

CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

OCTOBER 5, 2015

Council Chamber

Public Hearing and Regular Session

6:00 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.

I. SPECIAL SESSION (FIRST PUBLIC HEARING ON INCREASE IN TAX REVENUES) - 6:00 P.M.

A. Call to Order and Announcement of a Quorum - Amanda B. Nathan, Mayor Pro Tem.

B. Reading of Notice of Public Hearing - Tracy L. Dutton, City Clerk.

C. Summary of Public Hearing Procedures - Paul A. Hofmann, City Manager.

D. Presentation:

Presentation regarding a proposal to increase total tax revenues for the 2015 tax year from properties on the tax roll in the preceding year by 5.69% percent by proposing a tax rate of \$0.3805 per \$100 valuation - Submitted and presented by Linda Symank, Chief Financial Officer.

E. Recognition of Citizens and/or Other Interested Parties - Amanda B. Nathan, Mayor Pro Tem.

During this agenda item, the Mayor Pro Tem will call on each speaker who has signed the "Sign-in Sheet" located at the entrance to the Council Chamber. The speaker should step up to the podium as soon as he or she is recognized by the Mayor Pro Tem. Each speaker should state his or her name before beginning his or her presentation. **Each speaker is limited to five minutes, with no extension.** Notice will be given to speakers after four minutes that there is one minute left for comments.

F. Questions from the Mayor Pro Tem and City Council - Amanda B. Nathan, Mayor Pro Tem.

G. Close of Public Hearing - Amanda B. Nathan, Mayor Pro Tem.

Under the *Rules of Procedure* of the City Council of the City of Bellaire, Texas, as of July 13, 2015, *Article 9, Rules Governing Public Hearings, Section I, Written Comments*, **oral comments** regarding the proposed increase in tax revenues for tax year 2015 **will continue to be received at the second public hearing on this matter scheduled to be held on Monday, October 12, 2015. Oral comments will not be received after the close of the second public hearing.** Written comments may be submitted to the City Council of the City of Bellaire, Texas ("City Council"), prior to final deliberation on the matter. It is anticipated that final deliberation will occur on Monday, October 19, 2015. Written comments should, therefore, be submitted to the City Council in care of the City Clerk by noon on Thursday, October 15, 2015, in order to be considered for the public record.

H. Adjourn.

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

A. Call to Order and Announcement of a Quorum - Amanda B. Nathan, Mayor Pro Tem.

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

C. Pledges to the Flags - 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. Recognition of Proclamation(s):

Issuance of a proclamation by Dr. Philip L. Nauert, Mayor, proclaiming the month of October as "Fire Prevention Month" in the City of Bellaire, Texas, and urging the citizens of Bellaire to install smoke alarms in every bedroom, outside of each sleeping area, and on every level of the home - Submitted by Darryl Anderson, Fire Chief.

E. Approval or Correction of Minutes:

1. Minutes of the Special Sessions held on Monday, August 31, 2015:

Consideration of and possible action on the approval of the minutes of two Special Sessions of the City Council of the City of Bellaire, Texas, held on Monday, August 31, 2015.

Mayor and Council - Special Sessions and Joint Workshop Session - Aug 31, 2015 5:30 PM

2. Minutes of the Special Sessions held on September 8, 2015:

Consideration of and possible action on the approval of the minutes of two Special Sessions of the City Council of the City of Bellaire, Texas, held on Monday, September 8, 2015.

Mayor and Council - Executive Session and Special Session - Sep 8, 2015 6:00 PM

3. Minutes of the Regular Session held on September 15, 2015:

Consideration of and possible action on the approval of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Tuesday, August 15, 2015.

Mayor and Council - Regular Session - Sep 15, 2015 7:00 PM

F. 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.]

G. Report(s):

Presentation of a report from Byron Holloway, Chief of Police, regarding the implementation of a Body Camera Program - Presented and submitted by Byron Holloway, Chief of Police.

H. New Business:

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

1. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, amending the FY 2016 budget for the Holly Street Esplanade Construction Project in the amount of \$50,000 - Submitted by Diane K. White, Assistant City Manager.
2. Consideration of and possible action on a recommendation from the Parks, Recreation, and Facilities Department to award a contract to Classic Irrigation and Landscape Inc., for improvements to the Holly Street Esplanade in the amount of \$149,919.00 and consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager and City Clerk to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Classic Irrigation and Landscape, Inc., for Holly Street Landscape Improvements in the amount of \$149,919.00 - Submitted by Michelle Jordan, Project Manager.
3. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, designating a Representative and an Official Alternate to the General Assembly of the Houston-Galveston Area Council for the year 2016 - Submitted by Tracy L. Dutton, City Clerk.
4. Consideration of and possible action on a recommendation from the Parks, Recreation, and Facilities Department to award a contract to TIBH Industries, Inc., for mowing, litter and landscape services along IH610 Feeder Roads, City of Bellaire right-of-ways and other areas identified in the amount of \$120,146.70 and consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with TIBH Industries, Inc., for mowing, litter and landscape services in the amount of \$120,146.70 - Submitted by Karl Miller, Director of Parks, Recreation and Facilities.

I. 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, as of July 13, 2015, 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.]

J. Adjourn.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/05/15 06:00 PM
Department: Finance Administration
Category: Truth-In-Taxation
Department Head: Linda Symank
DOC ID: 1568

SCHEDULED**ACTION ITEM (ID # 1568)**

Item Title:

Presentation regarding a proposal to increase total tax revenues for the 2015 tax year from properties on the tax roll in the preceding year by 5.69% percent by proposing a tax rate of \$0.3805 per \$100 valuation - Submitted and presented by Linda Symank, Chief Financial Officer.

Background/Summary:

The Texas Constitution sets out the general requirements for truth-in-taxation, including the calculation of an effective tax rate and a rollback tax rate. For tax year 2015 (FY2016), the effective tax rate was calculated as \$0.3600 and the rollback tax rate as \$0.3805. The proposed tax rate for tax year 2015 is \$0.3805 per \$100 valuation.

When a proposed tax rate exceeds the rollback rate or the effective rate, whichever is lower, the taxing unit's governing body must vote to place a proposal to adopt the rate on the agenda of a future meeting as an action item. This must be a record vote and the proposal must specify the desired rate. If the motion passes, the taxing unit must schedule two public hearings on the proposal.

At the City Council meeting on September 15, 2015, the City Council took a record vote proposing to adopt a tax rate of \$0.3805 for tax year 2015 (FY2016). This proposed rate exceeds the effective rate by \$0.0205 or 5.7%. Because the proposed rate exceeds the effective rate, the City Council scheduled two public hearings on the proposal.

The first public hearing is scheduled for Monday, October 5, 2015 at 6:00 PM at City Hall, Council Chambers, 7008 South Rice Avenue, Bellaire, Texas 77401. The second public hearing is scheduled at the same location on Monday, October 12, 2015 at 6:00 PM.

The proposed property tax rate of \$0.3805 would raise \$17,200,782 in revenue, which is \$1,256,790 more than taxes imposed last year. Citizens of Bellaire have a right to attend the public hearings to comment on the proposed tax rate.

Previous Council Action Summary:

Sept 15th Acceptance of 2015 Tax Roll and the calculated Effective Tax Rate and Rollback Tax Rate.
Sept 15th Record vote to adopt tax rate of \$0.3805 and scheduled two public hearings.

Fiscal Impact:

n/a

Recommendation:

n/a

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/05/15 06:00 PM
Department: Fire Department
Category: Proclamation
Department Head: Darryl Anderson
DOC ID: 1660 A

**SCHEDULED
PROCLAMATION (ID #
1660)**

Item Title:

Issuance of a proclamation by Dr. Philip L. Nauert, Mayor, proclaiming the month of October as "Fire Prevention Month" in the City of Bellaire, Texas, and urging the citizens of Bellaire to install smoke alarms in every bedroom, outside of each sleeping area, and on every level of the home - Submitted by Darryl Anderson, Fire Chief.

Background/Summary:

Fire Prevention "Week" was established to commemorate the Great Chicago Fire, the tragic 1871 conflagration that killed more than 250 people, left 100,000 homeless, destroyed more than 17,400 structures and burned more than 2,000 acres. The fire began on October 8, but continued into and did most of its damage on October 9, 1871.

This year, the Bellaire Fire Department has many activities planned to raise awareness of the 2015 Fire Prevention "Week" theme, "Hear the Beep Where You Sleep. Every Bedroom Needs a Working Smoke Alarm!" Since those activities will be accomplished throughout the month, the Bellaire Fire Department has asked Dr. Philip L. Nauert, Mayor, to recognize and proclaim the entire "month" of October 2015 as "Fire Prevention Month" in the City of Bellaire, Texas.

A proclamation has been prepared for this purpose and is attached to this agenda statement.

Previous Council Action Summary:

Dr. Philip L. Nauert, Mayor, issued a proclamation on October 2, 2014, proclaiming the week of October 5-11, 2014, as "Fire Prevention Week" in the City of Bellaire.

Fiscal Impact:

None

Recommendation:

Fire Chief Darryl Anderson recommends the issuance of a proclamation recognizing and proclaiming the month of October as "Fire Prevention Month" in the City of Bellaire, Texas.

ATTACHMENTS:

- Fire Prevention Month - 2015 (PDF)



Proclamation

Whereas, the City of Bellaire is committed to the safety and security of all those living in and visiting our fine City; and

Whereas, home fires killed more than 2,755 people in the United States in 2013, according to the National Fire Protection Association (NFPA), and fire departments in the United States responded to more than 369,500 home fires; and

Whereas, working smoke alarms cut the risk of dying in reported home fires in half; and

Whereas, three out of five home fire deaths result from fires in properties without working smoke alarms; and

Whereas, half of home fire deaths result from fires reported at night between 11:00 p.m. and 7:00 a.m. when most people are asleep; and

Whereas, Bellaire's residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home; and

Whereas, Bellaire's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

Whereas, the 2015 Fire Prevention Month theme, "Hear the Beep Where You Sleep. Every Bedroom Needs a Working Smoke Alarm!," effectively serves to remind us that we need working smoke alarms to give us the time to get out safely;

Now, Therefore, I, Dr. Philip L. Nauert, Mayor of the City of Bellaire, Texas, do hereby proclaim the month of **October 2015**, as

Fire Prevention Month

throughout this City, and I urge all the people of Bellaire to install smoke alarms in every bedroom, outside each sleeping area, and on every level of the home, and encourage residents to contact the Bellaire Fire Department to learn more during Fire Prevention Month 2015.

In Witness Whereof, I have hereunto set my hand and caused the seal of the City of Bellaire, Texas, to be affixed this 5th day of October, 2015.



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



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

AUGUST 31, 2015

**Council Conference Room and Council Chamber Special Sessions and Joint Workshop Session
5:30 PM**

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

I. SPECIAL SESSION (INTERVIEWS FOR BOARDS AND COMMISSIONS) - 5:30 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 approximately 5:30 p.m. on Monday, August 31, 2015. He announced that a quorum of the members of City Council were present as set forth in the table below.

e Name	Title	Status	
Nauert	Mayor	Present	
B. Nathan	Mayor Pro Tem	Present	
. Reed	Councilman	Present	
Avioli Sr.	Councilman	Present	
appas	Councilman	Late	6:30 PM
Laughlan	Councilman	Present	
S. Friedberg	Councilman	Absent	
Dutton	City Clerk	Present	

B. Interview, Discussion, and Evaluation of Board and Commission Applicants:

Interview, discussion, and evaluation of applicants interested in filling vacancies on one or more of the following City of Bellaire Boards and Commissions: Cultural Arts Board, Environmental and Sustainability Board, LIFE Advisory Board, and Parks and Recreation Advisory Board - Submitted by City Clerk Tracy L. Dutton on behalf of City Council.

Interviews of the following applicants interested in serving on a City Board or Commission were conducted by members of City Council. Applicants interviewed and his or her area(s) of interest have been set forth in the table below:

Applicant	Area(s) of Interest
Rezvan Seied Azimi	Building and Standards Commission; Environmental and Sustainability Board; Planning and Zoning Commission; and LIFE Advisory Board
Travis Crabtree	Parks and Recreation Advisory Board and Evelyn's Park Conservancy Board
Anita Mehta	Parks and Recreation Advisory Board; Planning and Zoning Commission; Cultural Arts Board; and Environmental and Sustainability Board
Pegi Newhouse	Environmental and Sustainability Board

C. Adjourn.**Motion:**

To adjourn the Special Session (Interviews for Boards and Commissions) at 6:39 p.m. on Monday, August 31, 2015.

RESULT:	UNANIMOUS [5-0]
MOVER:	Roman F. Reed, Councilman
SECONDER:	Pat B. McLaughlan, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., McLaughlan
NAYS:	None
ABSENT:	Pappas, Friedberg

II. SPECIAL SESSION (BOARD AND COMMISSION APPOINTMENTS) - IMMEDIATELY FOLLOWING INTERVIEWS FOR BOARDS AND COMMISSIONS.

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 6:41 p.m. on Monday, August 31, 2015. He announced that a quorum of the members of City Council were present as set forth in the table below:

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

B. Appointments to City of Bellaire Boards and Commissions:

1. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing one (1) member to the Cultural Arts Board of the City of Bellaire, Texas, for a term commencing on September 1, 2015, and ending on June 30, 2017 - Requested by Tracy L. Dutton, City Clerk.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Anita Mehta to the Cultural Arts Board of the City of Bellaire, Texas, for a term commencing on September 1, 2015, and ending on June 30, 2017.

*Councilman Gus E. Pappas abstained from voting on the agenda item due to his absence from the meeting in which interviews of applicants were conducted.

RESULT:	ADOPTED [5 TO 0]
MOVER:	Amanda B. Nathan, Mayor Pro Tem
SECONDER:	Roman F. Reed, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., McLaughlan
ABSTAIN:	Pappas
ABSENT:	Friedberg

2. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing one (1) member to the Environmental and Sustainability Board of the City of Bellaire, Texas, for a term commencing on September 1, 2015, and ending on June 30, 2016 - Requested by Tracy L. Dutton, City Clerk.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Pegi Newhouse to the Environmental and Sustainability Board of the City of Bellaire, Texas, for a term commencing on September 1, 2015, and ending on June 30, 2016.

*Councilman Gus E. Pappas abstained from voting on the agenda item due to his absence from the meeting in which interviews of applicants were conducted.

RESULT:	ADOPTED [5 TO 0]
MOVER:	Amanda B. Nathan, Mayor Pro Tem
SECONDER:	Roman F. Reed, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., McLaughlan
ABSTAIN:	Pappas
ABSENT:	Friedberg

3. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing two (2) members to the LIFE Advisory Board of the City of Bellaire, Texas, for a term commencing on September 1, 2015, and ending on June 30, 2017, and appointing one (1) member to the LIFE Advisory Board of the City of Bellaire, Texas, for a term commencing on September 1, 2015, and ending on June 30, 2016.

Motion:

To dispense with consideration of the adoption of an ordinance appointing two members to the LIFE Advisory Board of the City of Bellaire, Texas, for a term commencing on September 1, 2015, and ending on June 30, 2017, and appointing one member for a term commencing on September 1, 2015, and ending on June 30, 2016, as the applicant interested in serving on the LIFE Advisory Board did not meet the City's residency requirements.

Mayor Nauert asked that the application period for the three positions remaining on the LIFE Advisory Board be reopened.

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

4. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing one (1) member to the Parks and Recreation Advisory Board of the City of Bellaire, Texas, for a term commencing on September 1, 2015, and ending on June 30, 2017 - Requested by Tracy L. Dutton, City Clerk.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Travis Crabtree to the Parks and Recreation Advisory Board of the City of Bellaire, Texas, for a term commencing on September 1, 2015, and ending on June 30, 2017.

*Councilman Gus E. Pappas abstained from voting on the agenda item due to his absence from the meeting in which interviews of applicants were conducted.

RESULT: **ADOPTED [5 TO 0]**
MOVER: Amanda B. Nathan, Mayor Pro Tem
SECONDER: Roman F. Reed, Councilman
AYES: Nauert, Nathan, Reed, Avioli Sr., McLaughlan
ABSTAIN: Pappas
ABSENT: Friedberg

C. Adjourn.

Motion:

To adjourn the Special Session (Board and Commission Appointments) of the City Council of the City of Bellaire, Texas, at 6:47 p.m. on Monday, August 31, 2015.

RESULT:	UNANIMOUS [6 TO 0]
MOVER:	Amanda B. Nathan, Mayor Pro Tem
SECONDER:	Roman F. Reed, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan
NAYS:	None
ABSENT:	Friedberg

III. JOINT WORKSHOP SESSION - 7:00 P.M.

****Written Minutes are not prepared for Workshop Sessions. A video is available on demand on the City of Bellaire website.****

The agenda for this Workshop Session has been included below:

- A. Call to Order and Announcement of a Quorum of City Council - Dr. Philip L. Nauert, Mayor.**
- B. Call to Order and Announcement of a Quorum of the Ad Hoc Municipal Facilities Committee - Councilman and Chair Gus E. Pappas.**
- C. Municipal Facilities Presentations:**
 - 1. Ad Hoc Municipal Facilities Committee:**

Presentation of recommendations from the Ad Hoc Municipal Facilities Committee regarding City of Bellaire municipal facilities - Presented by Kristin Schuster, Member of the Ad Hoc Municipal Facilities Committee.
 - 2. PGAL:**

Presentation of recommendations from the City of Bellaire's architectural firm, PGAL, regarding the City of Bellaire municipal facilities - Presented by Jeff Gerber, AIA, LEED AP, CEO of PGAL.
- D. Questions from the Mayor and City Council regarding Recommendations for the City's Municipal Facilities - Facilitated by Dr. Philip L. Nauert, Mayor.**
- E. Joint Discussion among Members of City Council and Members of the Ad Hoc Municipal Facilities Committee regarding Municipal Facilities - Facilitated by Dr. Philip L. Nauert, Mayor.**
- F. Adjournment of the City Council and the Ad Hoc Municipal Facilities Committee - Dr. Philip L. Nauert, Mayor.**



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

SEPTEMBER 8, 2015

Council Chamber and Council Conference Room
6:00 PM

Executive Session and Special Session

7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. EXECUTIVE SESSION - 6:00 P.M.

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

Dr. Philip L. Nauert, Mayor, called the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, to order at 6:03 p.m. on Monday, September 8, 2015. He announced that a quorum of the members of City Council were present as set forth in the table below.

Full Name	Title	Status	
Dr. Philip L. Nauert	Mayor	Present	
Pat B. Nathan	Mayor Pro Tem	Present	
Roman F. Reed	Councilman	Present	
Pat B. Aviola Sr.	Councilman	Present	
Pat B. Appas	Councilman	Present	
Pat B. McLaughlan	Councilman	Present	
Pat B. Friedberg	Councilman	Present	
Pat B. Hofmann	City Manager	Present	
Pat B. Petrov	City Attorney	Present	
Pat B. Dutton	City Clerk	Present	

B. Convene in Executive Session (Closed Session):

Convene in Executive Session (Closed Session) under Texas Government Code, Chapter 551, Open Meetings, Section 551.071, Consultation with Attorney; Closed Meeting, and Section 551.072, Deliberation Regarding Real Property; Closed Meeting, for the purpose of discussing legal options regarding the disposition of publicly-owned rights-of-way and easements encumbering the property addressed as 5106 Bissonnet Street, Bellaire, Texas.

Motion:

To convene in Executive Session (Closed Session) under Texas Government Code, Chapter 551, Open Meetings, Section 551.071, Consultation with Attorney; Closed Meeting, and Section 551.072, Deliberation Regarding Real Property; Closed Meeting, for the purpose of discussing legal options regarding the disposition of publicly-owned rights-of-way and easements encumbering the property addressed as 5106 Bissonnet Street, Bellaire, Texas.

RESULT:	UNANIMOUS [7 TO 0]
MOVER:	Roman F. Reed, Councilman
SECONDER:	Pat B. McLaughlan, Councilman

AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
NAYS:	None
ABSENT:	None

C. Reconvene (Open Session) and Adjourn.

The Bellaire City Council reconvened in Open Session in the Council Chamber at 6:44 p.m. on Monday, September 8, 2015.

Dr. Philip L. Nauert, Mayor, advised that members of City Council had discussed legal options regarding the disposition of publicly-owned rights-of-way and easements encumbering the property addressed as 5106 Bissonnet Street, Bellaire, Texas.

Motion:

To adjourn the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, at 6:45 p.m. on Monday, September 8, 2015.

RESULT:	UNANIMOUS [7 TO 0]
MOVER:	Roman F. Reed, Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
NAYS:	None
ABSENT:	None

II. SPECIAL SESSION - IMMEDIATELY FOLLOWING EXECUTIVE SESSION.

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

Dr. Philip L. Nauert, Mayor, called the Special Session of the City Council of the City of Bellaire, Texas, to order at 6:45 p.m. on Monday, September 8, 2015.

B. Possible Reconsideration of an Action of City Council:

Reconsideration and possible repeal and replacement of Ordinance No. 15-051, duly approved and adopted by the City Council of the City of Bellaire, Texas, on the 17th day of August, 2015, said ordinance of which authorized the abandonment of the City of Bellaire's interest in two (2) rights-of-way and three (3) easements, consisting of a total of .1598 acres of land within Lots 4-20, Block 36, Town of Bellaire, a subdivision in Harris County, Texas, also known as 5106 Bissonnet Street, Bellaire, Texas; and authorized Centro NP Holdings 12 SPE LLC, to purchase for the price of \$187,687.50, the City of Bellaire's interest in the two (2) rights-of-way and three (3) easements located at 5106 Bissonnet Street from the City of Bellaire, Texas, for the development contemplated in PD-25; and authorized the Mayor and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, Abandonment of Alley Right-of-Way Documents and Declaration of Municipality Claiming No Interest in Real Estate Documents - Requested by Councilmen Andrew S. Friedberg and Roman F. Reed.

Motion:

To reconsider, repeal, and replace Ordinance No. 15-051 with an ordinance authorizing the abandonment, at no cost, of the City of Bellaire's interest in two (2) rights-of-way and three (3) easements consisting of a total of .1598 acres of land within Lots 4-20, Block 36, Town of Bellaire, a subdivision in Harris County, Texas, also known as 5106 Bissonnet Street, Bellaire, Texas, in favor of Centro NP Holdings 12 SPE, LLC, for the development contemplated in PD-25; and to authorize the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, Abandonment of Alley Right-of-Way documents and Declaration of Municipality Claiming No Interest in Real Estate documents.

{Motion by Andrew S. Friedberg, Councilman, and second by Roman F. Reed, Councilman}

Andrew S. Friedberg, Councilman, provided a brief overview of the agenda item under consideration by City Council this evening. He noted that the original action to adopt Ordinance No. 15-051 occurred on August 17, 2015, with five members of City Council present (two were absent). Additionally, the HEB Real Estate Division indicated that they were up against a firm deadline expiring the very next day on their option. The vote ultimately reached that evening represented a compromise position that was necessary to get four votes for something or the entire project would fail. There were three options: 1) to abandon the rights-of-way and easements at no cost; 2) abandon the rights-of-way and easements for a price; or 3) none of the above.

As stated previously, if City Council failed to get four votes on one of the three options, the entire project would fail. Councilman Friedberg was given to understand that since that night HEB subsequently secured a further option extension which opened the door for City Council's meeting this evening. It was noted that all seven members of City Council were present this evening.

The agenda item was requested jointly by Councilmen Andrew S. Friedberg and Roman F. Reed, both of whom voted in the majority on August 17, 2015, for the compromise solution. Under City Council's Rules of Procedure as of July 13, 2015, both Councilmen were eligible to request a reconsideration having voted that night in the majority.

Councilman Friedberg invited the HEB representatives present this evening to approach the podium and let the City know if reconsidering the item would pave the way for the project to move forward.

Lisa Helfman, Director of Real Estate for HEB in Houston, thanked City Council for bringing the item forward this evening and for their continued support in bringing a new HEB to Bellaire. She indicated that if the item passed this evening, HEB would have no further hurdles at the City that would impede this deal. It would allow HEB to focus further on the remaining issues, including tenant relocations.

Director Helfman advised that the Bellaire "deal" was more expensive for HEB than other projects they normally worked on. To put the store on stilts would cost 33% more than another project they could build if they could secure a larger piece of land. The rights-of-way and easements that HEB was asking the City to abandon at no cost to HEB were rights-of-way and easements that were granted to the City of Bellaire for free by the landowner for use in a development that

never occurred. The land was currently developed in a way that did not take into account those easements. HEB felt that the easements were effectively abandoned and was asking the City to give them back.

Director Helfman referred to a number of deals HEB had going on throughout the Houston area that had no zoning, no cost, and no tenant relocation. She stated that HEB kept running into hurdles in the City of Bellaire and advised that releasing the easements at no cost to HEB would help a great deal and allow HEB to focus on relocating the tenants.

In closing, Ms. Helfman advised that HEB was still committed to bringing a store to Bellaire.

Members of City Council were given an opportunity to ask questions of and provide comments to Ms. Helfman, after which **Dr. Philip L. Nauert, Mayor**, called for a vote on the motion on the floor.

RESULT:	ADOPTED [6 TO 1]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Roman F. Reed, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg
NAYS:	Pappas
ABSENT:	None

C. Adjourn.

Motion:

To adjourn the Special Session of the City Council of the City of Bellaire, Texas, at 7:00 p.m. on Monday, September 8, 2015.

RESULT:	UNANIMOUS [7 TO 0]
MOVER:	Roman F. Reed, Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
NAYS:	None
ABSENT:	None



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

SEPTEMBER 15, 2015

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 Regular Session of the City Council of the City of Bellaire, Texas, to order at 7:02 p.m. on Tuesday, September 15, 2015. He announced that a quorum of the members of City Council were present as set forth in the table below.

Name	Title	Status	
Nauert	Mayor	Present	
B. Nathan	Mayor Pro Tem	Present	
Reed	Councilman	Present	
Avioli Sr.	Councilman	Excused	7:00 PM
Appas	Councilman	Late	8:12 PM
McLaughlan	Councilman	Present	
S. Friedberg	Councilman	Present	
Wofmann	City Manager	Present	
Metrov	City Attorney	Present	
Dutton	City Clerk	Present	

B. Inspirational Reading and/or Invocation - Pat B. McLaughlan, Councilman - Position No. 4.

Pat B. McLaughlan, Councilman - Position No. 4, Provided the inspirational reading for the evening.

C. Pledges to The Flags - Pat B. McLaughlan, Councilman - Position No. 4.

Pat B. McLaughlan, Councilman - Position No. 4, led members of City Council and the audience in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. Approval or Correction of Minutes:

1. Minutes of the Regular Session dated July 20, 2015:

Consideration of and possible action on the approval and adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, July 20, 2015 - Submitted by Tracy L. Dutton, City Clerk.

Mayor and Council - Regular Session - Jul 20, 2015 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 20, 2015.

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

2. Minutes of the Public Hearing and Regular Session dated August 3, 2015

Consideration of a request from the City Clerk for City Council to ratify its approval of the minutes of the Public Hearing and Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, August 3, 2015; said approval of which was originally acted upon during the August 17, 2015, City Council Regular Session - Submitted by Tracy L. Dutton, City Clerk.

Mayor and Council - Public Hearing and Regular Session - Aug 3, 2015 6:00 PM

Motion:

To approve a request from the City Clerk for City Council to ratify its approval of the minutes of the Public Hearing and Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, August 3, 2015.

{The referenced minutes were approved on August 17, 2015, however, the caption on the agenda referred to July 20th minutes rather than August 3rd minutes.}

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

E. Personal/Audience Comments.**Kay Morgan:**

Ms. Morgan addressed City Council and thanked them and the members of the Ad Hoc Municipal Facilities Committee for allowing she and her neighbors to be heard regarding the location of the new police station and jail. As City Council knew, she and her neighbors strongly preferred that the facility (police station and jail) be located on the north side of Jessamine Street so that it would not be adjacent to any residential property. City Council had been kind enough to listen to the neighbors' comments several times.

She continued and advised that at one of the Ad Hoc Municipal Facilities Committee ("Committee") meetings, someone noted, incorrectly in Ms. Morgan's belief, that the Committee had not heard from a large sample of Bellaire residents, only those on Aspen Street. Further, a member of City Council was kind enough to meet with several of the neighbors. He told them if they wanted to make an impression, they needed to show up at a City Council meeting with 200 people. Ms. Morgan stated that she hoped she had

found an alternative that would be more respectful of City Council's time.

Ms. Morgan read a letter that she was presenting to City Council into the record as follows:

Dear Mayor Nauert and Members of the Bellaire City Council,

It is our understanding that the City Council is currently considering a number of possible site plans for the construction of several new municipal buildings and that some of the alternative locations for the police station and jail have been evaluated. We write to let you know that we strongly oppose placing the police station and jail in any location that is directly adjacent to residents.

Ms. Morgan continued and advised that the letter had been signed by 275 citizens of Bellaire. She noted that the residents set out to get 200 signatures. There were more signatures because a number of people heard about the letter and came directly to she and her neighbors to sign it. Two of the signatures were from children. Children were not asked to sign, but these two insisted and the neighbors chose not to deny them.

Obtaining the signatures was much easier than Ms. Morgan expected. She noted that she only encountered one person that expressed the view that placing a police station and jail next to residents was reasonable. All others viewed it as completely unacceptable for a City to do. Most were already aware of the issue and most understood that building the facility in the current location would require expenses for a temporary move, but felt that placing the facility next to a residence would negatively affect property values.

In closing, Ms. Morgan advised that she personally strongly supported Alternate Site Plan A.

Cliff Morgan:

Mr. Morgan addressed City Council and voiced his strong support for Alternate Site Plan A. He knew City Council had been very kind and had listened to neighbors' arguments many times. There were two things that he wished to add.

First, he understood that many members of City Council had expressed some concern regarding the additional costs involved in any plan other than the March 27th Plan, as stated by the City's architect, Jeff Gerber of PGAL. Mr. Morgan asked City Council to carefully review the assumptions on which Mr. Gerber's estimates were based. He personally did not find the assumptions at all plausible. If City Council would reviewed the assumptions, they would know that the March 27th Plan had three buildings as opposed to the Alternate Site Plan A, which had two buildings. Mr. Morgan advised that Mr. Gerber stated that Alternate Site Plan A would require an additional 10,000 square feet. Mr. Morgan believed that reducing the number of buildings from three to two would have to reduce the square footage rather than add to it.

Residents on Aspen Street expressed many concerns regarding privacy, security, noise, etc., and were told that the concerns could be addressed in the design phase. Residents were concerned that security cameras placed around the police station would look into the backyards of people on Aspen Street. Residents were told that the cameras could be placed on the ground. Although that might be true, Mr. Morgan advised that in his experience with the fire station, things the residents were told could be handled in the design phase were not. The residents ended up with a generator placed in the rear of the fire station providing noise and firefighters were able to look into his backyard from

the rear door. For those reasons, Mr. Morgan was not confident that concerns would be addressed in the new project. He had little confidence over the life of the building that things would stay the same (i.e., such as the placement of cameras around the police station).

In closing, Mr. Morgan urged City Council to support Alternate Site Plan A.

Lydia Caldwell:

Ms. Caldwell addressed City Council and commended the members of the Ad Hoc Municipal Facilities Committee ("Committee") for an excellent job. The members worked very long and very hard to reach their almost unanimous recommendation for Alternate Site Plan A. The members were entirely unanimous in their recommendation that the police station and jail should remain in its current location.

Ms. Caldwell advised that she had heard rumblings that some members of City Council would like to place the municipal facilities project issue on the upcoming ballot. As a taxpayer of the City of Bellaire, Ms. Caldwell indicated that if numbers were going to appear on the ballot she would personally like to see an unbiased, third-party public audit performed to verify the numbers that Jeff Gerber was presenting to everyone in terms of cost for each plan being considered. Too many of the residents simply did not believe that Alternate Site Plan A would cost \$2 million more than PGAL's plan (the March 27th Plan).

She continued and asked why anyone would accept the number without exercising complete due diligence and third-party verification. Furthermore, even if Alternate Plan A cost more to build than PGAL's plan, Ms. Caldwell suggested that cost should not necessarily be the deciding factor. She advised that there were too many other factors to consider--factors that the Committee had already thoroughly worked through.

Since the Committee had deeply invested themselves in the municipal facilities project, Ms. Caldwell indicated that she would like to see them be involved in the wording of this issue on the ballot if that came to be. As everyone knew, the verbiage could be either neutral and truthful or it could be deceptively slanted depending on the author. Another valid option was to trust the individuals that City Council personally chose to make up the Committee and to accept their recommendation for Alternate Site Plan A.

Ms. Caldwell left City Council with one question: Why should we dismiss the Committee's thoughtful, intelligent assessments and recommendations?

Jeff Caldwell:

Mr. Caldwell addressed City Council and advised that he had made his views clear to every member of City Council and appreciated them listening with open ears. He reiterated his strong preference for Alternate Site Plan A. This plan was by far the choice of the residents at the City's Town Hall Meeting. The plan was very carefully considered, along with the other plans in play by the Ad Hoc Municipal Facilities Committee ("Committee"). In closing, Mr. Caldwell advised that the Committee had done exactly as City Council had directed--to evaluate the alternatives in an even-handed manner. The clear winner was Alternate Site Plan A in his opinion.

John Monday:

Mr. Monday addressed City Council and indicated that he had appeared before City Council two months ago regarding the state of the City's appearance and visual

condition. At that time, Mr. Monday Introduced a group of citizens looking to focus part of City Council's attention on enhancements related to roadway, landscaping, and image maintenance. The citizens had selected a group name and established their mission statement. The group name was noted to be "Citizens for a Beautiful Bellaire." Mr. Monday indicated that a copy of the group's mission statement was before City Council.

Mr. Monday continued and advised that the value that the group brought to the City included their professional strengths and individual city and community organization experiences. Each member possessed aesthetic sensitivities, demonstrated professional acumen, and were experienced in community leadership roles. The group was motivated and did not charge a dime.

Further, Mr. Monday advised that the group was pleased that the City Manager had been quite proactive in responding to them and the need for enhancements. The reality and inescapable facts for the items discussed, such as enhancement and beautification, always seemed to cost more than any of us imagined. Reference was made to the group's top ten list. Mr. Monday indicated that the group felt that a reasonable amount of money could be expended on a minimum of six intersections and four traffic aisles. Some of the expenses that the group might suggest would be one-time expenses.

With respect to image maintenance, the group felt that it would take 30 days worth of labor and materials to power wash multiple City structures, clean three four-lane underpasses, and refresh an estimated three miles of curb. Before the group spent a dime, they would be working with the City Manager and his Staff to develop a coherent and suitable plan for maintenance and appearance standards.

In closing, Mr. Monday advised that the group was looking for a firm commitment from City Council to address the condition of Bellaire. Beyond enhancing what Bellaire already had, the group intended to work in alignment with the Comprehensive Plan, the Parks Master Plan, and the Update to the Comprehensive Plan to finally answer a central and vital question to the City of Bellaire. That question was what did residents want to portray about their City through its visual appearance? An additional question was the City's identity--what was it? Mr. Monday advised that the group looked forward to reporting back to City Council regarding mutual accomplishments made.

Robert Riquelmy:

Mr. Riquelmy addressed City Council, noting that he was a candidate for Mayor. He indicated that he wished to address openness and transparency. One of the first things that he would do as Mayor was to gather together the pertinent members of Staff in the City and find out why City Council could not, and perhaps would not, respond to comments from the podium. He was certain that there were plenty of good reasons, but none that would stand up to thorough scrutiny. He advised that a vote for him would result in some changes.

Vicki Brentin:

Ms. Brentin addressed City Council and thanked them for their service to the City. She indicated that the group she represented were regular participants who used the Evergreen Pool and Therapy Pool. The group was fully aware that the City Council did not hire and fire employees; however, given that the City had recently terminated a long-term employee with over ten years of experience, has had a huge impact to those regular users of the Therapy Pool and group classes.

She advised that she had written a letter to the Parks, Recreation and Facilities

Department ("Department") regarding the employee and would be meeting with the Department the following week. The group still wanted City Council to be aware of the impact to the users. Ms. Brentin indicated that the purpose of the letter she had written was to share her very own positive experiences in working with Barbara Thorwegen over the last year. She personally began using the Therapy Pool for rehabilitation in March after a total knee replacement. Without question, Barbara had been exceptional. There was no other employee who had demonstrated the level of concern, responsibility, and accountability in their job as Barbara had in hers. Barbara cared about doing the right thing in Ms. Brentin's opinion.

To the contrary, Ms. Brentin had observed others placed on the schedule being repeatedly late to open the Therapy Pool causing great inconvenience. In addition, she had observed other employees sleeping in the lifeguard chair or paying more attention to socializing and flirting with fellow lifeguards with little regard for the kinds of details that Barbara had paid attention to, such as the cleanliness of the pool and the other facilities that were utilized.

While it was not Barbara's responsibility, she was extremely helpful to Ms. Brentin in the rehabilitation of her knee. Barbara's knowledge base and skill set in that regard were exceptional. Barbara voluntarily showed Ms. Brentin exercises that would build upon what her therapist had provided and made sure she was doing them correctly. Ms. Brentin had observed Barbara doing the very same thing in providing similar support for others. In fact, Ms. Brentin indicated that it was amazing to see the level of concern that Barbara had for so many of the elderly and physically challenged people who used the pool. On many occasions, Barbara went way beyond the call of duty to assist people entering and leaving the pool and making sure that they safely navigated the facilities.

To the people who used the Therapy Pool, Barbara was not an employee, she was a relationship and a friend. There was a group of at least 10-15 people who regularly participated in group classes at the pool morning and afternoon, with the largest group on Saturday mornings. The group was extremely disappointed that Barbara would not be able to offer these classes. Ms. Brentin indicated that she thought it was fair to say that most would not be satisfied with another instructor. The group respectfully requested that Barbara be allowed to continue offering group instruction at a minimum on Saturday mornings. If City Council did not wish to include the class as something offered by the Department, Ms. Brentin urged them to consider allowing those interested to take private group lessons taught by Barbara.

Ms. Brentin advised that she had obtained the signatures of 18-20 people who participated in Barbara's classes in support of her.

John Gabriel:

Mr. Gabriel addressed City Council regarding two points. First, Mr. Gabriel urged City Council to support Alternate Site Plan A. On March 30th, a large segment of the Bellaire community showed much interest in municipal facilities. That evening 46 people either spoke or wrote in comments. One person spoke in support of the March 27th Plan. Forty-five people either spoke or wrote in comments supporting one of the alternate plans. In addition, many residents attended Ad Hoc Municipal Facilities Committee ("Committee") meetings. Since then, the Committee almost unanimously supported Alternate Site Plan A. He urged City Council to support Alternate Site Plan A.

Reference was made to the reported difference in cost amounting to an additional \$2 million for Alternate Site Plan A. Mr. Gabriel suggested that City Council dive much deeper into the data. He indicated that he took exception to some of the data and

would welcome further dialog with City Council about that.

Secondly, Mr. Gabriel urged City Council to reappoint the Committee to continue doing the fine work that they had been doing. He advised that he had a great deal of respect for each of the members.

Lynn McBee:

Ms. McBee addressed City Council and indicated that of all the possible topics that one could select, there was one no one had spoken to and probably would not. She urged City Council to seriously consider the notion now labeled "podium parking." She discovered that podium parking was at grade parking under a building, but not below ground. Reference was made to two black buildings on Bissonnet, a new dental center on Bissonnet, and an older office building at the corner of Bissonnet and South Rice Avenue that all had podium parking.

Ms. McBee advised that podium parking was wonderfully convenient for customers. She understood that many architects felt that podium parking was not aesthetically pleasing, but urged City Council to consider the taxpayers, customers, and consumers using the facility.

Further, she indicated that one did not design a building without addressing the maximum function of the building. Parking was chewing up valuable land. She asked City Council not to waste valuable land on parking lots, but rather incorporate at grade parking below the city facilities.

Dr. Julie Boom:

Dr. Boom addressed City Council and noted that as a physician she wished to follow Ms. Brentin's comments regarding how important Barbara's service had been to those at the Therapy Pool. Dr. Boom had watched Barbara assist in the strengthening of runners who had been injured, as well as people recovering from knee and neck surgery. Barbara had been able to provide invaluable help with exercise and strengthening for those aging. Barbara opened Dr. Boom's eyes to a whole new area of exercise that she had no idea she would be able to do after having neck surgery. Dr. Boom said the group really enjoyed the classes and did not feel that there could be someone else who could simply step into Barbara's shoes.

Nancy Stow:

Ms. Stow addressed City Council and advised that Barbara Thorweger was an institution in Bellaire. Seven years ago, Ms. Stow's back doctor told her that there were two things she could do for her back, one of which was swimming. She chose to swim, and Barbara changed her life.

Ms. Stow continued and advised that Barbara was terminating in two weeks and the group was very sad to lose her. Additionally, the group did not understand why this was happening. The pool already did not look the same. Ms. Stow advised that the group was confused as to why the City would let someone like Barbara go.

F. Reports:

1. Presentation of the City Manager's Report dated September 15, 2015, regarding upcoming events in the City of Bellaire - Presented by Paul A. Hofmann, City Manager.

Paul A. Hofmann, City Manager, provided the City Manager's Report dated September 15, 2015, to members of City Council. The report included an overview of special events scheduled for the next few months in Bellaire. It was noted that some of the events were organized or hosted by the City of Bellaire; however, there were others on the list that represented partnerships the City had with others in the community. An example of an upcoming event was provided as follows: "National Night Out" scheduled to occur on October 6, 2015.

There were no questions for the City Manager from members of City Council.

Motion:

To accept the City Manager's Report dated September 15, 2015, as presented by Paul A. Hofmann, City Manager, into the record.

RESULT:	UNANIMOUS [6 TO 0]
MOVER:	Amanda B. Nathan, Mayor Pro Tem
SECONDER:	James P. Avioli, Sr., Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg
NAYS:	None
ABSENT:	Pappas

2. Presentation, consideration of, and possible action on the submittal of the "Certified 2015 Tax Roll and the 2015 Property Tax Rates in the City of Bellaire, Texas" - Presented and submitted by Linda Symank, Chief Financial Officer.

Linda Symank, Chief Financial Officer ("CFO"), provided a brief presentation to members of City Council regarding the "Certified 2015 Tax Roll and the 2015 Property Tax Rates in the City of Bellaire, Texas." She indicated that the City received its certified tax roll from Harris County on August 25, 2015.

For tax year 2015, CFO Symank provided the following information:

Appraised Value of Property	\$5,327,093,885
Total Taxable Value of Property	\$4,061,031,301
Total Uncertified Value of Property	\$459,542,279

The value the City used in the truth-in-taxation calculations included both the certified taxable value and the estimated value of the uncertified property. For that purpose, the City used a value of \$4,520,573,580. The value represented a 12.4% increase from last year's numbers. Also included in the total was the value of the new property added to the tax roll this year. That value was noted to be \$102,790,650.

CFO Symank advised that the City had completed the calculation of the City's effective and rollback tax rates. The effective tax rate was noted to be \$0.3600. The effective rate was the rate that would give the City the same revenue this year as last year. It was calculated using only the property that was on the rolls both last year and this year.

The City's rollback tax rate was noted to be \$0.3805. The rollback rate was the highest rate the City could adopt without being subject to a rollback election. It

allowed the operation and maintenance effective rate to increase 8% plus the required debt service rate for the year.

CFO Symank advised that City Staff was proposing a tax rate of \$0.3805. The receipt of the certified roll and acceptance of the roll this evening was a requirement of the Texas Property Tax Code.

Following questions of CFO Symank from members of City Council, a motion was made, seconded, and voted on the receipt and acceptance of the certified roll.

Motion:

To accept the "Certified 2015 Tax Roll and the 2015 Property Tax Rates in the City of Bellaire, Texas," into the record.

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

G. New Business:

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

- a. Consideration of and possible action regarding the taking of a record vote to increase the tax revenue for the City of Bellaire, Texas for the 2015 Tax Year by proposing a tax rate of \$0.3805 per \$100 valuation and authorizing the City Clerk and Chief Financial Officer to publish a "Notice of 2015 Tax Year Proposed Property Tax Rate for the City of Bellaire." The recommended dates for two public hearings on the referenced proposal are Monday, October 5, 2015, and Monday, October 12, 2015, both of which will be held at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401 - Submitted by Linda Symank, Chief Financial Officer.

Linda Symank, Chief Financial Officer ("CFO"), provided a brief overview of the agenda item before City Council to take a record vote to increase the tax revenue for the City of Bellaire, Texas, for the 2015 tax year and scheduling two public hearings on the proposal to increase the tax revenue.

CFO Symank advised that "truth-in-taxation" was the regulation that defined very specific steps, as well as wording, that the City must use in the process to adopt its tax rate. Because the City's proposed rate of \$0.3805 was above the City's effective rate, the City had to take some additional steps. The first step was the record vote this evening. When an entity proposed a rate that was above the lower of the effective rate or rollback rate, then the entity must take a record vote to place on a future agenda an item to adopt a tax rate that would increase revenue over the previous year.

The specific wording for the referenced motion was noted as follows: *I move that the property tax rate be increased by the adoption of a rate of \$0.3805, which is effectively a 5.69% increase in the tax rate.*

CFO Symank indicated that the referenced 5.69% was an increase from the

effective tax rate to the rollback tax rate and not an increase in the City's revenue. The proposed tax rate of \$0.3805 would actually increase the City's revenue by \$1,256,789 or a 7.88% increase. The increase in the revenue came from the 8% increase on the operations and maintenance effective rate, thereby providing an additional \$817,000 of revenue to the General Fund. The revenue from new property added to the tax roll this year would generate an additional \$391,000, which covered both the General Fund and the Debt Service Fund. In order to have the funds available for the City's debt service, the City needed an additional \$48,000.

At the time the City received its certified roll, the City was able to look at the estimated revenue for the General Fund and realized that the revenue would increase \$112,728. When the City projected revenue for the General Fund, the projection was an 8% increase over the prior year plus the historical estimate of what the new property value would be for tax year 2015. Of the \$112,728, \$30,000 was coming from a higher than historically used value for new property. The remainder of the increase was attributable to the change in appraised value.

If the motion passed this evening to place the recommended tax rate on a future agenda, the City must set and announce two public hearings on the tax rate. City Staff was proposing that the first public hearing be held before the Regular Session on October 5, 2015, at 6:00 p.m. in the Council Chamber. The second public hearing would be a called Special Session on October 12, 2015, at 6:00 p.m. in the Council Chamber.

Also to be announced this evening was the date and time that the tax rate would appear on a City Council agenda for consideration. City Staff recommended adopting the tax rate on October 19, 2015, on the City Council Regular Session agenda. The "Notice of 2015 Tax Year Proposed Property Tax Rate for the City of Bellaire" included information about the two public hearings and must be published before the first public hearing. The City was proposing that the notice be published in the Southwest News on September 22, 2015.

If the City followed the schedule outlined by CFO Symank, the City would be in compliance with truth-in-taxation requirements for the adoption of the City's tax rate. Also of note was an increase in the average value of a residential home, which increased slightly more than 14%. The average value was \$619,566 (up from \$542,318 in the prior year) for a tax increase of \$229.

Motion:

I move that the property tax rate be increased by the adoption of a rate of \$0.3805, which is effectively a 5.69% increase in the tax rate.

Following questions of CFO Symank regarding the presentation, a record vote was taken by City Council on the motion on the floor.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Philip L. Nauert, Mayor
SECONDER:	Roman F. Reed, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg
ABSENT:	Pappas

- b. Council consideration and approval of a resolution amending the FY2015 Budget. Submitted by Diane K. White, Assistant City Manager.

Diane White, Assistant City Manager ("ACM"), advised that the budget amendment resolution before City Council this evening reflected what the City had reported in the third quarter and what was in the City Council's budget book under FY 2015 projections. She advised that those projections were used to develop the beginning balance for FY 2016.

She continued and advised that the budget amendment was required by the City Charter to be adopted in the last three months of a budget year. The amendment basically transferred appropriations between departments.

ACM White recommended that City Council adopt the budget amendment resolution as presented.

Motion:

To adopt a resolution of the City Council of the City of Bellaire, Texas, amending the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2014, and ending September 30, 2015; and authorizing the City Manager or his designee to take all actions necessary to facilitate the changes identified in the resolution.

Following questions of ACM White, action was taken on the motion on the floor.

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

- c. Consideration of and possible action regarding the FY2016 budget of the City of Bellaire, Texas for the fiscal year beginning October 1, 2015, and ending September 30, 2016, and appropriating the several sums set up therein to the objects and purposes therein named by 1) Adopting the FY2016 budget by record vote and 2) Ratify the tax increase reflected in the FY2016 budget. Item Submitted by: Diane K. White, Assistant City Manager

Diane White, Assistant City Manager ("ACM"), noted that City Council was required to adopt the budget with a record vote and to vote to ratify the property tax increase reflected in the budget. The document must also include a budget cover indicating that the City was increasing tax revenue from 2015 to 2016.

ACM White reviewed changes that had occurred to the budget since it was

first presented on July 20, 2015. She noted that the City Manager made a recommendation to add \$112,728 to the property tax revenue and to appropriate that same amount of money to Capital Improvement Projects for the purposes of a capital project for beautification. In addition, language was added for the draft Capital Improvement Projects that was requested by Councilman Friedberg.

In closing, ACM White advised that she recommended adoption of the budget as presented by taking a record vote and ratifying the tax rate.

{Note: Gus E. Pappas, Councilman, arrived at 8:12 p.m. and participated in the agenda item on the floor.}

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, adopting the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2015, and ending September 30, 2016 (FY 2016), and appropriating the several sums set up therein to the objects and purposes therein named.

{Moved by Andrew S. Friedberg, Councilman, and seconded by Amanda B. Nathan, Mayor Pro Tem}

Dr. Philip L. Nauert, Mayor, opened the floor for questions of ACM White by members of City Council regarding the FY 2016 budget. Following questions and discussion, an amendment to the main motion was offered by James P. Avioli, Sr., Councilman.

Amendment (No. 1) to the Main Motion:

To amend the proposed FY 2016 budget by adding a line item to be entitled "City Beautification" to be funded in the amount of \$300,000, said line item to be listed under the Parks, Recreation and Facilities Department budget.

{Amendment No. 1 offered by James P. Avioli, Sr., Councilman, and seconded by Pat B. McLaughlan, Councilman}

James P. Avioli, Sr., Councilman, explained how the \$300,000 could be derived. He suggested including the additional revenue of \$112,078 previously referenced plus \$50,000 in savings from the Holly Trail Project plus \$50,000 from the Evelyn's Park maintenance budget (assuming that the project would not require six months of maintenance in fiscal year 2016), with the remaining \$98,000 coming from the FY 2015 budget carryover.

Paul A. Hofmann, City Manager, provided an explanation to members of City Council indicating that there would not be \$50,000 left from the Holly Trail Project. He estimated that \$10,000 might be left from that project. City Manager Hofmann stated that he agreed with Councilman Avioli in that the City might not have to pay six months of maintenance for Evelyn's Park; however, he could not recommend that the City count on that. City Manager Hofmann stated that the City did not have \$98,000 to appropriate without taking from some other budgeted items or negatively impacting the City's ending balance.

Discussion ensued among members of City Council regarding the amendment on the floor.

Amendment (No. 1) to Amendment (No. 1) to the Main Motion:

To add an actual reference to "City Wide Beautification" on the chart entitled "City of Bellaire FY 2016 Proposed Capital Projects" on page 84 of the budget document (as opposed to the Parks, Recreation and Facilities Department budget).

{Amendment offered by Andrew S. Friedberg, Councilman, and seconded by Amanda B. Nathan, Mayor Pro Tem}

Following discussion among members of City Council regarding the amendment on the floor, **a motion was made by Amanda B. Nathan, Mayor Pro Tem, to close the discussion.**

Dr. Philip L. Nauert, Mayor, called for a vote on amendment (no. 1) to amendment (no. 1) to the main motion.

RESULT:	APPROVED [4 TO 3]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, Reed, Friedberg
NAYS:	Avioli Sr., Pappas, McLaughlan
ABSENT:	None

Following action, a second amendment was offered to Amendment (No. 1) to the Main Motion.

Amendment (No. 2) to Amendment (No. 1), as amended, to the Main Motion:

To substitute the amount of \$300,000 with the amount of \$112,728.

Discussion ensued among members of City Council and the City Manager regarding the amendment on the floor. Following discussion, action was taken on the amendment.

RESULT:	FAILED [3 TO 4]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Dr. Philip L. Nauert, Mayor
AYES:	Nauert, Nathan, Friedberg
NAYS:	Reed, Avioli Sr., Pappas, McLaughlan
ABSENT:	None

Dr. Philip L. Nauert, Mayor, called for a vote on the Amendment (No. 1), as amended, to the Main Motion (\$300,000 for beautification).

RESULT: APPROVED [4 TO 2]	
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MOVER:	James P. Avioli, Sr., Councilman
SECONDER:	Pat B. McLaughlan, Councilman
AYES:	Reed, Avioli Sr., Pappas, McLaughlan
NAYS:	Nauert, Nathan
ABSTAIN:	Friedberg
ABSENT:	None

Amendment (No. 2) to the Main Motion, as amended:

To add a parenthetical phrase "(an increase in tax revenue)" in the preamble of the ordinance and in the fourth ordination paragraph to read as follows:

Preamble:

" . . . 2) VOTE TO RATIFY THE TAX INCREASE (AN INCREASE IN TAX REVENUE) REFLECTED IN THE BUDGET."

Fourth Ordination Paragraph:

"4. That the budget of the City of Bellaire, Texas, appended hereto as "Appendix A," for the fidscal year beginning October 1, 2015, and ending September 30, 2016, be, and the same is hereby, in all respects, finally approved and adopted by record vote and a vote made to ratify the tax increase (an increase in tax revenue) in the attached document is hereby filed with the City Clerk of the City of Bellaire, Texas."

Following discussion regarding the amendment on the floor, action was taken on the amendment.

RESULT:UNANI MOUS [7 TO 0]	
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Gus E. Pappas, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
NAYS:	None
ABSENT:	None

Discussion ensued among members of City Council regarding the Main Motion, as amended.

Amendment (No. 3) to the Main Motion, as amended:

To implement a retention incentive plan whereby each patrol officer for the City of Bellaire, Texas, would receive an additional \$2,000 per year as a mileage reimbursement (maximum mileage of 20 miles one way).

{Moved by James P. Avioli, Sr., Councilman, and seconded by Pat B. McLaughlan, Councilman}

Following discussion among City Council regarding the recommended plan, a motion was offered to postpone consideration of the plan to a future date.

Motion to Postpone Amendment (No. 3) to the Main Motion:

To postpone consideration of Amendment (No. 3) to the Main Motion until no later than the second meeting in October.

RESULT:UNANIMOUS [7 TO 0]	
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Pat B. McLaughlan, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
NAYS:	None
ABSENT:	None

Dr. Philip L. Nauert, Mayor, called for a record vote on the adoption of the FY 2016 budget, as amended:

Councilman Roman F. Reed - Yes
 Councilman James P. Avioli, Sr. - Yes
 Councilman Gus E. Pappas - Yes
 Mayor Philip L. Nauert - Yes
 Councilman Pat B. McLaughlan - Yes
 Councilman Andrew S. Friedberg - Yes
 Mayor Pro Tem Amanda B. Nathan - Yes

Motion:

To ratify the tax increase reflected in the FY 2016 budget.

RESULT:	UNANIMOUS [7 TO 0]
MOVER:	Amanda B. Nathan, Mayor Pro Tem
SECONDER:	Roman F. Reed, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
NAYS:	None
ABSENT:	None

- d. Consideration of and possible action on a recommendation from the Parks, Recreation, and Facilities Department to award a contract to Classic Irrigation and Landscape Inc., for improvements to the Holly Street Esplanade in the amount of \$149,919.00 and consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager and City Clerk to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Classic Irrigation and Landscape, Inc., for Holly Street Landscape Improvements in the amount of \$149,919.00 - Submitted by Michelle Jordan, Project Manager.

Paul A. Hofmann, City Manager, asked City Council to remove the Holly

Street Esplanade Project item from the agenda. Based upon his understanding of the approval of the budget and direction given therein, the City could not afford the project within the funds that were allocated for it.

Dr. Philip L. Nauert, Mayor, indicated that he did not wish to remove the item from the agenda without the support of City Council. He understood that the budget was tight, and the City's commitment to beautification was a true commitment.

City Manager Hofmann advised that if \$50,000 were to come from the project to fund the beautification line item, then the City did not have the funds as the project was designed and advertised. One option was to reduce the scope of the project. He advised that he would appreciate some time to think that through and come back to City Council.

Mayor Nauert advised that City Manager Hofmann's approach was reasonable and responsible. He beseeched City Council to allow the item to be removed from the budget. Mayor Nauert stated that he would like to give the City Manager an opportunity to find out how the project could be redefined within the budget. Mayor Nauert asked for a vote to remove the Holly Street Esplanade Project item from the agenda temporarily so that the City Manager could reconsider it and still deliver the project within the funds that were available.

In favor of temporary removal from the agenda:

Dr. Philip L. Nauert, Mayor
James P. Avioli, Sr., Councilman
Andrew S. Friedberg, Councilman
Amanda B. Nathan, Councilman

Against temporary removal from the agenda:

Roman F. Reed, Councilman
Gus E. Pappas, Councilman
Pat B. McLaughlan, Councilman

The item was temporarily removed from the agenda on a vote of 4-3.

RESULT:	WITHDRAWN
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- e. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, nominating a candidate for a position on the Board of Directors of the Harris County Appraisal District for a term of office commencing on January 1, 2016, and extending through December 31, 2017 - Submitted by Tracy L. Dutton, City Clerk.

Motion:

To adopt a resolution of the City Council of the City of Bellaire, Texas, nominating James P. Avioli, Sr., for a position on the Board of Directors of the Harris County Appraisal District for a term of office commencing on January 1, 2016, and extending through December 31, 2017.

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

2. Items for Individual Consideration:

- a. Consideration of and possible action on a recommendation to approve the Ad Hoc Municipal Facilities Committee's recommendation for the City of Bellaire's Municipal Facilities Project - Site Plan Alternative A - Requested by Dr. Philip L. Nauert, Mayor.

Motion:

To approve a recommendation from the Ad Hoc Municipal Facilities Committee of the City of Bellaire, Texas, to consider Alternate Site Plan A for the City's new municipal facilities project.

{Moved by Dr. Philip L. Nauert, Mayor, and seconded by James P. Avioli, Sr., Councilman}

Discussion ensued among members of City Council regarding the motion on the floor.

Motion to Delay:

To delay any action or recommendation on Alternate Site Plan A and narrow the focus and attention of City Council to Alternate Site Plan A and Alternate Site Plan D. As part of the focus, a community meeting would be scheduled with the citizens of Bellaire.

{Motion by Gus E. Pappas, Councilman, and second by Andrew S. Friedberg, Councilman}

Discussion ensued among members of City Council regarding the motion on the floor.

Amendment (No. 1) to Motion to Delay:

To amend the motion to include the March 27th Plan in the focus for the community meeting.

{Moved by Roman F. Reed, Councilman. **Failed due to the lack of a second.**}

Amendment (No. 1) to Motion to Delay:

To amend the motion to include Option D as proposed by John Gabriel in the focus for the community meeting.

{Moved by Amanda B. Nathan, Mayor Pro Tem. **Failed due to the lack of a second.**}

Following further discussion regarding the motion to delay action on the agenda item, action was taken on the motion to delay.

RESULT:	FAILED [3 TO 4]
MOVER:	Gus E. Pappas, Councilman
SECONDER:	Andrew S. Friedberg, Councilman
AYES:	Pappas, McLaughlan, Friedberg
NAYS:	Nauert, Nathan, Reed, Avioli Sr.

Discussion ensued among members of City Council regarding the main motion on the floor.

Motion to Delay:

To delay any action or recommendation on Alternate Site Plan A for the City's municipal facilities until such time as a public meeting could be scheduled and held with the community on Alternate Site Plan A.

RESULT:	FAILED [3 TO 4]
MOVER:	Gus E. Pappas, Councilman
SECONDER:	Pat B. McLaughlan, Councilman
AYES:	Avioli Sr., Pappas, McLaughlan
NAYS:	Nauert, Nathan, Reed, Friedberg

Dr. Philip L. Nauert, Mayor, called for a vote on the main motion on the floor (approval of Alternate Site Plan A).

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Philip L. Nauert, Mayor
SECONDER:	James P. Avioli Sr., Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

- b. Consideration of and possible action on a recommendation to direct City Staff to contact the Houston Independent School District (HISD) to request and schedule a tour of the Bellaire High School campus located at 5100 Maple Street, Bellaire, Texas, by members of the Bellaire City Council; said tour to be scheduled during school hours and to include an overview of proposed renovations and modifications to be made to said campus as well as a description of the benefits to be achieved as a result of the renovations/modifications (i.e., traffic, parking, and school population, etc.) - Requested by Roman F. Reed, Councilman - Position No. 1.

Motion:

To direct City Staff to contact the Houston Independent School District (HISD) to request and schedule a tour of the Bellaire High School campus located at 5100 Maple Street, Bellaire, Texas, by members of the Bellaire City Council; said tour to be scheduled during school hours and to include an overview of proposed renovations and modifications to be made to said campus as well as a description of the benefits to be achieved as a result of the

renovations/modifications.

Members of City Council opposed to the motion cited that a tour seemed premature since HISD did not have any plans before the City.

RESULT:	FAILED [3 TO 4]
MOVER:	Roman F. Reed, Councilman
SECONDER:	James P. Avioli Sr., Councilman
AYES:	Reed, Avioli Sr., McLaughlan
NAYS:	Nauert, Nathan, Pappas, Friedberg

- c. Discussion and possible direction to City Staff regarding a recommendation to lower the current speed limit for the entire extent of South Rice Avenue from 35 miles per hour to 30 miles per hour - Requested by Roman F. Reed, Councilman - Position No. 1.

Motion:

To direct the City Staff to take the necessary steps to lower the current speed limit for the entire extent of South Rice Avenue from 35 miles per hour to 30 miles per hour.

Following discussion, action was taken on the motion on the floor.

Members of City Council opposed to the motion cited a previous traffic study performed for South Rice Avenue approximately one year ago that indicated an average speed limit greater than 35 miles per hour.

{Note: James P. Avioli, Sr., Councilman, left the City Council meeting for good cause at 10:44 p.m. just prior to the vote taken on this item.}

RESULT:	FAILED [1 TO 5]
MOVER:	Roman F. Reed, Councilman
SECONDER:	James P. Avioli Sr., Councilman
AYES:	Reed
NAYS:	Nauert, Nathan, Pappas, McLaughlan, Friedberg
ABSENT:	Avioli Sr.

- d. Discussion and possible action on a recommendation to reach out to the community and neighborhoods by holding the two November and first December 2015 meetings of the City Council of the City of Bellaire, Texas, in the following City parks: Paseo Park (November 2nd), Jaquet Park (November 16th), and Lafayette Park (December 7th) - Requested by Roman F. Reed, Councilman - Position No. 1.

Motion:

To reach out to the community and neighborhoods by holding the two November and first December 2015 meetings of the City Council of the City of Bellaire, Texas, in the following City parks: Paseo Park on November 2nd, Ware Family Park (formerly Jaquet Park) on November 16th, and Lafayette Park on December 7th.

{Moved by Roman F. Reed, Councilman. **Failed due to the lack of a second.**}

RESULT: FAILED NO VOTE

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

There were no future agenda items mentioned.

Community interest items from the Mayor and City Council included expressions of thanks to residents for their input and to staff for their work on the budget and an expression of appreciation to the Bellaire Ad Hoc Municipal Facilities Committee for their hard work on the City's proposed municipal facilities.

I. Adjourn.

Motion:

To adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 10:59 p.m. on Tuesday, September 15, 2015.

RESULT:	UNANIMOUS [6 TO 0]
MOVER:	Gus E. Pappas, Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, Reed, Pappas, McLaughlan, Friedberg
NAYS:	None
ABSENT:	Avioli Sr.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/05/15 06:00 PM
Department: Police Department
Category: Report
Department Head: Byron Holloway
DOC ID: 1706

**SCHEDULED
INFORMATION ITEM (ID
1706)**

Item Title:

Presentation of a report from Byron Holloway, Chief of Police, regarding the implementation of a Body Camera Program - Presented and submitted by Byron Holloway, Chief of Police.

Background/Summary:

The Chief of Police will provide information in regards to an opportunity to implement the expansion of the Bellaire Police Department's Body Camera Program earlier than expected.

Recommendation:

The Chief of Police recommends acceptance of this report.

ATTACHMENTS:

- BPD Body Camera Memo (PDF)



CITY OF BELLAIRE

Police Department

(713) 668-0487 5110 Jessamine Bellaire, Texas 77401-4425
www.bellairepolice.com

Byron Holloway
Chief of Police

Michael Leal
Assistant Chief of Police

Lt. Jeff Cotton
Patrol Division

Lt. Greg Bartlett
Support Services

Lt. Russell Brown
Manager information
Services

To : Paul Hofmann, City Manager
From : Byron Holloway, Chief of Police
Date : September 23, 2015
Re : Accelerated Implementation of Body Camera Program

This memo is to provide information in regards to an opportunity to implement the expansion of the Bellaire Police Department's body camera(s) (BC) program earlier than previously discussed. BPD has used BC for a number of years, most notably with motorcycle officers. The adopted FY2016 Budget includes \$5,000.00 to research and field test BC. The intent was to move towards full implementation of BC for all patrol officers in the FY2017 Budget.

COBAN Technologies is the vendor that provides BPD video systems used in patrol cars. In August 2015 COBAN provided BPD six (6) BC for test and evaluation at no cost for an indefinite time. BPD has been evaluating these units and many of our questions related to BC implementation have been answered. As such, it is believed that we will be able to make a purchase decision without spending the budgeted \$5,000.00.

Last week I was contacted by Lovett Elementary located at 8814 S. Rice Avenue in Houston. They advised that in January of each year they conduct a fund raiser. They wish to donate half of this year's raised funds to the Houston Police Department Beechnut Substation and the other half to the Bellaire Police Department. These donations are to buy body cameras for police officers. The anticipated donation to the Bellaire Police Department is \$10,000.00.

Should we receive this \$10,000.00 donation my intent is to combine it with the budgeted \$5,000.00 for a total of \$15,000.00. This can be used for early implementation of our expanded BC program. With \$15,000.00 we should be able to purchase enough body cameras and accessories for all BPD patrol officers.

Concerns related to data storage can be resolved in the short term by decreasing the number of days video recordings are retained. Current legislation requires that we retain video recordings for 90 days unless otherwise needed. BPD currently retains video recordings for 180 days unless needed in a case. BPD can free up storage space

by following the 90 day retention guidelines. I do not recall an instance where we had to retrieve videos older than 90 days. There may be issues related to redacting images on videos prior to release through an open records request, but I don't consider this as an insurmountable problem at this time.

The FY2017 Budget funds would primarily be used for redaction software and server storage.

This will be earlier than our previously discussed/planned timeline for implementation. Reconsideration of how budgeted funds are to be used has been prompted by:

- COBAN Technologies providing BC for evaluation during the FY2015 Budget year was not anticipated. This allowed BPD to begin BC evaluation much sooner than planned.
- These BC are compatible with the systems currently being used in patrol vehicles. "Back Office" software which allows BPD to archive, search, and retrieve video from patrol units also allows the same for BC video. So currently this component of the program is in place.
- Storage space concerns can easily be addressed during FY2016 by a reduction in time video recordings are retained. This reduction will be within State of Texas mandated guidelines.
- The above bullet pointed items appear to free up FY2016 funds to move forward with implementation.
- The potential of an unanticipated \$10,000.00 donation to be used for a BC program provides funding which would allow BPD to move forward.

In a nutshell, a series of events have fallen into place that will allow us to implement our BC program earlier than anticipated. It is my recommendation that we take advantage of this opportunity should it unfold as thought.

The following discussion is to provide background information.

Police Accountability

The current national narrative for police use of BC is seen as a step towards police accountability. This has most recently come to the forefront as a result of events in Ferguson Missouri during 2014 and Baltimore Maryland during 2015. This outcry for police accountability from communities such as Ferguson and Baltimore arise from what has become high profile incidents in which police actions were questioned.

There has been a history of unrest in communities stemming from real or perceived inappropriate police actions. BC are seen by many as a way in which factual information on an incident can be provided to defuse a situation that has the potential of creating community unrest. This demand for police use of BC has led to greater demand in the BC market which in turn has led manufactures to rapidly develop the technology.

Technology Overview

Police departments have been considering BC technology for several years. Departments have been slow to move towards full implementation as many believed BC technology was not developed to the point of practical profession-wide application. Those concerns included:

- Cost – early cost of the camera component could range as high as \$800.00 per individual unit. Current costs now are in the area of \$400.00 depending on the unit and accessories.
- Battery Life – batteries are contained within the camera itself. As with cell phones, the smaller the device, the smaller the battery. Small batteries equated to a short battery life. This issue is being addressed through improvements in battery and quick charging technologies.
- Lack of Default Activation – camera systems in patrol cars can be set to activate by default. This means the camera system in a patrol car can be set activate automatically when the patrol car reaches a certain speed, when the overhead emergency lights are activated, etc. BC have no such default activation and are dependent on an officer consciously turning the BC on. This action can be overlooked in a chaotic situation. Such unintentional failure to activate leads to claims of intentional lack of activation. Developers intend to address this in future BC design through the use of Bluetooth technology.
- Audio/video quality – Previously, ambient conditions often led to a degradation of audio or video quality. These issues are for the most part resolved and HD BC are available. Also, there is currently a wider range of accessories available which allows an officer to wear a BC on their body in a manner to improve video quality.
- Durability of Components in the Police Environment – some early BC units were not as rugged as required for police field operations. This has greatly been improved.

Program Management

Police administrators also considered matters often not recognized by others in the implementation of a BC program. Such concerns included:

- Privacy Concerns – in-car video systems record in public places (roadways) where there is little to no expectation of privacy. BC are worn on the officer's person and as such cameras are now recording inside homes as well as businesses that are considered private spaces. BC will be recording crime victims, witnesses, informants, children, elderly, and often people at a traumatic time in their lives. This has raised legitimate privacy concerns. Legislation, departmental policy, and redaction software are used to manage these concerns.
- Open Records Request – increases in requests result as more information is available. Such requests require a proper response within mandated timelines. Some larger departments have found it necessary to increase staffing to manage the increased volume of open record requests for BC recordings.
- Cost Associated with Redaction – is a factor that relates to privacy concerns in view of the potential release of recordings resulting from open records requests. To comply with privacy laws in the release of BC recordings, certain images need to be redacted, edited out, or blurred. For example, the image of a child would need to be redacted in a recording without compromising the overall integrity of the recording. This would be done by blurring the child's image in each frame of the recording to be released. This requires staff training and software.
- Storage Issues – related to archiving video recordings from BC is also a cost consideration. For example, currently the Bellaire Police Department has eight (8) patrol vehicles with in-car camera systems whose video is stored for 180 days before it drops off servers. Full implementation of BC will increase required storage capacity because there will be as many as 30 BC requiring storage space in addition to the storage needs of current patrol vehicles. This can be initially addressed by reducing the storage time from 180 days to 90 days where appropriate.
- Public Education – BC are not a panacea for alleviating concerns related to police accountability. When implementing BC an agency needs to educate the public on the realities of the program. Not all things will always be recorded and not all recordings will show all things. It is important that elected officials and the community understand the limitations of BC.

- Legislative Mandates – are being put into place by many states. Texas S.B. 158 was signed into law by Governor Abbott in June 2015. S.B. 158 amended Section 1., Chapter 1701, of the Texas Occupations Code by adding Subchapter N., Section 1701.651., Body Worn Camera Program. This section requires training and establishment of policy within a department for the use of BC. Also, this section attempts to address some privacy concerns related to the release of recordings.

End of memo.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/05/15 06:00 PM
Department: City Manager's Office
Category: Resolution
Department Head: Diane K White
DOC ID: 1704

SCHEDULED**ACTION ITEM (ID # 1704)****Item Title:**

Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, amending the FY 2016 budget for the Holly Street Esplanade Construction Project in the amount of \$50,000 - Submitted by Diane K. White, Assistant City Manager.

Background/Summary:

The adoption of the FY2016 Budget included a Beautification Project with funding of \$300,000 of which \$50,000 was identified to come from the Holly Street Esplanade Construction project. With the adoption of the budget there was not enough funds to award the Holly Street Esplanade Construction contract.

This budget amendment will provide the necessary funding to award the Holly Street Esplanade Construction contract.

The recommended source of funding is the FY2016 Capital Improvement fund balance. If this budget amendment is approved the ending balance in the Capital Improvement fund will be reduced by \$50,000 to \$1,283,731 of which \$181,680 is cash for future projects.

Previous Council Action Summary:

On September 15, 2015 the FY2015 Holly Street project was reduced by \$50,000, which increased the beginning fund balance in the FY2016 proposed budget from \$1,978,406 to \$2,028,406. Additionally, the transfer in from the General Fund was increased by \$250,000 in order to create the \$300,000 Beautification project.

The \$300,000 was sourced by:

1. General Fund New property tax revenues -	\$112,728
2. General Fund Evelyn's park maintenance -	50,000
3. Capital Improvement Fund Holly Street-	50,000
4. General Fund FY2015 Ending Fund Balance	<u>87,272</u>
Total	\$300,000

FY2016 Summary Capital Improvement Funding			
	FY2016 Proposed	FY2016 Adopted	FY2016 Amended
Beginning Balance	\$1,978,406	\$2,028,406	\$2,028,406
Transfer from General Fund	\$190,000	\$440,000	\$440,000
Transfer in for Pavement Maintenance Program	\$800,000	\$800,000	\$800,000
Transfer in from METRO	\$1,200,000	\$1,200,000	\$1,200,000
Total Resources	\$4,168,406	\$4,468,406	\$4,468,406
Expenses	\$2,834,675	\$3,134,675	\$3,184,675
Ending Fund Balance	\$1,333,731	\$1,333,731	\$1,283,731
What makes up the fund balance			
Designated ROW Resources	\$351,000	\$351,000	\$351,000
Designated Facilities Rebuild Bellaire Resources	\$751,050	\$751,050	\$751,050
General Fund Cash	\$231,681	\$231,681	\$181,681
Totals	\$1,333,731	\$1,333,731	\$1,283,731

Fiscal Impact:

Transfer of \$50,000 from the Capital Improvement Fund balance will reduce the overall ending balance for FY2016 by \$50,000 which may impact future year pay as you go projects.

Recommendation:

Assistant City Manager Diane K. White recommends approval of the attached Resolution to appropriate \$50,000 to the Holly Street Esplanade Construction project from the Capital Improvement Fund Balance.

ATTACHMENTS:

- Holly Street (DOCX)

RESOLUTION NO. 16-

A RESOLUTION AMENDING THE BUDGET FOR THE CITY OF BELLAIRE, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016,

APPROPRIATING \$50,000 FROM THE CAPITAL IMPROVEMENT FUND BALANCE TO THE PARK IMPROVEMENTS CARRYOVER PROJECT FOR THE PURPOSE OF FUNDING HOLLY STREET ESPLANADE CONSTRUCTION AND FOR THE PURPOSE OF INCREASING THE APPROPRIATION IN THE PARK IMPROVEMENTS PROJECT FOR THE PURPOSE OF HOLLY STREET ESPLANADE CONSTRUCTION; AND

WHEREAS, on September 15, 2015 the City Council of the City of Bellaire, Texas, by Ordinance No. 15-056, duly adopted and approved the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2015, and ending September 30, 2016; and

WHEREAS, pursuant to *Section 102.010, Texas Local Government Code*, the City Council of the City of Bellaire, Texas, may amend the City's budget for municipal purposes; and

WHEREAS, such amendment shall not result in the authorization of expenditures in excess of the total of estimated revenue plus appropriated fund balance; **NOW, THEREFORE**,

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

- 1.** That the recitals contained herein are found to be true and correct.
- 2.** That the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2015, and ending September 30, 2016, is hereby amended by:
 - appropriating \$50,000 from the capital improvement fund balance for the purpose of funding park improvements for holly street esplanade construction;
 - increasing the appropriation for the capital improvement parks improvements project by \$50,000 for the purpose of holly street esplanade construction.
- 3.** That a true and correct copy of this Resolution shall be filed with the City Clerk of the City of Bellaire, Texas, and maintained as a part of the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2015, and ending September 30, 2016.
- 4.** That the City Clerk shall cause to be filed a true and correct copy of this Resolution with the County Clerk of Harris County, Texas.

PASSED and APPROVED this, the 5th day of October 2015.

Philip L. Nauert, Mayor

ATTEST:

Tracy L. Dutton
City Clerk
City of Bellaire, Texas

APPROVED AS TO FORM:

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

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/05/15 06:00 PM
Department: City Manager's Office
Category: Contract
Department Head: Diane K White
DOC ID: 1705

SCHEDULED**ACTION ITEM (ID # 1705)****Item Title:**

Consideration of and possible action on a recommendation from the Parks, Recreation, and Facilities Department to award a contract to Classic Irrigation and Landscape Inc., for improvements to the Holly Street Esplanade in the amount of \$149,919.00 and consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager and City Clerk to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Classic Irrigation and Landscape, Inc., for Holly Street Landscape Improvements in the amount of \$149,919.00 - Submitted by Michelle Jordan, Project Manager.

Background/Summary:

Design services for the Holly Street Esplanade improvements has been performed by Clark Condon Associates, and began in March of 2015. The design team has attended several meetings with community representatives, including a site meeting on 3-9-2015 to discuss project objectives and priorities, and a design review session on 5-28-2015.

The scope of the project includes removal of select trees along the esplanade that are either invasive in nature or are unhealthy / at the end of their life cycle. Each tree that is removed will be replaced by a new Live Oak tree, to be donated by Trees for Houston. In addition to the trees, additional ground cover and shrub plants (Asian jasmine, iris, Mexican Sage Bush) will be installed at select locations along the median to enhance aesthetics, and the remaining areas would be cleaned up and mulched. An irrigation system will be installed along the length of the median which will consist of the main line for all medians. Full construction of the irrigation system will be complete and in place on all medians where planting is included in the scope of this current project. The medians that are to be cleaned up and mulched will have the main line in place, and will be stubbed out to receive the final drip lines once planting is funded and completed at those select locations. The Decomposed Granite trail itself will be widened and refurbished. The trail surface material will be properly compacted during installation. Five small seating areas will be constructed using the existing benches, and space will be available for additional benches to be installed over time.

At the March 2, 2015 City Council Meeting, Council approved \$200,000.00 to be spent on the design and construction of the project. Clark Condon's design contract was subsequently authorized in the amount of \$35,000.00, with an additional authorization of \$5,500.00 for surveying services. After advertising costs, the remaining budget to construct this project is \$159,256.40.

Three alternates were identified in the bid documents to allow for the potential of additional median planting and irrigation installation if the alternate costs were acceptable to the budget. Each of the three alternates would complete one additional median. However, as shown below, the cost of each alternate as submitted via bid exceeds the available funds for the project.

The project was advertised publicly, and a pre-bid meeting was held on 8-18-2015, with

three companies attending. Bids were received on 8-25-2015. The bid tabulation is as follows:

Company Name	Base Bid	Alternate #1	Alternate #2	Alternate #3
Hou-Scape	\$182,819.51	\$23,776.80	\$18,411.36	\$17,632.14
Classic Irrigation	\$149,919.00	\$31,824.00	\$22,238.00	\$23,156.00

Clark Condon Associates has reviewed the bids, and determined that the lowest responsible bidder is Classic irrigation and Landscape, and has recommended the City of Bellaire accept their base bid with no alternates. The cost of the alternates, when combined with the base bid, would exceed the available funds for the project.

Expense	Amount
Clark Condon Associates	\$35,000.00
Survey Services	\$5,500.00
Bid Advertisement	\$243.60
Classic Irrigation and Landscape	\$149,919.00
Budget	\$200,00.00
Remain in Contingency if needed	\$9,337.40

Previous Council Action Summary:

City Council allocated \$200,000.00 to go toward the design and construction of the project on March 2, 2015. At a City Council Workshop on March 23, 2015 Sheila Condon of Clark Condon Associates presented the design plan and received comments. Questions were asked about the trees that would be removed and the replacement trees, the potential for lighting, and emphasis was placed on the integrity of the decomposed granite trail due to use and vehicular damage.

Fiscal Impact:

This project is funded out of account 610-5-3000-999.109. Approval of the base bid in the amount of \$149,919.00 will be within the budgeted amount. The remaining budgeted amount will be held as contingency for the project, and would be available to be re-appropriated in the event it is not used as contingency on this project.

Recommendation:

Michelle Jordan, the City of Bellaire Project Manager and Clark Condon Associates, the Project Designer, recommend that this bid be awarded to the lowest responsible bidder, Classic Irrigation and Landscape, in the amount of \$149,919.00, and to approve an Ordinance of the City of Bellaire, Texas to authorize the City Manager to enter into a contractual agreement for said construction services for the Holly Street Esplanade Project.

ATTACHMENTS:

- 150828_HollySt_Recommendation (PDF)
- Ordinance - Holly Construction (DOC)



CLARK CONDON
ASSOCIATES
LANDSCAPE ARCHITECTURE

August 28, 2015

Michelle Jordan
City of Bellaire PARD
7008 S. Rice
Bellaire, TX 77401

RE: Holly Street – Median Landscape Improvements
CCA Project No. 114-043

Dear Michelle:

Two bids were received for the construction of Holly Street – Median Landscape Improvements.

Classic Irrigation & Landscape Inc. has submitted a low qualified base bid of \$149,919.00, and bids for each of the following Alternates: Alternate No.1 for \$31,824.00, Alternate No.2 for \$22,238.00, and Alternate No.3 for \$23,156.00. Please find enclosed a copy of the bid tab dated August 25, 2015.

It is our recommendation that the Classic Irrigation & Landscape Inc. with a base bid of \$149,919.00 be awarded the contract and authorized to perform this work. Should you have any questions, please contact me.

Best Regards,


Scott Slagle, ASLA
Principal / Landscape Architect

Clark Condon Associates
August 25, 2015

Holly Street
Bid Tab

All Bidders shall provide unit prices for all items included in the work. In the event a greater or lesser amount of work is done, the following unit prices will apply. Unit prices cover the cost of work and materials complete in place, including materials, equipment, labor, installation, delivery, taxes, overhead, profit, maintenance and guarantee required to render the same complete.

ITEM	QTY.	UNIT	ITEM	Hou-Scape	Classic
1.	1	LS	Mobilization	\$ 500.00	\$ 15,000.00
2.	1	LS	Payment & Performance Bonds	\$ 3,700.00	\$ 2,500.00
3.	1	LS	Tree Removal	\$ 6,077.50	\$ 2,500.00
4.	1	LS	Demolition & Removal of Existing Edging	\$ 6,615.00	\$ 5,000.00
5.	26,400	SF	Rehabilitation of Existing Decomposed Granite	\$ 73,075.20	\$ 47,520.00
6.	4,750	SF	Treated Wood Edging	\$ 10,388.25	\$ 11,875.00
7.	1	LS	Street Boring	\$ 3,250.00	\$ 3,000.00
8.	1	LS	Irrigation Complete & Operational	\$ 13,500.00	\$ 18,159.00
9.	15	EA	Live Oak - 65 gal. (Planting Only, Tree Provided by Others)	\$ 1,725.00	\$ 1,500.00
10.	16	EA	Dwarf Mexican Bush Sage - 3 gal.	\$ 320.00	\$ 384.00
11.	31	EA	Butterfly Iris - 3 gal.	\$ 527.00	\$ 744.00
12.	11	EA	Red Knock-out Rose - 3 gal.	\$ 176.00	\$ 264.00
13.	5,188	EA	Asian Jasmine - 4" pot	\$ 8,404.56	\$ 11,673.00
14.	23,000	SF	Hardwood Mulch	\$ 42,228.00	\$ 13,800.00
15.	1	LS	60-day Maintenance	\$ 1,560.00	\$ 500.00
16.	1	LS	Stripping and Removal of Existing Turf	\$ 7,128.00	\$ 10,000.00
17.	1	LS	Understory Clearing	\$ 2,025.00	\$ 5,000.00
18.	1	LS	Bench Relocation	\$ 1,620.00	\$ 500.00
TOTAL BASE BID				\$ 182,819.51	\$ 149,919.00

Attachment: 150828_HollySt_Recommendation (1705 : Holly Street Esplanade Construction Contract)

Clark Condon Associates
August 25, 2015

Holly Street
Bid Tab

ITEM	QTY.	UNIT	ITEM	Hou-Scape	Classic
ALTERNATE NO. 1					
20.	7,640	EA	Asian Jasmine - 4" pot	\$ 12,376.80	\$ 17,190.00
21.	1	LS	Irrigation System Complete & Operational	\$ 11,400.00	\$ 14,634.00
TOTAL ALTERNATE NO. 1				\$ 23,776.80	\$ 31,824.00
ALTERNATE NO. 2					
22.	4,328	EA	Asian Jasmine - 4" pot	\$ 7,011.36	\$ 9,738.00
23.	1	LS	Irrigation System Complete & Operational	\$ 11,400.00	\$ 12,500.00
TOTAL ALTERNATE NO. 2				\$ 18,411.36	\$ 22,238.00
ALTERNATE NO. 3					
24.	3,847	EA	Asian Jasmine - 4" pot	\$ 6,232.14	\$ 8,656.00
25.	1	LS	Irrigation System Complete & Operational	\$ 11,400.00	\$ 14,500.00
TOTAL ALTERNATE NO. 3				\$ 17,632.14	\$ 23,156.00

Attachment: 150828_HollySt_Recommendation (1705 : Holly Street Esplanade Construction Contract)



ORDINANCE NO. XXXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AUTHORIZING THE CITY MANAGER OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE A STANDARD FORM OF AGREEMENT WITH CLASSIC IRRIGATION AND LANDSCAPE, FOR CONSTRUCTION SERVICES AT HOLLY STREET ESPLANADE IN THE AMOUNT OF \$149,919.00.

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

The City Manager of the City of Bellaire, Texas, is hereby authorized to execute, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Classic Irrigation and Landscape in the amount of \$149,919.00, for construction services at Holly Street esplanade.

PASSED, APPROVED and ADOPTED this, the 15th day of September, 2015.

(SEAL)

ATTEST:

Tracy L. Dutton, TRMC
City Clerk

SIGNED:

Dr. Philip L. Nauert
Mayor

Attachment: Ordinance - Holly Construction (1705 : Holly Street Esplanade Construction Contract)

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

Attachment: Ordinance - Holly Construction (1705 : Holly Street Esplanade Construction Contract)

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/05/15 06:00 PM
Department: City Clerk
Category: Budget
Department Head: Tracy L. Dutton
DOC ID: 1700

**SCHEDULED
RESOLUTION (ID # 1700)**

Item Title:

Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, designating a Representative and an Official Alternate to the General Assembly of the Houston-Galveston Area Council for the year 2016 - Submitted by Tracy L. Dutton, City Clerk.

Background/Summary:

The Houston-Galveston Area Council (H-GAC) is a region-wide voluntary association of local governments in the 13-county Gulf Coast Planning Region of Texas. H-GAS is the regional organization through which local governments consider issues and cooperate in solving area-wide problems. H-GAC was founded in 1966, and early records maintained by the City Clerk's Office show that Bellaire has participated in H-GAC since 1969.

H-GAC's Bylaws provide that each member Home Rule city with a population under 25,000 (as of the last Federal Census) is entitled to designate one representative and one alternate to the H-GAC General Assembly, which will meet in early 2016. The designees must be elected by the City Council by resolution.

A copy of the letter Dr. Philip L. Nauert, Mayor, received from Jack Steele, Executive Director of H-GAC, regarding the City's 2016 designees and a draft resolution are attached for City Council's review. Executive Director Steele has requested receipt of our resolution designating our designees no later than October 10, 2015. The new designees will attend a dinner meeting of Home Rule city representatives in November of 2015.

Set forth below is an historical reference of the City's representative and official alternate to the H-GAC General Assembly for the last ten years.

Year	Representative	Official Alternate
2015	Pat B. McLaughlan	James P. Avioli, Sr.
2014	Pat B. McLaughlan	James P. Avioli, Sr.
2013	Pat B. McLaughlan	James P. Avioli, Sr.
2012	Corbett Daniel Parker	James P. Avioli, Sr.
2011	Will Hickman	Corbett Daniel Parker
2010	Cynthia Siegel	Will Hickman
2009	Pat B. McLaughlan	Will Hickman
2008	Pat B. McLaughlan	Will Hickman
2007	Pat B. McLaughlan	John F. Monday
2006	Pat B. McLaughlan	Debra Marz Davison

Previous Council Action Summary:

The Bellaire City Council designated Pat B. McLaughlan as the City's representative and James P. Avioli, Sr., as the City's official alternate on October 6, 2014, by Resolution No.

14-11.

Fiscal Impact:

N/A

Recommendation:

The City Clerk recommends that City Council designate a representative and an official alternate to represent the City on the H-GAC General Assembly for 2016.

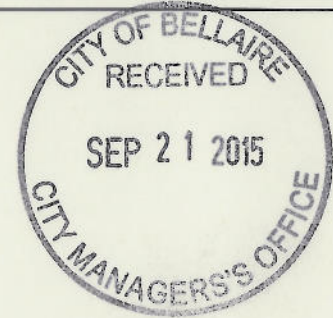
ATTACHMENTS:

- H-GAC Letter in re representative and official alternate to General Assembly for 2016 (PDF)
- H-GAC General Assembly 2016(DOC)



September 17, 2015

The Honorable Phil L. Nauert
Mayor, City of Bellaire
7008 S Rice Ave
Bellaire, TX 77401-4495



Dear Mayor Nauert:

I am writing regarding the appointment of your city's representative to H-GAC's 2016 General Assembly.

H-GAC's Bylaws provide that each member Home Rule city with a population under 25,000 as of the last (2010) Federal Census is entitled to designate one representative and one alternate to the H-GAC General Assembly, which will meet in early 2016.

I am enclosing the appropriate form for your city's use in officially designating a representative and an alternate. The two designees must be elected official members of your city's governing body. Please return the completed form by fax to 713-993-2414 or email rick.guerrero@h-gac.com.

A dinner meeting of Home Rule city representatives will be scheduled for November. At that meeting, your 2015 Home Rule Cities' H-GAC Board of Directors representatives will report on this year's activities and look ahead to issues and progress in 2016.

We are sending a copy of these designation materials to your city secretary as well. We would appreciate receiving your city's designation form no later than October 10. If you have any questions during the designation process, please call Rick Guerrero at 713-993-4598.

Sincerely,

Jack Steele

JS/dw

Enclosure

cc: City Secretary





RESOLUTION NO. 15-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, DESIGNATING A REPRESENTATIVE AND AN OFFICIAL ALTERNATE TO THE GENERAL ASSEMBLY OF THE HOUSTON-GALVESTON AREA COUNCIL FOR THE YEAR 2016.

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

1. THAT _____, be, and he is hereby designated, as its Representative to the **GENERAL ASSEMBLY** of the Houston-Galveston Area Council for the year 2016.

2. FURTHER, that the Official Alternate authorized to serve as the voting representative should the hereinabove named Representative become ineligible, or should he resign, is _____.

3. THAT the Executive Director of the Houston-Galveston Area Council be notified of the designation of the hereinabove named Representative and Official Alternate.

PASSED, APPROVED, and ADOPTED this 5th day of October, 2015.

(SEAL)

ATTEST:

Tracy L. Dutton, TRMC
City Clerk

SIGNED:

Dr. Philip L. Nauert
Mayor Pro Tem

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/05/15 06:00 PM
Department: Parks, Recreation and
Facilities
Category: Contract
Department Head: Karl Miller
DOC ID: 1522 B

**SCHEDULED
ACTION ITEM (ID # 1522)**

Item Title:

Consideration of and possible action on a recommendation from the Parks, Recreation, and Facilities Department to award a contract to TIBH Industries, Inc., for mowing, litter and landscape services along IH610 Feeder Roads, City of Bellaire right-of-ways and other areas identified in the amount of \$120,146.70 and consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with TIBH Industries, Inc., for mowing, litter and landscape services in the amount of \$120,146.70 - Submitted by Karl Miller, Director of Parks, Recreation and Facilities.

Background/Summary:

On July 1, 2002, the City Council of the City of Bellaire, Texas, adopted an ordinance (Ordinance No. 02-043) authorizing the Mayor of the City of Bellaire, Texas, to execute an Advance Funding Agreement for Voluntary Transportation Improvement Projects (Landscape and Maintenance) with the Texas Department of Transportation, for the purpose of setting forth Bellaire's responsibilities regarding the landscape maintenance in the right of ways along the service roads of Interstate Highway 610 within the limits of Bellaire, Texas. Since the adoption of Ordinance No. 02-043 the City of Bellaire has been responsible for landscape services along the 610 feeder roads.

The current contractual agreement for right of way services with TIBH expired on September 30, 2015. During this contractual period TIBH has met the terms of agreement and the identified specifications. TIBH is a non-profit organization that provides employment opportunities for people with disabilities and is also currently providing janitorial services to the City of Bellaire buildings.

The scope of the services included in the agreement are weekly (52 times per year) litter removal services along IH610 at a cost per cycle of \$372.60.

Mowing services (includes all locations below plus IH610 feeder road) shall be performed a total of 29 cycles and follow the calendar below:

October - April: (Two) 2 times per month, every other week.

May - September: (Three) 3 times per month with approximately 8-10 days between cycles.

All paper, trash and other debris found prior to the mowing service being performed shall be picked up preceding each mowing cycle at a cost of \$2,233.50.

These service fee unit costs represent a 3.5% increase above the current contractual agreement that expired on September 30, 2015.

During the September 15, 2015, City Council meeting, Council authorized an additional \$36,000.00 in the fiscal year 2016 budget for rights of way services. The primary focus of these funds will be used to address areas that get missed in the routine cycle of the base service contract, such as additional litter pick up, weed control, and removal of dead plantings. This will include properties that are the responsibility of the private property owners.

Terms of this agreement for mowing, litter removal and landscape services include an automatic extension and renewal of the contract up to an additional four (4) years as mutual agreement between the City and contractor, one year at a time subject to availability of funds, maximum 3.5% price increases per year and services as identified.

In addition to the services at IH610, grass mowing services are provided at the following locations on a frequency basis as identified above:

4403 Wendell
 6406 Avenue B
 7625 Renwick
 5104 Jessamine
 4300 Edith
 4337 Edith
 4401 Edith
 4400 Block of Edith
 2837 Belfort, Houston, 77051 (note: Bellaire Police Department gun range)
 4700 Block of Glenmont
 4700 Block of Sunburst
 Atwell
 4300 - 4400 Block of Beechnut
 1305 First Street
 1300 - 1400 Blocks of Anderson
 8200 - 8300 Blocks of Newcastle (East Side)
 4300 Block of Bissonnet
 4300 Block of Bellaire Blvd
 7500 - 7600 Chimney Rock
 4600 Bissonnet

TIBH is a non-profit organization that is contracted through the State of Texas under State of Texas Procurement Program, Texas Multiple Award Schedules (TXMAS) and recognized under Chapter 122, Texas Human Resources Code, Texas Council on Purchasing from People with Disabilities. This state procurement program satisfies pricing comparable to a competitive bid process and meets all State and City procurement requirements.

Previous Council Action Summary:

N/A

Fiscal Impact:

FY16 \$120,146.70 - 100-5-6031-422, Grounds Maintenance

Recommendation:

It is the recommendation of Buster Adams, Superintendent of Parks and Karl Miller, Director of Parks, Recreation and Facilities that City Council authorize the City Manager and City Clerk of the City of Bellaire to execute and attest, respectively, the contractual agreement with TIBH Industries, Inc., for Right of Way Landscape Services in the amount of \$120,146.70.

ATTACHMENTS:

- Standard Form of Agreement with TIBH Industries Inc - Mowing Litter Landscape (DOC)
- Standard Form of Agreement - TIBH - Mowing and Landscaping (DOC)
- Grass Mowing Litter Removal and Landscape Services Full Document 2015 (DOCX)



ORDINANCE NO. 15-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AUTHORIZING THE CITY MANAGER AND THE CITY CLERK OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE AND ATTEST, RESPECTIVELY, FOR AND ON BEHALF OF THE CITY OF BELLAIRE, TEXAS, A *STANDARD FORM OF AGREEMENT* WITH TIBH INDUSTRIES, INC., IN A FORM AS ATTACHED HERETO AND MARKED EXHIBIT "A," FOR GRASS MOWING, LITTER REMOVAL AND LANDSCAPE SERVICES IN AN AMOUNT NOT TO EXCEED \$120,146.70.

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

THAT the City Manager and the City Clerk of the City of Bellaire, Texas, are each hereby authorized to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a *Standard Form of Agreement* with TIBH Industries, Inc., in a form as attached hereto and marked Exhibit "A," for grass mowing, litter removal and landscape services in an amount not to exceed \$120,146.70.

PASSED, APPROVED, and ADOPTED this, the 5th day of October, 2015.

(SEAL)

ATTEST:

Tracy L. Dutton, TRMC
City Clerk

SIGNED:

Philip L. Nauert
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

STANDARD FORM OF AGREEMENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This **AGREEMENT** is made and entered into this, the 5th day of October, 2015, by and between the **CITY OF BELLAIRE, TEXAS**, of the County of Harris and State of Texas, duly incorporated and existing under and by virtue of the Constitution and laws of the State of Texas, acting by and through the undersigned City Manager, as attested to by the City Clerk of the **CITY OF BELLAIRE, TEXAS**, thereunto duly authorized to do so, hereinafter referred to as "**CITY,**" **TIBH Industries, Inc. hereinafter called TIBH**, a **Texas non-profit corporation.**

WHEREAS, Human Resources Code, Chapter 122, authorizes political subdivisions to purchase services and products from blind and severely disabled persons and establishes procedures for such purchases (hereinafter called the State Use Program); and

WHEREAS, the Texas Council on Purchasing from People with Disabilities has promulgated rules for the State Use Program at Title 40, Texas Administrative Code, Chapter 189;

WITNESSETH:

THAT for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the **CITY, TIBH** hereby agrees with the **CITY** to commence and complete the project described as follows:

Provide mowing, litter and landscaping services along the IH610 feeder road, City of Bellaire right-of-ways and other areas, identified in the **SCOPE OF SERVICES** attached hereto

in accordance with the conditions and costs stated in said **SCOPE OF SERVICES**, all of which are made a part hereof and collectively evidence and constitute the entire **AGREEMENT.**

The **CITY** agrees to pay **TIBH** under this contract for services received upon receipt of a proper invoice prepared by TIBH within thirty (30) days after receipt and approval of same, in current funds for the performance of the **AGREEMENT** in accordance with the **SCOPE OF SERVICES** submitted therefore, which forms a part of this **AGREEMENT** in an amount not to exceed \$120,146.70 through September 30, 2016, for mowing, litter and landscaping services with automatic extension and renewal of contract up to an additional four (4) years, one year at a time, subject to availability of funds, at an annual price increase not to exceed 3.5%, based on service and upon mutual agreement between the **CITY** and **TIBH**.

IN WITNESS WHEREOF, the City Manager of the **CITY**, as attested to by the City Clerk of the **CITY**, hereunto, have executed this **AGREEMENT** in the year and date first above written, under the authority granted to them under the provisions of **Ordinance No. 15-____**, duly enacted by the City Council of the **CITY**.

CITY OF BELLAIRE, TEXAS

Paul A. Hofmann
City Manager

ATTEST:

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

IN WITNESS WHEREOF, TIBH whose name is hereinafter set out, does certify and attest that he has executed this **AGREEMENT** in his capacity as herein stated, for and on behalf of said non-profit corporation, and that he has authority to do so.

TIBH INDUSTRIES, INC.

Wilford J. Scott
Senior Sales Manager

**City of Bellaire
7008 South Rice Ave
Bellaire, Texas 77401-4495
Grass Mowing, Litter Removal and Landscape Services**

GENERAL SPECIFICATIONS FOR GRASS MOWING, LITTER REMOVAL AND LANDSCAPE SERVICES AT IH610 FEEDER ROAD, CITY OF BELLAIRE RIGHT OF WAY, AND OTHER AREAS.

SCOPE:

The City of Bellaire is accepting proposals for providing grass mowing, litter removal and landscape services that would ensure a clean, well-groomed look at the locations identified below.

4403 Wendell	Wendell Lift Station (0.080 acres)
6406 Avenue B	Feld Park Water Plant – Well #5 (0.463 acres)
7625 Renwick	Renwick Water Plant – Well #6 (0.369 acres)
5104 Jessamine	Central Water Plant – Well #3 (0.634 acres)
4300 Edith	City of Bellaire Dog Pound; Inside Dog Pound and center of street to East fence and South fence (0.005 acres)
4337 Edith	Public Works Service Center (1.977 acres)
4401 Edith	Wastewater Treatment Plant (4.778 acres)
4400 Block of Edith	Both sides, including Recycling Center (0.143 acres)
2837 Belfort, Houston, 77051	Inside/Outside of City of Bellaire Police Dept. Firing Range
4700 Block of Glenmont	Only area inside of curb in center of street (0.002 acres)
4700 Block of Sunburst	Only area inside of curb in center of street (0.002 acres)
Atwell	Only area inside of curb in center of street of Atwell South of Bissonnet St (0.002 acres)
Northbound IH610 Feeder Road	
8300 Block through 5600 Block	East side of IH610; Beechnut St to Glenmont Drive (6.563 acres)
Southbound IH610 Feeder Road	
5200 Block through 8300 Block	West side of IH610; West Park to Beechnut St (8.264 acres)
4300 - 4400 Block of Beechnut	North side of Newcastle to Car Wash (1.102 acres)
1305 First Street	Chain Link Fenced-In Yard (0.230 acres)
1300 – 1400 Blocks of Anderson	From Lehigh to Dead End; All (Unpaved) (1.337 acres)
8200 – 8300 Blocks of Newcastle	From the East side of Newcastle from the bridge north to end of brick wall North of Edith Street (0.107 acres)
4300 Block of Bissonnet	Railroad Tracks west 500', Both Sides (0.459 acres)
4300 Block of Bellaire Blvd	From Railroad Tracks west 500', Both Sides (0.459 acres)
7500-7600 Chimney Rock	Medians/Esplanades

SCOPE (cont.):

4600 Bissonnet

Medians / Esplanades

LITTER PICKUP (Exclusive to IH610)

Litter pickup procedures shall consist of but not be limited to the following procedures:

1. All litter shall be bagged and removed from the City of Bellaire and properly disposed.
2. No litter shall be blown or put into any storm sewer inlet.
3. Litter is defined as any paper, can, bottle, cup, plastic, etc.; anything out of this scope should be identified and communicated to Parks Superintendent immediately.
4. This service should be performed EVERY Monday, fifty-two (52) times per year. Any change in day of the performance of these duties must be approved by Parks Superintendent. Rain alternate day should be Tuesday.
5. Form shall be turned in to Public Works at 4337 Edith, Bellaire, TX 77401 the day the work is completed C/O Parks Superintendent.

GRASS MOWING

Grass mowing procedures shall consist of but not be limited to the following procedures:

1. All paper, cans, bottles, cups, plastic etc. shall be picked up prior to mowing
2. Mowing shall be performed with a mulcher mower.
3. All grass shall be edged with a gas powered edger and/or weed-eater
4. Areas shall be blown and/or vacuumed by gas-powered equipment for final cleanup and finishing.
5. Grass should be mowed per approved schedule.
6. Form shall be turned in to Public Works at 4337 Edith, Bellaire, TX 77401 the day the work is completed C/O Parks Superintendent.
7. No grass, paper or other debris shall be allowed to enter storm sewer inlets.

TRIMMING AND CLIPPING

Trimming and clipping procedures shall consist of but not be limited to the following procedures:

1. Appropriate trimming and clipping of shrubbery, small trees and ground cover shall be conducted as necessary.
2. Debris shall be raked, bagged and removed and disposed of by the vendor.

FIRE ANT PROTECTION AND CONTROL

Fire ants shall be kept under control. When more than one (1) ant hill is found on grounds, the vendor shall apply to the area an effective fire ant control chemical. All applications must be performed by a licensed chemical applicator.

MOWING SCHEDULE

1. Mowing shall be performed a total of 29 cycles and follow the calendar below:
2. January – April – 2 times per month, every other week.
3. May – September – 3 times per month with approximate 8-10 days between cycles.
October – December – 2 times per month, every other week.

GENERAL SPECIFICATIONS REQUIREMENTS

1. Grass shall be cut at a height of 3" – 4" as conditions dictate using a rotary-type mower. Blades must be balanced and sharp at all times.
2. Grass shall be mowed so as not to leave high and low spots.

GENERAL SPECIFICATIONS REQUIREMENTS (cont.):

3. Edging shall be along all walkways, curbs, driveways, streets, drains, poles, etc.
4. Weed-eating shall be around all building structures, equipment, trees and shrubs. Care shall be taken so as not to damage trees, shrubs, building structures and walls.
5. Cleanup after each mowing shall consist of all paper, grass clipping, trimmings and removed and disposed of by the vendor.
6. Sidewalks, driveways, streets and parking lots shall be swept or blown clean of debris.
7. Care shall be taken so that debris is not blown onto street curbs and/or into storm drain inlets. Clean beds every mowing.
8. Clean up trash and spray for weeds from under the overpass of Evergreen, Bellaire, Bissonnet and Fournace.
9. Provide fulltime daily supervision and inspection of all work performed.
10. Traffic control plan shall be submitted to Texas Department of Transportation for approval and must be obtained to provide, erect and maintain barricades, signs and traffic handling devices necessary to protect the safety of the traveling public. All placements of barricades, signs and traffic handling devices must conform to the Texas Manual on Uniform Traffic Control Devices.
11. Personal safety equipment shall be worn at all times. (Safety vest, safety glasses, etc.).
12. Verify location of all utilities within the project area. Utility considerations shall include but not be limited to the following: gas, water, electricity, fiber optics, telephone, signals, lighting, CTMS, sanitary sewer, etc.
13. Furnish all labor, equipment, materials, chemicals and incidentals to provide for maintenance of the project. The project shall be maintained in such a manner and to the degree deemed necessary hereafter to enhance roadway aesthetics for the traveling public. The City reserves the right to require any changes, maintenance or repairs as may be necessary to provide protection of life or property on or adjacent to the highway.
14. All paper, trash and other debris shall be picked up prior to mowing. Grass shall be mowed per schedule.
15. No grass, trash or debris shall be blown, put in/or dropped into any storm sewer inlets.
16. Contractor shall designate one (1) person with the company to act as the point of contact for the City. The Contractor shall provide the City a cell phone number and email address for this person. Phone calls made by the City shall be returned by the Contractor within one (1) hour and emails shall be responded to within 24 hours. If a new person is assigned as point of contact for the City, the City shall be notified within 24 hours of the change.

QUALITY OF WORK AND TERMINATION OF CONTRACT

When necessary, the City will provide notice of deficiency in writing to the Contractor prior to performing any and all services. **The Contractor shall have 2 business days to correct the deficiencies.** The City shall deduct a reasonable cost for any and all deficiencies from the 1-day cost and any additional cost incurred by the City due to breach in performance by contractor.

The City reserves the right to terminate service that does not meet specifications. Notice of termination will be sent in writing via certified mail and email.

The City of Bellaire may terminate this contract at any time for any reason by giving the successful vendor 30-days written notice via certified mail.

Insurance Requirements:

The Contractor, at his own expense, shall procure, maintain and keep in force throughout the life of this Contract, and for one additional year, insurance as hereinafter specified. Such insurance shall be carried with an insurance company licensed to transact business in the State of Texas and shall cover all operations in connection with this Contract, whether performed by the Contractor or a subcontractor, or separate policies must be provided to the City of Bellaire covering the operation of each subcontractor. Subcontractors' insurance requirements are identical to the identified requirements in this document.

NOTE: Companies are not required to provide insurance documentation at the time of submittal. Selected company will be required to provide proof of insurance prior to the City of Bellaire entering in an agreement and receiving a Purchase Order.

No policy shall be written on a "claim made" form. The City shall be named as an additional insured on Contractor's Commercial General Liability, Automobile Liability and excess or Umbrella Liability policies. City may waive the additional insured requirement under the Commercial General Liability policy if Contractor's Protective Liability policy with general aggregate limits of \$2,000,000.00, with \$1,000,000.00 per occurrence limit, is provided. The contractual liability coverage in the Commercial General Liability policy shall not be excluded.

The following insurance coverage's will be carried and certified.

1. Workers Compensation Insurance and Employer's Liability Insurance. Workers Compensation Insurance shall be provided as required by state statute covering all employees employed on a work, whether employed by the Contractor or any subcontractor on the job. The Employer's Liability Insurance shall have limits as follows:

Bodily injury by accident:	\$ 500,000.00	each accident
Bodily injury by disease:	500,000.00	policy limit
Bodily injury by disease:	500,000.00	each employee

It shall also be endorsed to waive the carrier's right of subrogation against the City.

2. Commercial General Liability Insurance, which shall have the following limits:

General Aggregate Limit:	2,000,000.00
Products Completed Operations Aggregate Limit:	2,000,000.00
Personal and Advertising Injury Limit:	1,000,000.00
Each Occurrence Limit:	1,000,000.00

Fire Damage Limit:	50,000.00
Medical Expense Limit:	5,000.00

It shall be endorsed to waive the carrier's right of subrogation against the City. It shall also be endorsed to specify that the above limits apply separately to each location.

3. Automobile Liability Insurance, which shall have the following limits:

Bodily Injury Per Person	250,000.00
Bodily Injury Per Accident	500,000.00
Property Damage	250,000.00

Or a policy providing combined single limits of \$750,000.00. It shall be endorsed to waive the carrier's right of subrogation against the City.

4. City, at its own discretion, may require any umbrella or excess limits liability policy.

In the event the Contractor shall fail to provide insurance as herein required, or be subject to claim, demand or litigation growing out of or arising from a claim not contemplated herein, such failure on the part of the Contractor shall not serve to release or in any way discharge or shift the liability of the Contractor to the Professional or City; but the Contractor does herein agree to indemnify and hold the Professional and City harmless from any and all claims growing out of or arising by reason of the circumstances herein enumerated, or any other claims or demands made by any person, growing out of or arising by reason of the work performed by the Contractor.

Certificate of Insurance: Before work on this Contract is commenced, the Contractor and each subcontractor shall submit to the City for approval, certificates of insurance covering each insurance policy carried and offered as evidence of compliance with the above insurance requirements, signed by an authorized representative of the insurance company, setting forth:

1. The name and address of the insured;
2. The location of the operations to which the insurance applies;
3. The name of the policy and type or types of insurance in force thereunder on the date borne by such certificate;
4. The expiration date of the policy and the limit or limits of liability thereunder on the date borne by such certificate;
5. A statement that the insurance of the type afforded by the policy applies to all of the operations of whatever character, which are undertaken by the insured during the performance of this Contract, provided such operations are required in the performance of the Contract;

A provision that the policy may be cancelled only by mailing written notice to the named insured at the address shown in the policy stating when, not less than fifteen (15) days thereafter, cancellation of such policy shall be effective, with a copy of such letter of intent to the City.

Performance of Work: Service provider will ensure all employees are either wearing a company logo shirt or jacket or a company identification badge with a picture that is visible at all times while on City

of Bellaire property. All employees on site must be employees of the service provider and no phase or aspect of the work maybe done through sub-contractors without written permission from the City of Bellaire. It is further agreed that it is the intent of this Contract that all work must be done and all material must be furnished in accordance with the generally accepted practice for such materials furnished or work completed. All unsafe conditions will be reported to the City of Bellaire immediately

and not put off until later in the day. The contractor is responsible for providing all personal protective equipment, ensuring the employee has been properly trained in how to use safety equipment and assure employee is utilizing proper personal protective equipment. The City of Bellaire reserves the right to cease all work that may be disruptive or considered to be unsafe.

Purchase Order Payment: City of Bellaire shall generate a purchase order to the successful vendor. The purchase order number must appear on all invoices. City of Bellaire will not be responsible for any orders placed and/or delivered without a valid Purchase order number.

Payment will be made within 30 days after receiving an invoice and upon completion of services and once work performed has been accepted as being completed by the City of Bellaire.

NOTE: All invoices should be sent to: City of Bellaire, Attention: Accounts Payable, 7008 South Rice Ave, Bellaire Texas 77401.

Contact Information:

Buster Adams, Parks Superintendent, City of Bellaire, 4337 Edith St., Bellaire Texas 77401, 713-662-8285 or e-mail badams@bellairetx.gov.