

CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

AUGUST 4, 2014

Council Chamber	Regular Session	7:00 PM
-----------------	-----------------	---------

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:

City Council Regular Session Minutes - July 21, 2014:

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, July 21, 2014.

Mayor and Council - Regular Session - Jul 21, 2014 7:00 PM

E. Personal/Audience Comments.

In order to address the City Council, please complete a "Speaker Form" (located at the entrance to the Council Chamber), and turn in the form to City Clerk Tracy L. Dutton prior to commencement of the meeting. Speakers are limited to five (5) minutes.

The purpose of this item is to allow citizens or other interested parties an opportunity to address City Council on agenda issues and on non-agenda issues that are a matter of the jurisdiction of the City Council (i.e., City policy and legislative issues). Non-agenda issues regarding daily operational or administrative matters should be first dealt with at the administrative level by calling City Hall at (713) 662-8222 during business hours.

[Note: State law will not permit the City Council to fully discuss, debate, or consider items that are not on the agenda. Items that cannot be referred to the City Staff for action *may* be placed on the agenda of a future City Council Session.]

F. Reports:

1. City Manager's Report:

City Manager's Report regarding the Boards and Commissions General Training Session held in July and upcoming training sessions to be held in August (Parliamentary Training and Statutory Board Training), as well as an overview of upcoming City Council Sessions.

(Requested by Paul A. Hofmann, City Manager)

2. Presentation of gateway concepts and directional signage prepared by National Sign Plaza's Inc. (NSP) and the Ad Hoc Wayfinding Committee.

(Requested by Diane K White, Organizational Services)

G. New Business:

Adoption of Ordinance(s)/Resolution(s):

1. Consideration of and possible action on a recommendation from the City's Financial Advisors, U.S. Capital Advisors, regarding the award of a bid for the sale of \$10,500,000 in City of Bellaire, Texas, General Obligation Bonds, Series 2014, and on the adoption of an ordinance of the City of Bellaire, Texas, authorizing the issuance of "\$10,500,000 City of Bellaire, Texas, General Obligation Bonds, Series 2014"; specifying the terms and features of said bonds; pledging the levy of a continuing annual ad valorem tax upon all taxable property within the City for the payment of the principal and interest on such bonds; enacting provisions incident and related to the issuance, delivery, payment of, and security for such bonds; approving and authorizing the distribution of an Official Statement; awarding the sale of such bonds; and authorizing and approving a Paying Agent/Registrar Agreement.

(Requested by Linda Symank, Finance Administration)

2. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending application of Chapter 27, Streets, Sidewalks and Public Places, Section 27-95, Curfew Imposed, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Bellaire High School Softball Boosters to host their 11th annual BBQ Fundraiser in the parking lot of Mulberry Park, 700 Mulberry Lane, Bellaire, Texas, from Wednesday, August 27, 2014, through Saturday, August 30, 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 Wednesday, August 27, 2014, Thursday, August 28, 2014, Friday, August 29, 2014, and Saturday, August 30, 2014.

(Requested by Jane Dembski, Parks and Recreation)

3. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, reappointing a clerk and two (2) deputy clerks of the Municipal Court of Record in the City of Bellaire for a term commencing on August 4, 2014; and providing that any appointments and/or reappointments of clerks and deputy clerks of the Municipal Court of Record in the City of Bellaire in conflict with these reappointments are hereby terminated.

(Requested by Linda Symank, Finance Administration)

4. Review, consideration, and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, establishing a city position on the development of the Urban Village (Transit-Oriented Development) Zoning District.

(Requested by Paul A. Hofmann, City Manager)

H. Items for Future Agendas; Community Interest Items from the 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

JULY 21, 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 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 7:32 p.m. on Monday, July 21, 2014. He announced that a quorum of all members of City Council were present as follows:

Full Name	Title	Status	
Nauert	Mayor	Present	
B. Nathan	Mayor Pro Tem	Present	
. Reed	Councilman	Present	
Avioli Sr.	Councilman	Present	
appas	Councilman	Present	
Laughlan	Councilman	Present	
S. Friedberg	Councilman	Present	
lofmann	City Manager	Present	
etrov	City Attorney	Present	
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.

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

D. Approval or Correction of Minutes:

1. Special Session (Executive Session) - Monday, June 30, 2014:

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, June 30, 2014.

Mayor and Council - Special Session - Jun 30, 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, June 30, 2014.*

*Dr. Philip L. Nauert, Mayor, and Gus E. Pappas, Councilman - Position No. 3, abstained from voting due to their absence from the City Council Special Session (Executive Session) held on Monday, June 30, 2014.

RESULT:	APPROVED [5 TO 0]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nathan, Reed, Avioli Sr., McLaughlan, Friedberg
ABSTAIN:	Nauert, Pappas

2. Regular Session - Monday, July 7, 2014:

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, July 7, 2014.

Mayor and Council - Regular Session - Jul 7, 2014 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, July 7, 2014.*

*Gus E. Pappas, Councilman - Position No. 3, abstained from voting due to his absence from the Regular Session held on Monday, July 7, 2014.

RESULT:	APPROVED [6 TO 0]
AYES:	Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg
ABSTAIN:	Pappas

E. Personal/Audience Comments.

Michael Rutledge:

Mr. Rutledge addressed City Council and advised that in the last years that he and his partner had lived in Bellaire, they had experienced one attempted home break-in, one successful home break-in, and, as early as Thursday, vandalism to one of their vehicles.

Mr. Rutledge indicated that he was certain that the City was taking measures to address crime, but was not certain that residents were equally informed as to what was being done and what could be done. He urged City Council to let residents partner with them in order to make Bellaire safer. He advised that he did not know what the answers were, but had to believe that there were answers.

Mr. Rutledge advised further that the residents valued the police officers very much, but felt that there might not be enough officers in Bellaire. In terms of being a homeowner in Bellaire and paying taxes, Mr. Rutledge indicated that he would gladly pay more money for more officers or high salaries if it meant that he could feel safer in his home.

Alan York:

Mr. York addressed City Council and referenced a statement made in a previous City Council session by Councilman Pat McLaughlan with respect to Bellaire's reputation for

strict building codes. Mr. York advised that when he and his partner purchased their home eight years ago, Bellaire was known to be a safe community.

Over the last eight years, Mr. York had used Bellaire's emergency services, both ambulance and police, and he advised that he could speak with the highest regard for the services that had been provided. It was his understanding that there might be as many as four patrol positions that were not currently filled.

Mr. York referred to a budget presentation that would be made later in the evening and indicated that he felt it was an opportune time to prioritize issues in such a way that the concerns of the community were addressed. He noted that within the last few weeks Bellaire had gone beyond the idea of brazen daylight break-ins into unoccupied homes into at least two situations where people who were out walking in the neighborhood had guns drawn on them.

In closing, Mr. York advised that he and his partner were not just present to ask City Council to do something, they were willing to serve, to volunteer, or to do whatever needed to be done to partner with City Council, the Police Department, or whomever in order to change the perception of Bellaire--not only for safety, but for property values.

Lynn McBee:

Ms. McBee addressed City Council and referenced the Texas Transportation Code, Section 552.006, as such section related to sidewalks. She quoted as follows: "A pedestrian may not walk along and on a roadway if an adjacent sidewalk is provided and is accessible to the pedestrian" She advised that she looked up the meaning of "adjacent" in several law dictionaries. The definition of "adjacent" was noted to be "lying near or close to, but not necessarily touching." The definition of "adjoining" was noted to be "sharing a common boundary."

Over the last few years, City Council had frequently had to choose whether a sidewalk should be included on two sides of the street when the City was replacing a street. Ms. McBee indicated that she had asked several people, such as engineers, how they would interpret "adjacent sidewalk" on a street in Bellaire that had a sidewalk on only one side of the street. In other words, would a pedestrian be required to use the existing sidewalk on a street with one sidewalk?

Ms. McBee noted that Ferris Street had one sidewalk on the west side of the street. She advised that she frequently used Ferris Street to come to City Hall. Just as frequently she found that there were various categories of people from young to old, to couples to strollers being pushed by parents navigating the middle of the street. Ms. McBee indicated that on at least four occasions she had been glared at and, most recently, had a resident bang loudly on her car as she passed by.

In closing, Ms. McBee urged City Council to address the issue, communicate with the residents, and enforce the use of the sidewalks.

Barry Goldblatt:

Mr. Goldblatt addressed City Council and advised that within the next 12 months, the City would have to make a decision and be involved in the largest construction project in the history of the City of Bellaire with the renovation or rebuilding of the Bellaire High School ("BHS"). He advised that he had attended a meeting in which the Houston Independent School District (HISD) presented four potential plans for the renovation or rebuild of BHS, one of which clearly violated the City's Code, in Mr. Goldblatt's opinion--

a plan that included a 45-foot parking structure that would require a variance from the City Council.

It was noted that BHS had grown each year since 1983. The value of homes increased by virtue of having a vibrant and well respected high school nearby. BHS had grown each year since 1983 and was currently 1,000 students over capacity according to Mr. Goldblatt. Additionally, Mr. Goldblatt stated that over 25% of the student body lived outside the Bellaire zone and expressed concern that the renovation of BHS would attract even more students. Although Mr. Goldblatt Understood that City Council had no control over HISD's student population, he urged City Council to consider the disruption and repercussions to the City, its residents, and property values that the proposed build-out of BHS would cause. Reference was also made to the proposed 45-foot parking structure that would look down on every home on the adjacent streets.

In closing, Mr. Goldblatt advised that he did not believe the City Council had the support and cooperation of the community with respect to the proposed build-out of BHS.

F. Reports:

1. City Manager's Report:

City Manager's Report regarding the Board and Commission training schedule for July 24, 2014, and crime statistics.

Paul A. Hofmann, City Manager, presented his City Manager's Report dated July 21, 2014, to members of City Council. The report included an update for the City's Board and Commission training schedule, as well as an overview of year-to-date crime statistics as compared to previous years.

Following questions of City Manager Hofmann regarding his report, a motion was made and seconded, and action taken to accept the report into the record.

(Requested by Paul A. Hofmann, City Manager)

Motion: To accept the City Manager's Report, as presented by City Manager Paul A. Hofmann, into the record.

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

2. FY 2015 Budget Presentation:

In accordance with previous communication with City Council on the budget development process and the schedule previously established for the development of the budget, the FY2015 proposed budget will be presented for City Council's consideration and eventual adoption.

City Manager Paul A. Hofmann began his presentation of the City of Bellaire proposed FY2015 budget by reviewing the definitions of base budget (maintain existing service levels), enhancement (changes to base to improve service levels or add services), target (each department within 2.09% of previous non-personnel budget), and philosophy (short-term decisions having

long-term implications and stewardship).

In preparing the proposed FY2015 budget, the following **fiscal forecast assumptions** were made:

- 13% increase in tax assessed value in the Debt Service Fund and General Fund for the fiscal year;
- Tax rate of \$0.3999 per \$100 valuation;
- Avoidance of structural deterioration;
- Enterprise Fund revenues projected on an eight-year average; and
- Provision of resources for City Council priorities.

City Manager Hofmann highlighted programs, development, and other items the City hoped to accomplish with the proposed budget for each of **City Council's priorities** as set forth below.

Residential/Commercial Safety Focus Area:

- Neighborhood Watch Program;
- Community Outreach Programs;
- Neighbor Traffic Safety (outfitting one of the existing police officers as a motorcycle officer); and
- Citywide Mobility Study and Traffic Analysis.

Public Infrastructure and Facilities Focus Area:

- Parks and Facilities Reorganization;
- Parks Master Plan Update;
- Facility Security (Library/Public Works/Parks);
- Bellaire Town Square Municipal Facility Development; and
- Capital Improvement Plan and Comprehensive Plan Connection.

Budget and Finance Focus Area:

- City Manager's Office Reorganization;
- Quarterly Reporting;
- Citywide Fee Analysis (no changes will be suggested for 2015); and
- Fiscal Forecast Updating.

Residential and Recreational Focus Area:

- Landscape Maintenance Service Expansion;
- Parks and Public Works Ground Maintenance;
- Tree Health Program; and
- Aquatic Play Equipment Maintenance.

Economic Development Focus Area:

- Economic Development Coordination Efforts;
- Comprehensive Plan Update; and
- Maintenance of Continued Relationships with Others (i.e., METRO, Uptown Houston District, TXDOT, Property Owners, etc.).

General Fund:

With respect to the **General Fund**, City Manager Hofmann advised that the Beginning Balance for fiscal year 2015 was projected to be \$4.0 million. Revenues (assuming the referenced 13% appraised value increase) were projected to be \$17.5 million with projected expenditures of \$16.8 million would result in an ending balance of \$4.6 million, which exceeded the City's 60-day ending balance by \$2.0 million.

Base Budget Highlights:

With respect to the base budget, City Manager Hofmann indicated that he had placed some expenditures in the base budget that were previously recorded by the City in the Capital Improvement Program Fund and/or the Vehicle, Equipment and Technology Fund. He believed that such expenditures should have been included in the base budget (for example, maintenance expenditures). The following highlights to the base budget were referenced:

Description	Amount
Salary Savings	(\$35,000)
Health Benefit Increase (15%)	\$120,200
Electricity (Full Year at Lower Rate)	\$30,200
Programs (Five Trolleywood Movies)	\$5,000
Council Training (TML Seminars)	\$2,000
Professional Education and Training for City Staff (Increase)	\$13,000

Items previously recorded in the Capital Improvement Program Fund and/or Vehicle, Equipment and Technology Fund that were moved to the Base Budget (i.e., recurring items) were noted as follows:

Recurring Items:

Information Technology (IT) Replacement Program	\$117,000
General Communications Equipment (data circuits, improvement of band width, etc.)	\$90,000
Bellaire Family Aquatic Center (painting and play equipment maintenance)	\$46,000
Community Programs (newsletter and public safety outreach)	\$650
Citywide Supervisory Training	\$1,600
Work Order System (Public Works and Facilities Departments)	\$3,000
Parks Former Vet Items (fall surfaces at parks, crushed granite replacement, and tree health)	\$44,600
HVAC Maintenance (all City facilities)	\$25,000
Public Safety Former VET Items (bunker	

gear and body armor for Police and Fire)	\$36,315
Total	\$364,165*

*Now included in base budget.

Nonrecurring/Contingency Items:

City Manager Hofmann referenced the following nonrecurring/contingency items that had been included in the proposed fiscal year 2015 budget:

Compensation Study Contingency (projected first-year implementation)	\$75,000
Library and Parks Security (cameras)	\$13,000
Electrical Improvements (citywide)	\$24,000
Evergreen Pool Concrete Repairs	\$25,000
Public Safety Community Programs	\$1,950
Painting of Recreation Center	\$35,000
Software	\$7,800
Police Protection and Enforcement (tactical equipment)	\$29,197
Chemical Feeders (Aquatics)	\$10,500

Capital Outlay - General Fund:

With respect to capital outlay in the General Fund, City Manager Hofmann advised that three patrol vehicles and one investigative unit vehicle would be replaced in the proposed budget at a total cost of \$168,150 for the Police Department, and one command vehicle would be replaced in the proposed budget at a cost of \$48,630 for the Fire Department.

With respect to the Public Works Department, a replacement pothole patching machine and replacement air compressor were included in capital outlay in the proposed budget at a total cost of \$224,000.

A replacement gym curtain was included in capital outlay in the proposed budget at a total cost of \$23,000 for the Parks and Facilities Departments.

Capital Outlay - Enterprise Fund:

Capital outlay items included in the Enterprise Fund proposed budget for Public Works included a street sweeper at a total cost of \$205,000*; a mini-excavator with attachments at a total cost of \$37,000; a skid-steer loader with attachments at a total cost of \$53,000; and miscellaneous items at a total cost of \$35,000.

*City Manager Hofmann advised that he and Director of Public Works Brant

Gary were not certain that purchasing a new street sweeper was a wise outlay of funds at this time and would return to City Council with some options before pursuing the purchase of a new one.

Budget Enhancements:

Proposed General Fund budget enhancements, consisting of both nonrecurring and recurring items, were reviewed by City Manager Hofmann as follows:

Comprehensive Plan Update: Nonrecurring Cost of \$42,000

Neighborhood Watch/
Outreach Programs: Nonrecurring Cost of \$2,000;
Recurring Cost of \$3,836

Motorcycle Police Officer
(equipment) Nonrecurring Cost of \$15,400;
Recurring Cost of \$5,900

Janitorial Services
(addition of Sunday services
for parks facilities and lobbies
of Library and Police Building) Recurring Cost of \$28,544

Landscape Maintenance
(crushed granite replacement) Recurring Cost of \$26,129

Total Nonrecurring Cost of Enhancements: \$59,400

Total Recurring Cost of Enhancements: \$64,409

The **total proposed budget enhancements** for the fiscal year 2015 General Fund were noted to be \$123,809.

Enterprise Fund:

With respect to the Enterprise Fund, City Manager Hofmann advised that there were no plans to increase utility rates during fiscal year 2015. He referenced a citywide fee analysis study discussed earlier in his presentation and noted that the study would include an analysis of utility rates. Current revenues were not sufficient to continue to fund capital improvements in the Enterprise Fund; so a possible utility rate increase might be forthcoming in fiscal year 2016.

Reorganization Plan:

City Manager Hofmann presented his reorganization plan for several City departments.

Parks, Recreation, and Facilities Departments:

With respect to the Facilities Department and the Parks and Recreation Department, City Manager Hofmann indicated that he wished to reorganize those departments into one department to be called: Parks, Recreation, and Facilities Department. Reference was made to current Parks and Recreation

Director Jane Dembski's announced retirement at the end of the fiscal year. City Manager Hofmann advised that he wished to offer current Facilities Director Karl Miller the Director position over the new combined Parks, Recreation, and Facilities Department. Cheryl Bright-West, current Recreation Superintendent, would be reclassified as Assistant Director of Parks, Recreation, and Facilities, and would be responsible for programming for aquatics, athletics, recreation, and LIFE (seniors program).

Transfers of positions from the City Manager's Office and the Community Development Department would be made to assist the new department with administrative and clerical duties and the management of projects.

City Manager's Office:

With respect to the City Manager's Office, City Manager Hofmann indicated that wished to assign the oversight and supervision of the Finance and Municipal Court, Human Resources, Information Technology, and the Library departments to the Assistant City Manager (Diane White).

In addition, the vacant Economic Development Coordinator position would be reclassified to the position "Assistant to the City Manager" and would serve as a coordinator for the City's economic development efforts, project monitoring and reporting, customer relations, boards and commissions relations, budget coordination, and agenda coordination.

Development Services:

The Community Development Department would be renamed as follows: Development Services. As mentioned previously, two vacant positions within the department would be transferred to the Parks, Recreation, and Facilities Department and the City Manager's Office. The budget for the department would be increased to allow for contracted inspection services.

With respect to number of **full-time positions**, it was noted that the total number of staff in fiscal year 2014 was 170.5. That number would decrease slightly in fiscal year 2015 to 169.5.

With respect to the fiscal year 2015 Capital Improvement Plan, City Manager Hofmann advised that Assistant City Manager White had reviewed the plan during April, and indicated that the plan would be detailed during Budget Workshop #1.

A number of fiscal year 2015 **management projects** were mentioned by City Manager Hofmann at this point in his presentation. He requested that members of City Council take an opportunity to review the projects and give them some thought. A list of those projects, which he and City Staff felt were worthy of attention and reporting, has been set forth below for the record:

- Implementation of compensation study and improvement of employee evaluation system;
- Implementation of network and data management improvements;
- Update of Comprehensive Plan;
- Implementation of public safety outreach program;
- Conduct revenue analysis, to include:
- Development of vehicle/equipment management and maintenance plan;

- Participation in an infrastructure and development plan for the Urban Village (TOD) Zoning District;
- Improvement of safety and risk management;
- Development of financial management policies; and
- Evaluation of right-of-way maintenance ordinance.

City Manager Hofmann advised that after the fiscal year budget 2015 was adopted, he would provide City Council with a detailed explanation of the projects.

Prior to closing, City Manager Hofmann provided an overview of the items remaining to be addressed on the **fiscal year 2015 budget calendar** and items to be addressed in the City's **strategic planning/budget development calendar**.

City Manager Hofmann advised that on a three-year rotating basis, he would ask departments to prepare a detailed service plan (three-five year focus) to be presented to City Council in April of each year. Several departments volunteered to provide plans in April of 2015, and the remaining departments were assigned to April of 2016 and April of 2017 as follows:

FY2015	FY2016	FY2017
Police	Parks, Recreation, Facilities	Library
Fire	Public Works	Development Services
IT	Human Resources	Finance
City Clerk		

At the conclusion of City Hofmann's presentation, Mayor Nauert called for a motion, second and action to accept the presentation of the proposed fiscal year 2015 budget into the record.

(Requested by Paul A. Hofmann, City Manager)

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

G. Business Items:

Adoption of Ordinance(s)/Resolution(s):

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas calling a public hearing before the City Council of the City of Bellaire, Texas, on Monday, August 18, 2014 at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the purpose of hearing any and all persons desiring to be heard on the budget for the City of Bellaire, Texas, for the period beginning October 1, 2014, and ending September 30, 2015 (FY 2015 Budget).

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, calling a public hearing before the City Council of the City of Bellaire, Texas, on Monday, August 18, 2014, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the purpose of hearing any and all persons desiring to be heard on the budget for the City of Bellaire, Texas, for the period beginning October 1, 2014, and ending September 30, 2015 (fiscal year 2015).

{Ordinance was subsequently numbered: 14-036}
(Requested by Diane K White, Organizational Services)

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

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

Items for future agendas included a request from Councilman Roman F. Reed for a special session to be held on Monday, July 28, 2014, at 6:00 p.m. to discuss immediate security measures to be implemented and to consider staff recommendations on the expenditure of funds for such measures.

Community interest items from the Mayor and City Council included expressions of thanks to the Building and Standards Commission for their hard work and great presentation during a Joint Workshop Session held earlier in the evening; expressions of thanks to the City Manager, Assistant City Manager, and City Staff for their hard work on the budget presentation; expressions of thanks to the City Manager for stepping outside of the City's usual structure in addressing budgeting, forecasting, and the rearrangement of departments; and a request for Council liaisons to contact their board members and remind them of the Boards and Commissions General Training Session to be held on Thursday, July 24, 2014.

I. Adjournment.

Motion: To adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:43 p.m. on Monday, July 21, 2014.

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

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 08/04/14 07:00 PM
Department: City Manager
Category: Report
Department Head: Paul A. Hofmann
DOC ID: 1307

**SCHEDULED
INFORMATION ITEM (ID
1307)**

Item Title:

City Manager's Report regarding the Boards and Commissions General Training Session held in July and upcoming training sessions to be held in August (Parliamentary Training and Statutory Board Training), as well as an overview of upcoming City Council Sessions.

Background/Summary:

City Manager Paul A. Hofmann will present his City Manager's Report dated August 4, 2014, to members of City Council. The report will cover an overview of the Boards and Commissions General Training Session held in July; an update related to upcoming training sessions to be held in August (Parliamentary Training and Statutory Board Training); and an overview of upcoming City Council Sessions.

Previous Council Action Summary:

N/A

Fiscal Impact:

N/A

Recommendation:

City Manager Paul A. Hofmann requests acceptance of his City Manager's Report dated August 4, 2014, into the record.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 08/04/14 07:00 PM
Department: City Manager
Category: Presentation
Department Head: Diane K White
DOC ID: 1297

**SCHEDULED
ACTION ITEM (ID # 1297)**

Item Title:

Presentation of gateway concepts and directional signage prepared by National Sign Plaza's Inc. (NSP) and the Ad Hoc Wayfinding Committee.

Background/Summary:

On April 1, 2013 the Ad-Hoc Wayfinding Committee was formed to explore and recommend action regarding entry markers and wayfinding signs for the City of Bellaire, Texas.

On September 16, 2013 the City approved an agreement with National Sign Plazas. Inc. (NSP) to provide design, plan and consulting services as it relates to a wayfinding sign system that includes entryway markers and associated elements.

On April 17, 2014 the Ad Hoc Wayfinding Committee was presented with five (5) different concepts that provided major and minor gateway features. The five (5) themes were developed with the guidance of input from the Ad Hoc Wayfinding committee and set out to capture the following:

1. Create recognition of when one is in the City of Bellaire.
2. Civic beautification that matches the premium nature of Bellaire.
3. Develop a visually memorable branded image and iconography for the City of Bellaire.

In addition, each theme was designed to meet 1 of 3 conceptual ideas:

1. Represent the history and classic features of Bellaire.
2. Reflect the wide range of styles within the City's residential areas.
3. Forward thinking and indicative of the direction(s) that the City is headed.

At the Ad Hoc Wayfinding Committee's last meeting on May 15, 2014, the committee directed NSP to provide three (3) gateway conceptual ideas and four (4) directional sign concepts to present to the City Council. The attached presentation is the product of this direction. The committee asked that NSP keep the following objectives in mind:

1. Develop all concepts in scale, in color and with real content.
2. Develop site locations for the major and minor gateway placement.
3. Include Texas historic markers in site location maps of signage.
4. Sign content should be civic orientated (police, city hall, municipal courts, library etc.) and then informative. (Parks, tourism, etc.)
5. Incorporate the trolley car image.
6. Develop projected costs for assembly of each sign feature.

Previous Council Action Summary:

- Formed Ad Hoc Wayfinding Committee on April 1, 2013
- Received Update and Overview Report from Ad Hoc Wayfinding Committee on Progress on September 9, 2013
- Approved Agreement with NSP on September 16, 2013

Fiscal Impact:

N/A

Recommendation:

Staff recommends that the work performed by NSP and the Ad Hoc Wayfinding Committee be considered alongside future design efforts of the City Municipal Town Square Project and the S. Rice Esplanade & Entryway concept in moving toward a unified theme to radiate throughout the City of Bellaire.

In addition staff recommends presenting these concepts to both the Parks Board and Planning & Zoning Commission as we receive their input and recommendations on the City's Five Year Draft Capital Plan as outlined in the City Manager's Strategic Planning Calendar.

ATTACHMENTS:

- NSP Council Presentation August 4 for upload (PDF)



CITY OF BELLAIRE, TX
COUNCIL PRESENTATION
BRANDED WAYFINDING SIGN SYSTEM

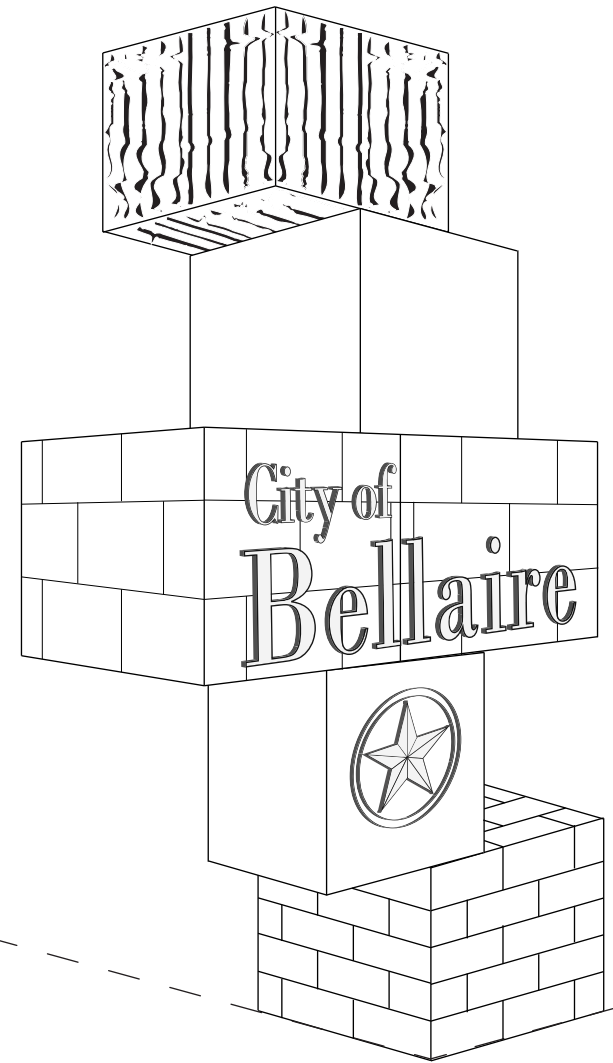
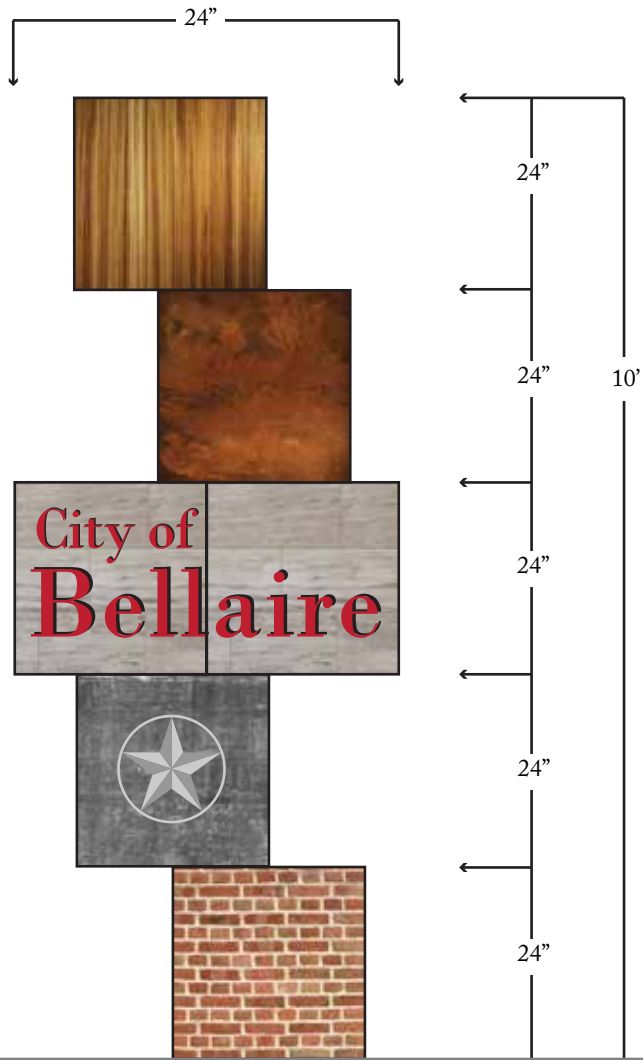
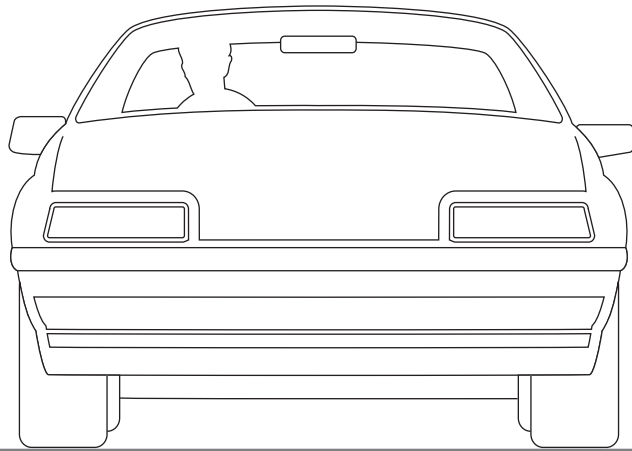
AUGUST 4, 2014
NATIONAL SIGN PLAZAS, INC.
(888) 982-1234 (713) 673-2590

DRAFTED &
SUBMITTED BY:



NATIONAL SIGN PLAZAS

Not Just a Beautiful Design



Estimated Cost: \$13,500.00

1 | Major Gateway Feature
Not to Scale

Each 24" x 24" box will require unique construction for attachment to the other boxes and to allow for the structural post that will pass through the middle of the structure. Vandal and weather resistant treatments will be given to each material to ensure the longevity of the structure.



ATLANTA
CHICAGO
DENVER
PHOENIX

AUSTIN
DALLAS
HOUSTON
SAN ANTONIO

These documents are intended to illustrate design intent and should only be used as a general guideline. No information contained herein should be construed as an engineered element. The fabricator/installer shall be responsible for all structural, electrical and mechanical specifications. Information contained herein are part of an original and unpublished design by National Sign Plazas, Inc. Detailing and information contained on these pages shall not be reproduced, copied or utilized except for the specific project for which they

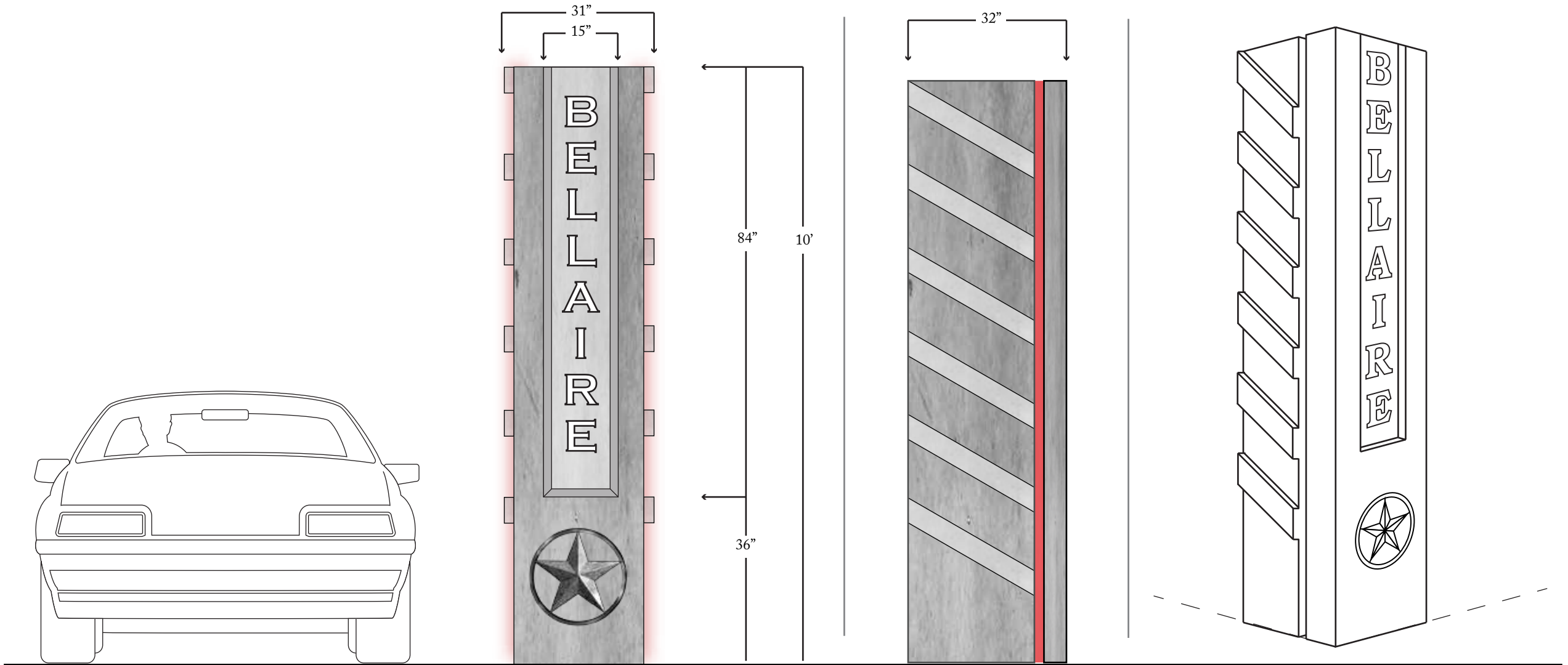
City of Bellaire - Civic Wayfinding System
Presentation of Thematic Gateway Concepts

Created and Submitted by National Sign Plazas, Inc.
Submitted on: May 15, 2014

Sheet Title:

1

F.2.a



Estimated Cost: \$27,500

1 Major Gateway Feature
1" = 24"

This (2) section, cast concrete pillar will be illuminated from the interior at the intersection of the castings. Lighting will be sealed and encased within the construction to eliminate tampering. Cast aluminum letters will be face mounted in the recessed portion of the first casting. A cast Texas star will also be face mounted at the bottom of the first casting.



ATLANTA
CHICAGO
DENVER
PHOENIX
AUSTIN
DALLAS
HOUSTON
SAN ANTONIO

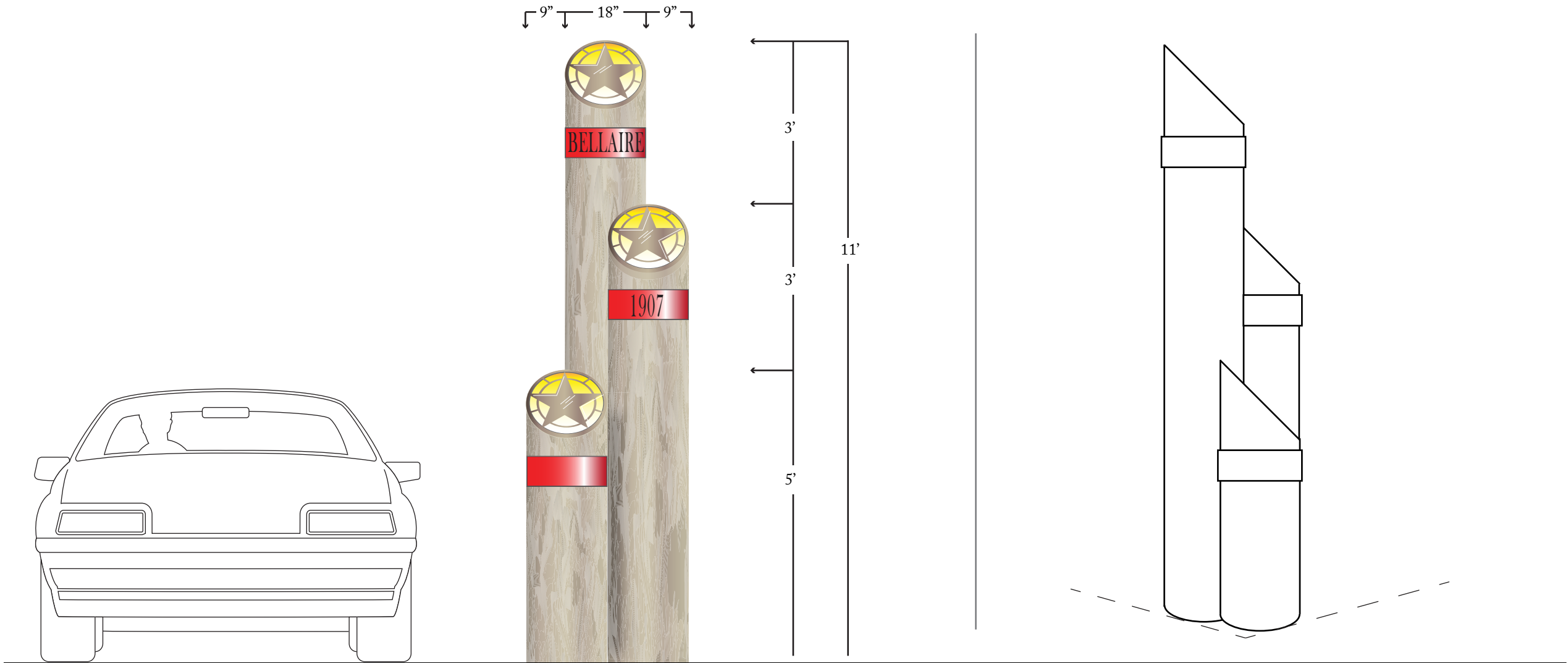
(800) 800-1004

These documents are intended to illustrate design intent and should only be used as a general guideline. No information contained herein should be construed as an engineered element. The fabricator/installer shall be responsible for all structural, electrical and mechanical specifications. Information contained herein are part of an original and unpublished design by National Sign Plazas, Inc. Detailing and information contained on these pages shall not be reproduced, copied or utilized except for the specific project for which they

City of Bellaire - Civic Wayfinding System
Presentation of Thematic Gateway Concepts

Created and Submitted by National Sign Plazas, Inc.
Submitted on: May 15, 2014

Sheet Title:



Estimated Cost: \$35,000

1 Major Gateway Feature
1" = 24"

Each cast concrete tube will be illuminated from the interior. Electrical wiring and the lighting component for each tube will operate independently. Sealed construction for the placement of the Texas star will prevent water from entering the lighting chamber.



ATLANTA
CHICAGO
DENVER
PHOENIX

AUSTIN
DALLAS
HOUSTON
SAN ANTONIO

(800) 888-1004

These documents are intended to illustrate design intent and should only be used as a general guideline. No information contained herein should be construed as an engineered element. The fabricator/installer shall be responsible for all structural, electrical and mechanical specifications. Information contained herein are part of an original and unpublished design by National Sign Plazas, Inc. Detailing and information contained on these pages shall not be reproduced, copied or utilized except for the specific project for which they

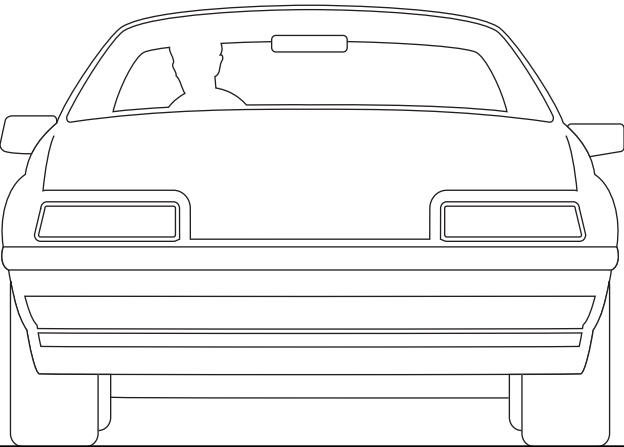
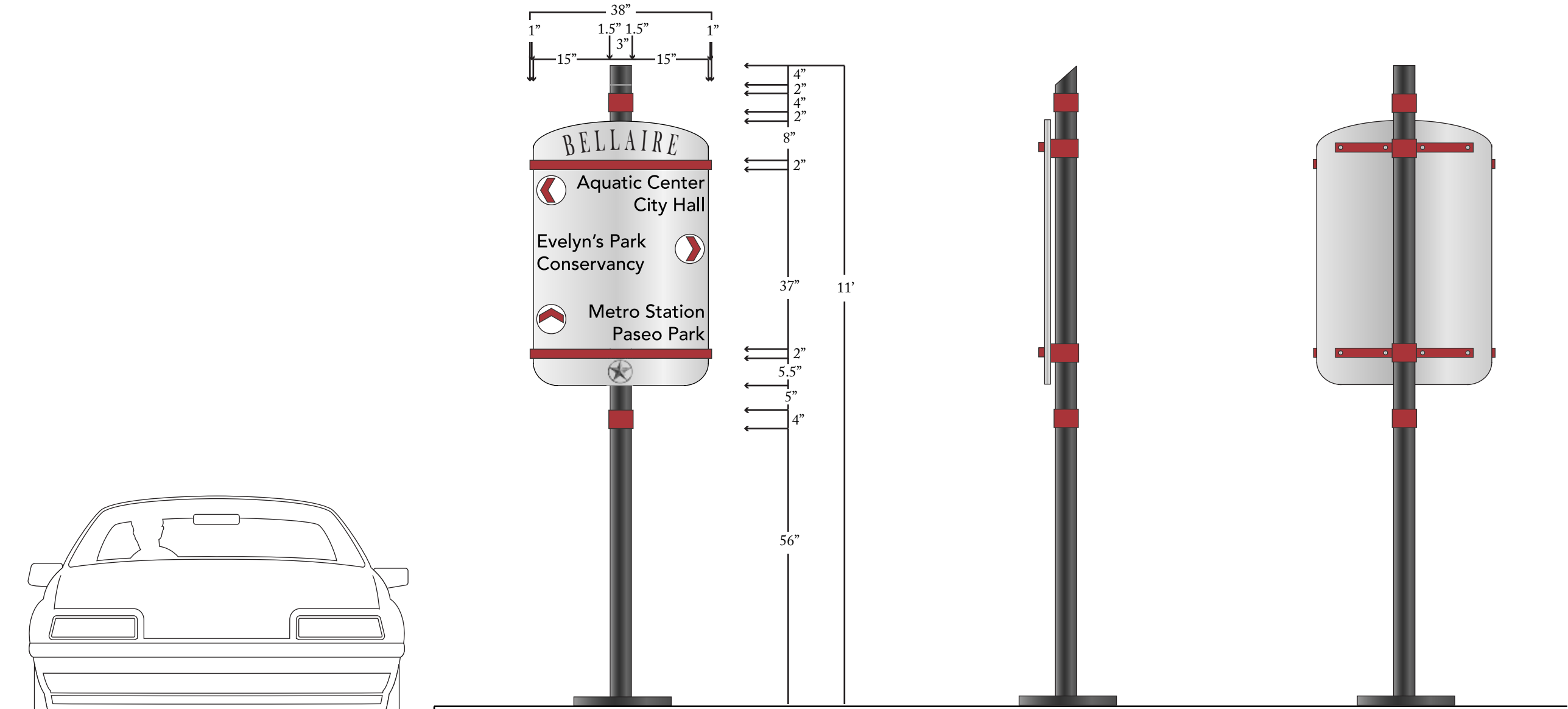
City of Bellaire - Civic Wayfinding System
Presentation of Thematic Gateway Concepts

Created and Submitted by National Sign Plazas, Inc.
Submitted on: May 15, 2014

Sheet Title:
Timelines

3

F.2.a



1 Vehicular Directional
Scale: 1" = 24"

Estimated Cost: \$4,000.00

3" x 3" steel sign post with bevel cut painted to match metallic black. Decorative accents placed on post and sign panel painted to match Cardinal red. Sign panel content of cut black vinyl placed on metallic silver vinyl backing. Arrows cut out of Cardinal red vinyl placed on reflective white circles. Texas star cast in corrosion resistant aluminum.



ATLANTA
CHICAGO
DENVER
PHOENIX

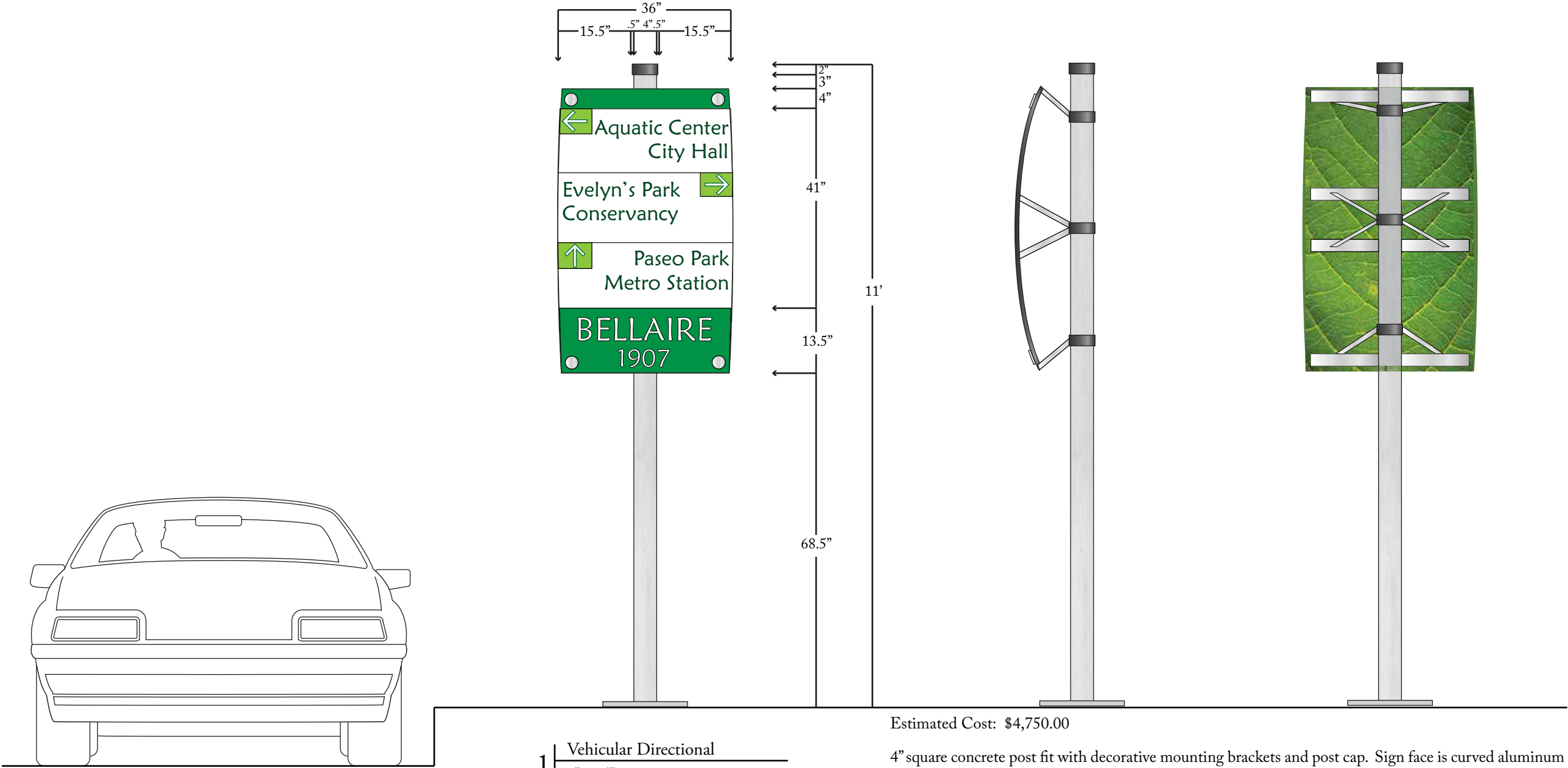
AUSTIN
DALLAS
HOUSTON
SAN ANTONIO

These documents are intended to illustrate design intent and should only be used as a general guideline. No information contained herein should be construed as an engineered element. The fabricator/installer shall be responsible for all structural, electrical and mechanical specifications. Information contained herein are part of an original and unpublished design by National Sign Plazas, Inc. Detailing and information contained on these pages shall not be reproduced, copied or utilized except for the specific project for which they

City of Bellaire - Civic Wayfinding System
Presentation of Thematic Gateway Concepts

Created and Submitted by National Sign Plazas, Inc.
Submitted on: May 15, 2014

Sheet Title:
Composition 2



1 Vehicular Directional
1" = 24"

Estimated Cost: \$4,750.00

4" square concrete post fit with decorative mounting brackets and post cap. Sign face is curved aluminum mounted to post with aluminum support arms. Back of sign panel covered in digitally printed "nature graphic". Image may change from sign-to-sign. All content on the front of sign panel is digitally printed retro-reflective. Decorative aluminum accents placed on sign face to hide bracket fasteners.



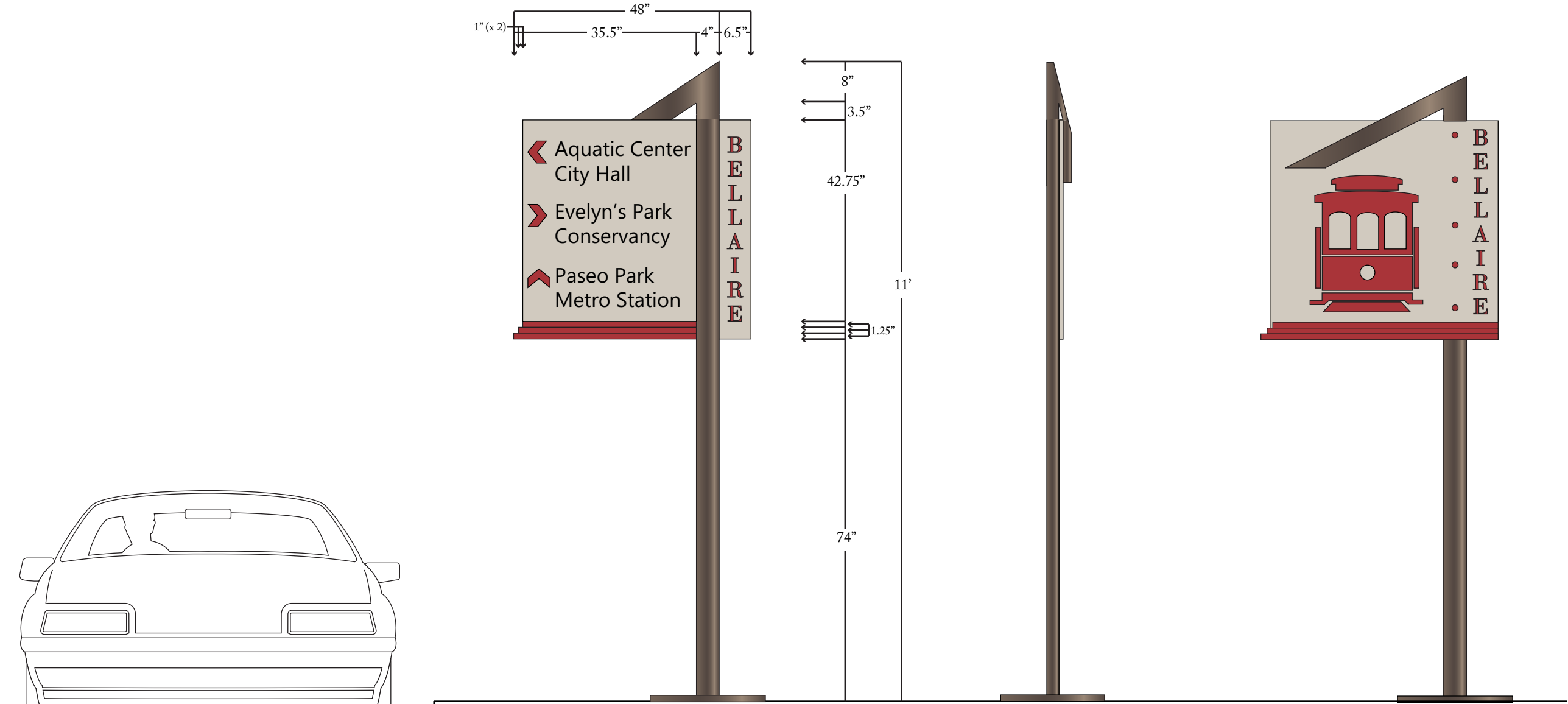
ATLANTA
CHICAGO
DENVER
PHOENIX
AUSTIN
DALLAS
HOUSTON
SAN ANTONIO

These documents are intended to illustrate design intent and should only be used as a general guideline. No information contained herein should be construed as an engineered element. The fabricator/installer shall be responsible for all structural, electrical and mechanical specifications. Information contained herein are part of an original and unpublished design by National Sign Plazas, Inc. Detailing and information contained on these pages shall not be reproduced, copied or utilized except for the specific project for which they

City of Bellaire - Civic Wayfinding System
Presentation of Thematic Gateway Concepts

Created and Submitted by National Sign Plazas, Inc.
Submitted on: May 15, 2014

Sheet Title:
Composition 2



Estimated Cost: \$5,500.00

1 Vehicular Directional
1" = 24"

4" x 2" steel post with contour bend extending the post behind the sign panel. Decorative accents placed at the bottom of the sign panel and decorative fasteners used on the back of the sign face. .080 Aluminum sign panel with cast aluminum letters spelling "Bellaire". Letters anodized reflective red. Cut vinyl Trolley graphic placed on back of sign panel in reflective red.



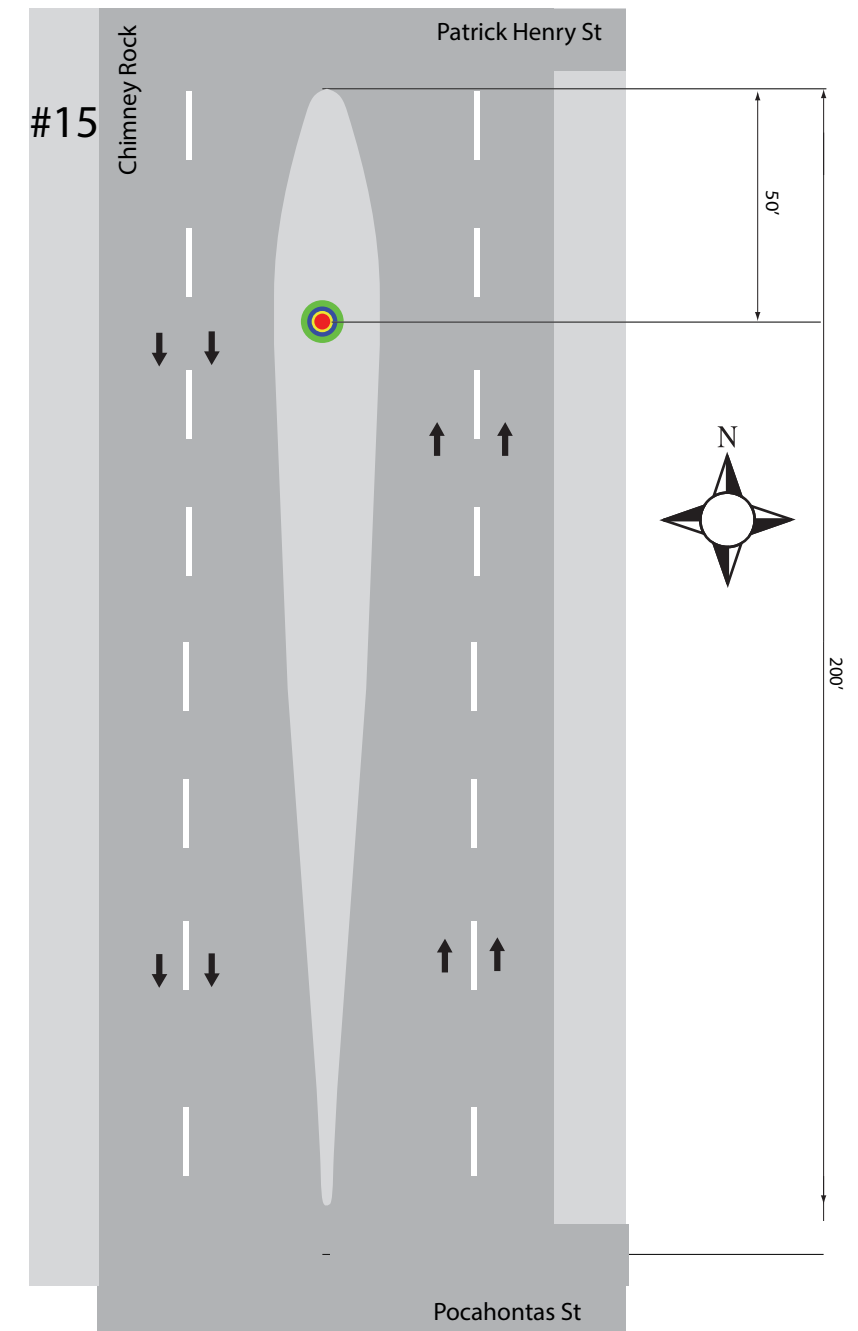
ATLANTA
CHICAGO
DENVER
PHOENIX
AUSTIN
DALLAS
HOUSTON
SAN ANTONIO
(800) 800-1004

These documents are intended to illustrate design intent and should only be used as a general guideline. No information contained herein should be construed as an engineered element. The fabricator/installer shall be responsible for all structural, electrical and mechanical specifications. Information contained herein are part of an original and unpublished design by National Sign Plazas, Inc. Detailing and information contained on these pages shall not be reproduced, copied or utilized except for the specific project for which they

City of Bellaire - Civic Wayfinding System
Presentation of Thematic Gateway Concepts

Created and Submitted by National Sign Plazas, Inc.
Submitted on: May 15, 2014

Sheet Title:
Composition 2



ATLANTA
CHICAGO
DENVER
PHOENIX

NSP.BIZ

AUSTIN
DALLAS
HOUSTON
SAN ANTONIO

(888) 982-1234

These documents are intended to illustrate design intent and should only be used as a general guideline. No information contained herein should be construed as an engineered element. The fabricator/installer shall be responsible for all structural, electrical and mechanical specifications. Information contained herein are part of an original and unpublished design by National Sign Plazas, Inc. Detailing and information contained on these pages shall not be reproduced, copied or utilized except for the specific project for which they were created, without the express written consent of National Sign Plazas, Inc.

City of Bellaire - Civic Wayfinding System
Presentation of Thematic Gateway Concepts

Created and Submitted by National Sign Plazas, Inc.

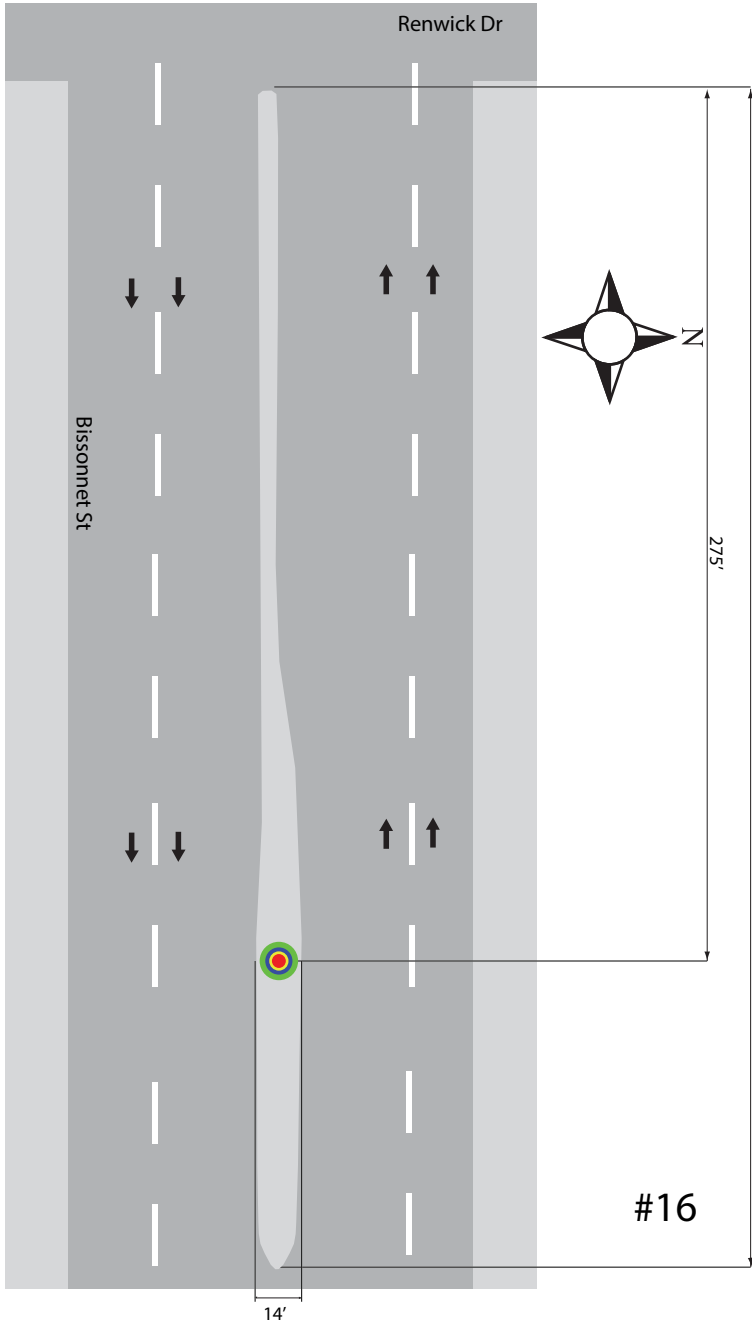
Submitted on: May 15, 2014

Received by: Paul Hofmann, City Manager

Sheet Title:
Major Gateway
Placement

8

F.2.a



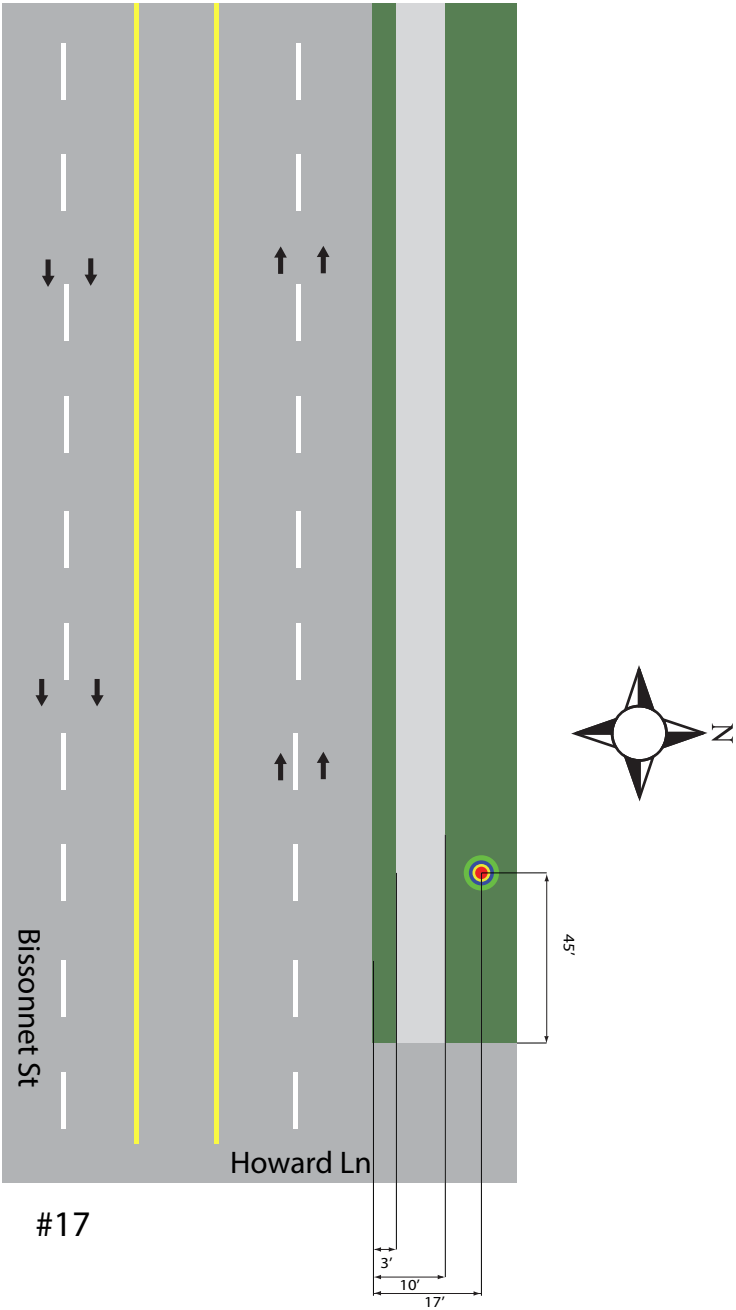
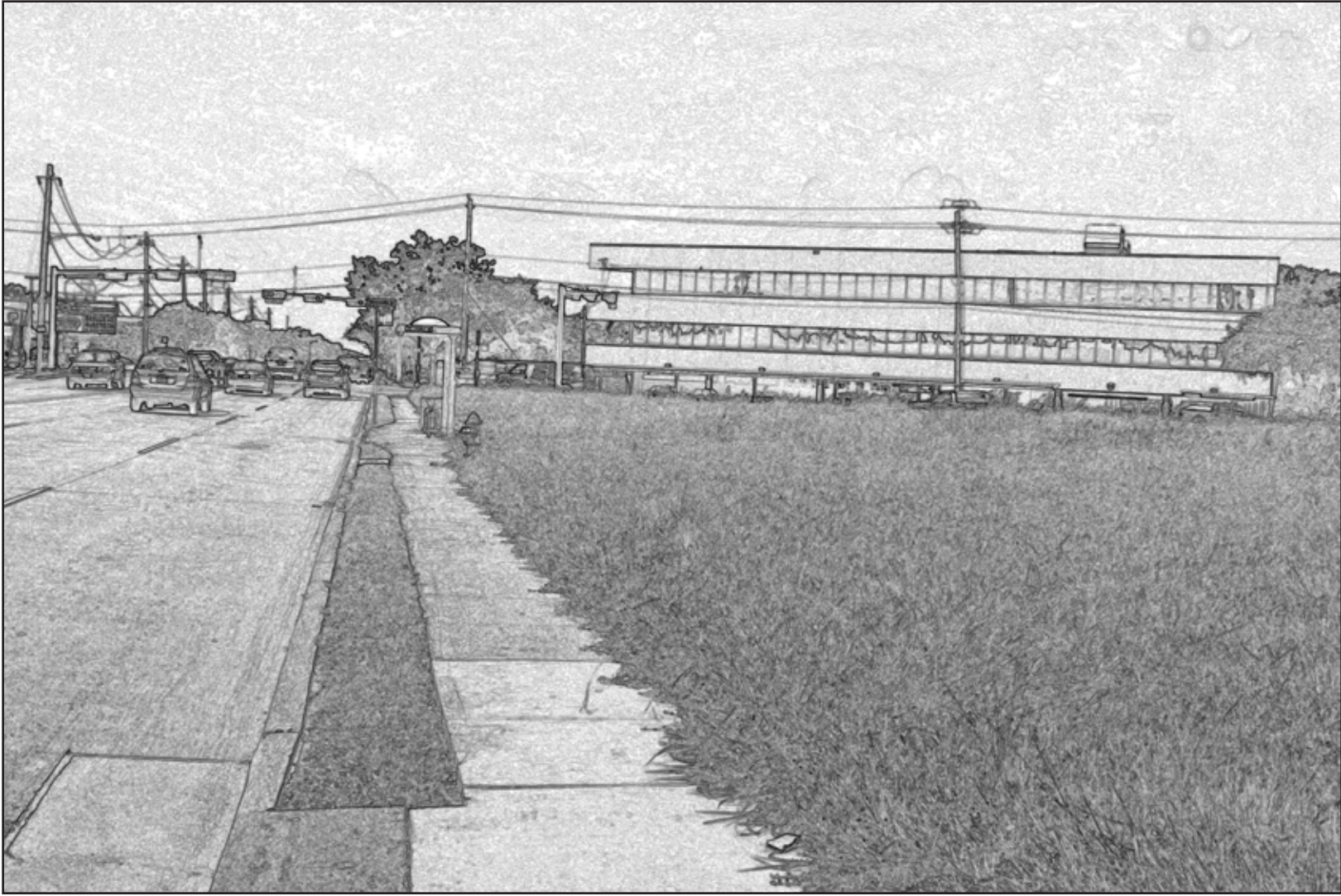
ATLANTA
CHICAGO
DENVER
PHOENIX
AUSTIN
DALLAS
HOUSTON
SAN ANTONIO
NSP.BIZ
(888) 982-1234

These documents are intended to illustrate design intent and should only be used as a general guideline. No information contained herein should be construed as an engineered element. The fabricator/installer shall be responsible for all structural, electrical and mechanical specifications. Information contained herein are part of an original and unpublished design by National Sign Plazas, Inc. Detailing and information contained on these pages shall not be reproduced, copied or utilized except for the specific project for which they were created, without the express written consent of National Sign Plazas, Inc.

City of Bellaire - Civic Wayfinding System
Presentation of Thematic Gateway Concepts

Created and Submitted by National Sign Plazas, Inc.
Submitted on: May 15, 2014
Received by: Paul Hofmann, City Manager

Sheet Title:
Major Gateway
Placement



ATLANTA
CHICAGO
DENVER
PHOENIX

NSP.BIZ

AUSTIN
DALLAS
HOUSTON
SAN ANTONIO

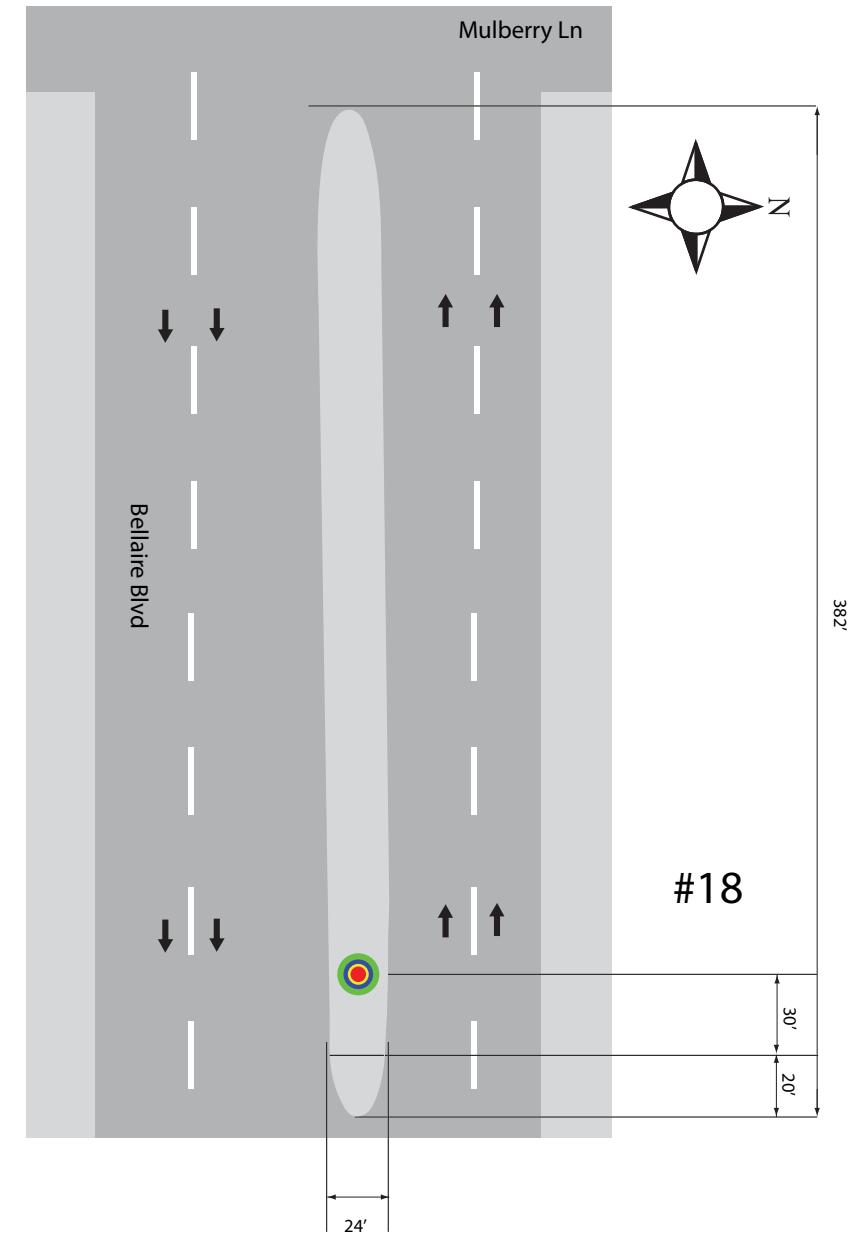
(888) 982-1234

These documents are intended to illustrate design intent and should only be used as a general guideline. No information contained herein should be construed as an engineered element. The fabricator/installer shall be responsible for all structural, electrical and mechanical specifications. Information contained herein are part of an original and unpublished design by National Sign Plazas, Inc. Detailing and information contained on these pages shall not be reproduced, copied or utilized except for the specific project for which they were created, without the express written consent of National Sign Plazas, Inc.

City of Bellaire - Civic Wayfinding System
Presentation of Thematic Gateway Concepts

Created and Submitted by National Sign Plazas, Inc.
Submitted on: May 15, 2014
Received by: Paul Hofmann, City Manager

Sheet Title:
Major Gateway
Placement



ATLANTA
CHICAGO
DENVER
PHOENIX

NSP.BIZ

AUSTIN
DALLAS
HOUSTON
SAN ANTONIO

(888) 982-1234

These documents are intended to illustrate design intent and should only be used as a general guideline. No information contained herein should be construed as an engineered element. The fabricator/installer shall be responsible for all structural, electrical and mechanical specifications. Information contained herein are part of an original and unpublished design by National Sign Plazas, Inc. Detailing and information contained on these pages shall not be reproduced, copied or utilized except for the specific project for which they were created, without the express written consent of National Sign Plazas, Inc.

City of Bellaire - Civic Wayfinding System
Presentation of Thematic Gateway Concepts

Created and Submitted by National Sign Plazas, Inc.
Submitted on: May 15, 2014
Received by: Paul Hofmann, City Manager

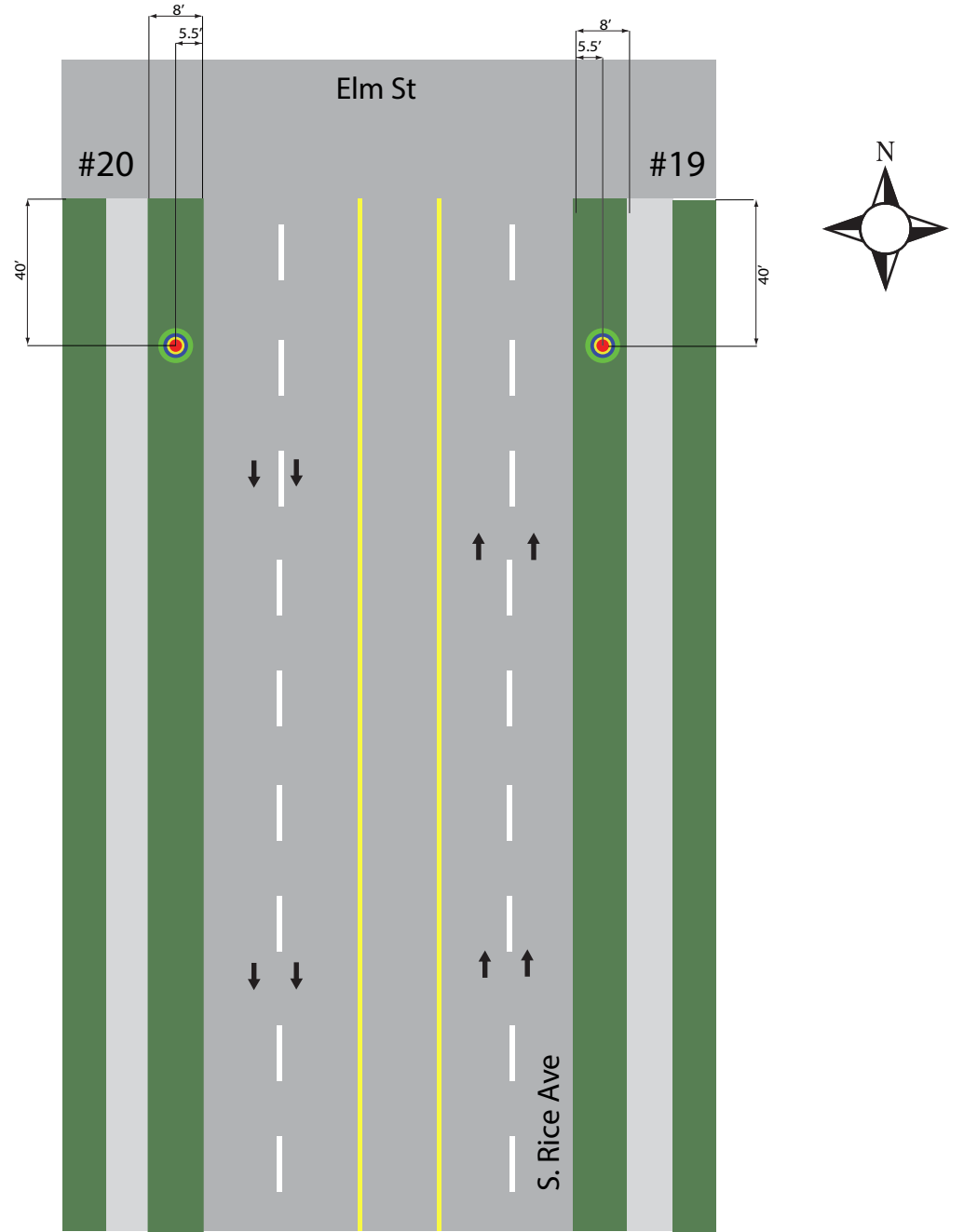
Sheet Title:
Major Gateway
Placement

11
F.2.a

#20



#19



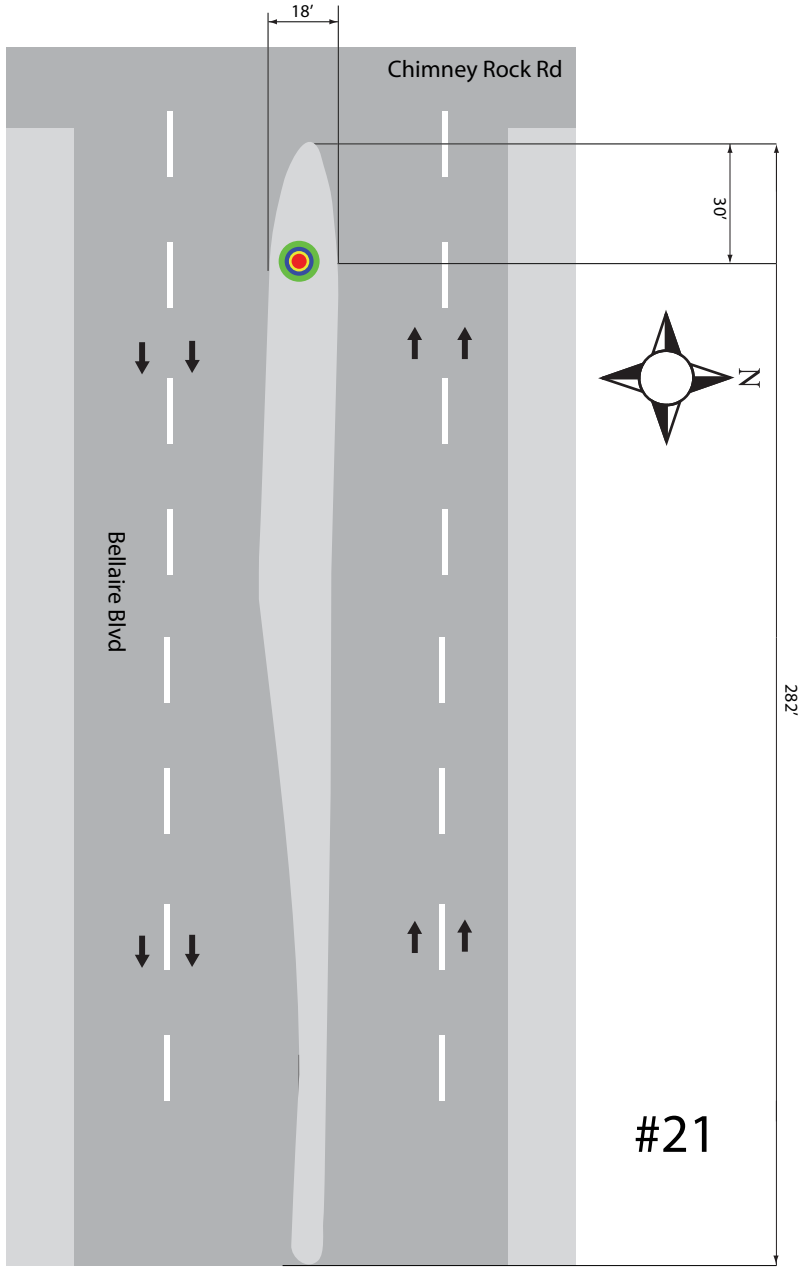
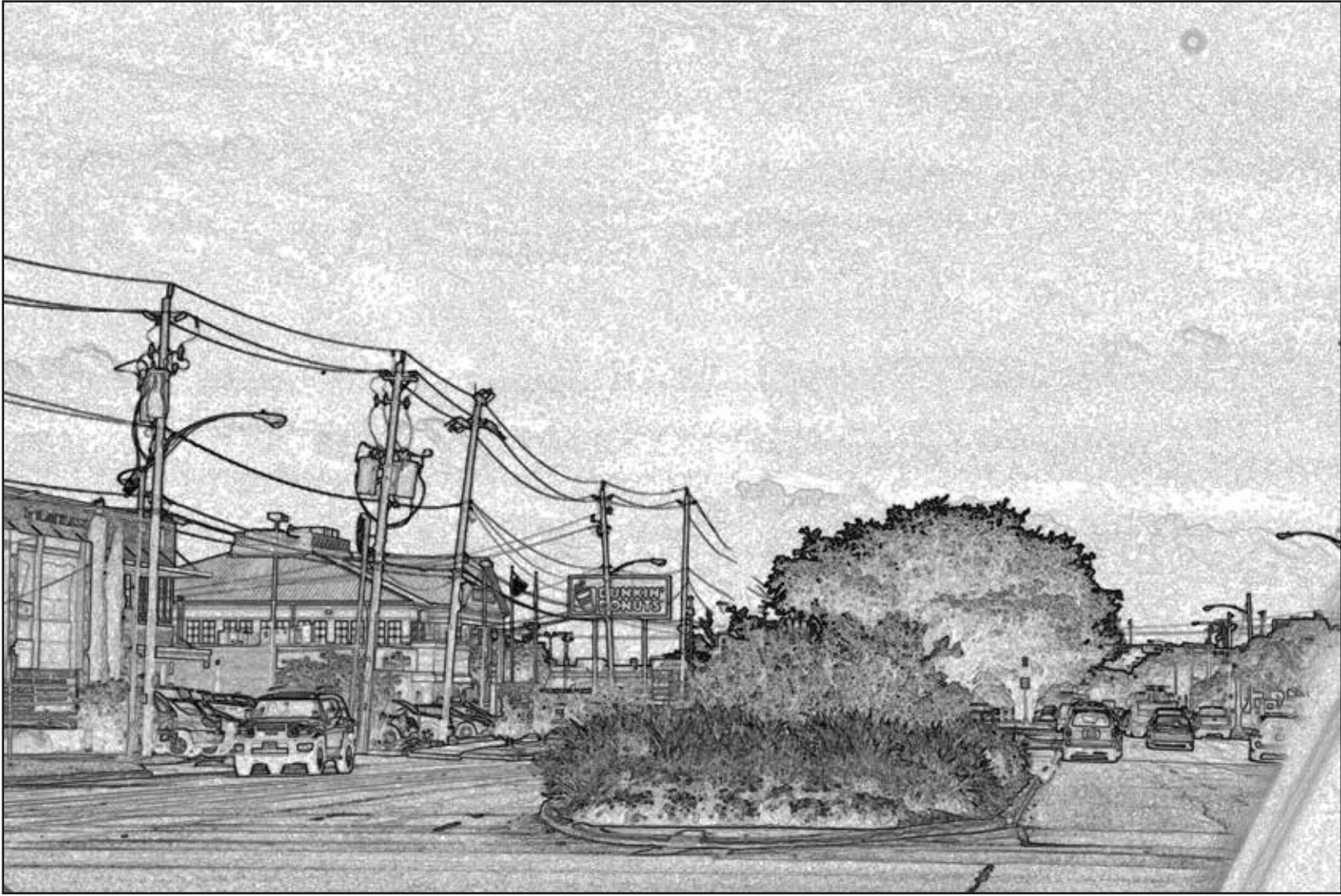
ATLANTA
CHICAGO
DENVER
PHOENIX
NSP.BIZ
AUSTIN
DALLAS
HOUSTON
SAN ANTONIO
(888) 982-1234

These documents are intended to illustrate design intent and should only be used as a general guideline. No information contained herein should be construed as an engineered element. The fabricator/installer shall be responsible for all structural, electrical and mechanical specifications. Information contained herein are part of an original and unpublished design by National Sign Plazas, Inc. Detailing and information contained on these pages shall not be reproduced, copied or utilized except for the specific project for which they were created, without the express written consent of National Sign Plazas, Inc.

City of Bellaire - Civic Wayfinding System
Presentation of Thematic Gateway Concepts

Created and Submitted by National Sign Plazas, Inc.
Submitted on: May 15, 2014
Received by: Paul Hofmann, City Manager

Sheet Title:
Major Gateway
Placement



ATLANTA
CHICAGO
DENVER
PHOENIX

NSP.BIZ

AUSTIN
DALLAS
HOUSTON
SAN ANTONIO

(888) 982-1234

These documents are intended to illustrate design intent and should only be used as a general guideline. No information contained herein should be construed as an engineered element. The fabricator/installer shall be responsible for all structural, electrical and mechanical specifications. Information contained herein are part of an original and unpublished design by National Sign Plazas, Inc. Detailing and information contained on these pages shall not be reproduced, copied or utilized except for the specific project for which they were created, without the express written consent of National Sign Plazas, Inc.

City of Bellaire - Civic Wayfinding System
Presentation of Thematic Gateway Concepts

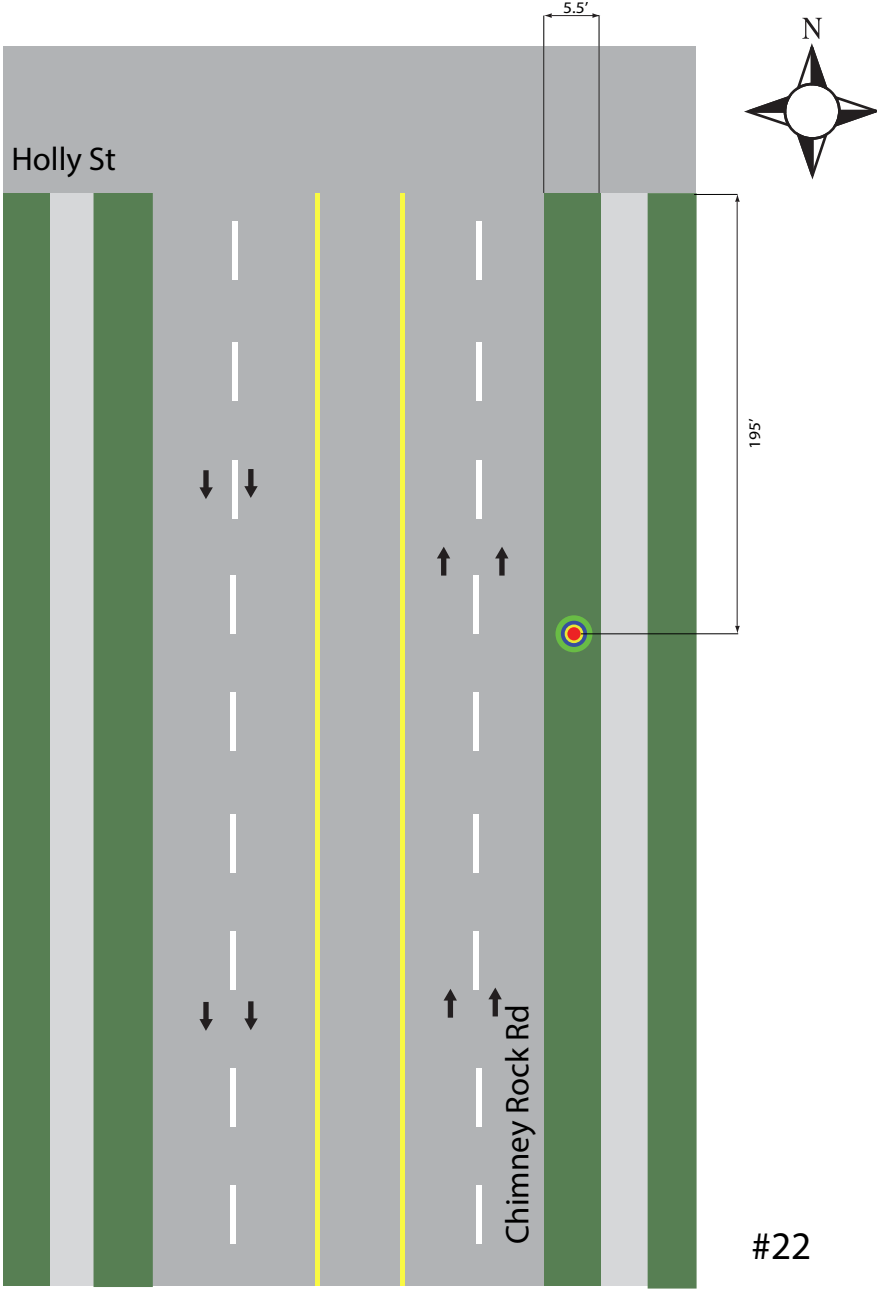
Created and Submitted by National Sign Plazas, Inc.

Submitted on: May 15, 2014

Received by: Paul Hofmann, City Manager

Sheet Title:
Major Gateway
Placement

13
F.2.a



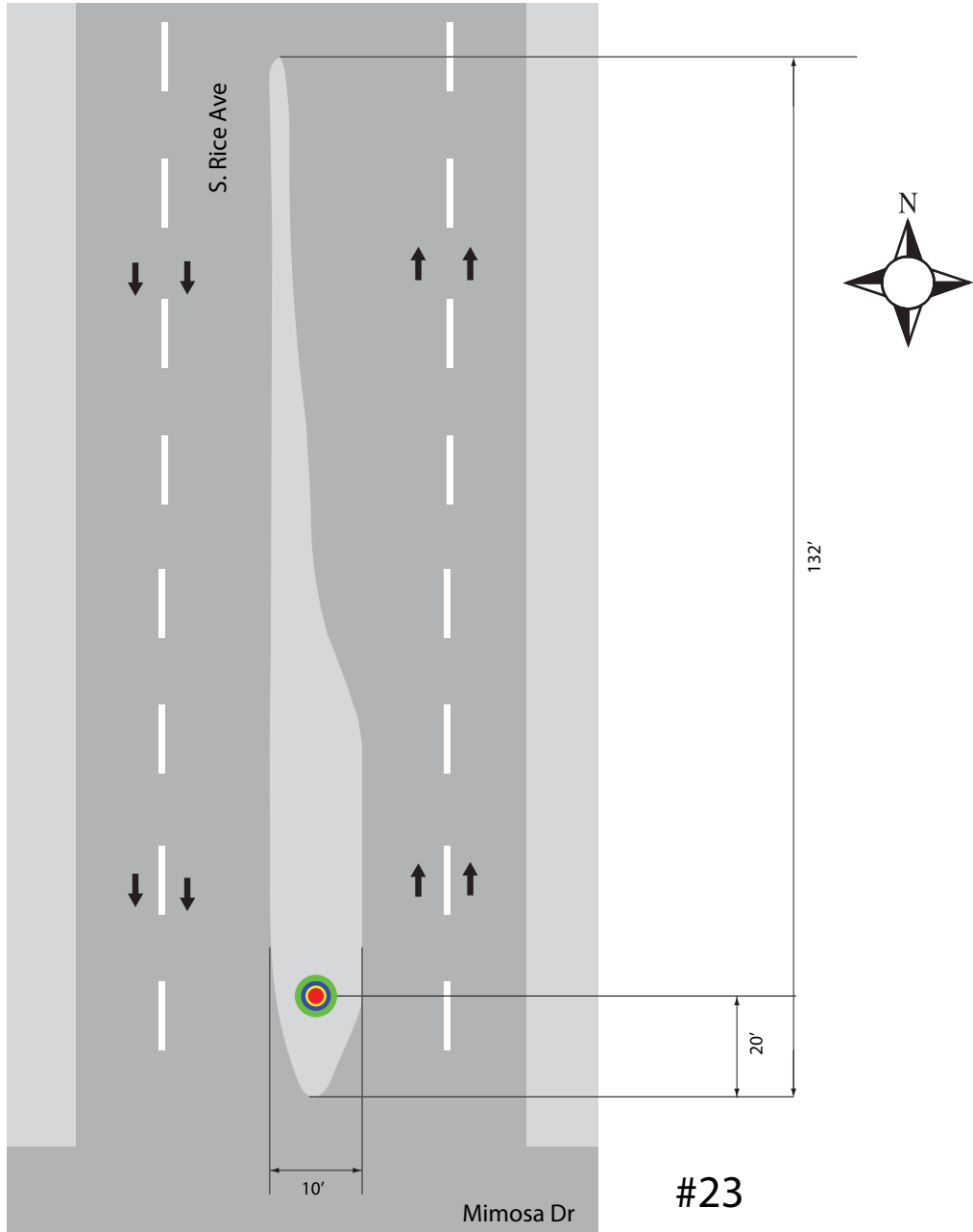
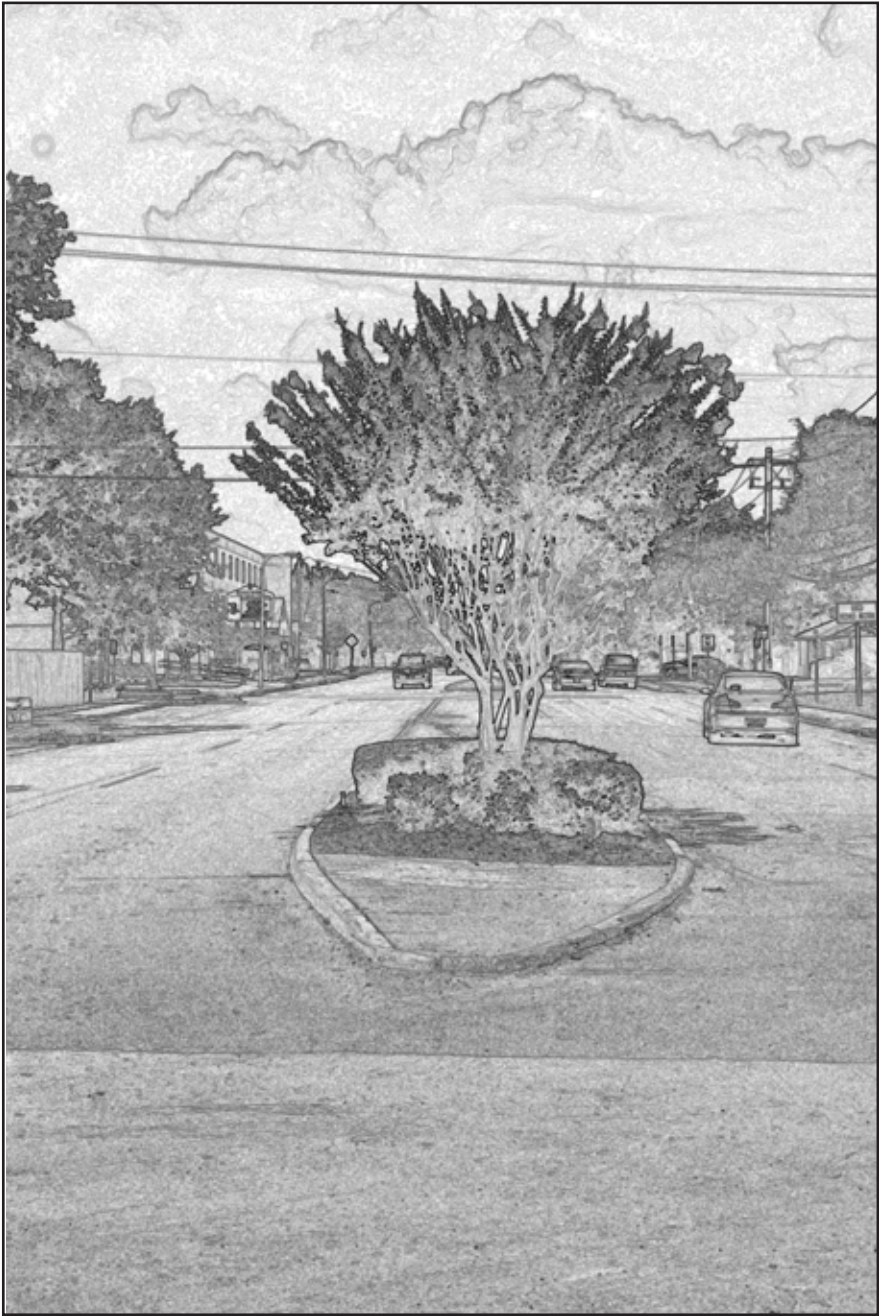
ATLANTA
CHICAGO
DENVER
PHOENIX
NSP.BIZ
AUSTIN
DALLAS
HOUSTON
SAN ANTONIO
(888) 982-1234

These documents are intended to illustrate design intent and should only be used as a general guideline. No information contained herein should be construed as an engineered element. The fabricator/installer shall be responsible for all structural, electrical and mechanical specifications. Information contained herein are part of an original and unpublished design by National Sign Plazas, Inc. Detailing and information contained on these pages shall not be reproduced, copied or utilized except for the specific project for which they were created, without the express written consent of National Sign Plazas, Inc.

City of Bellaire - Civic Wayfinding System
Presentation of Thematic Gateway Concepts

Created and Submitted by National Sign Plazas, Inc.
Submitted on: May 15, 2014
Received by: Paul Hofmann, City Manager

Sheet Title:
Major Gateway
Placement



ATLANTA
CHICAGO
DENVER
PHOENIX

NSP.BIZ

AUSTIN
DALLAS
HOUSTON
SAN ANTONIO

(888) 982-1234

These documents are intended to illustrate design intent and should only be used as a general guideline. No information contained herein should be construed as an engineered element. The fabricator/installer shall be responsible for all structural, electrical and mechanical specifications. Information contained herein are part of an original and unpublished design by National Sign Plazas, Inc. Detailing and information contained on these pages shall not be reproduced, copied or utilized except for the specific project for which they were created, without the express written consent of National Sign Plazas, Inc.

City of Bellaire - Civic Wayfinding System
Presentation of Thematic Gateway Concepts

Created and Submitted by National Sign Plazas, Inc.
Submitted on: May 15, 2014
Received by: Paul Hofmann, City Manager

Sheet Title:
Major Gateway
Placement

15
F.2.a

PROGRAM SUMMARY

The Bellaire wayfinding system is currently planned to address the needs of motorists within the City of Bellaire. The proposed sign location plan illustrates thirty seven (37) vehicular directional locations and nine (9) gateway locations.

The directional wayfinding system was designed and developed under several guiding principles. The most important planning and design goals have been listed here.

Planning Vision:

- 1. Efficiently drive traffic from the City’s major points of entry to the many civic attractions of Bellaire
- 2. Ensure that the placement of the signage is valuable to Bellaire’s citizens and visitors alike
- 3. Highlight the parks and open space features of the City
- 4. Delineate when travelers are entering Bellaire
- 5. Compliment economic development efforts that are currently under way

Design Vision:

- 1. Create recognition of when you are in Bellaire
- 2. Develop a branded design that can be incorporated in to the future planned developments of the City
- 3. Create a visually memorable image that reflects the premium nature of Bellaire and encourages visitors to return

Vehicular Directional Concepts:

Each sign concept was created to first meet the safety and visual needs of motorists traveling in and around Bellaire and then to address the creative vision of the committee. While each concept utilizes different materials, color schemes and fonts, they all reflect the unique and memorable character of Bellaire.

Gateway Concepts:

Each Gateway concept was first designed to illustrate “when you are in Bellaire” while establishing a visually memorable, branded image that would reflect the City’s history, residential panoply and/or forward thinking vision. Each concept was developed as a major feature; however, each concept has a reflective minor feature for placement at less frequented points of entry.

The following list details the projected total cost for the development of the directional wayfinding signs, minor and major gateway features. Costs have been developed on average costs for materials, fabrication and labor. Actual cost may vary based upon the approved conceptual designs.

Major Gateway (4):	\$100,000.00
Minor Gateway (5):	\$50,000.00
Vehicular Directionals (37):	\$150,000.00
Total Projected Cost:	\$250,000.00

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 08/04/14 07:00 PM
Department: Finance Administration
Category: Bond
Department Head: Linda Symank
DOC ID: 1226

SCHEDULED**ACTION ITEM (ID # 1226)****Item Title:**

Consideration of and possible action on a recommendation from the City's Financial Advisors, U.S. Capital Advisors, regarding the award of a bid for the sale of \$10,500,000 in City of Bellaire, Texas, General Obligation Bonds, Series 2014, and on the adoption of an ordinance of the City of Bellaire, Texas, authorizing the issuance of "\$10,500,000 City of Bellaire, Texas, General Obligation Bonds, Series 2014"; specifying the terms and features of said bonds; pledging the levy of a continuing annual ad valorem tax upon all taxable property within the City for the payment of the principal and interest on such bonds; enacting provisions incident and related to the issuance, delivery, payment of, and security for such bonds; approving and authorizing the distribution of an Official Statement; awarding the sale of such bonds; and authorizing and approving a Paying Agent/Registrar Agreement.

Background/Summary:

At the July 7, 2014 council meeting, staff provided historical information on capital funding for the period FY2006 - Projected FY2014 and proposed bond funding for FY2015 and FY2016 Capital Improvements. The City Council approved issuing of \$10.5 million General Obligation Bonds, \$5 million as the seventh installment of bonds under the Rebuild Bellaire Program and \$5.5 million of the first installment of bonds from the November, 2013 authority. Proceeds from the sale of the Bonds will be used for street and drainage improvements and park construction and improvements, and to pay certain issuance costs of the Bonds.

Bids for the sale of these bonds will be accepted and received until 10:00 a.m. on Monday, August 4, 2014, for "\$10,500,000 City of Bellaire, Texas (Harris County, Texas), General Obligation Bonds, Series 2014." The bids will be evaluated and a recommendation prepared and presented by Jim Gilley with U.S. Capital Advisors during the meeting scheduled on Monday, August 4, 2014, at 7:00 p.m.

City Attorney Alan Petrov has prepared an ordinance for City Council authorizing the issuance of "\$10,500,000 City of Bellaire, Texas (Harris County, Texas), General Obligation Bonds, Series 2014." The ordinance is attached for Council's review and consideration.

Previous Council Action Summary:

The bonds represent the 7th installment of Rebuild Bellaire Bonds approved by the voters on November 8, 2005 and the 1st installment of bonds authorized by voters on November 5, 2013. The City Council approved issuance of \$10.5 million in bonds to fund FY2015 capital improvement projects as identified in the Five Year CIP Plan on July 7, 2014.

Fiscal Impact:

Proceeds from the bonds will be used to pay the cost of issuance.

Recommendation:

The City Manager and CFO recommend award of Bid No. XXXXX and approval of the Ordinance authorizing the issuance of \$10.5 million City of Bellaire, Texas (Harris County, Texas), General Obligation Bonds, Series 2014 and the Paying Agent/Registrar Agreement.

ATTACHMENTS:

- Bond Ordinance Series 2014 (00165234-2xD8318) (DOC)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "\$10,500,000 CITY OF BELLAIRE, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2014"; SPECIFYING THE TERMS AND FEATURES OF SAID BONDS; PLEDGING THE LEVY OF A CONTINUING ANNUAL AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST ON SUCH BONDS; ENACTING PROVISIONS INCIDENT AND RELATED TO THE ISSUANCE, DELIVERY, PAYMENT OF, AND SECURITY FOR SUCH BONDS; APPROVING AND AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT; AWARDING SALE OF SUCH BONDS AND AUTHORIZING AND APPROVING A PAYING AGENT/REGISTRAR AGREEMENT.

WHEREAS, the City of Bellaire, Texas (herein referred to as the "City") is a political subdivision and home-rule city located within Harris County and operating pursuant to the laws of the State of Texas and a charter approved by the voters in 1949 and last amended in 2006; and

WHEREAS, the City operates under the Council/Manager form of government and the City Council (hereinafter referred to as the "City Council" or the "Council") formulates the operating policy for the City with implementation of such policies and directives by the City Manager, as chief administrative officer; and

WHEREAS, the City Council has adopted a multi-year capital improvements program to be implemented over an approximate 10-year period to repair, replace or extend the City's street, sidewalk, and drainage facilities and to improve, repair, construct or replace the City's buildings and other municipal facilities (the "Rebuild Bellaire Project"); and

WHEREAS, the duly qualified registered voters of the City at an election held for and within the City on November 8, 2005, authorized the issuance of \$41,000,000 in bonds to finance street, sidewalk, and drainage facility improvements and \$9,000,000 in bonds to finance improvements to municipal buildings and facilities as part of the Rebuild Bellaire Project; and

WHEREAS, by Ordinance No. 06-047 dated June 19, 2006, the City Council of the City of Bellaire, Texas, previously issued \$5,000,000 in principal amount of general obligation bonds approved and authorized to be issued at the election held on November 8, 2005, being more specifically \$2,775,000 for street, sidewalk and drainage facility improvements and \$2,225,000 for improvements to the municipal buildings; and

WHEREAS, by Ordinance No. 07-052 dated September 10, 2007, the City Council of the City of Bellaire, Texas, previously issued \$5,000,000 in principal amount of general obligation bonds approved and authorized to be issued at the election held on November 8, 2005, being more specifically \$4,000,000 for street, sidewalk and drainage facility improvements and \$1,000,000 for improvements to the municipal buildings; and

WHEREAS, by Ordinance No. 09-031 dated June 1, 2009, the City Council of the City of Bellaire, Texas, previously issued \$7,000,000 in principal amount of general obligation bonds

approved and authorized to be issued at the election held on November 8, 2005, being more specifically \$2,785,000 for street, sidewalk and drainage facility improvements and \$4,215,000 for improvements to the municipal buildings; and

WHEREAS, by Ordinance No. 10-033 dated May 17, 2010, the City Council of the City of Bellaire, Texas, previously issued \$6,000,000 in principal amount, and an additional \$27,308.90 in premium, of general obligation bonds approved and authorized to be issued at the election held on November 8, 2005, being more specifically \$6,000,000 for street, sidewalk and drainage facility improvements; and

WHEREAS, by Ordinance No. 11-063 dated August 15, 2011, the City Council of the City of Bellaire, Texas, previously issued \$6,500,000 in principal amount of general obligation bonds approved and authorized to be issued at the election held on November 8, 2005, being more specifically \$6,500,000 for street and drainage improvements; and

WHEREAS, by Ordinance No. 13-045 dated August 19, 2013, the City Council of the City of Bellaire, Texas previously issued \$6,000,000 in principal amount of general obligation bonds approved and authorized to be issues at the election held on November 8, 2005, being more specifically for \$6,000,000 for street, sidewalk and drainage facility improvements and improvements to municipal buildings and facilities; and

WHEREAS, the duly qualified registered voters of the City at an election held for and within the City on November 5, 2013 approved three (3) three bond propositions including; (1) \$11 million in bonds for the reconstruction of certain municipal buildings; (2) \$5 million in bonds for improvements to Evelyn's Park ; and (3) \$500 thousand in bonds for improvements to the Nature Discovery Center, thus \$5,500,000 of the Bonds represent the bonds authorized by the voters for Evelyn's Park and Nature Discovery Center in that election.

WHEREAS, the City Council of the City of Bellaire, Texas, hereby finds and determines that an additional \$10,500,000 in principal amount of general obligation bonds approved and authorized to be issued at the elections held on November 8, 2005 and November 5, 2013, should be issued and sold at this time; a summary of the general obligation bonds authorized at such election, the principal amounts authorized, amounts heretofore issued and being issued pursuant to this Ordinance and amounts remaining to be issued subsequent hereto being as follows:

Purpose	Principal Amount Authorized	Amount Previously Issued	Amounts Now Being Issued	Amounts Remaining
Street, Sidewalk and Drainage Facility Improvements	\$41,000,000	\$28,087,308.90	\$5,000,000	\$7,912,691.10
Improvements to Municipal Buildings and Facilities	\$ 9,000,000	\$ 7,440,000	\$ -0-	\$ 1,560,000
Evelyn's Park Improvements	\$ 5,000,000	\$ -0-	\$5,000,000	\$ -0-
Nature Discovery Center	\$ 500,000	\$ -0-	\$ 500,000	\$ -0-
TOTAL	\$ 55,500,000	\$35,527,308.90	\$10,500,000	\$ 9,472,691.10

AND WHEREAS, the City Council hereby reserves and retains the right to issue the balance of unissued bonds approved at said election in one or more installments when, in the judgment of the Council, funds are needed to accomplish the purposes for which such bonds were voted; now, therefore,

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

SECTION 1: Authorization - Designation - Principal Amount - Purpose. General obligation bonds of the City shall be and are hereby authorized to be issued in the aggregated principal amount of \$10,500,000, to be designated and bear the title "CITY OF BELLAIRE, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2014 (hereinafter referred to as the "Bonds"), for the purpose of improving, repairing, replacing or extending the City's street, and drainage facilities and park improvements, all in accordance with authority conferred at the aforesaid election and under and in strict conformity with the Constitution and laws of the State of Texas, including V.T.C.A., Government Code, Chapter 1331.

SECTION 2: Fully Registered Obligations - Bond Date - Authorized Denominations - Stated Maturities - Interest Rates. The Bonds shall be issued as fully registered obligations only, shall be dated September 1, 2014 (the "Dated Date"), and, other than the single fully registered Initial Bond referenced in Section 8 hereof, shall be in denominations of \$5,000 or any integral multiple (within a Stated Maturity) thereof, and shall become due and payable on February 15, in each of the years and in principal amounts (the "Stated Maturities") in accordance with the following schedule:

<u>Stated Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2-15-15	\$	
2-15-16	\$	
2-15-17	\$	
2-15-18	\$	
2-15-19	\$	
2-15-20	\$	
2-15-21	\$	
2-15-22	\$	
<u>TERM BONDS</u>		
2-15-24	\$	
2-15-26	\$	
2-15-28	\$	
2-15-30	\$	
2-15-33	\$	
2-15-35	\$	
2-15-38	\$	
2-15-39	\$	

The Bonds shall bear interest on the unpaid principal amounts from the Dated Date at the per annum rates shown above (computed on the basis of a 360-day year of twelve 30-day months); such interest shall be payable on February 15 and August 15 in each year, commencing February 15, 2015.

SECTION 3: Terms of Payment - Paying Agent/Registrar. The principal of, premium, if any, and the interest on the Bonds, due and payable by reason of maturity, redemption or otherwise, shall be payable only to the registered owners or holders of the Bonds (hereinafter called the "Holders") appearing on the registration and transfer books maintained by the Paying Agent/Registrar and the payment thereof shall be in any coin or currency of the United States of America, which at the time of payment is legal tender for the payment of public and private debts, and shall be without exchange or collection charges to the Holders.

The selection and appointment of U.S. Bank National Association, Houston, Texas, to serve as Paying Agent/Registrar for the Bonds is hereby approved and confirmed. Books and records relating to the registration, payment, transfer and exchange of the Bonds (the "Security Register") shall at all times be kept and maintained on behalf of the City by the Paying Agent/Registrar, as provided herein and in accordance with the terms and provisions of a "Paying Agent/Registrar Agreement," substantially in the form attached hereto as Exhibit A, and such reasonable rules and regulations as the Paying Agent/Registrar and the City may prescribe. The Mayor and City Clerk are authorized to execute and deliver such Agreement in connection with the delivery of the Bonds. The City covenants to maintain and provide a Paying Agent/Registrar at all times until the Bonds are paid and discharged, and any successor Paying Agent/Registrar shall be a bank, trust company, financial institution or other entity qualified and authorized to serve in such capacity and perform the duties and services of Paying Agent/Registrar. Upon any change in the Paying Agent/Registrar for the Bonds, the City agrees to promptly cause a written notice thereof to be sent to each Holder by the United States Mail, first class postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

Principal of and premium, if any, on the Bonds shall be payable at the Stated Maturities or the redemption thereof, only upon presentation and surrender of the Bonds to the Paying Agent/Registrar at its designated offices in Houston, Texas (the "Designated Payment/Transfer Office"). Interest on the Bonds shall be paid to the Holders whose name appears in the Security Register at the close of business on the Record Date (the 15th day of the month preceding each interest payment date) and shall be paid by the Paying Agent/Registrar (i) by check sent United States Mail, first class postage prepaid, to the address of the Holder recorded in the Security Register or (ii) by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Holder. If the date for the payment for the principal of or interest on the Bonds shall be Saturday, Sunday, a legal holiday, or a day on which banking institutions in the City where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located is authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

In the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled

payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States Mail, first class postage prepaid, to the address of each Holder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

SECTION 4: Redemption.

(a) Optional Redemption. The Bonds having Stated Maturities on and after February 15, 2024 shall be subject to redemption prior to maturity, at the option of the City, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar), on February 15, 2023 or on any date thereafter at the redemption price of par plus accrued interest to the date of redemption.

(b) Mandatory Redemption.

(i) The Bonds designated as term bonds (the "Term Bonds") on the Accepted Bid, shall be subject to scheduled mandatory redemption ("Mandatory Redemption") prior to maturity at a price equal to 100% of the principal amount thereof, plus accrued interest to the date fixed for redemption from funds which are required to be deposited in the City's Interest and Sinking Fund in amounts sufficient to redeem the Bonds on February 15, in the years and principal amounts shown on the following schedule:

The Term Bonds subject to scheduled Mandatory Redemption shall be selected by the Paying Agent/Registrar by lot, or by any other customary method that results in a random selection.

(ii) The principal amount of Term Bonds of a stated maturity required to be redeemed on any mandatory redemption date pursuant to the operation of the mandatory sinking fund redemption provisions hereof shall be reduced, at the option of the City, by the principal amount of any Term Bonds of the same maturity which, at least 45 days prior to a mandatory redemption date (1) shall have been acquired by the City and delivered to the Paying Agent/Registrar for cancellation, (2) shall have been purchased and canceled by the Paying Agent/Registrar at the request of the City, or (3) shall have been redeemed pursuant to the optional redemption provisions and not theretofore credited against a mandatory sinking fund redemption requirement.

(iii) The City reserves the right to purchase Term Bonds, in lieu of redemption, at a price not exceeding the principal amount thereof, plus accrued interest, with moneys on deposit in the Interest and Sinking Fund which are available for mandatory redemption of the Term Bonds, and the principal amount of Term Bonds so purchased and delivered to the Paying Agent/Registrar at least 45 days prior to a mandatory redemption date shall be credited against the amount required to be called for redemption in that year.

(iv) At least thirty (30) days prior to each scheduled Mandatory Redemption Date, the Paying Agent/Registrar shall select for redemption a principal amount of Term Bonds then to be subject to mandatory redemption equal to the aggregate principal amount of such Term Bonds to be redeemed, shall call such Bonds for redemption on such scheduled Mandatory Redemption Date, and shall give notice of redemption, as provided in Section 4(d) and (e).

(c) Exercise of Redemption Option. At least forty-five (45) days prior to a redemption date for the Bonds (unless a shorter notification period shall be satisfactory to the Paying Agent/Registrar), the City shall notify the Paying Agent/Registrar of the decision to redeem Bonds, the principal amount of each Stated Maturity to be redeemed, and the date of redemption therefor. The decision of the City to exercise the right to redeem Bonds shall be entered in the minutes of the governing body of the City.

(d) Selection of Bonds for Redemption. If less than all Outstanding Bonds of the same Stated Maturity are to be redeemed on a redemption date, the paying Agent/Register shall treat such Bonds as representing the number of Bonds Outstanding which is obtained by dividing the principle amount of such Bonds by \$5,000 and shall select the Bonds, or principal amount thereof, to be redeemed within such Stated Maturity by lot.

(e) Notice of Redemption. Not less than thirty (30) days prior to a redemption date for the Bonds, a notice of redemption shall be sent by United States Mail, first class postage prepaid, in the name of the City and at the City's expense, to each Holder of a Bond to be redeemed in whole or in part at the address of the Holder appearing on the Security Register at the close of business on the business day next preceding the date of mailing such notice, and any

notice of redemption so mailed shall be conclusively presumed to have been duly given irrespective of whether received by the Holder.

All notices of redemption shall (i) specify the date of redemption for the Bonds, (ii) identify the Bonds to be redeemed and, in the case of a portion of the principal amount to be redeemed, the principal amount thereof to be redeemed, (iii) state the redemption price, (iv) state that the Bonds, or the portion of the principal amount thereof to be redeemed, shall become due and payable on the redemption date specified, and the interest thereon, or on the portion of the principal amount thereof to be redeemed, shall cease to accrue from and after the redemption date, and (v) specify that payment of the redemption price for the Bonds, or the principal amount thereof to be redeemed, shall be made at the Designated Payment/Transfer Office of the Paying Agent/Registrar only upon presentation and surrender thereof by the Holder. If a Bond is subject by its terms to prior redemption and has been called for redemption and notice of redemption thereof has been duly given as hereinabove provided, such Bond (or the principal amount thereof to be redeemed) shall become due and payable and interest thereon shall cease to accrue from and after the redemption date therefor; provided moneys sufficient for the payment of such Bond (or the principal amount thereof to be redeemed) at the then applicable redemption price are held for the purpose of such payment by the Paying Agent/Registrar.

SECTION 5: Registration - Transfer/Exchange of Bonds - Predecessor Bonds. The Paying Agent/Registrar shall obtain, record, and maintain in the Security Register the name and address of each and every owner of the Bonds issued under and pursuant to the provisions of this Ordinance, or if appropriate, the nominee thereof. Any Bond may be transferred or exchanged for Bonds of other authorized denominations by the Holder, in person or by his duly authorized agent, upon surrender of such Bond to the Paying Agent/Registrar for cancellation, accompanied by a written instrument of transfer or request for exchange duly executed by the Holder or by his duly authorized agent, in form satisfactory to the Paying Agent/Registrar.

Upon surrender of any Bond (other than the Initial Bonds authorized in Section 8 hereof) for transfer at the Designated Payment/Transfer Office of the Paying Agent/Registrar, the Paying Agent/Registrar shall register and deliver, in the name of the designated transferee or transferees, one or more new Bonds of authorized denominations and having the same Stated Maturity and of a like aggregate principal amount as the Bond or Bonds surrendered for transfer.

At the option of the Holder, Bonds (other than the Initial Bonds authorized in Section 8 hereof) may be exchanged for other Bonds of authorized denominations and having the same Stated Maturity, bearing the same rate of interest and of like aggregate principal amount as the Bonds surrendered for exchange, upon surrender of the Bonds to be exchanged at the Designated Payment/Transfer Office of the Paying Agent/Registrar. Whenever any Bonds are surrendered for exchange, the Paying Agent/Registrar shall register and deliver new Bonds to the Holder requesting the exchange.

All Bonds issued in any transfer or exchange of Bonds shall be delivered to the Holders at the Designated Payment/Transfer Office of the Paying Agent/Registrar or sent by United States Mail, first class postage prepaid to the Holders, and, upon registration and delivery thereof, the same shall be the valid obligations of the City, evidencing the same obligation to

pay, and entitled to the same benefits under this Ordinance, as the Bonds surrendered in such transfer or exchange.

All transfers or exchanges of Bonds pursuant to this Section shall be made without expense or service charge to the Holder, except as otherwise herein provided, and except that the Paying Agent/Registrar shall require payment by the Holder requesting such transfer or exchange of any tax or other government charges required to be paid with respect to such transfer or exchange.

Bonds canceled by reason of an exchange or transfer pursuant to the provisions hereof are hereby defined to be "Predecessor Bonds," evidencing all or a portion, as the case may be, of the same obligation to pay evidenced by the new Bond or Bonds registered and delivered in the exchange or transfer therefor. Additionally, the term "Predecessor Bonds" shall include any mutilated, lost, destroyed, or stolen Bond for which a replacement Bond has been issued, registered and delivered in lieu thereof pursuant to the provisions of Section 11 hereof and such new replacement Bond shall be deemed to evidence the same obligation as the mutilated, lost, destroyed, or stolen Bond.

Neither the City nor the Paying Agent/Registrar shall be required to issue or transfer to an assignee of a Holder any Bond called for redemption, in whole or in part, within 45 days of the date fixed for the redemption of such Bond; provided, however, such limitation on transferability shall not be applicable to an exchange by the Holder of the unredeemed balance of a Bond called for redemption in part.

SECTION 6: Book-Entry Only Transfers and Transactions. Notwithstanding the provisions contained in Sections 3, 4, and 5 hereof relating to the payment, and transfer/exchange of the Bonds, the City hereby approves and authorizes the use of "Book-Entry Only" securities clearance, settlement and transfer system provided by The Depository Trust Company (DTC), a limited purpose trust company organized under the laws of the State of New York, in accordance with the operational arrangements referenced in the Blanket Issuer Letter of Representation, by and between the City and DTC (the "Depository Agreement").

Pursuant to the Depository Agreement and the rules of DTC, the Bonds shall be deposited with DTC who shall hold said Bonds for its participants (the "DTC Participants"). While the Bonds are held by DTC under the Depository Agreement, the Holder of the Bonds on the Security Register for all purposes, including payment and notices, shall be Cede & Co., as nominee of DTC, notwithstanding the ownership of each actual purchaser or owner of each Bond (the "Beneficial Owners") being recorded in the records of DTC and DTC Participants.

In the event that DTC determines to discontinue serving as securities depository for the Bonds or otherwise ceases to provide book-entry clearance and settlement of securities transactions in general or the City determines that DTC is incapable of properly discharging its duties as securities depository for the Bonds, the City covenants and agrees with the Holders of the Bonds to cause Bonds to be printed in definitive form and provide for the Bonds to be issued and delivered to DTC Participants and Beneficial Owners, as the case may be. Thereafter the Bonds in definitive form shall be assigned, transferred and Exchanged on the Security Register

maintained by the Paying Agent/Registrar and payment of such Bonds shall be made in accordance with the provisions of Sections 3, 4, and 5 hereof.

SECTION 7: Execution - Registration. The Mayor is authorized and directed to execute and the City Clerk is authorized to attest the Initial Bond in the name of Cede & Co. The Bonds shall be executed on behalf of the City by the Mayor under its seal reproduced or impressed thereon and countersigned by the City Clerk. The signature of said officers on the Bonds may be manual or facsimile. Bonds bearing the manual or facsimile signatures of individuals who are or were the proper officers of the City on the Bond Date shall be deemed to be duly executed on behalf of the City, notwithstanding that such individuals or either of them shall cease to hold such offices at the time of delivery of the Bonds to the initial purchaser(s) and with respect to Bonds delivered in subsequent exchanges and transfers, all as authorized and provided in V.T.C.A., Government Code, Chapter 1201.

No Bond shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Bond either a certificate of registration substantially in the form provided in Section 9C, manually executed by the Comptroller of Public Accounts of the State of Texas, or his duly authorized agent, or a certificate of registration substantially in the form provided in Section 9D, manually executed by an authorized officer, employee or representative of the Paying Agent/Registrar, and either such certificate duly signed upon any Bond shall be conclusive evidence, and the only evidence, that such Bond has been duly certified, registered and delivered.

SECTION 8: Initial Bond(s). The Bonds herein authorized shall be initially issued either (i) as a single fully registered bond in the total principal amount of \$10,500,000 with principal installments to become due and payable as provided in Section 2 hereof and numbered T-1, or (ii) as multiple fully registered bonds, being one bond for each year of maturity in the applicable principal amount and denomination and to be numbered consecutively from T-1 and upward (herein after called the "Initial Bond(s)") and, in either case, the Initial Bond(s) shall be registered in the name of the original purchaser(s) or the designee thereof. The Initial Bond(s) shall be the Bonds submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas and delivered to the initial purchaser(s). Any time after the delivery of the Initial Bond(s), the Paying Agent/Registrar, pursuant to written instructions from the initial purchaser(s), or the designee thereof, shall cancel the Initial Bond(s) delivered hereunder and exchange therefor definitive Bonds of authorized denominations, stated maturities, principal amounts, and bearing applicable interest rates for transfer and delivery to the Holders named at the addresses identified therefor; all pursuant to and in accordance with such written instructions from the initial purchaser(s), or the designee thereof, and such other information and documentation as the Paying Agent/Registrar may reasonably require.

SECTION 9: Forms.

(a) **Forms Generally.** The Bonds, the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Registration Certificate of Paying Agent/Registrar, and the form of Assignment to be printed on each of the Bonds, shall be substantially in the forms set forth in this Section with such appropriate insertions, omissions, substitutions, and

other variations as are permitted or required by this Ordinance and may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including insurance legends in the event the Bonds, or any maturities thereof, are purchased with insurance and any reproduction of an opinion of counsel) thereon as may, consistently herewith, be established by the City or determined by the officers executing such Bonds as evidenced by their execution. Any portion of the text of any Bonds may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Bond.

The definitive Bonds and the Initial Bond(s) may be printed, lithographed, or engraved, typewritten, photocopied or otherwise reproduced in any similar manner, all as determined by the officers executing such Bonds as evidenced by their execution thereof.

(b) Form of Definitive Bond.

REGISTERED
NO.

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF BELLAIRE, TEXAS
GENERAL OBLIGATION BONDS, SERIES 2014

Dated Date:
September 1, 2014

Interest Rate:

Stated Maturity:

CUSIP NO.:

Registered Owner:

Principal Amount:

DOLLARS

The City of Bellaire (hereinafter referred to as the "City"), a body corporate and political subdivision in the County of a Harris, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the Registered Owner named above, or the registered assigns thereof, on the Stated Maturity Date specified above the Principal Amount hereinabove stated (or so much thereof as shall not have been paid upon prior redemption) and to pay interest on the unpaid principal amount hereof from the Dated Date at the per annum rate of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest accrues from the Dated Date and is payable on February 15 and August 15 in each year, commencing February 15, 2015. Principal of this Bond is payable on its Stated Maturity or redemption to the registered owner hereof, upon presentation and surrender, at the Designated Payment/Transfer Office of the Paying Agent/Registrar executing the registration certificate appearing hereon, or its successor. Interest is payable to the registered owner of this Bond (or one or more Predecessor Bonds, as defined in the Ordinance hereinafter referenced) whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date", which is the 15th day of the month preceding each interest payment date, and interest shall be paid by the Paying Agent/Registrar by check sent United States Mail, first class postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested

by, and at the risk and expense of, the registered owner. All payments of principal of, premium, if any, and interest on this Bond shall be without exchange or collection charges to the owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

This Bond is one of the series specified in its title issued in the aggregate principal amount of \$10,500,000 (herein referred to as the "Bonds") for the purpose of repairing, replacing or extending the City's street, sidewalk and drainage facilities, and for improvements to Evelyn's Park and the Nature Discovery Center, all in accordance with authority conferred at elections held within the City on November 8, 2005 and November 5, 2013, and under and in strict conformity with the Constitution and laws of the State of Texas and pursuant to an Ordinance adopted by the City Council of the City (herein referred to as the "Ordinance").

The Bonds maturing on or after February 15, 2024, may be redeemed prior to their Stated Maturities, at the option of the City, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar), on February 15, 2023, or on any date thereafter, at the redemption price of par, together with accrued interest to the date of redemption.

The Bonds scheduled to mature on February 15, 202__, February 15, 202__, February 15, 202__, February 15, 20__, February 15, 20__, February 15, 20__, and February 15, 20__, (the "Term Bonds"), are subject to scheduled mandatory redemption by the Paying Agent/Registrar by lot, or by any other customary method that results in a random selection, at a price equal to the principal amount thereof, plus accrued interest to the redemption date, out of moneys available for such purpose in the interest and sinking fund for the Bonds, on the dates and in the respective principal amounts, set forth in the following schedule:

At least thirty days prior to a redemption date, the City shall cause a written notice of such redemption to be sent by United States Mail, first class postage prepaid, to the registered owners of the Bonds to be redeemed in whole or in part, and subject to the terms and provisions relating thereto contained in the Ordinance. If a Bond (or any portion of its principal sum to be redeemed) shall have been duly called for redemption and notice of such redemption duly given, then upon said redemption date such Bonds (or the portion of its principal sum to be redeemed) shall become due and payable, and interest thereon shall cease to accrue from and after the redemption date therefor, provided moneys for the payment of the redemption price and the interest on the principal amount to be redeemed to the date of redemption are held for the purpose of such payment by the Paying Agent/Registrar.

In the event a portion of the principal amount of a Bond is to be redeemed and the registered owner is someone other than Cede & Co., payment of the redemption price of such principal amount shall be made to the registered owner only upon presentation and surrender of such Bond to the Designated Payment/Transfer Office of the Paying Agent /Registrar, and a new Bond or Bonds of like maturity and interest rate in any authorized denominations provided by the Ordinance for the then unredeemed balance of the principal sum thereof will be issued to the registered owner, without charge. If a Bond is selected for redemption, in whole or in part, the City and the Paying Agent/Registrar shall not be required to transfer such Bond to an assignee of the registered owner within 45 days of the redemption dated therefor; provided, however, such limitation on transferability shall not be applicable to an exchange by the registered owner of the unredeemed balance of a Bond redeemed in part.

The Bonds are payable from the proceeds of an ad valorem tax levied, within the limitations prescribed by law, upon all taxable property in the City. Reference is hereby made to the Ordinance, a copy of which is on file in the Designated Payment/Transfer Office of the Paying Agent/Registrar, and to all of the provisions of which the owner or holder of this Bond by the acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the tax levied for the payment of the Bonds; the terms and conditions relating to the transfer and exchange of this Bond; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Holders; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which this Bond may be discharged at or prior to its maturity or redemption, and deemed to be no longer Outstanding thereunder; and for other terms and provisions contained therein. Capitalized terms used herein have the meanings assigned in the Ordinance.

This Bond, subject to certain limitations contained in the Ordinance, may be transferred on the Security Register only upon its presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar, with the Assignment hereon duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by, the registered owner hereof, or his duly authorized agent. When a transfer on the Security Register occurs, one or more new fully registered Bonds of the same Stated Maturity, of authorized denominations, bearing the same rate of interest, and

of the same aggregate principal amount will be issued by the Paying Agent/Registrar to the Designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, shall treat the registered owner whose name appears on the Security Register (i) on the Record Date as the owner entitled to payment of interest hereon, (ii) on the date of surrender of this Bond as the owner entitled to principal hereof at its Stated Maturity or its redemption, in whole or in part, and (iii) on any other date as the owner for all other purposes, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary. In the event of nonpayment of interest on a scheduled payment date and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States Mail, first class postage prepaid, to the address of each Holder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

It is hereby certified, recited, represented and declared that the City is a body corporate and political subdivision duly organized and legally existing under and by virtue of the Constitution and laws of the State of Texas; that the issuance of the Bonds is duly authorized by law; that all acts, conditions and things required to exist and be done precedent to and in the issuance of the Bonds to render the same lawful and valid obligations of the City have been properly done, have happened and have been performed in regular and due time, form and manner as required by the Constitution and laws of the State of Texas, and the Ordinance; that the Bonds do not exceed any Constitutional or statutory limitation; and that due provision has been made for the payment of the principal of and the interest on the Bonds by the levy of a tax as afore stated. In case any provision in this Bond shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The terms and provisions of this Bond and the Ordinance shall be construed in accordance with and shall be governed by the laws of the State of Texas.

IN WITNESS WHEREOF, the City Council of the City has caused this Bond to be duly executed under the official seal of the City as of the Dated Date.

CITY OF BELLAIRE, TEXAS

Mayor

COUNTERSIGNED:

City Clerk

(SEAL)

(c) *Form of Registration Certificate of Comptroller of Public Accounts to appear on Initial Bond(s) only.

REGISTRATION CERTIFICATE OF COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER	§	
OF PUBLIC ACCOUNTS	§	
	§	REGISTER NO.
THE STATE OF TEXAS	§	

I HEREBY CERTIFY that this Bond has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and duly registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS my signature and seal of office this _____, _____.

Comptroller of Public Accounts
of the State of Texas

(SEAL)

*NOTE TO PRINTER: Do Not Print on Definitive Bonds

(d) Form of Certificate of Paying Agent/Registrar to Appear on Bonds (other than a single fully registered Initial Bond).

REGISTRATION CERTIFICATE OF PAYING AGENT/REGISTRAR

This Bond has been duly issued and registered under the provisions of the within-mentioned Ordinance; the bond or bonds of the above entitled and designated series originally delivered having been approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts, as shown by the records of the Paying Agent/Registrar.

The designated offices of the Paying Agent/Registrar in Houston, Texas is the "Designated Payment/Transfer Office" for this Bond.

U.S. BANK NATIONAL ASSOCIATION,

as Paying Agent/Registrar

Registration date: _____

By: _____
Authorized Signature

(e) Form of Assignment

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns, and transfers unto (Print or typewrite name, address, and zip code of transferee:) _____
(Social Security or other identifying number:) _____ the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED: _____

Signature Guaranteed: _____

NOTICE: The signature on this assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular.

(f) The Initial Bond(s) shall be in the form set in paragraph B of this Section; except that the form of the single fully registered Initial Bond shall be modified as follows:

(i) immediately under the name of the bond the headings "Interest Rate _____" and "Stated Maturity _____" shall be omitted.

(ii) Paragraph one shall read as follows:

Registered Owner:

Principal Amount:

DOLLARS

The City of Bellaire (hereinafter referred to as the "City"), a body corporate and municipal corporation of the County of Harris, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the Registered Owner named above, or the registered assigns thereof, the Principal Amount hereinabove stated on February 15 in each of the years and in principal installments in accordance with the following schedule:

STATED
MATURITY

PRINCIPAL
AMOUNT

INTEREST
RATE

(Information to be inserted from schedule in Section 2 hereof).

(or so much principal thereof as shall not have been prepaid prior to maturity) and to pay interest on the unpaid Principal Amount hereof from the Dated Date at the per annum rates of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 15 and August 15 in each year, commencing February 15, 2014. Principal installments of this Bond are payable in the year of maturity or on a prepayment day to the registered owner hereof by U.S. Bank National Association (the "Paying Agent/Registrar"), upon presentation and surrender, at its designated offices in Houston, Texas (the Designated Payment/Transfer Office"). Interest is payable to the registered owner of this Bond whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date", which is the last day of the month next preceding each interest payment date, and interest shall be paid by the Paying Agent/Registrar by check sent United States Mail, first class postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. All payments of principal of, premium, if any, and interest on this Bond shall be without exchange or collection charges to the owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

SECTION 10: Levy of Taxes. To provide for the payment of the "Debt Service Requirements" of the Bonds, being (i) the interest on the Bonds and (ii) a sinking fund for their redemption at maturity or a sinking fund of 2% (whichever amount is greater), there is hereby levied, and there shall be annually assessed and collected in due time, form, and manner, a tax on all taxable property in the City, within the limitations prescribed by law, and such tax hereby levied on each one hundred dollars' valuation of taxable property in the City for the Debt Service Requirements of the Bonds shall be at a rate from year to year as will be ample and sufficient to provide funds each year to pay the principal of and interest on said Bonds while Outstanding; full allowance being made for delinquencies and costs of collection; separate books and records relating to the receipt and disbursement of taxes levied, assessed and collected for and on account of the Bonds shall be kept and maintained by the City at all times while the Bonds are Outstanding, and the taxes collected for the payment of the Debt Service Requirements on the Bonds shall be deposited to the credit of a "Special 2014 Bond Account" (the "Interest and Sinking Fund") maintained on the records of the City and deposited in a special fund maintained at an official depository of the City's funds; and such tax hereby levied, and to be assessed and collected annually, is hereby pledged to the payment of the Bonds.

Proper officers of the City are hereby authorized and directed to cause to be transferred to the Paying Agent/Registrar for the Bonds, from funds on deposit in the Interest and Sinking Fund, amounts sufficient to fully pay and discharge promptly each installment of interest and principal of the Bonds as the same accrues or matures or comes due by reason of redemption prior to maturity; such transfers of funds to be made in such manner as will cause collected funds to be deposited with the Paying Agent/Registrar on or before each principal and interest payment date for the Bonds.

SECTION 11: Mutilated-Destroyed-Lost and Stolen Bonds. In case any Bond shall be mutilated, or destroyed, lost or stolen, the Paying Agent/Registrar, subject to City approval and

{00165234.DOC2 }

in its discretion, may execute and deliver a replacement Bond of like form and tenor, and in the same denomination and bearing a number not contemporaneously outstanding, in exchange and substitution for such mutilated Bond, or in lieu of and in substitution for such destroyed, lost or stolen Bond, only upon (i) the filing by the Holder thereof with the Paying Agent/Registrar of evidence satisfactory to the Paying Agent/Registrar of the destruction, loss or theft of such Bond, and of the authenticity of the ownership thereof and (ii) the furnishing to the Paying Agent/Registrar of indemnification in an amount satisfactory to hold the City and the Paying Agent/Registrar harmless. All expenses and charges associated with such indemnity and with the preparation, execution and delivery of a replacement Bond shall be borne by the Holder of the Bond mutilated, or destroyed, lost or stolen.

Every replacement Bond issued pursuant to this Section shall be a valid and binding obligation, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Bonds; notwithstanding the enforceability of payment by anyone of the destroyed, lost, or stolen Bonds.

The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement and payment of mutilated, destroyed, lost or stolen Bonds.

SECTION 12: Satisfaction of Obligation of City. If the City shall pay or cause to be paid, or there shall otherwise be paid to the Holders, the principal of, premium, if any, and interest on the Bonds, at the times and in the manner stipulated in this Ordinance, then the pledge of taxes levied under this Ordinance and all covenants, agreements, and other obligations of the City to the Holders shall thereupon cease, terminate, and be discharges and satisfied.

Bonds or any principal amount(s) thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section when (i) money sufficient to pay in full such Bonds or the principal amount(s) thereof at maturity or (if notice of redemption has been duly given or waived or if irrevocable arrangements therefor acceptable to the Paying Agent/Registrar have been made) the redemption date thereof, together with all interest due thereon, shall have been irrevocably deposited with and held in trust by the Paying Agent/Registrar, or an authorized escrow agent, or (ii) Government Securities shall have been irrevocably deposited in trust with the Paying Agent/Registrar, or an authorized escrow agent, which Government Securities have been certified by an independent accounting firm to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money, together with any moneys deposited therewith, if any, to pay when due the principal of and interest on such Bonds, or the principal amount(s) thereof, on and prior to the Stated Maturity thereof or (if notice of redemption has been duly given or waived or if irrevocable arrangements therefor acceptable to the Paying Agent/Registrar have been made) the redemption date thereof. The City covenants that no deposit of moneys or Government Securities will be made under this Section and no use made of any such deposit which would cause the Bonds to be treated as "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code 1986, or regulations adopted pursuant thereto.

Any moneys so deposited with the Paying Agent/Registrar, or an authorized escrow agent, and all income from Government Securities held in trust by the Paying Agent/Registrar, or an authorized escrow agent, pursuant to this Section which is not required for the payment of the

{00165234.DOC2 }

Bonds, or any principal amount(s) thereof, or interest thereon with respect to which such moneys have been so deposited shall be remitted to the City or deposited as directed by the City. Furthermore, any money held by the Paying Agent/Registrar for the payment of the principal of and interest on the Bonds and remaining unclaimed for a period of three (3) years after the Stated Maturity, or applicable redemption date, of the Bonds for which such moneys were deposited and are held in trust to pay, shall upon the request of the City be remitted to the City against a written receipt therefor. Notwithstanding the above and foregoing, any remittance of funds the Paying Agent/Registrar to the City shall be subject to any applicable unclaimed property laws of the State of Texas.

The term "Government Securities", as used herein, means (i) direct noncallable obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States, including obligations unconditionally guaranteed or insured by the agency or instrumentality and on the date of their acquisition or purchase by the City and rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent and (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent.

SECTION 13: Ordinance a Contract - Amendments - Outstanding Bonds. This Ordinance shall constitute a contract with the Holders from time to time, be binding on the City, and shall not be amended or repealed by the City while any Bond remains Outstanding except as permitted in this Section. The City may, without the consent of or notice to any Holders, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interest of the Holders, including the curing of any ambiguity, inconsistency, or formal defect or omission herein. In addition, the City may, with the consent of Holders holding a majority in aggregate principal amount of the Bonds then Outstanding affected thereby, amend, add to, or rescind any of the provisions of this Ordinance; provided that, without the consent of all Holders of Outstanding Bonds, no such amendment, addition, or rescission shall (1) extend the time or times of payment of the principal of, premium, if any, and interest on the Bonds, reduce the principal amount thereof, the redemption price therefor, or the rate of interest thereon, or in any other way modify the terms of payment of the principal or, premium, if any, or interest on the Bonds, (2) give any preference to any Bond over any other Bond, or (3) reduce the aggregate principal amount of Bonds required to be held by Holders for consent to any such amendment, addition, or rescission.

The term "Outstanding" when used in this Ordinance with respect to Bonds means, as of the date of determination, all Bonds theretofore issued and delivered under this Ordinance, except:

- (a) those Bonds canceled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;
- (b) those Bonds deemed to be duly paid by the City in accordance with the provisions of Section 12 hereof; and

{00165234.DOC2 }

- (c) those mutilated, destroyed, lost, or stolen Bonds which have been replaced with Bonds registered and delivered in lieu thereof as provided in Section 11 hereof.

SECTION 14: Qualified Tax-Exempt Obligations. The City is not designating the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b) of the Code.

SECTION 15: Covenants to Maintain Tax-Exempt Status.

- (a) Definitions. When used in this Section, the following terms have the following meanings:

"*Closing Date*" means the date on which the Bonds are first authenticated and delivered to the initial purchaser against payment therefor.

"*Code*" means the Internal Revenue Code of 1986, as amended by all legislation, if any, effective on or before the Closing Date.

"*Computation Date*" has the meaning set forth in Section 1.148-1(b) of the Regulations.

"*Gross Proceeds*" means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1(c) of the Regulations, of the Bonds.

"*Investment*" has the meaning set forth in Section 1.148-1(b) of the Regulations.

"*Nonpurpose Investment*" means any investment property, as defined in Section 148(b) of the Code, in which Gross Proceeds of the Bonds are invested and which is not acquired to carry out the governmental purposes of the Bonds.

"*Rebate Amount*" has the meaning set forth in Section 1.148-1(b) of the Regulations.

"*Regulations*" means any proposed, temporary, or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Bonds. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

"*Yield*" of (1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations; and (2) the Bonds has the meaning set forth in Section 1.148-4 of the Regulations.

- (b) Not to Cause Interest to Become Taxable. The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Bond to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing,

{00165234.DOC2 }

unless and until the City receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Bond, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by Section 141 of the Code and Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Bonds:

(i) exclusively own, operate and possess all property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds of the Bonds, and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(ii) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Bonds or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds, other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such gross Proceeds are considered to be "loaned" to a person or entity if: (1) property acquired, constructed or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Bonds directly or indirectly invest Gross Proceeds in any Investment (or use Gross Proceeds to replace money so invested), if as a results of such investment the Yield from the Closing Date of all Investments acquired with Gross Proceeds (or with money replaced thereby), whether then held or previously disposed of exceeds the Yield of the Bonds.

(f) Not Federally Guaranteed. Except as may otherwise be permitted by the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Bonds to be federally guaranteed within the meaning of section 149(b) of the Code and the Regulations and rulings thereunder.

{00165234.DOC2 }

(g) Information Report. The City shall timely file the information required by section 149(e) of the Code with the Secretary of the Treasury of Form 8038-G or such other form and in such place as the Secretary may prescribe.

(h) Rebate to Arbitrage Profits. Except to the extent otherwise provided in section 148(f) of the Code and the Regulations and rulings thereunder:

(i) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six years after the day on which the last Outstanding Bond is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Bonds with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(ii) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Bonds until six years after the final Computation Date.

(iii) As additional consideration for the purchase of the Bonds by the Purchaser and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, the City shall pay to the United States out of the Interest and Sinking Fund or its general fund, as permitted by applicable Texas statute, regulation or opinion of the Attorney General of the State of Texas, the amount that when added to the future value of previous rebate payments made for the Bonds equals (i) in the case of a final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate amount on such date; and (ii) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place and in the manner as is or may be required by section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

(iv) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (2) and (3), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by section 148 of the Code and the Regulations and rulings thereunder, the City shall not, at any time prior to the

{00165234.DOC2 }

earlier of the Stated Maturity or final payment of the Bonds, enter into any transaction that reduces the amount required to be paid to the United States pursuant to Subsection (h) of this Section because such transaction results in a smaller profit of a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Bonds not been relevant to either party.

(j) Elections. The City hereby directs and authorizes the Mayor, City Clerk, City Manager and Director of Finance, individually or jointly, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as they deem necessary or appropriate in connections with the Bonds, in the Certificate as to Tax Exemption or similar or other appropriate certificate, form or document.

SECTION 16: Sale of Bonds. Pursuant to a public sale and after advertising for and receiving competitive sealed bids for the Bonds, the bid submitted by _____ (herein referred to as the "Purchasers") is declared to be the best bid received producing the lowest true interest cost to the City; such bid is hereby accepted and incorporated herein by reference as a part of this Ordinance for all purposes and the sale of the Bonds to said Purchasers at the Purchase Price of price of \$_____, which includes the par of \$_____, plus a premium of \$_____, less an underwriter discount of \$_____not including accrued interest to the date of delivery, is hereby approved and confirmed. Delivery of the Bonds to the Purchasers shall occur as soon as possible upon payment being made therefor in accordance with the terms of sale.

SECTION 17: Official Statement. The use of the Preliminary Official Statement, dated August 4, 2014, in the offering and sale of the Bonds is hereby ratified, confirmed and approved in all respects, and the City Council hereby finds that the information and data contained in said Preliminary Official Statement pertaining to the City and its financial affairs is true and correct in all material respects and no material facts have been omitted therefrom which are necessary to make the statements therein, in light of the circumstances under which they were made, not misleading. The final Official Statement, which reflects the terms of sale (together with such changes approved by the Mayor, City Clerk, City Manager or Director of Finance, one or more of said officials), shall be and is hereby in all respects approved and the Purchaser are hereby authorized to use and distribute said final Official Statement, dated August __, 2014, in the reoffering, sale and delivery of the Bonds to the public.

SECTION 18: Control and Custody of Bonds. The Mayor of the City shall be and is hereby authorized to take and have charge of all necessary orders and records pending investigation by the Attorney General of the State of Texas, including the printing and supply of definitive Bonds, and shall take and have charge and control of the Initial Bond(s) pending the approval thereof by the Attorney General, the registration thereof by the Comptroller of Public Accounts and the delivery thereof to the Purchaser.

Furthermore, the Mayor, City Clerk, City Manager and Director of Finance, any one or more of said officials, are hereby authorized and directed to furnish and execute such documents relating to the City and its financial affairs as may be necessary for the issuance of the Bonds, the approval of the Attorney General and the registration by the Comptroller of Public Accounts and, together with the City's financial advisor, bond counsel and the Paying Agent/Registrar, make

the necessary arrangements for the delivery of the Initial Bond(s) to the Purchaser and the initial exchange thereof for definitive Bonds.

SECTION 19: Proceeds of Sale. The proceeds of sale of the Bonds, excluding the accrued interest and premium received from the purchaser, shall be deposited in a construction fund maintained at the City's depository bank. Pending expenditure for authorized projects and purposes, such proceeds of sale may be invested in authorized investments in accordance with the provisions of V.T.C.A., Government Code, Chapter 2256, including guaranteed investment contracts permitted by V.T.C.A., Section 2256.015 et seq., and the City's investment policies and guidelines, and any investment earnings realized shall be expended for such authorized projects and purposes or deposited in the Interest and Sinking Fund as shall be determined by the City Council. Accrued interest shall be deposited to the credit of the Interest and Sinking Fund. The premium received from the Purchaser shall be used to pay the cost of issuance of the Bonds, and after paying such costs of issuance, any surplus in premium remaining will be deposited into the construction fund. All surplus proceeds of sale of the Bonds, including investment earnings, remaining after completion of all authorized projects or purposes may be deposited to the credit of the Interest and Sinking Fund.

SECTION 20: Notices to Holders-Waiver. Whenever this Ordinance provides for notice to Holders of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and sent by United States Mail, first class postage prepaid, to the address of each Holder appearing in the Security Register at the close of business on the business day next preceding the mailing of such notice.

In any case where notice to Holders is given by mail, neither the failure to mail such notice to any particular Holders, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Bonds. Where this Ordinance provided for notice in any manner, such notice may be waived in writing by the Holder entitled to receive such notice, either before or after the event with respect to which such notice is given, and such waiver shall be the equivalent of such notice. Waivers of notice by Holders shall be filed with the Paying Agent/Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 21: Cancellation. All Bonds surrendered for payment, redemption, transfer, exchange, or replacement, if surrendered to the Paying Agent/Registrar, shall be promptly canceled by it and, if surrendered to the City, shall be delivered to the Paying Agent/Registrar and, if not already canceled, shall be promptly canceled by the Paying Agent/Registrar. The City may at any time deliver to the Paying Agent/Registrar for cancellation any Bonds previously certified or registered and delivered which the City may have acquired in any manner whatsoever, and all Bonds so delivered shall be promptly canceled by the Paying Agent/Registrar. All canceled Bonds held by the Paying Agent/Registrar shall be returned to the City.

SECTION 22: Legal Opinion. The obligation of the Purchaser to accept delivery of the Bonds is subject to being furnished a final opinion of Johnson Petrov LLP, Attorneys, Houston, Texas, approving such Bonds as to their validity, said opinion to be dated and delivered as of the date of delivery and payment for such Bonds. A true and correct reproduction of said opinion is

hereby authorized to be printed on the definitive Bonds or an executed counterpart thereof shall accompany the global Bonds deposited with the Depository Trust Company.

SECTION 23: CUSIP Numbers. CUSIP numbers may be printed or typed on the definitive Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the definitive Bonds shall be of no significance or effect as regards the legality thereof and neither the City nor attorneys approving the Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed or typed on the definitive Bonds.

SECTION 24: Benefits of Ordinance. Nothing in this Ordinance, expressed or implied, is intended or shall be construed to confer upon any person other than the City, the Paying Agent/Registrar and the Holders, any right, remedy, or claim, legal or equitable, under or by reason of this Ordinance or any provision hereof, this Ordinance and all its provisions being intended to be and being for the sole and exclusive benefit of the City, the Paying Agent/Registrar and the Holders.

SECTION 25: Inconsistent Provisions. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

SECTION 26: Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 27: Application of Chapter 1208, Government Code. Chapter 1208, Government Code, applies to the issuance of the Bonds and the pledge of the taxes granted by the City under Section 10 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Bonds are outstanding and unpaid such that the pledge of the taxes granted by the City under Section 10 of this Ordinance is to be subject to the filing requirements of Chapter 10, Business & Commerce Code, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 10, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

SECTION 28: Effect of Headings. The Section headings herein are for convenience only and shall not affect the construction hereof.

SECTION 29: Construction of Terms. If appropriate in the context of this Ordinance, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine or neutral gender shall be considered to include the other genders.

SECTION 30: Severability. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 31: Continuing Disclosure Undertaking.

(a) *Definitions.* As used in this Section, the following terms have the meanings ascribed to such terms below:

"EMMA" means the Electronic Municipal Market Access system.

"MSRB" means the Municipal Securities Rulemaking Board.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

(b) Annual Reports. The City shall provide annually to the MSRB's EMMA system, within six months after the end of each fiscal year (beginning with the fiscal year ending September 30, 2014) financial information and operating data with respect to the City of the general type included in the final Official Statement approved by Section 17 of this Ordinance, being the information described in Exhibit B hereto. Financial statements to be provided shall be (1) prepared in accordance with the accounting principles described in Exhibit B hereto and (2) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If audited financial statements are not available at the time the financial information and operating data must be provided, then the City shall provide unaudited financial statements for the applicable fiscal year to the MSRB's EMMA system with the financial information and operating data and will file the annual audit report when and if the same becomes available.

If the City changes its fiscal year, it will notify the MSRB's EMMA system of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB's EMMA system or filed with the SEC.

(c) *Material Event Notices.* The City shall notify the MSRB's EMMA system, in a timely manner, and not more than ten (10) business days after the occurrence of an event, of any of the following events with the respect to the Bonds:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;

6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax-exempt status of the Bonds, or other material events affecting the tax-exempt status of the Bonds;
7. Modifications to rights of holders of the Bonds, if material;
8. Bond calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership, or similar event of the Issuer, which shall occur as described below;
13. The consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of its assets, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
14. Appointment of a successor or additional trustee or the change of name of a trustee, if material.

The City shall also notify the MSRB's EMMA system, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (b) of this Section by the time required by such Section.

(d) *Limitations, Disclaimers, and Amendments.* The City shall be obligated to observe and perform the covenants specified in this Section while, but only while, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give the notice required by subsection (c) hereof of any Bond calls and defeasance that cause the City to be no longer such an "obligated person."

The provisions of this Section are for the sole benefit of the Holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete representation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

{00165234.DOC2 }

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall constitute a breach of or default under this Ordinance for purposes of any other provision of the Ordinance.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state security laws.

The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances resulting from a change in legal requirements, a change in law, or a change in identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the Outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Holders and beneficial owners of the Bonds. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (b) an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information of operating data so provided.

SECTION 32: Further Procedures. The officers and employees of the City are hereby authorized and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of and under the corporate seal of the City all such instruments, whether mentioned herein or not, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the initial sale and delivery of the Bonds, the Paying Agent/Registrar Agreement, and the Official Statement. In addition, prior to the initial delivery of the Bonds, the Mayor, the City Manager, and Bond Counsel are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance and as described in the Official Statement, (ii) obtain a rating from any of the national bond rating agencies, or (iii) obtain the approval of the Bonds by the Attorney General of Texas. In the event that any officer of the City whose signature shall appear on any certificate shall cease to be

such officer before the delivery of such certificate, such signature nevertheless shall be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 33: Public Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

SECTION 34: Effective Date. This Ordinance shall be in force and effect from and after its passage.

[EXECUTION PAGE FOLLOWS]

PASSED AND ADOPTED, this August 4, 2014.

CITY OF BELLAIRE, TEXAS

Mayor

ATTEST:

City Clerk

(City Seal)

EXHIBIT "A"

PAYING AGENT/REGISTRAR AGREEMENT

{00165234.DOC2 }

EXHIBIT "B"**ANNUAL FINANCIAL INFORMATION**

The City will provide certain updated financial information and operating data to certain information vendors annually. The information to be updated includes all quantitative financial information and operating data with respect to the City of the general type included in the Official Statement in APPENDIX B and under the schedules listed in the Official Statement in APPENDIX B. The City will update and provide this information within six months after the end of each fiscal year. The City will provide the updated information to the MSRB's EMMA system.

The City may provide updated information in full text or in such other form consistent with the agreement, or may incorporate by reference certain other publicly available documents, as permitted by Rule 15c2-12 (the "Rule"). The updated information will include audited financial statements, if the City commissions an audit and it is completed by the required time. If audited financial statements are not provided by that time, the City will provide audited financial statements when and if they become available, but if such audited financial statements are unavailable, the City will provide such financial statements on an unaudited basis within the required time. Any such financial statements will be prepared in accordance with the accounting principles described in the Official Statement in APPENDIX B or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 08/04/14 07:00 PM
Department: Parks and Recreation
Category: Code Suspension
Department Head: Jane Dembski
DOC ID: 1298

**SCHEDULED
ORDINANCE (ID # 1298)**

Item Title:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending application of Chapter 27, Streets, Sidewalks and Public Places, Section 27-95, Curfew Imposed, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Bellaire High School Softball Boosters to host their 11th annual BBQ Fundraiser in the parking lot of Mulberry Park, 700 Mulberry Lane, Bellaire, Texas, from Wednesday, August 27, 2014, through Saturday, August 30, 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 Wednesday, August 27, 2014, Thursday, August 28, 2014, Friday, August 29, 2014, and Saturday, August 30, 2014.

Background/Summary:

Item Summary: Bellaire High School Softball Boosters (BHSSB), are hoping to host their Annual BBQ Fundraiser for the dates August 27 - August 30 in the parking lot of Mulberry Park.

In order for this event to take place, BHSSB is asking Council for permission to extend the curfew in Mulberry Park over the nights of August 27 through 30. Currently the curfew is 11:00 p.m. until 5:00 a.m.

BHSSB would greatly appreciate your consideration in suspending the curfew ordinance for this event to allow our volunteers to stay overnight as they monitor the cooking briskets. Thank you for your support and consideration.

Previous Council Action Summary:

Council has approved the curfew suspension for the past several years.

Fiscal Impact:

N/A

Recommendation:

Jane Dembski, Director, recommends that Council accept the request from the Bellaire High School Softball Booster Club.

ATTACHMENTS:

- BGS BBQ COUNCIL LETTER 2014 (DOCX)
- Code Suspension - Ch. 27, Sec. 27-95, BHS Softball Boosters BBQ Fundraiser in Mulberry Park - 2014 (DOC)



BELLAIRE HIGH SCHOOL SOFTBALL BOOSTERS

August 4, 2014

Mayor Phil Nauert and City Council members
City of Bellaire
7008 Rice Ave.
Bellaire, TX 77401

Dear Mayor Nauert and City Council members:

Bellaire High School Softball Boosters are hoping to host the 11th Annual BBQ Fundraiser for the dates August 27 - August 30 in the parking lot of Mulberry Park. For years, our organization has averaged the sale of 400-500 briskets to many supporters of Bellaire High School softball, with the support of the City of Bellaire. Many of our boosters, both past and present, have been very involved in supporting the City of Bellaire programs as board members and coaches of softball and baseball, and hope to now be able to work closely with the city in a different role, as we volunteer for the high school program as well.

In order for this event to take place, we are asking Council for permission to extend the curfew in Mulberry Park over the nights of 8/27 through 8/29. We would greatly appreciate your consideration in suspending the curfew ordinance for this event to allow our volunteers to stay overnight as they monitor the cooking briskets.

Thank you so very much for your support and consideration in this matter for the interest of Bellaire High School.

Respectfully submitted,

Becky Kringel
President
Bellaire High School Softball Boosters
281-682-1745



ORDINANCE NO. 14-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, TEMPORARILY SUSPENDING THE APPLICATION OF CHAPTER 27, STREETS, SIDEWALKS AND PUBLIC PLACES, SECTION 27-95, CURFEW IMPOSED, OF THE CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS, FOR THE PURPOSE OF ALLOWING THE BELLAIRE HIGH SCHOOL SOFTBALL BOOSTERS TO HOST THEIR 11th ANNUAL BBQ FUNDRAISER IN THE PARKING LOT OF MULBERRY PARK, 700 MULBERRY LANE, BELLAIRE, TEXAS, FROM WEDNESDAY, AUGUST 27, 2014, THROUGH SATURDAY, AUGUST 30, 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 WEDNESDAY, AUGUST 27, 2014, THURSDAY, AUGUST 28, 2014, FRIDAY, AUGUST 29, 2014, AND SATURDAY, AUGUST 30, 2014.

WHEREAS, the Bellaire High School Softball Boosters desire to host their 11th Annual BBQ Fundraiser in the parking lot of Mulberry Park, 700 Mulberry Lane, Bellaire, Texas, from Wednesday, August 27, 2014, through Saturday, August 30, 2014; and

WHEREAS, in order for the Bellaire High School Softball Boosters to host their Annual BBQ Fundraiser, the Bellaire High School Softball Boosters have requested, by letter dated August 4, 2014, permission from the Bellaire City Council to suspend the curfew in Mulberry Park, said suspension to commence at 11:00 p.m. and terminate at 5:00 a.m. on the evenings and/or early mornings of Wednesday, August 27, 2014, Thursday, August 28, 2014, Friday, August 29, 2014, and Saturday, August 30, 2014; **NOW, THEREFORE**,

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

- 1. THAT** the recitals set forth above are true and correct.
- 2. THAT** Chapter 27, Streets, Sidewalks and Public Places, Section 27-95, Curfew Imposed, of the Code of Ordinances of the City of Bellaire, Texas, is hereby temporarily suspended commencing at 11:00 p.m. and terminating at 5:00 a.m. on the evenings and/or early mornings of Wednesday, August 27, 2014, Thursday, August 28, 2014, Friday, August 29, 2014, and Saturday, August 30, 2014.

3. THAT said temporary suspension shall only apply to the request from the Bellaire High School Softball Boosters for their 11th Annual BBQ Fundraiser commencing at 11:00 p.m. and terminating at 5:00 a.m. on the evenings and/or early mornings of Wednesday, August 27, 2014, Thursday, August 28, 2014, Friday, August 29, 2014, and Saturday, August 30, 2014, in Mulberry Park, 700 Mulberry Lane, Bellaire, Texas, and said suspension shall not apply to any other person or activity.

4. THAT said suspension of *Chapter 27, Streets, Sidewalks and Public Places, Section 27-95, Curfew Imposed*, of the *Code of Ordinances of the City of Bellaire, Texas*, shall terminate at 5:00 a.m. on Saturday, August 30, 2014, at which time said section of the *Code of Ordinances of the City of Bellaire, Texas*, shall be fully reinstated as if never suspended.

PASSED, APPROVED, and ADOPTED this 4th day of August, 2014.

(SEAL)

ATTEST:

SIGNED:

Tracy L. Dutton, TRMC
City Clerk

Dr. Philip L. Nauert
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 08/04/14 07:00 PM
Department: Finance Administration
Category: Appointment
Department Head: Linda Symank
DOC ID: 1189

**SCHEDULED
ORDINANCE (ID # 1189)**

Item Title:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, reappointing a clerk and two (2) deputy clerks of the Municipal Court of Record in the City of Bellaire for a term commencing on August 4, 2014; and providing that any appointments and/or reappointments of clerks and deputy clerks of the Municipal Court of Record in the City of Bellaire in conflict with these reappointments are hereby terminated.

Background/Summary:

As you are already aware, the *Charter of the City of Bellaire, Texas*, as amended November 7, 2006 (the "Charter"), and *Chapter 21, Municipal Court*, of the *Code of Ordinances of the City of Bellaire, Texas* (the "City Code"), provide for the appointment of a clerk and as many deputy clerks as may be necessary for the Municipal Court of Record in the City of Bellaire.

Although the Charter, City Code, and *Chapter 30, Municipal Courts of Record, Section 30.00009, Clerk; Other Personnel*, of the *Texas Government Code*, do not stipulate the length of the appointment, the City has heretofore previously appointed its clerk and deputy clerks for a term of two years.

The term of the clerk has expired and the two deputy clerks have terms that will expire in December 2014 and February 2015. The clerk has worked for the City of Bellaire for 15 years and the deputy clerks have worked for the City of Bellaire for 24 and 5 years, respectively. In light of their tenure with the City, their exemplary performance, and the practice of many municipal courts in Texas, the Finance Department requests that the clerk and the two deputy clerks be reappointed in their current capacities for terms commencing on August 4, 2014, with no expiration date. The City Council would still have the power and authority to remove the clerk and/or the deputy clerks and to appoint a new clerk and/or deputy clerk(s) as the need arises.

An ordinance has been prepared for this purpose and is attached hereto.

Previous Council Action Summary:

As set forth above, reappointments of the clerk and the deputy clerks of the Municipal Court of Record in the City of Bellaire have been made for two-year terms.

Fiscal Impact:

N/A

Recommendation:

The Chief Financial Officer recommends adoption of an ordinance reappointing the clerk and deputy clerks of the Municipal Court of Record in the City of Bellaire, for a term commencing on August 4, 2014.

ATTACHMENTS:

- Reappointment of Clerk and Deputy Court Clerks of Municipal Court of Record in the City of Bellaire - No Set Term (DOCX)



ORDINANCE NO. 14-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, REAPPOINTING A CLERK AND TWO (2) DEPUTY CLERKS OF THE MUNICIPAL COURT OF RECORD IN THE CITY OF BELLAIRE FOR A TERM COMMENCING ON AUGUST 4, 2014; AND PROVIDING THAT ANY APPOINTMENTS AND/OR REAPPOINTMENTS OF COURT CLERKS AND DEPUTY COURT CLERKS OF THE MUNICIPAL COURT OF RECORD IN THE CITY OF BELLAIRE IN CONFLICT WITH THESE REAPPOINTMENTS ARE HEREBY TERMINATED.

WHEREAS, the Municipal Court of the City of Bellaire, Texas, was established under state law and by the *Charter of the City of Bellaire, Texas*, as amended November 7, 2006 (the "Charter"), under *Article II, The Council, Section 14, Municipal Court*; and

WHEREAS, *Article II, Council, Section 14, Municipal Court*, included provisions for the appointment by City Council of applicable municipal court personnel, including a judge and such other associate judge or judges as shall be determined necessary, as well as for the appointment by City Council of a clerk and as many deputy clerks as shall be determined necessary; and

WHEREAS, on April 1, 2008, the City Council of the City of Bellaire, Texas, created, by Ordinance No. 08-014, a municipal court of record in and for the City of Bellaire, to be known as the municipal court of record in the City of Bellaire, and gave such municipal court of record jurisdiction within the city and the power to hear and determine all cases of violation of the *Code of Ordinances of the City of Bellaire, Texas* ("City Code"), the ordinances of the City, and all other cases of which municipal courts of record are given by state law; and

WHEREAS, the judge, associate judges, clerk, and deputy clerks of the Municipal Court of the City of Bellaire, Texas, continued to serve in their appointed capacities in the newly created Municipal Court of Record in the City of Bellaire; and

WHEREAS, the City Council of the City of Bellaire, Texas, heretofore previously reappointed the clerk and deputy clerks of the Municipal Court of Record in the City of Bellaire, for terms of two years; and

WHEREAS, a set term of appointment for the clerk and deputy clerks of the Municipal Court of Record in the City of Bellaire is not required by the *Charter, Chapter 21, Municipal Court*, of the *City Code*, or *Chapter 30, Municipal Courts of Record, Section 30.00009, Clerk; Other Personnel*, of the *Texas Government Code*; and

WHEREAS, the clerk and both deputy clerks of the Municipal Court of Record in the City of Bellaire have served in their current capacities for 15, 24, and 5 years, respectively, and their current terms will have expired and/or are set to expire in December 2014 and February 2015; and

WHEREAS, the City Council of the City of Bellaire, Texas, has provided, by Charter and the City Code, for the hiring, direction, supervision and removal of the clerk and deputy clerks, the direction and supervision of which was been assigned to the Finance Department of the City of Bellaire, Texas; and

WHEREAS, the Finance Department of the City of the City of Bellaire, Texas, hereby recommends that the clerk and both deputy clerks be reappointed in their current capacities effective August 4, 2014, for a term that would not expire unless said clerk and/or deputy clerk or clerks voluntarily ended his or her appointment or were removed from his or her appointment by action of the City Council; **NOW, THEREFORE**,

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

1. **THAT** the recitals set forth above are true and correct.
2. **THAT Belinda Flores** is hereby reappointed as Clerk of the Municipal Court of Record in the City of Bellaire effective as of August 4, 2014.
3. **THAT Evetta Herbert** is hereby reappointed as a Deputy Clerk of the Municipal Court of Record in the City of Bellaire effective as of August 4, 2014.
4. **THAT Rosivel Reyes** is hereby reappointed as a Deputy Clerk of the Municipal Court of Record in the City of Bellaire effective as of August 4, 2014.
5. **THAT** any and all appointments and/or reappointments of clerks or deputy clerks of the Municipal Court of Record in the City of Bellaire that may be in conflict with the reappointments as herein set out, are hereby terminated as of this 4th day of August, 2014.

PASSED and **APPROVED** this 4th day of August, 2014.

(SEAL)

ATTEST:

SIGNED:

Tracy L. Dutton, TRMC
City Clerk

Philip L. Nauert
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 08/04/14 07:00 PM
Department: City Manager
Category: Policy
Department Head: Paul A. Hofmann
DOC ID: 1303

**SCHEDULED
RESOLUTION (ID # 1303)**

Item Title:

Review, consideration, and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, establishing a city position on the development of the Urban Village (Transit-Oriented Development) Zoning District.

Background/Summary:

The City of Bellaire has an opportunity to guide the future development of the UVT zoning district. The form of that guidance should reflect prior policy decisions protect the interests of the community.

Previous Council Action Summary:

The City Council has previously accepted the "Bellaire Village/Vision Plan" (July 2008), adopted a Comprehensive Plan (November 2009), and established the UVT zoning district (December, 2011). These policy statements create the framework for future development of the district.

Fiscal Impact:

No funds have been budgeted toward the development of the district.

Recommendation:

The Council is recommended to review, discuss, and act upon the attached resolution.

ATTACHMENTS:

- Bellaire UV-T Position Draft Version 2 7-30-14 - City Clerk Changes (DOCX)
- Bellaire UV-T and Uptown Houston Transit Center Development (DOCX)

Bellaire UV-T District And City's Position Related to Bellaire Uptown Transit Center

Bellaire's Urban Village Transit Oriented District (UV-T) is located on the northwestern edge of Bellaire and is bordered to the west by the City of Houston (west of Bellaire's Anderson Street ROW), to the north by Westpark (City of Houston ROW), Loop 610 South along the east and Bellaire's Lehigh Street to the south.

This geographic area has been discussed for many years by City Council (Council) and City officials as one of the areas within Bellaire's jurisdiction where improved redevelopment and new development was desired for the future. Understanding the impact to future development, as it relates to the proposed METRO transit station being placed in the vicinity of the UV-T, is very important to Bellaire.

UV-T DISTRICT ZONING HISTORY

In July 2008, the first detailed study of the area was prepared and given to Council by Ehrenkrantz Eckstut & Kuhn Architects and was titled "Bellaire Village | Vision Plan" (EEK Study). The EEK Study was a collaborative effort with METRO, Midway Companies, and the City of Bellaire. It provided a plan that included property located in both Houston and Bellaire and utilized the transit center as the connector for and development on each of the acreages. Key points in the vision plan executive summary that directly related to Bellaire included:

- Building upon Bellaire as the City of Homes by adding alternative living options to single family homes;
- Providing vehicular connections with east to west accessibility to South Rice and keeping interior traffic more pedestrian friendly;
- Bringing additional amenities to the northwestern residential section of Bellaire;
- Enhancing the residential status of the residents located to the south that sit between two commercial tracts (Chevron complex to the south and warehouse/industrial complex to the north);
- Providing additional green space for Bellaire residents; and
- Providing a concept that gives development guidelines that the City can implement for the property within the plan area

The full EEK Study can be viewed at: http://ci.bellaire.tx.us/documents/180/transit_oriented_development_pl_1.PDF

In November 2009, Council adopted a new Comprehensive Plan for the City. In Chapter 5, *Commercial Area Development and Enhancement*, guiding principles were established for the acreage that was at that time zoned RDD. These principles followed closely and built upon what was envisioned in the EEK Study for that area. Goal 5.1 within Chapter 5 is stated as “Repositioning of the current “RDD” area in north Bellaire as a mixed-use, transit-oriented district.” The related guiding principles for this goal, directly quoted from the Comprehensive plan, are enumerated below:

- Brand the Bellaire Rail Station area as a focal point of new amenities for Bellaire residents and a unique and inviting destination for visitors.
- Pursue the community’s life-cycle housing objectives in the Bellaire Rail Station area by encouraging varied residential living options not found elsewhere in the community.
- Protect adjacent residential neighborhoods from incompatible non-residential development.
- Recognize the Bellaire Rail Station area as one of the community’s best opportunities for gaining new public green space.
- Ensure the Bellaire Rail Station area is conveniently and safely accessible to Bellaire residents by bike and on foot.
- Have the City take a more direct role in spurring commercial area revitalization, including in the Bellaire Rail Station area.

To achieve Goal 5.1, the Comprehensive Plan gave actions that could potentially accelerate the transformation of the area. Some of those actions were to:

- Completely rework the current zoning of RDD to promote and encourage transit-oriented, urban village type development;
- Refine and establish a branding and marketing strategy for the transit station area;
- Continue to coordinate with multiple parties with interests in or currently involved with the transit center development which included METRO, City of Houston, Uptown Houston, Harris County Toll Road Authority, and others;
- Recruit development partners, for potential public/private ventures, that have a proven track record of quality results and the ability to take complicated plans through to successfully completed developments; and
- Consider what the City might financially or non-financially offer to incentivize prospective development.

The full Comprehensive Plan can be found at:

[http://ci.bellaire.tx.us/documents/180/181/Combined PDF Bellaire Comprehensive Plan.PDF](http://ci.bellaire.tx.us/documents/180/181/Combined%20PDF%20Bellaire%20Comprehensive%20Plan.PDF)

In December 2011, Council adopted Sec. 24-547, Urban Village (TOD) District (UV-T), of Chapter 24, Planning and Zoning, Article V, Zoning Regulations, of the Code of

Ordinances of the City of Bellaire, Texas (City Code), that established the standards and regulations for the former RDD District rezoning it to the current UV-T District. This action accomplished one of the action steps from the Comprehensive Plan. Standards and regulations established in the City Code give specific building and aesthetic parameters as to what type of development can be placed within the UV-T District. The specifics of those ordinances can be found in Sec. 24-547 at the following: <https://library.municode.com/index.aspx?clientId=13798>

VISION FOR THE UV-T

The vision for the UV-T District as set out in the EEK Study, Comprehensive Plan, and Sec. 24-547 of the City Code has not changed. The City stills desires to have development in the UV-T that adheres to the following values:

- Supports the high standards characteristic of Bellaire as a whole;
- Protects the property owners to the south from incompatible non-residential development;
- Protects property values by increasing the opportunity for a more diverse tax base in the district;
- Ensures accessibility by Bellaire residents to the district, but not at the expense of increased traffic through residential streets adjacent to the district; and
- Enhances the visual appearance of this gateway into Bellaire.

CURRENT STATUS OF THE UV-T

Despite the adoption by City Council of the Comprehensive Plan and Sec. 24-547 of the City Code, there has been no new development and redevelopment in the UV-T. The area still remains an unattractive and underdeveloped section of the City that is not consistent what the vision for the UV-T.

On July 14, 2014, Council attended a Workshop Session and Tour that included Uptown Houston District representatives which was coordinated to allow Council to visually observe the character of the UV-T site and see examples of other developments around Houston. This tour showed that most of the UV-T area is a mishmash group of buildings that are typically warehouse/industrial in nature. Only the surgical hospital complex along the Loop 610 Feeder and on the eastern border of the UV-T adds any great aesthetic value. Positive, attractive development such as those observed on the tour would be beneficial to the UV-T.

Currently, the uncertified 2014 appraisal value of the UV-T acreage is approximately \$64.2M with over \$51M of that value attributable to the surgical hospital complex. Thus, this one complex is accounting for approximately 80% of the tax revenue for what amounts to about 22% of the total taxable acreage. This leaves 78% of the remaining acreage underdeveloped.

Physical access to the UV-T, drainage for the UV-T, and the issue of numerous property owners within the UV-T are all factors that present additional challenges for development of the site.

CITY'S ROLE IN UV-T

The City recognizes that we are charged with providing infrastructure, protecting our property owners, and encouraging economic development. Additionally, we acknowledge our role as regulator of the City Code. The City does not want to expand our role in such a way as to add costs, add risks, or inappropriately influence decisions of private property owners within the UV-T District.

CITY'S POSITION ON UV-T

The City appreciates Uptown Houston District involving us in the planning for the Bellaire Uptown Transit Center. We would welcome exploring plans for the proposed transit center that encompass development of the entire UV-T District and in that plan address issues related to public infrastructure (i.e., streets, water, sewer, drainage, and power transmission).

To move in a forward direction with development of the UV-T, Council is requested to accept and adopt the attached resolution.



RESOLUTION NO. 14-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, REGARDING THE DEVELOPMENT OF THE URBAN VILLAGE (TRANSIT-ORIENTED DEVELOPMENT) ZONING DISTRICT.

WHEREAS, the City Council of the City of Bellaire, Texas, heretofore previously adopted a Comprehensive Plan for the City of Bellaire, Texas (the "Comprehensive Plan"), on November 16, 2009, as a guide for future development in a manner that would provide the community with a balance of land uses that would promote a superior quality of life; and

WHEREAS, upon learning of a plan by the Metropolitan Transit Authority of Harris County, Texas (METRO), to provide a light rail station along Westpark just west of Loop 610, the City of Bellaire, Texas, partnered with METRO and the Midway Companies (a large property owner in the area) to fund a conceptual plan for the light rail station area that included a mixed-use neighborhood with walkable places near the rail station and small-scaled urban district streets and blocks with opportunities for office space, movie theaters, a fitness center, retail and entertainment, parking, and green space; and

WHEREAS, upon learning that METRO's plans for a light rail station were subsequently placed on hold, the Uptown Houston District offered to partner with the City of Bellaire, Texas, and METRO on the development of a transit center that would provide convenient transportation connections to more easily access amenities and businesses located in Uptown Houston; and

WHEREAS, the City Council of the City of Bellaire, Texas, desires to ensure the City's zoning district formerly known as the "Research, Development and Distribution (RDD) District" and renamed as the "Urban Village (Transit-Oriented) Development (UV-T) District" develops into a vibrant, highly desirable area with office space, entertainment venues, retail, green space, residential housing alternatives, and parking for the benefit of the residents and business owners in the City of Bellaire, Texas; and

WHEREAS, the opportunity to guide the development of the transit center and the UV-T District as a whole is desirable and much appreciated; **NOW, THEREFORE,**

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

Section 1: That the recitals set forth above are true and correct.

Section 2: That the City of Bellaire, Texas, as infrastructure provider and regulator of the zoning and platting process, does not desire to expand its role to make decisions related to private property and/or to create any public risks or costs.

Section 3: That the City of Bellaire, Texas, takes the position that there should be a development plan for the UV-T Zoning District (the "District") created in partnership with all property owners as such plan relates to infrastructure for the District.

Section 4: That the City of Bellaire, Texas, has no objection to the construction of a transit center in the District subject to the submission and approval of a development plan meeting the zoning requirements of the District in effect at the time of submission.

Section 5: That the City Council of the City of Bellaire, Texas, may, upon request and after due consideration, utilize city-owned right-of-way and/or other city-owned property in the District in exchange for appropriate consideration to aid in the development of the District provided such development offers a benefit to the community of Bellaire.

Section 6: That the City of Bellaire, Texas, would favorably consider participating in the development of a regional infrastructure plan for the District and would consider dedicating a portion of new property value resulting from development toward the cost of infrastructure within the corporate limits of Bellaire provided such plan benefits the community of Bellaire.

Section 7: That the City Council of the City of Bellaire, Texas, hereby designates the City Manager of the City of Bellaire Texas, as its representative in matters related to the development of the District.

PASSED and **APPROVED** this 4th day of August, 2014.

(SEAL)

ATTEST:

Tracy L. Dutton, TRMC
City Clerk

SIGNED:

Dr. Philip L. Nauert
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney