat B. McLaughlan

## Councilman

Roman F. Reed

## Councilman

Gus E. Pappas

## Councilman

Andrew S. Friedberg

### **Mission Statement:**

***The City of Bellaire is dedicated to outstanding quality service and facilities to ensure an open, progressive, and secure community.***

**REGULAR SESSION - 7:00 P.M.****A. Call to Order and Announcement of a Quorum - Dr. Philip L. Nauert, Mayor****B. Inspirational Reading and/or Invocation - Amanda B. Nathan, Mayor Pro Tem****C. Pledges to The Flag - Amanda B. Nathan, Mayor Pro Tem****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.

**D. Approval or Correction of Minutes**

1. Mayor and Council - Special Sessions and Regular Session - Apr 7, 2014 6:00 PM

**E. Personal/Audience Comments****F. Reports**

1. City Manager's Report dated April 21, 2014, regarding the Public Works Department Transition, Project(s) Update, and Upcoming Events.

(Requested by Paul A. Hofmann, City Manager)

2. Presentation and discussion of a Strategic Planning Process to include a Five-Year Fiscal Forecast, Preliminary Five-Year CIP, Comprehensive Plan Update and Mid-Year Review.

(Requested by Diane K White, Organizational Services)

**G. New Business****Adoption of Ordinance(s)/Resolution(s)**

1. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance Nos. 09-073 and 12-056 for the purpose of increasing the City Clerk's annual compensation as a result of the City Clerk's annual performance review.

(Requested by Tracy L. Dutton, City Clerk)

**H. Items for Future Agendas; Community Interest Items from Mayor and City Council**

**[Note:** It is the intent of this item to provide any member of City Council the opportunity to request to place new items on the agenda of the next Regular Meeting of City Council pursuant to Article 4, Order of Business, Section A, Agenda, of the Rules of Procedure of the City Council of the City of Bellaire, Texas, 2012-2014, and/or to make a report about items of community interest.

Community interest items may include expressions of thanks, congratulations, or condolences; information regarding holiday schedules; honorary recognition of City officials, employees, or other citizens or entities; reminders of upcoming events sponsored by the City or another entity that is scheduled to be attended by a City official or City employee; and/or announcements involving an imminent threat to the public health and safety of the citizens of Bellaire that has arisen after the posting of the agenda.]

**I. Adjourn**



# CITY OF BELLAIRE TEXAS

## MAYOR AND COUNCIL

APRIL 7, 2014

Council Chamber and Council Conference Room  
6:00 PM

Special Sessions and Regular Session

7008 S. RICE AVENUE  
BELLAIRE, TX 77401

### I. SPECIAL SESSION (EXECUTIVE SESSION) - 6:00 P.M.

#### A. Call to Order and Announcement of a Quorum - Dr. Philip L. Nauert, Mayor

Dr. Philip L. Nauert, Mayor, called the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, to order at 6:00 p.m. and announced that a quorum was present.

Attendee Name	Title	Status	Arrived
Philip L. Nauert	Mayor	Present	
Amanda B. Nathan	Mayor Pro Tem	Present	
Roman F. Reed	Councilman	Present	6:02 PM
James P. Avioli Sr.	Councilman	Present	
Gus E. Pappas	Councilman	Present	
Pat B. McLaughlan	Councilman	Present	
Andrew S. Friedberg	Councilman	Present	
Paul A. Hofmann	City Manager	Present	
Tracy L. Dutton	City Clerk	Present	

#### B. Convene into Executive Session: Texas Government Code, Chapter 551, Open Meetings, Section 551.071, Consultation with Attorney; Closed Meeting

#### MOTION:

To convene in Closed Session in the Council Conference Room under the *Texas Government Code, Chapter 551, Open Meetings, Section 551.071, Consultation with Attorney; Closed Meeting*, for the purpose of discussing legal options related to a Texas Department of Transportation roadway improvement project at the U.S. Highway 59 and Interstate Highway 610 (West Loop) interchange located within the Cities of Houston and Bellaire in Harris County, Texas.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Pat B. McLaughlan, Councilman
<b>SECONDER:</b>	Gus E. Pappas, Councilman
<b>AYES:</b>	Nauert, Nathan, Avioli Sr., Pappas, McLaughlan, Friedberg
<b>NAYS:</b>	None
<b>ABSENT:</b>	Roman F. Reed, Councilman

Minutes Acceptance: Minutes of Apr 7, 2014 6:00 PM (Approval or Correction of Minutes)

The Bellaire City Council convened in Closed Session in the Council Conference Room located directly behind the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, at 6:01 p.m. on Monday, April 7, 2014.

Roman F. Reed, Councilman, arrived at 6:02 p.m. and went directly into Closed Session in the Council Conference Room.

### **C. Reconvene:**

The City Council of the City of Bellaire, Texas, reconvened in Open Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, at 6:56 p.m. on Monday, April 7, 2014.

### **MOTION:**

**To authorize the expenditure of an additional \$50,000 in the City's contract with Blackburn & Carter for their representation in connection with the TXDOT matter and request that if additional funds are necessary, Blackburn & Carter will come back for an additional status report and explanation for the necessity of the additional funds.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Amanda B. Nathan, Mayor Pro Tem
<b>SECONDER:</b>	James P. Avioli, Sr., Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas,
	McLaughlan, Friedberg

### **D. Adjournment**

### **MOTION:**

**To adjourn the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, at 6:58 p.m. on Monday, April 7, 2014.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Amanda B. Nathan, Mayor Pro Tem
<b>SECONDER:</b>	James P. Avioli, Sr., Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas,
	McLaughlan, Friedberg

## **II. REGULAR SESSION - 7:00 P.M.**

### **A. Call to Order and Announcement of a Quorum - 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 7:06 p.m. on Monday, April 7, 2014. The Bellaire City Council met at that time and on that date in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.

Mayor Nauert announced that a quorum was present as follows:

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
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
Paul A. Hofmann	City Manager	Present
Alan P. Petrov	City Attorney	Present
Tracy L. Dutton	City Clerk	Present

**B. Inspirational Reading and/or Invocation - Andrew S. Friedberg, Councilman - Position No. 5**

Andrew S. Friedberg, Councilman - Position No. 5, provided the inspirational reading for the evening.

**C. Pledges to the Flags - Andrew S. Friedberg, Councilman - Position No. 5**

**1. U.S. Pledge of Allegiance**

**2. Pledge to the Texas Flag**

Andrew S. Friedberg, Councilman - Position No. 5, led the audience and members of the City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

**D. Special Recognitions**

**1. Presentation of \$50,000.00 Donation from Chevron USA, Inc., to the Bellaire Fire Department**

Presentation of a donation in the amount of \$50,000.00 from Chevron USA, Inc., to the Bellaire Fire Department for the purchase of equipment needed to further the Bellaire Fire Department's capability within the community - Presentation by Chevron USA, Inc., representatives Ron Gallo, Bellaire Area Facilities Manager for Chevron Business and Real Estate Services, and Joni Baird, Houston Public Affairs Manager for Chevron USA, Inc.

Ms. Joni Baird, Houston Public Affairs Manager for Chevron U.S.A., Inc., thanked members of City Council for their service to the community. She indicated that Chevron U.S.A., Inc., wished to be a good neighbor and, as such, offered to assist the Bellaire Fire Department with any needs they might have. Among those needs were extraction and rescue tools at a cost of \$20,000. Other items to be purchased with the donated funds included a portable emergency response chair, cameras and equipment, fitness equipment, cyanide test kits, and ipads.

The donation of a check in the amount of \$50,000.00 was presented to Dr. Philip L. Nauert, Mayor, and Darryl Anderson, Fire Chief, by Ron Gallo, Bellaire Area Facilities Manager for Chevron Business and Real Estate Services.

(Requested by Darryl Anderson, Fire Department)

## 2. Proclamation

Issuance of a proclamation by Dr. Philip L. Nauert, Mayor, proclaiming the week of April 13-19, 2014, as "National Library Week" in the City of Bellaire, Texas, and encouraging all residents to visit the library this week to take advantage of the wonderful library resources available.

Dr. Philip L. Nauert, Mayor, issued a proclamation proclaiming the week of April 13-19, 2014, as "National Library Week" in the City of Bellaire, Texas, and encouraged all residents to visit the library during "National Library Week" to take advantage of the wonderful library resources available.

Mary Cohrs, Director of Library, accepted the proclamation from Mayor Nauert on behalf of the Bellaire City Library.

(Requested by Mary Cohrs, Library)

## E. Approval or Correction of Minutes

Mayor and Council - Regular Session and Special Session - Mar 24, 2014 7:00 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, March 24, 2014.**

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

### **MOTION:**

**To approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, March 24, 2014, as corrected below.**

Tracy L. Dutton, City Clerk, indicated that Andrew S. Friedberg, Councilman, pointed out a few corrections that needed to be made to page 2 of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, dated March 24, 2014, as follows:

*~~Section~~ Section 24-547, Urban Village-Downtown District (UV-D), Subsection C, Development Standards, (2) Size and area, d) Planned Development, 4) Minimum required yards, (b) Side and rear yards . . . \**

\*Of the two instances of the word "Section," one was removed and enumerated item 4) was added as follows: 4) Minimum required yards.

Minutes Acceptance: Minutes of Apr 7, 2014 6:00 PM (Approval or Correction of Minutes)

Also on page 2 of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, dated March 24, 2014, changes were made to the vote result on amendment no. 2 as follows:

The vote result was changed to read "ADOPTED [UNANIMOUS]," and Councilman James P. Avioli, Sr.'s vote was changed to an "AYE."

<b>RESULT:</b>	<b>APPROVED AS CORRECTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andrew S. Friedberg, Councilman
<b>SECONDER:</b>	Amanda B. Nathan, Mayor Pro Tem
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

## F. Personal/Audience Comments

### Lynn McBee:

Ms. McBee addressed members of City Council regarding several small matters. First, she indicated that the Community Development Department was prone to release what information it might have concerning a subsequent meeting or public hearing the bare minimum before the meeting or public hearing would be held. Ms. McBee felt that a release of meeting materials on the Friday afternoon before a Tuesday meeting or public hearing was insufficient. Ms. McBee urged City Council to correct that issue, as well as to ensure training would be provided for the boards and commissions.

In addition, Ms. McBee expressed concern that the role of City Departments/Staff Liaisons needed to be clarified. Ms. McBee indicated that the City Departments were there to serve at the pleasure of the board or commission they served and not the other way around. She stressed that City Council had an obligation to ensure that City Departments served their respective boards and commissions.

Ms. McBee continued and advised that once the agenda packet for City Council became available on a Thursday or Friday, she usually tuned into them. The previous Friday was no exception. She referred to an agenda statement in the packet for the City Manager's Report, noting that a report had not been included. This evening, the City Clerk responded to Ms. McBee's public information request with a one-page report. Ms. McBee advised that she deeply respected the City Manager's efforts, but urged him to abide by the same deadlines as all other departments.

## G. Report(s)

### City Manager's Report

#### City Manager's Report

Paul A. Hofmann, City Manager, presented the City Managers' Report dated April 7, 2014, to members of City Council. Following questions of City Manager Hofmann regarding his report, action was taken to accept the report into the record.

#### MOTION:

**To accept the City Manager's Report dated April 7, 2014, as presented by City Manager Paul A. Hofmann, into the record.**



(Requested by Tracy L. Dutton, City Clerk)

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

## H. New Business

### 1. Adoption of Ordinances/Resolutions

- 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 3, Alcoholic Beverages, Section 3-3, Use prohibited in public parks and other public places, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing The Nature Discovery Center to hold an Open House for supporters in the Henshaw House located in Russ Pitman Park, 7112 Newcastle Street, Bellaire, Texas 77401, on Wednesday, May 7, 2014, said suspension to commence at 12:00 p.m. and to terminate at 9:30 p.m.

**MOTION:**

**To adopt an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending the application of *Chapter 3, Alcoholic Beverages, Section 3-3, Use prohibited in public parks and other public places, of the Code of Ordinances of the City of Bellaire, Texas*, for the purpose of allowing The Nature Discovery Center to hold an Open House for supporters in the Henshaw House located in Russ Pitman Park, 7112 Newcastle Street, Bellaire, Texas 77401, on Wednesday, May 7, 2014, said suspension to commence at 12:00 p.m. and to terminate at 9:30 p.m.**

{Ordinance was subsequently numbered 14-018}

(Requested by Jane Dembski, Parks and Recreation)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Roman F. Reed, Councilman
<b>SECONDER:</b>	Pat B. McLaughlan, Councilman
<b>AYES:</b>	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, authorizing the Mayor of the City of Bellaire, Texas, to execute an "Authorization to Make Final Payment" form to a contract for the restoration of the Evergreen Pool Bathhouse Project and to make the final payment on said contract to Horizon Group International, LLC, in an amount not to exceed \$89,432.54.

Karl Miller, Facilities Director, provided a brief summary of actions taken by Contractor Horizon Group International, LLC, to restore the Evergreen Pool Bathhouse Project. Following questions of Facilities Director Miller related to the project, action was taken to authorize the final payment on said project.

**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 an "Authorization to Make Final Payment" form to a contract for the restoration of the Evergreen Pool Bathhouse Project and to make the final payment on said contract to Horizon Group International, LLC, in an amount not to exceed \$89,432.54.**

{Ordinance was subsequently numbered: 14-019}

(Requested by Karl Miller, Facilities Management)

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

- c. Consideration of and possible action on a recommendation from the Public Works Department to award a contract for engineering services to ARKK Engineers, LLC, for the FY14 Street and Sidewalk Pavement Management Project and on the adoption of an ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas to execute and attest respectively, on behalf of the City of Bellaire, Texas, a Contract and Agreement for Engineering Services with ARKK Engineers, LLC for the provision of engineering services for said project in an amount not exceed \$349,250.00.

Director of Public Works Joe Keene provided an overview of a proposal submitted by ARKK Engineers, LLC, for the provision of engineering services necessary for the City's FY14 Street and Sidewalk Pavement Management Project ("Project").

Questions were raised as to the City of Bellaire's policy regarding replacement of gaps in sidewalks on streets included in the Project. Councilman McLaughlan suggested that the record of June 3, 2013, be checked with respect to gaps.

Following questions of Director of Public Works Joe Keene and James Andrews, P.E., ARKK Engineers, LLC, action was taken to approve the recommendation and award a contract for engineering services for said Project to ARKK Engineers, LLC.

**MOTION:**

**To award a contract for engineering services to ARKK Engineers, LLC, for the FY14 Street and Sidewalk Pavement Management Project and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and City Clerk of the City of Bellaire, Texas, to**

**execute and attest, respectively, a *Contract and Agreement for Engineering Services* with ARKK Engineers, LLC, for the provision of engineering services for said Project in an amount not to exceed \$349,250.00.**

{Ordinance was subsequently numbered: 14-020}

(Requested by Joe Keene, Public Works)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Pat B. McLaughlan, Councilman
<b>SECONDER:</b>	Gus E. Pappas, Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

## 2. Items for Individual Consideration

Consideration of and possible action on a request from Councilman Pat B. McLaughlan to schedule a meeting with appropriate officials of the Texas Department of Transportation (TXDOT) and City Council for the purpose of receiving information and discussing TXDOT's plans to reconstruct the IH 610 and US 59 Interchange within and/or near the corporate limits of Bellaire and possible direction to the City Manager to arrange said meeting.

Pat B. McLaughlan, Councilman - Position No. 4, withdrew his agenda item requesting to schedule a meeting with TXDOT regarding the Loop 610/Highway 59 interchange design. It was noted that the City would continue to work with its Attorney, City Engineer, and TXDOT on the reconstruction project.

(Requested by Tracy L. Dutton, City Clerk)

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

There were no items for future agendas; however, there was a reminder of the importance of following City Council's rule regarding future agenda items and community interest items.

Community interest items from the Mayor and City Council included expressions of thanks to Chevron USA, Inc., for their generous donation to the Bellaire Fire Department; expressions of thanks and congratulations to the Patrons for Bellaire Parks and the Parks and Recreation Department for a successful Tents in Town event and to the Friends of the Bellaire City Library and Library Staff for a successful book sale; a reminder was given regarding a public hearing scheduled to be held before the Planning and Zoning Commission related to a specific use permit request for Condit Elementary School on Tuesday, April 8, 2014; an expression of congratulations was given to the Bellaire Police Department for their good work in solving recent residential crimes; and expressions of congratulations and best wishes were given to David Rocha on his retirement from the Bellaire Police Department.

**J. Adjournment****MOTION:**

**To adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:09 p.m. on Monday, April 7, 2014.**

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

**III. SPECIAL SESSION (EXECUTIVE SESSION)****A. Call to Order and Announcement of a Quorum - Dr. Philip L. Nauert, Mayor**

Dr. Philip L. Nauert, Mayor, called the City Council of the City of Bellaire, Texas, to order at 8:09 p.m. on Monday, April 7, 2014. The Bellaire City Council met at that time and on that date in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Mayor Nauert announced that a quorum was present as follows:

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
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
Tracy L. Dutton	City Clerk	Present

**B. Convene in Executive Session:**

Dr. Philip L. Nauert, Mayor, announced that the City Council was convened in Closed Session under the *Texas Government Code, Chapter 551, Open Meetings, Section 551.074, Personnel Matters; Closed Meeting*, to deliberate the evaluation of the City Clerk of the City of Bellaire, Texas, at 8:10 p.m. on Monday, April 7, 2014.

Members of City Council convened in Closed Session in the Council Conference Room, located directly behind the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.

**C. Reconvene:**

Members of City Council reconvened in Open Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, at 9:04 p.m. on Monday, April 7, 2014.

**MOTION:**

**To increase the City Clerk's base salary by 5%.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Amanda B. Nathan, Mayor Pro Tem
<b>SECONDER:</b>	Roman F. Reed, Councilman
<b>SECONDER:</b>	James P. Avioli, Sr., Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas
	McLaughlan, Friedberg

**D. Adjournment****MOTION:**

**To adjourn the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, at 9:05 p.m. on Monday, April 7, 2014.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Amanda B. Nathan, Mayor Pro Tem
<b>SECONDER:</b>	Gus E. Pappas, Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas
	McLaughlan, Friedberg

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

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

Approved: \_\_\_\_\_

Minutes Acceptance: Minutes of Apr 7, 2014 6:00 PM (Approval or Correction of Minutes)

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 04/21/14 07:00 PM

Department: City Manager

Category: Report

Department Head: Paul A. Hofmann

DOC ID: 1212

**SUBMITTED****ACTION ITEM (ID # 1212)**

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**Item Title:**

City Manager's Report dated April 21, 2014, regarding the Public Works Department Transition, Project(s) Update, and Upcoming Events.

**Background/Summary:**

City Manager Paul A. Hofmann will present his City Manager's Report dated April 21, 2014, covering the following topics: Public Works Department Transition, Project(s) Update, and Upcoming Events.

**Previous Council Action Summary:**

N/A

**Fiscal Impact:**

N/A

**Recommendation:**

The City Manager recommends acceptance of the City Manager's Report dated April 21, 2014, into the record.

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 04/21/14 07:00 PM

Department: Organizational  
Services

Category: Presentation

Department Head: Diane K White

DOC ID: 1210

**SCHEDULED****ACTION ITEM (ID # 1210)****Item Title:**

Presentation and discussion of a Strategic Planning Process to include a Five-Year Fiscal Forecast, Preliminary Five-Year CIP, Comprehensive Plan Update and Mid-Year Review.

**Background/Summary:**

The FY2015 Budget process is already underway and this presentation communicates the process in which the City is preparing the FY2015 Budget and the Draft Five-Year CIP which will be presented to City Council on July 21, 2014 and considered for possible adoption no later than September 30, 2014.

The presentation will outline a strategic planning process to include the following **objectives**: linkage of short and long-term decision making, linkage of long term objectives with financial planning, assurance of financial stewardship, implementation of community high expectations, communicating to create effectiveness and to provide the City Council with a strategic calendar to implement this process.

The presentation will include the following:

A **Strategic Planning Model** which will include Comprehensive Plan Update, Council Priorities, Five-Year Capital Improvement Plan, a structurally balanced Five-Year Fiscal Forecast, Department Service Plans and the City's Annual budget and periodic reporting.

A **Comprehensive Plan Update** will outline goals that are in progress or have been accomplished as well as summarize work that still needs to be completed. The four main focus areas that will be touched on will be: Mobility, Land Use & Community Character, Public Infrastructure; and Commercial Area Development & Enhancement.

A **Draft Five-Year Capital Improvement Plan (CIP)** that will provide the status of current Capital Projects. In addition outline the start to a Five-Year Capital Improvement Plan that will incorporate all the base elements of the Strategic Planning Model.

A **Five Year Forecast** that is structurally balanced provides a planning tool for structure that avoids fluctuating debt service rates, creates operations budget that include all recurring expenditures, provides transfers to large capital vehicle and equipment purchases and allows for funding for capital improvement projects. This forecast will include several assumptions that will set the stage for the FY2015 budget process that will develop a proposed structurally balanced budget to present to City Council in July of this year that incorporates all the objectives of the strategic planning model.

**The FY2014 Mid-Year Report (six-months ending March 31, 2014)** will be presented to communicate substantial impacts on revenue and/or expenditures. During the Mid-Year Review process each department head provided year end projections that were incorporated into the Preliminary Five-Year Forecast and communicated challenges that they were facing within their department that may impact their bottom line adopted department budget.

This presentation will reiterate what our Chief Financial Officer, Linda Symank, has reported each month with her financial report. Revenues are tracking to come in on budget and those expenditures that are within the departmental control are tracking on target.

Those items outside of departmental control will be summarized. City Council action will need to be considered at year end with a budget amendment.

This anticipated budget amendment is expected at this time to not draw from existing fund balance but from current year revenues that should cover any overages. The City Charter only authorizes transfers between departments or transfers from the fund balance to be made by City Council. Another update on the status of the FY2014 budget will be given during the presentation of the proposed FY2015 budget in July of this year.

At this stage in the FY2014 Budget cycle the overall projected revenues and projected expenditures will remain structurally balanced if the current operating environment remains constant.

**Previous Council Action Summary:**

Items presented within this budget have various council action such as the adoption of the City's Comprehensive Plan in 2009; City Council action to adopt the FY2014 Budget on September 9, 2013 and City Council 2014 priorities adopted March 19, 2013

**Fiscal Impact:**

N/A

**Recommendation:**

Provide feedback as appropriate.

**ATTACHMENTS:**

- Bellaire Strategic Planning Model Presentation (PDF)



# Bellaire Strategic Planning Model



**PRESENTED BY:  
PAUL A. HOFMANN  
CITY MANAGER  
APRIL 21, 2014**

# Outline



**Objectives/Benefits**

**Planning Elements/Timelines/Linkages**

**City Council Priorities Overview**

**Proposed Strategic Planning Calendar**

**Comprehensive Plan Update**

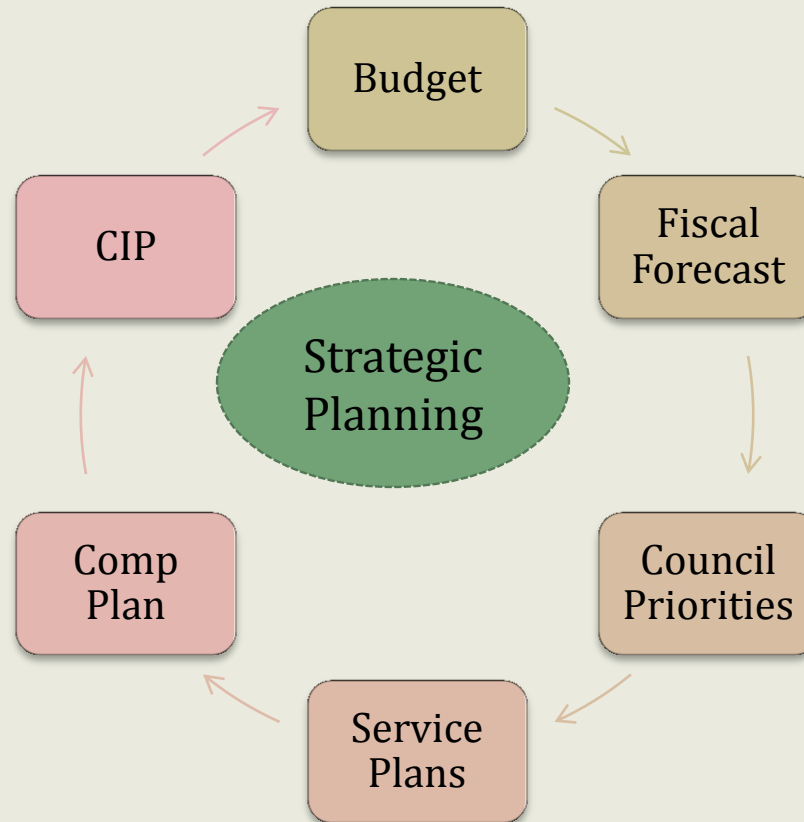
**Preliminary Five Year Capital Improvement Program**

**Five Year Fiscal Forecast**

**Question/Answer**

**FY 2014 Mid Year Review**

# Bellaire Strategic Planning Model



# Objectives/Benefits



Linkage of short & long term  
decision making

Linkage of long term objectives  
with financial planning

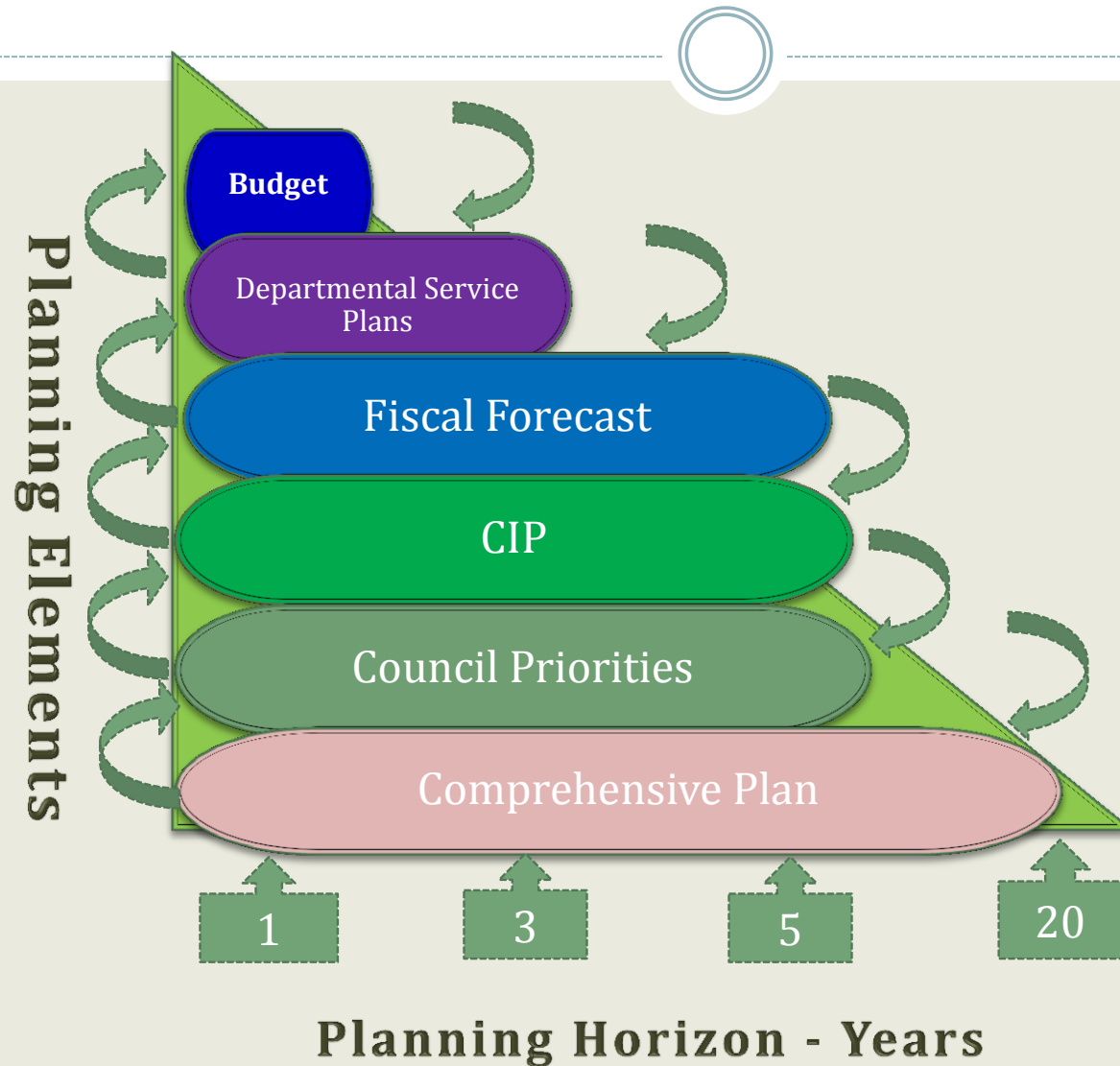
Assurance of financial  
stewardship

Implementation of community  
high expectations

Communication creates  
effectiveness

Recurring/routine annual  
calendar

# City of Bellaire Strategic Planning Model



# Timelines



Planning Element	Frequency Review	By Whom To Whom	Planning Horizon	By Whom
Budget	Qtrly	Staff/CC	1	City Council
Department Service Plans	3 years (rotating)	Staff/CC	3	City Council
Five Year Fiscal Forecast	Continuous	Staff/CC	5	City Council
Five Year CIP	Annually	Staff/Citizens/ Boards/ PZ/CC	5	City Council
Council Priorities	Annually	City Council	5	City Council
20 Year Comp Plan	Every 5 years	Staff/PZ/CC	20	City Council

# Strategic Planning/Budget Development Calendar

## ➤ **October/November**

- Council review of scopes/schedules of projects funded in the new fiscal year

## ➤ **January**

- Citizen input into Capital Plan

## ➤ **February**

- 1<sup>st</sup> Quarter Financial Report to Council
- Parks Board recommendation for capital projects

## ➤ **March**

- Planning and Zoning Commission recommendation for capital projects

## ➤ **April/May**

Council Pre-budget and strategic Planning:

- Comprehensive Plan overview and update
- Review Draft Capital Plan
- Review Fiscal Forecast Assumptions
- Review Project list for next Fiscal Year

# Strategic Planning/Budget Development Calendar

## ➤ **April/May**

- Current Year Estimate
- Review department service plans
- Review/Update of Council priorities

## ➤ **May**

- 2<sup>nd</sup> Quarter Financial Report to Council

## ➤ **July**

- Proposed Budget presented to Council

## ➤ **August**

- Council Budget Workshops (Include third quarter report to Council)
- Budget Public Hearing

## ➤ **September**

- Council adopt budget, tax rate, utility rates, capital plan
- Council Candidate orientation (odd yrs)



# Comprehensive Plan Update

F.2.a

## Four Focus Areas



# Land Use & Community Character



- In Progress or complete:
  - Goal 2.1 – Protection of residential atmosphere
  - Goal 2.2 – Greater housing choice/life cycle housing
  - Goal 2.3 – Quality parks and recreation

# Mobility



- In Progress or complete:
  - Goal 3.1 – Multi-modal transportation/enhanced mobility
    - ✦ Police pedestrian safety program
    - ✦ Signal timing

# Public Infrastructure



- In Progress or complete
  - Water well improvements
  - Storm Drainage (Rebuild Bellaire)
  - Streets
    - ✦ Citizen involvement
  - Municipal facilities
    - ✦ New Fire Station
    - ✦ Library renovations
    - ✦ Planning for new City Hall/Police Station/Municipal Courts

# Commercial Area Development & Enhancement

F.2.a



- In Progress or complete
  - Goal 5.1 – Transition of RDD to mixed-use TOD
    - ✦ Creation of UVT zoning district
  - Goal 5.2 – Revitalized City Center
    - ✦ Rezoning of downtown and commercial corridor
      - UVD and CMU
  - Goal 5.3 – Vibrant commercial corridors  
/improved aesthetics
    - ✦ Design standards in new zoning districts

# Substantial Work to be completed



- Update Larch Lane zoning district
- Implement goals of new zoning districts
- Coordinate with regional partners the development of a public transportation tie-in with the UVT
- Continue to develop pedestrian and bicycle networks
- Way finding signage and gateway markers
- Complete new municipal facility projects
- Work towards the redevelopment of the UVT and Downtown areas
- Implementation of economic development policy
- Address infrastructure needs in the commercial areas

# Council Priorities Overview



**RESIDENTIAL/COMMERCIAL  
SAFETY FOCUS AREA**

**PUBLIC INFRASTRUCTURE  
AND FACILITIES FOCUS AREA**

**BUDGET AND FINANCE  
FOCUS AREA**

**RESIDENTIAL AND  
RECREATIONAL FOCUS AREA**

**ECONOMIC DEVELOPMENT  
FOCUS AREA**

# Capital Improvement Program (CIP)



- **The program provides a link between the city's comprehensive plan, parks master plan, the annual budget, and the five-year financial forecast.**
  - ✦ Focus Attention on Community Wide Goals and Needs
  - ✦ Allow for an Informed Public
  - ✦ Encourage More Efficient Program Administration
  - ✦ Identify the Most Economically Sound Means of Funding Projects
  - ✦ Enhance and Maintain City's Credit Rating
  - ✦ Help to Plan for Future Debt Issues
  - ✦ Define the Impact of Master Plans and Studies



# Bellaire Five Year CIP

## Objectives of projects

- Asset Protection
- Beautification
- Public Safety
- Quality of Life
- Economic Development
- City Services

## Funding Source

- General Fund Contribution (Cash)
- Enterprise Fund Contribution (Cash)
- METRO
- Issued but not appropriated
- New Authority Needed
- Authority Issued and appropriated

# Bellaire Five Year CIP


## Categories

- Water/Wastewater
- Parks and Open Space
- Streets/Sidewalks/Drainage
- Facilities

## Current Projects



# FY2014 General Fund Cash Projects



Project	Status
Russ Pittman Park Electrical Upgrades	Quote Stage
Ware Family Fencing	Quote Stage
Evergreen Pool Renovations -2013	Complete
Great Lawn -2013	Complete
Bellaire Little League Campaign Contribution	MOU signed/Check processed
HVAC Program	Quote Stage
City Wide Beautification	Underway
Wayfinding & Entry Way Marker Project - 2013	Still in draft review
Centerpoint Community Center & BFAC Upgrades	Underway

# Water and Wastewater Infrastructure Program



# Enterprise Cash Projects



Project	Status
FY2012 Central Well Construction	City Council Approved Dec 16, 2013. Completion FY2014
FY2014 Water & Sewer Line Study	Proposal being prepared for CM approval
FY2014 Fine Screen Building Replacement	Engineering started April 14
FY2015 Design: Supervisory Control & Data Acquisition System & Central Well Electrical	Subject to FY2015 Appropriation

# METRO Street & Sidewalk Program


F.2.a



Project	Source	Status
FY2013 Street & Sidewalk Program	Funded	City Council Approved Jan 27, 2014- Project start date April 7, 2014
FY2014 Street & Sidewalk Program Engineering	Funded	City Council approved April 7, 2014
FY2014 Street & Sidewalk Program Construction	Funded	Being Engineered

Attachment: Bellaire Strategic Planning Model Presentation (1210 : Presentation and

# 2005 Rebuild Bellaire Program



Project	Source	Status
FY2013 Phase 4 Construction	Fully Funded	Under Construction Complete By December 2014
FY2013 Phase 5 Engineering	Fully Funded	Engineering Underway
FY2014/15 Phase 5 Construction	Authority issued FY2013 & Sold	Bid – 2 year project through FY2016
FY2014/15 Phase 5 Construction	Authority Issued Not sold	Bid – 2 year project through FY2016



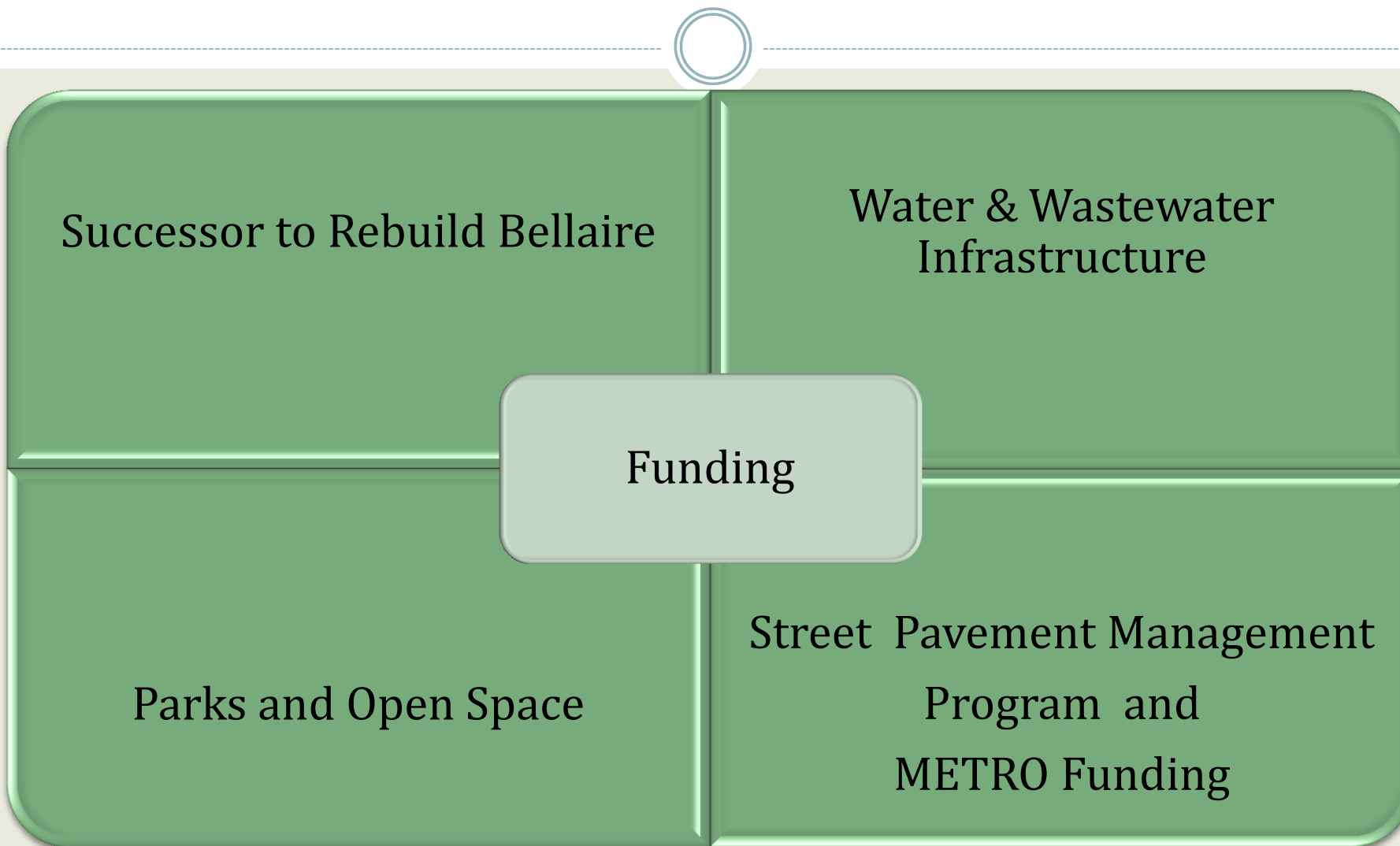
# 2013 Municipal Buildings & Parks Program



Project	Source	Status
FY2014 Conceptual Design Town Square Facilities	Authority Issued – FY13	Conceptual – Present to City Council May 5, 2014
FY2014/15 Design Town Square Facilities	Cash	Not started
FY2015/16 Construction Town Square Facilities	Authorized Not Issued	Not started
Nature Discovery Center	Authorized Not Issued	Agreement for Council Consideration May
Evelyn's Park	Authorized not Issued	Agreement for Council Consideration May



# Funding Challenges



# Fiscal Forecast



# What we have done in the past



- Budget a transfer from General & Enterprise Fund to CIP & VET
  - To pay for maintenance, equipment and capital
- Transfer amount is a function of prior year surplus
- Surplus a function of conservative revenue & expense budgeting and budget management practices.

# Suggested Approach



- To make maintenance & equipment as an recurring/base budget up front – Based on level of service standards
- Continue to use conservative budget practices
- Continue to emphasize paying cash for capital projects
- Present a comprehensive Five – year CIP & Fiscal Forecast
- Avoid “structural deterioration”

# Debt Service Assumptions



	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
Assessed Value Increase		8%	5%	5%	5%	5%
August Bond Sale	\$10.5M	\$19.0M				
Bond Interest Rate	4.25%	4.25%				
Debt Rate	\$0.1436	0.1433	0.1506	0.1500	0.1494	0.1483

# Fiscal Forecast Debt Service



\$Millions	FY2014P	FY2015	FY2016	FY2017	FY2018	FY2019
Beginning Balance	\$0.48	\$0.88	\$0.88	\$0.88	\$0.88	\$0.88
Recurring Revenue	\$6.4	\$6.4	\$7.0	\$7.3	\$7.5	\$7.8
Recurring Expense	\$6.0	\$6.4	\$7.0	\$7.3	\$7.5	\$7.8
Ending Fund Balance	\$0.88	\$0.88	\$0.88	\$0.88	\$0.88	\$0.88

# General Fund Assumptions



## ○ Revenues

- ✦ Assessed Values-8% and FY16-19 – 5%
- ✦ 2% increase in permits & licenses
- ✦ All other revenues 1% increase (includes sales tax) – no trend in growth over the last ten years
- ✦ All fees will be evaluated in FY2015

## ○ Expenditures

- ✦ Personnel & Benefits - 5% increase
- ✦ All other expenditures – 2% increase

# Recurring Maintenance Items



- Replacement Programs
  - ✦ Fire Bunker Replacement Program
  - ✦ Fitness Equipment Replacement
  - ✦ Body Armor Replacement Program
  - ✦ Taser Replacement Program
  - ✦ Playground Replacement Program
  - ✦ Park Bench/Table/Fencing & Lighting Program
  - ✦ Playground Fall Surface Program

Prior VET items




# Former maintenance items in CIP



- Beautification
  - ✦ Tree Health Program
  - ✦ Crushed Granite Replacement Program
  - ✦ Seasonal Banners
  - ✦ 610 Clean up
- General Maintenance Items
  - ✦ Security
  - ✦ HVAC
  - ✦ General Painting/Carpet replacement
  - ✦ Electrical Preventive Maintenance
  - ✦ Roof Replacement

# Fiscal Forecast General Fund



In \$millions	FY2014P	FY2015	FY2016	FY2017	FY2018	FY2019
Beginning Balance	\$4.2	\$3.7	\$3.7	\$3.5	\$3.2	\$3.1
Recurring Revenue	\$16.2	\$17.1	\$17.4	\$18.0	\$18.8	\$19.6
Recurring Expense	\$15.7	\$16.7	\$17.2	\$18.0	\$18.7	\$19.4
VET	\$0.570	\$0.424	\$0.368	\$0.221	\$0.407	\$0.766
CIP Contr	\$0.470	0	0	0	0	0
Ending Fund Balance	\$3.7	\$3.7	\$3.5	\$3.2	\$3.0	\$2.5
60 Day	\$2.6	\$2.8	\$2.9	\$3.0	\$3.1	\$3.2
Available	\$1.1	\$0.87	\$0.60	\$0.20	\$(0.10)	\$(0.70)

# Enterprise Fund



- Revenues
  - ✦ No growth – Current Revenue baseline.
- Expenditures
  - ✦ Personnel & Benefits – Budgeted All Vacancies plus 5% increase
  - ✦ All other expenditures – 2% increase
    - Reduce contract labor assuming filling position
    - Will evaluate the best way to staff public works
  - ✦ 2% from COH on water

# FY2015 Recurring Expenditures



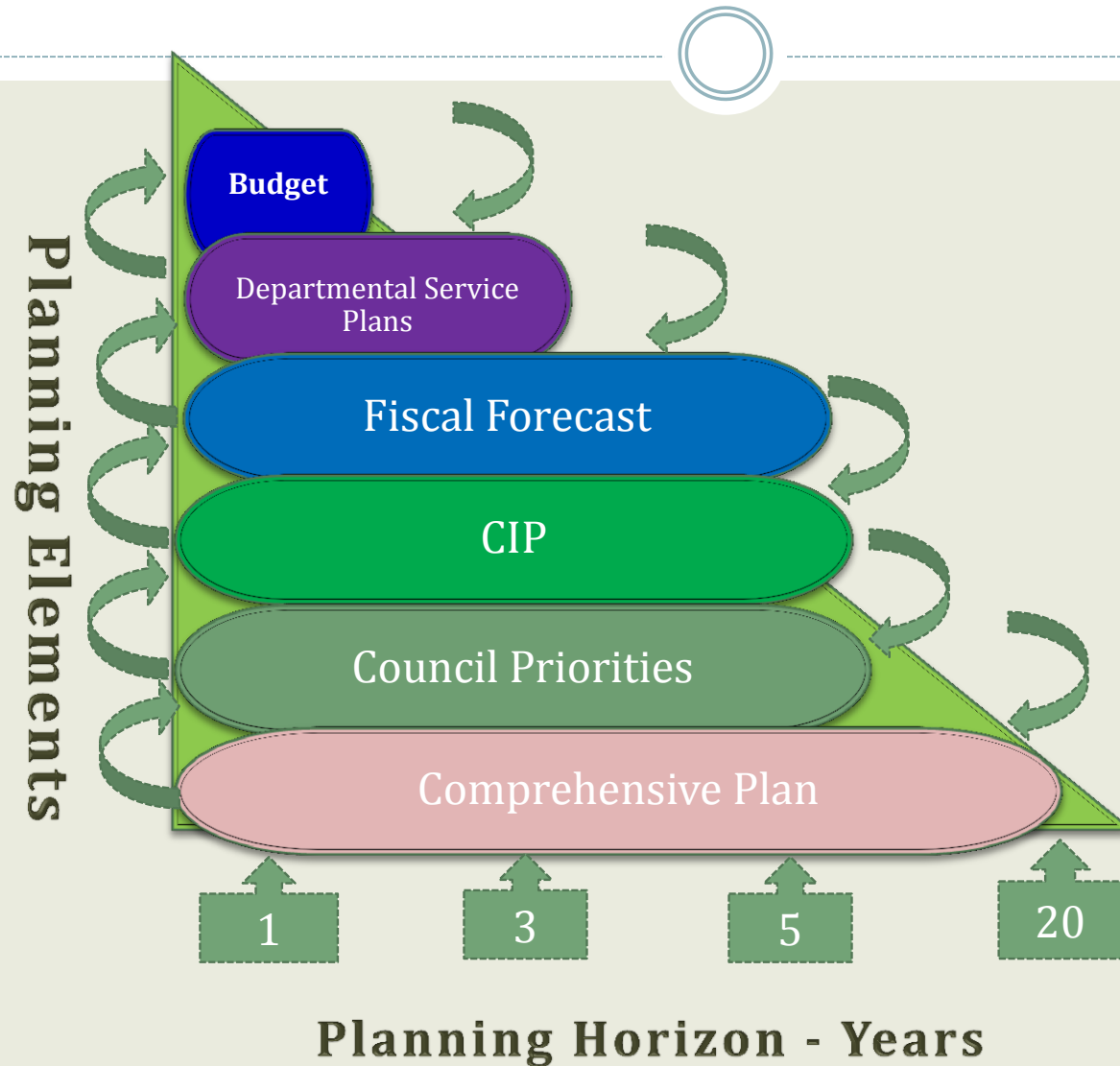
- Vehicles
  - ✦ Garbage, pickup, trailers, backhoes, Jet Truck, bobcat
- Technology Needs
  - ✦ All technology needs for Public Works Operations

# Fiscal Forecast Enterprise Fund



\$Millions	FY2014P	FY2015	FY2016	FY2017	FY2018	FY2019
Beginning Balance	\$5.9	\$2.5	\$1.4	\$0.7	\$(0.20)	\$(1.3)
Recurring Revenue	\$7.0	\$7.6	\$7.6	\$7.6	\$7.6	\$7.6
Recurring Expense	\$6.2	\$6.3	\$6.4	\$6.6	\$6.8	\$7.0
CIP Cont	\$2.0	\$0.05	0	0	0	0
Debt/ Business Transfer	\$1.45	\$1.45	\$1.45	\$1.45	\$1.45	\$1.45
VET	\$0.750	\$0.45	\$0.45	\$0.45	\$0.45	\$0.45
Ending Fund Balance	\$2.5	\$1.4	\$0.7	\$(0.20)	\$(1.3)	\$(2.6)

# City of Bellaire Strategic Planning Model



# Bellaire Strategic Planning Model



QUESTION & ANSWER

# FY2014 Mid-Year Budget Review



**PRESENTED BY:**  
**DIANE K. WHITE**  
**ASSISTANT CITY MANAGER**  
**APRIL 21, 2014**



# Purpose



- Status of Current Budget
- Communicate substantial impacts on revenue and/or expenditures
- Possibility/probability of needed adjustments and impact to fund balances
- Discussion/questions

# General Fund Mid Year Status



## Budgeted Operating Revenues

Property taxes – 99%	Permits & Fees – 65%
Parks – 37% - Season to gear up soon	Public Safety – 55%
Fines- 60%	Franchise taxes – 50%
Sales taxes – 50%	Investment Revenue – 49%
Budget: \$15,993,751	Actual: \$12,996,287

81% has been collected at  
March 31, 2014

# General Fund Mid Year Status

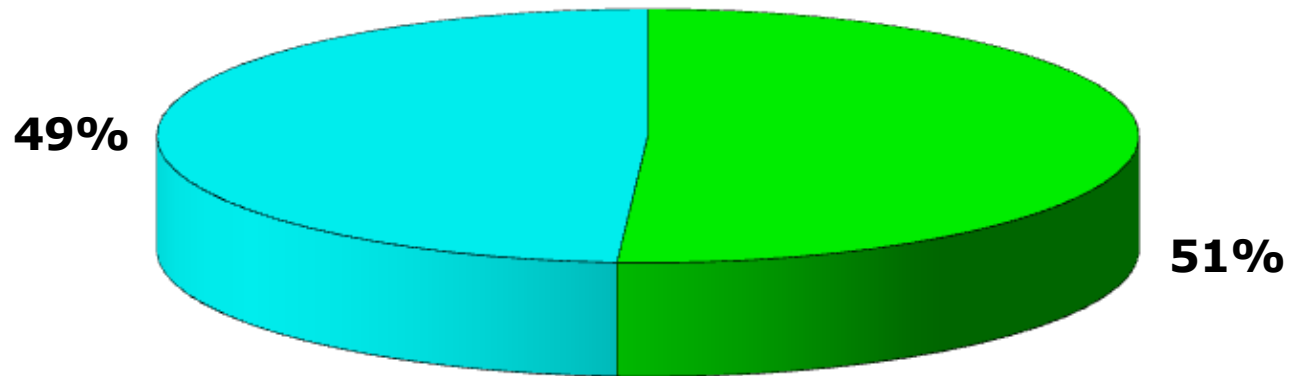


## Budgeted Operating Expenditures

Org Services – 67%	Comm Development – 45%
Legal – 40%	Fire – 50%
Facilities – 40%	Police-50%
Finance – 53%	Parks – 43%
Library – 50%	Public Works – 44%
Budget: \$15,526,455	Actuals: \$7,558,071

49% has been expended at  
March 31, 2014

# General Fund Actuals at March 31



■ Budget

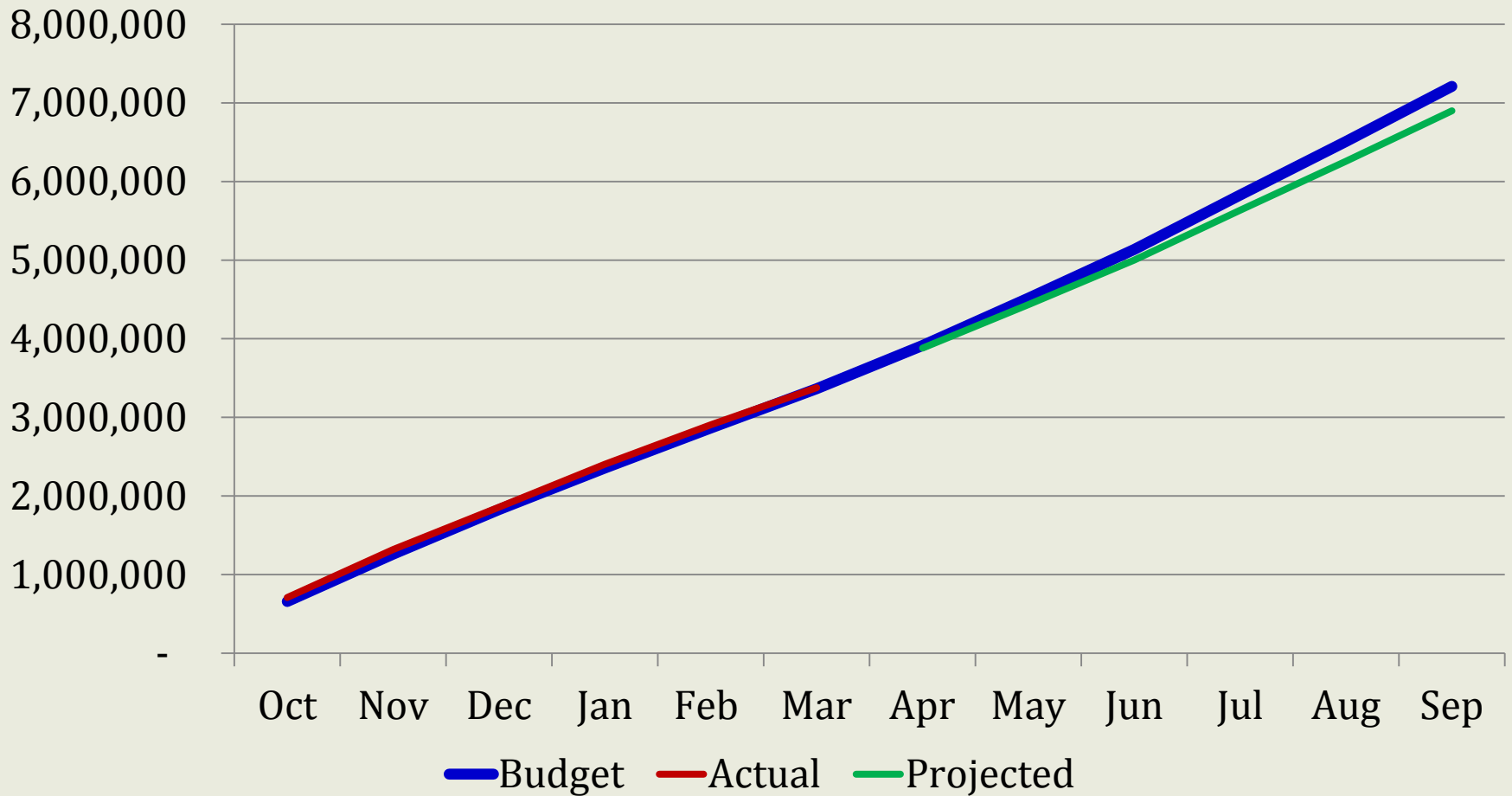
■ 6 months ending

## Enterprise Fund

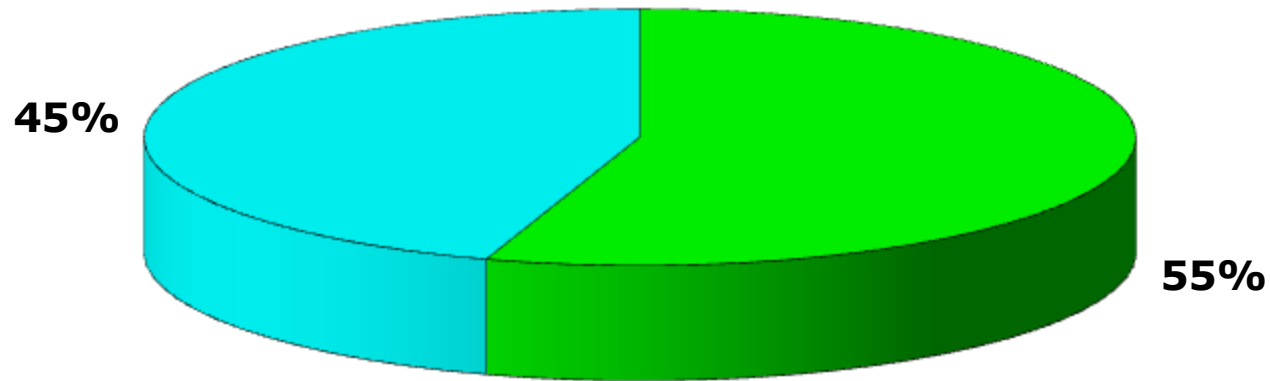
- **Revenues are on target at this time**
  - Water sales are at 45%
  - Wastewater is at 51%
  - Solid Waste is at 50%
  
- **Operating Expenses are on target**
  - Recruitment of personnel
  - Maintenance – Feld Park
  - Professional Services for Plant Operations

# FY2014 Projected Enterprise Revenue Compared to Budget

F.2.a



# Enterprise Fund Expenses FYTD



■ Budget

■ Actual

# Vehicle, Equipment & Technology Fund (VET)



# VET



- Vehicles – All purchased and on budget
- Equipment - All underway and on budget
- Technology – All projects underway & on budget

# Potential Budgetary Impacts



# Unbudgeted Items to Impact General Fund



- Retirement & terminal pay
- TxDOT representation
- Final Payment to City Management search firm
- New City Manager relocation expenses
- Reclassification of Finance Manager Position to Assistant Director of Finance
- Potential to collaborate with West University Place on a compensation study
- Comp Hour Pay out

# FY2015 Draft Budget Calendar

July 21	FY2015 Call Public Hearing and Budget Presentation
July 28	FY2015 Budget Workshop #1
July 29 & Aug 5	Notice of Public Hearing for FY2015 Proposed Budget
Aug 4	FY2015 Budget Workshop #2
Aug 18	FY2015 Proposed Budget Public Hearing
Aug 19	FY2015 Special Session (Only if needed)
Sept 8	2014 Tax Roll/Effective & Rollback Rates
Sept 15	FY2015 Budget Adoption (date subject to change)

# Conclusion/Questions

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 04/21/14 07:00 PM  
Department: City Clerk  
Category: Personnel  
Department Head: Tracy L. Dutton  
DOC ID: 1205

**SCHEDULED  
ORDINANCE (ID # 1205)**

---

**Item Title:**

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance Nos. 09-073 and 12-056 for the purpose of increasing the City Clerk's annual compensation as a result of the City Clerk's annual performance review.

**Background/Summary:**

On April 7, 2014, the City Council of the City of Bellaire, Texas, met in Executive Session for the purpose of conducting an annual performance review for the City Clerk. At the conclusion of the Executive Session, the City Council reconvened in Open Session and considered a motion to increase the City Clerk's annual compensation by five (5) percent.

**Previous Council Action Summary:**

The City Clerk's annual performance review was last held on December 3, 2012, and her annual compensation was increased by action of City Council under Ordinance No. 12-056, adopted on December 17, 2012.

**Fiscal Impact:**

General Fund

**Recommendation:**

Action as City Council deems appropriate.

**ATTACHMENTS:**

- Amendment to Ord. No. 12-056 - Increase in Salary for City Clerk (DOC)
- Ord. No. 12-056 - Amend Ord No 09-073 - Increase in City Clerk Compensation (PDF)
- Ord. No. 09-073 - Appt - City Clerk - Dutton (PDF)



## ORDINANCE NO. 14-\_\_\_\_\_

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AMENDING ORDINANCE NO. 09-073 AND ORD. NO. 12-056 FOR THE PURPOSE OF INCREASING THE CITY CLERK'S ANNUAL COMPENSATION AS A RESULT OF THE CITY CLERK'S ANNUAL PERFORMANCE REVIEW.**

**WHEREAS**, the City Council of the City of Bellaire, Texas, heretofore previously adopted Ordinance No. 09-073 on November 16, 2009, for the purpose of appointing Tracy L. Dutton as City Clerk of the City of Bellaire, Texas, and providing for the terms and provisions of such appointment, including the duties of the City Clerk, compensation, and payment of benefits for said City Clerk; and

**WHEREAS**, the City Council of the City of Bellaire, Texas, heretofore previously adopted Ordinance No. 12-056 on December 17, 2012, for the purpose of increasing the City Clerk's annual compensation as a result of the City Clerk's annual performance review, effective December 3, 2012; and

**WHEREAS**, on April 7, 2014, the City Council of the City of Bellaire, Texas, unanimously approved a five percent (5%) increase in the annual compensation of the City Clerk of the City of Bellaire, Texas, as a result of the City Clerk's annual performance review; and

**WHEREAS**, it is the desire of the City Council of the City of Bellaire, Texas, to amend Ordinance Nos. 09-073 and 12-056 to authorize an increase in the annual compensation of the City Clerk as set forth therein as a result of the City Clerk's annual performance review; **NOW, THEREFORE**,

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

1. **THAT** the recitals set forth above are found to be true and correct.
2. **THAT** the first sentence of Section 2, Subsection b, Compensation, of Ordinance No. 09-073 is hereby restated as follows:

The annual compensation for Tracy L. Dutton shall be One Hundred Seven Thousand Three Hundred Eighty Dollars and Nineteen Cents (\$107,380.19) effective April 7, 2014.

**3. THAT** this Ordinance shall take effect immediately upon its adoption, with said increase in annual compensation taking effect as of April 7, 2014.

**PASSED, APPROVED and ADOPTED** this 21<sup>st</sup> day of April, 2014.

(SEAL)

**ATTEST:**

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

**SIGNED:**

\_\_\_\_\_  
Philip L. Nauert  
Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan P. Petrov  
City Attorney

Attachment: Amendment to Ord. No. 12-056 - Increase in Salary for City Clerk (1205 : Increase in City Clerk's Annual Compensation)



**ORDINANCE NO. 12-056****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AMENDING ORDINANCE NO. 09-073 FOR THE PURPOSE OF INCREASING THE CITY CLERK'S ANNUAL COMPENSATION AS A RESULT OF THE CITY CLERK'S ANNUAL PERFORMANCE REVIEW.**

**WHEREAS**, the City Council of the City of Bellaire, Texas, heretofore previously adopted Ordinance No. 09-073 on November 16, 2009, for the purpose of appointing Tracy L. Dutton as City Clerk of the City of Bellaire, Texas, and providing for the terms and provisions of such appointment, including the duties of the City Clerk, compensation, and payment of benefits for said City Clerk; and

**WHEREAS**, on December 3, 2012, the City Council of the City of Bellaire, Texas, unanimously approved a five percent (5%) increase in the annual compensation of the City Clerk of the City of Bellaire, Texas, as a result of the City Clerk's annual performance review; and

**WHEREAS**, it is the desire of the City Council of the City of Bellaire, Texas, to amend Ordinance No. 09-073 to authorize an increase in the annual compensation of the City Clerk as set forth therein as a result of the City Clerk's annual performance review; **NOW, THEREFORE**,

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

1. **THAT** the recitals set forth above are found to be true and correct.
2. **THAT** the first sentence of Section 2, Subsection b, Compensation, of Ordinance No. 09-073 is hereby restated as follows:

The annual compensation for Tracy L. Dutton shall be One Hundred Two Thousand Two Hundred Sixty-Six Dollars and Eighty-Five Cents (\$102,266.85) effective December 3, 2012.

3. **THAT** this Ordinance shall take effect immediately upon its adoption, with said increase in annual compensation taking effect as of December 3, 2012.

**PASSED, APPROVED and ADOPTED** this 17<sup>th</sup> day of December, 2012.



**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. 09-073**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AMENDING ORDINANCE NO. 08-079 PREVIOUSLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, APPOINTING TRACY L. DUTTON AS CITY CLERK OF THE CITY OF BELLAIRE, TEXAS, ON DECEMBER 15, 2008, AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH APPOINTMENT, INCLUDING THE DUTIES OF THE CITY CLERK, COMPENSATION, AND PAYMENT OF BENEFITS FOR SAID CITY CLERK.**

**WHEREAS**, the City Council of the City of Bellaire, Texas, on the 23<sup>rd</sup> day of December, 1996, selected Tracy L. Dutton as City Clerk of the City of Bellaire, Texas; and

**WHEREAS**, Tracy L. Dutton meets the qualifications to serve as City Clerk of the City of Bellaire, Texas; and

**WHEREAS**, the City Council of the City of Bellaire, Texas, finds that it was proper and appropriate to appoint Tracy L. Dutton as City Clerk in accordance with *Article II, Section 13*, of the *Charter of the City of Bellaire, Texas*, as amended November 7, 2006, and made such appointment by Ordinance No. 97-001, as last amended by Ordinance No. 08-079; and

**WHEREAS**, the City Council of the City of Bellaire, Texas, has determined that it is appropriate to amend and restate Ordinance No. 97-001 as herein provided; **NOW, THEREFORE**,

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

**1. THAT** the appointment of Tracy L. Dutton as City Clerk of the City of Bellaire, Texas, in accordance with the terms and provisions of *Article II, Section 13*, of the *Charter of the City of Bellaire, Texas*, as amended November 7, 2006, is hereby reaffirmed.

**2. THAT** the terms and provisions of this appointment shall be as follows:

**a. Duties.**

The City Clerk shall give notices of City Council meetings, shall keep the official copy of the City Charter and the journal of the Council's proceedings, shall authenticate by her signature and record in full in a book kept for the purpose all Ordinances and Resolutions and

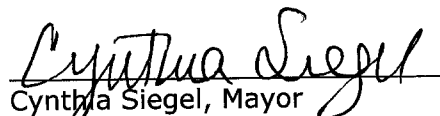
shall perform such other duties as the City Manager shall assign to her.

**b. Compensation.**

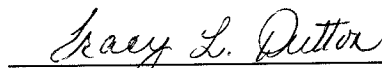
The annual compensation for Tracy L. Dutton shall be Ninety-Seven Thousand Three Hundred Ninety-Seven Dollars (\$97,397) effective November 6, 2009. In addition to such increase in compensation, Tracy L. Dutton shall receive all benefits appropriate to her salary for City employees of the City of Bellaire, Texas, as set out in the City of Bellaire, Texas Employee Handbook.

**3. THAT** the appointment of Tracy L. Dutton which was effective as of January 6, 1997, shall remain in full force and effect and any and all appointments of City Clerks of the City of Bellaire, Texas, as may be in conflict with the appointment, as herein set out, are hereby terminated as of that date.

**PASSED, APPROVED, and ADOPTED** this 16<sup>th</sup> day of November, 2009.

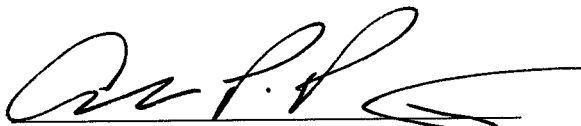
  
Cynthia Siegel, Mayor  
City of Bellaire, Texas

ATTEST:

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



APPROVED AS TO FORM:

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