

CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

SEPTEMBER 19, 2016

Council Chamber and Council Conference Room
5:30 PM

Special Session

7008 S. RICE AVENUE
BELLAIRE, TX 77401



Mayor

Andrew S. Friedberg

Mayor Pro Tem

Roman F. Reed

Council Member

Gus E. Pappas

Council Member

Michael Fife

Council Member

Trisha S. Pollard

Council Member

Pat B. McLaughlan

Council Member

David R. Montague

Mission Statement:

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

SPECIAL SESSION (CLOSED MEETING) - 5:30 P.M.**A. Call to Order and Announcement of a Quorum - Andrew S. Friedberg, Mayor.****B. Retire into Closed Meeting:**

Retire into closed meeting in the Council Conference Room pursuant to the *Texas Government Code, Chapter 551, Open Meetings Act, Section 551.074, Personnel Matters*, to deliberate the evaluation of the Deputy Assistant City Attorney serving as Deputy Prosecutor of the Municipal Court of the City of Bellaire, Texas.

C. Reconvene in Open Meeting:

Reconvene in open meeting in the Council Chamber, and consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing Christopher T. Gore as Deputy Assistant City Attorney for the City of Bellaire, Texas, for a two-year term commencing on the 1st day of October, 2016, and ending on the 30th day of September, 2018, for the purpose of serving as Deputy Prosecutor in the Municipal Court of the City of Bellaire, Texas - Submitted by Tracy L. Dutton, City Clerk.

D. Adjourn.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 09/19/16 05:30 PM
Department: City Clerk
Category: Appointment
Department Head: Tracy L. Dutton
DOC ID: 1703

**SCHEDULED
INFORMATION ITEM (ID
1703)**

Item Title:

Reconvene in open meeting in the Council Chamber, and consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing Christopher T. Gore as Deputy Assistant City Attorney for the City of Bellaire, Texas, for a two-year term commencing on the 1st day of October, 2016, and ending on the 30th day of September, 2018, for the purpose of serving as Deputy Prosecutor in the Municipal Court of the City of Bellaire, Texas - Submitted by Tracy L. Dutton, City Clerk.

Background/Summary:

The term for Deputy Assistant City Attorney/Deputy Prosecutor Christopher T. Gore will expire on the 30th day of September, 2016. As you may recall, the City Council appoints two Deputy Assistant City Attorneys to serve as Deputy Prosecutors in the Municipal Court of the City of Bellaire, Texas. As Deputy Assistant City Attorney/Deputy Prosecutor, Mr. Gore and E. Stanley Topek serve in the absence of Assistant City Attorney/Prosecutor Robert C. Richter, Jr. (i.e., vacation or illness). Mr. Gore has served as Deputy Assistant City Attorney/Deputy Prosecutor for the City since October 1, 2012.

An ordinance has been prepared for consideration and possible action by City Council to appoint Christopher T. Gore as Deputy Assistant City Attorney for the City of Bellaire, Texas, for a two-year term commencing on the 1st day of October, 2016, and ending on the 30th day of September, 2018, for the purpose of serving as Deputy Prosecutor in the Municipal Court of the City of Bellaire, Texas.

Previous Council Action Summary:

Deputy Assistant City Attorney Christopher T. Gore was previously appointed as Deputy Assistant City Attorney for the City of Bellaire, Texas, for the purpose of serving as Deputy Prosecutor in the Municipal Court of the City of Bellaire, Texas, for a two-year term commencing on the 1st day of October, 2014, and ending on the 30th day of September, 2016 (Ordinance No. 14-051).

Fiscal Impact:

General Fund - the compensation for the Deputy Assistant City Attorney/Deputy Prosecutor of the Bellaire Municipal Court was last set by Ordinance No. 13-022, adopted on the 1st day of April, 2013, as \$200.00 per docket.

Recommendation:

Action as City Council deems appropriate.

ATTACHMENTS:

- Appointment of Deputy Assistant City Attorney (Gore) - 2016 (DOC)
- 80-042 - Appt - Assistant City Attorney and Prosecutor for Municipal Court - Richter(PDF)

- 82-077 - Amendment to Ord No 80-042 - Appt of Assistant City Attorney and Prosecutor for Municipal Court Richter - Deletion of Provisions Relating to Compensation (PDF)
- 13-022 - Amendment to Various Ordinances - Increase in Compensation for Municipal Court Judges - Prosecutor - Deputy Prosecutors (PDF)



ORDINANCE NO. 16-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, APPOINTING CHRISTOPHER T. GORE AS DEPUTY ASSISTANT CITY ATTORNEY FOR THE CITY OF BELLAIRE, TEXAS, FOR A TWO-YEAR TERM COMMENCING ON THE 1ST DAY OF OCTOBER, 2016, AND ENDING ON THE 30TH DAY OF SEPTEMBER, 2018, FOR THE PURPOSE OF SERVING AS DEPUTY PROSECUTOR IN THE MUNICIPAL COURT OF THE CITY OF BELLAIRE, TEXAS.

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

1. THAT Christopher T. Gore is hereby appointed as Deputy Assistant City Attorney for the City of Bellaire, Texas, for a two-year term commencing on the 1st day of October, 2016, and ending on the 30th day of September, 2018, for the purpose of serving as Deputy Prosecutor in the Municipal Court of the City of Bellaire, Texas, to serve in such capacity pursuant to the terms and provisions of Ordinance No. 80-042, heretofore previously enacted by the City Council of the City of Bellaire, Texas, on the 29th day of April, 1980, as amended by Ordinance No. 82-077, duly enacted by the City Council of the City of Bellaire, Texas, on the 4th day of October, 1982.

2. THAT the compensation for the Deputy Assistant City Attorney herein appointed shall be \$200.00 per docket during the term of this appointment in accordance with Ordinance No. 13-022, duly passed, approved, and adopted by the City Council of the City of Bellaire, Texas, on the 1st day of April, 2013.

PASSED and APPROVED this 19th day of September, 2016.

(SEAL)

ATTEST:

Tracy L. Dutton, TRMC
City Clerk

SIGNED:

Andrew S. Friedberg
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

ORDINANCE NO. 80 042

AN ORDINANCE APPOINTING ROBERT C. RICHTER, JR. ASSISTANT CITY ATTORNEY FOR THE CITY OF BELLAIRE, TEXAS, FOR A TERM OF THREE (3) YEARS COMMENCING ON THE 30TH DAY OF APRIL, 1980, AND EXPIRING ON THE 30TH DAY OF APRIL, 1983, FOR THE PURPOSES OF SERVING AS PROSECUTOR IN THE MUNICIPAL COURT OF THE CITY OF BELLAIRE AND PROVIDING FOR HIS COMPENSATION.

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

1. That Robert C. Richter, Jr. is hereby appointed Assistant City Attorney for the City of Bellaire for a term of three (3) years commencing on the 30th day of April, 1980 and expiring on the 30th day of April, 1983, for the purposes of serving as prosecutor in the Municipal Court of the City of Bellaire.

2. This appointment shall be irrevocable for the term as herein provided, however, this appointment may be terminated in the event said attorney shall cease to be a licensed attorney in the State of Texas, shall be charged or convicted of a felony or a misdemeanor involving moral turpitude or shall be guilty of wrongful conduct or malfeasance in the performance of his duties as Assistant City Attorney for the City of Bellaire.

In the event the removal of the Assistant City Attorney, as herein appointed, shall be sought, written charges specifying all of the facts and circumstances relating to the grounds for removal, as herein set out, shall be filed with the City Clerk of the City of Bellaire. The City Clerk shall immediately give notice of such filing to the Assistant City Attorney so accused and shall schedule a hearing before the City Council of the City of Bellaire, giving written notice to the complainant and the Assistant City Attorney so accused, at which time all sides shall be entitled to present witnesses and introduce such evidence as shall be material.

The City Council of the City of Bellaire shall, upon completion of said hearing, determine whether removal is justified and that adequate grounds have been proven under the terms and provisions of this Ordinance.

The decision of the City Council of the City of Bellaire shall be final, subject only to appeal to a district court in the event the City Council shall have acted capriciously or unreasonably.

3. The compensation for the Assistant City Attorney herein appointed shall be at the rate of \$ 80 00 per court session for the fiscal year of 1979-1980 and shall be increased by the sum of \$ 10 00 for each succeeding fiscal year thereafter during the term of this appointment. The Assistant City Attorney herein appointed shall have the exclusive right to prosecute in the Municipal Court of the City of Bellaire during the term of this appointment; and in the event, for any reason, he shall be unable to prosecute, then he shall designate Karla Kay Garrett to prosecute in his place.

4. In the event the appointee herein named shall, for any reason, be unable to act or resign, Karla Kay Garrett, herein simultaneously appointed, shall have the same right as herein granted to the appointee herein named, to exclusively prosecute in the Municipal Court of the City of Bellaire.

PASSED and APPROVED this, the 29th day of April, 1980.

Louise Ware
Mayor, City of Bellaire, Texas

ATTEST:

Rona Loftin
City Clerk

ORDINANCE NO. 82-077

AN ORDINANCE AMENDING ORDINANCE NO. 80-042 HERETOFORE PREVIOUSLY ENACTED APPOINTING ROBERT C. RICHTER, JR. ASSISTANT CITY ATTORNEY FOR THE CITY OF BELLAIRE, TEXAS, TO SERVE AS PROSECUTOR IN THE MUNICIPAL COURT OF SAID CITY, BY DELETING FROM SUCH ORDINANCE PROVISIONS RELATING TO COMPENSATION FOR SUCH SERVICES.

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

1. That Ordinance No. 80-042, heretofore previously enacted by the City Council of the City of Bellaire, Texas on the 29th day of April, 1982, appointing Robert C. Richter, Jr. Assistant City Attorney for the City of Bellaire, Texas, for the purposes of serving as prosecutor in the Municipal Court of the City of Bellaire, be and the same is hereby amended by deleting from said Ordinance that portion of Section 3 thereof which reads as follows:

The compensation for the Assistant City Attorney herein appointed shall be at the rate of \$80.00 per court session for the fiscal year of 1979-1980 and shall be increased by the sum of \$10.00 for each succeeding fiscal year thereafter during the term of this appointment.

2. That all remaining terms and provisions of said Ordinance No. 80-042, including the remaining provisions of Section 3 thereof, shall continue in full force and effect during the term of the appointment as specified in said Ordinance.

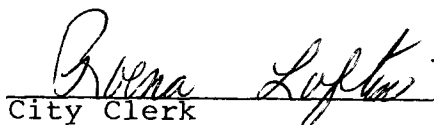
PASSED and APPROVED this, the 4th day of _____

October

, 1982.


Mayor, City of Bellaire, Texas

ATTEST:


City Clerk



ORDINANCE NO. 13-022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, INCREASING THE MONTHLY COMPENSATION AND/OR DOCKET PAYMENT FOR THE MUNICIPAL COURT JUDGES, ASSISTANT CITY ATTORNEY/PROSECUTOR, AND DEPUTY ASSISTANT CITY ATTORNEY(S)/PROSECUTOR(S) OF THE CITY OF BELLAIRE, TEXAS, AND AMENDING ORDINANCE NOS. 12-011, 12-045, 13-013, 13-014, AND 13-015 FOR THE PURPOSE OF REFLECTING SAID INCREASE IN MONTHLY COMPENSATION AND/OR DOCKET PAYMENT.

WHEREAS, the City Council of the City of Bellaire, Texas, by Ordinance No. 13-013, duly passed and approved on the 18th day of March, 2013, appointed Lisa A. Wesely as Presiding Judge of the Municipal Court of the City of Bellaire, Texas, and established the compensation for such appointment in accordance with Ordinance No. 06-093, duly passed and approved on the 4th day of December, 2006, with an effective date of the 1st day of December, 2006, of \$578.00 per month and \$189.00 per docket.

WHEREAS, the City Council of the City of Bellaire, Texas, by Ordinance No. 12-011, duly passed and approved on the 19th day of March, 2012, appointed Jerel S. Twyman as Associate Judge of the Municipal Court of the City of Bellaire, Texas, and established the compensation for such appointment in accordance with Ordinance No. 06-093, duly passed and approved on the 4th day of December, 2006, with an effective date of the 1st day of December, 2006, of \$578.00 per month and \$189.00 per docket.

WHEREAS, the City Council of the City of Bellaire, Texas, by Ordinance No. 13-014, duly passed and approved on the 18th day of March, 2013, appointed Robert C. Richter, Jr., as Assistant City Attorney for the purpose of serving as Prosecutor of the Municipal Court of the City of Bellaire, Texas, and established the compensation for such appointment in accordance with Ordinance No. 06-093, duly passed and approved on the 4th day of December, 2006,

with an effective date of the 1st day of December, 2006, of \$347.00 per month and \$189.00 per docket.

WHEREAS, the City Council of the City of Bellaire, Texas, by Ordinance No. 12-045, duly passed and approved on the 1st day of October, 2012, appointed Christopher T. Gore as Deputy Assistant City Attorney for the purpose of serving as Deputy Prosecutor of the Municipal Court of the City of Bellaire, Texas, and established the compensation for such appointment in accordance with Ordinance No. 06-093, duly passed and approved on the 4th day of December, 2006, with an effective date of the 1st day of December, 2006, of \$189.00 per docket.

WHEREAS, the City Council of the City of Bellaire, Texas, by Ordinance No. 13-015, duly passed and approved on the 18th day of March, 2013, appointed E. Stanley Topek as Deputy Assistant City Attorney for the purpose of serving as Deputy Prosecutor of the Municipal Court of the City of Bellaire, Texas, and established the compensation for such appointment in accordance with Ordinance No. 06-093, duly passed and approved on the 4th day of December, 2006, with an effective date of the 1st day of December, 2006, of \$189.00 per docket.

WHEREAS, the City Council of the City of Bellaire, Texas, has now determined that an adjustment of the compensation for the Presiding Judge, Associate Judge, Prosecutor, and Deputy Prosecutors is proper and appropriate;
NOW, THEREFORE,

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

1. **THAT** the recitals set forth above are found to be true and correct.
2. **THAT** the compensation for the Presiding Judge of the Municipal Court of the City of Bellaire, Texas, shall be \$625.00 per month and \$200.00 per docket.
3. **THAT** the compensation for the Associate Judge of the Municipal Court of the City of Bellaire, Texas, shall be \$625.00 per month and \$200.00 per docket.

4. THAT the compensation for the Assistant City Attorney serving as Prosecutor of the Municipal Court of the City of Bellaire, Texas, shall be \$450.00 per month and \$200.00 per docket.

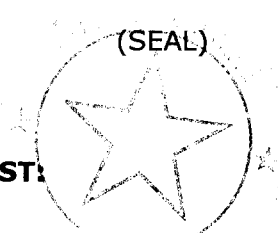

5. THAT the compensation for the Deputy Assistant City Attorney(s) serving as Deputy Prosecutor(s) of the Municipal Court of the City of Bellaire, Texas, shall be \$200.00 per docket.

6. THAT to the extent inconsistent with the compensation amount set forth herein for the Municipal Court Presiding Judge, Associate Judge, Assistant City Attorney/Prosecutor, and Deputy Assistant City Attorney(s)/Deputy Prosecutor(s) of the City of Bellaire, Texas, Ordinance Nos. 12-011, 12-045, 13-013, 13-014, and 13-015 are hereby amended.

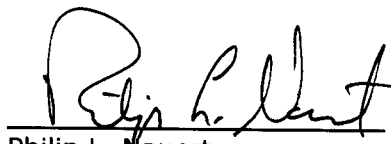
7. THAT this Ordinance shall be effective as of the 1st day of April, 2013.

PASSED, APPROVED and ADOPTED this 1st day of April, 2013.


ATTEST:



 Tracy L. Dutton, TRMC
 City Clerk

SIGNED:


 Philip L. Nauert
 Mayor

APPROVED AS TO FORM:


 Alan P. Petrov
 City Attorney