

# CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

OCTOBER 10, 2016

Council Chamber	Regular Session	6:00 PM
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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.*

**REGULAR SESSION - 6:00 P.M.**

**A. Call to Order and Announcement of a Quorum - Andrew S. Friedberg, Mayor.**

**B. Inspirational Reading and/or Invocation - Gus E. Pappas, Council Member.**

**C. Pledges of Allegiance - Gus E. Pappas, Council Member.**

**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 - Andrew S. Friedberg, Mayor.**

Issuance of a proclamation by Andrew S. Friedberg, Mayor, proclaiming the week of October 9-15, 2016, as "Fire Prevention Week" in the City of Bellaire, Texas, and urging the citizens of Bellaire to heed the Fire Prevention Week message "Don't Wait--Check the Date! Replace Smoke Alarms Every 10 Years" - Requested by Darryl Anderson, Fire Chief.

**I. PUBLIC HEARING**

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

**B. Summary of Public Hearing Procedure - Paul A. Hofmann, City Manager.**

**C. Presentation of Proposal:**

Presentation regarding a proposal to increase total tax revenues for the 2016 tax year from properties on the tax roll in the preceding year by 5.7% percent by proposing a tax rate of \$0.3874 per \$100 valuation - Submitted and presented by Terrence Beaman, Chief Financial Officer.

**D. Public Comment.**

The Mayor will recognize speakers who have completed a sign-up sheet prior to the commencement of the public hearing. Each speaker shall have a time limit of up to five (5) minutes, with no extension, and with notice after four (4) minutes that one (1) minute is left.

**E. Questions from Mayor and Council.**

**F. Close of Public Hearing.**

Oral public comment on the subject matter of the public hearing will not be received following the close of the public hearing. The public may submit written comments to the City Council prior to its final deliberation. All written comments must be received in the City Clerk's office by noon on the Thursday preceding the meeting of final

deliberation for inclusion in the public record of the proceedings. It is anticipated that final deliberation will occur on Monday, October 17, 2016; therefore, written comments should be submitted by noon on Thursday, October 13, 2016.

*See Rules of Procedure of the City Council of the City of Bellaire, Texas, as of January 25, 2016.*

**G. Adjourn.**

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

**A. Call to Order and Announcement of a Quorum - Andrew S. Friedberg, Mayor.**

**B. Personal/Audience Comments:**

In order to address the City Council, please complete a sign-up sheet (located at the entrance to the Council Chamber), and submit it to City Clerk Tracy L. Dutton prior to the time for personal/audience comments. Each speaker shall have a time limit of up to five (5) minutes, with no extension, and with notice after four (4) minutes that one (1) minute is left. In the event of pressing business before the City Council or matters requiring its immediate attention or action, the City Council may, prior to the opening of audience comments, set a different maximum time limit for each speaker by a vote of four (4) members of the City Council.

The purpose of this item is to allow the residents of Bellaire and other interested persons an opportunity to address the 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: The Texas Open Meetings Act, Texas Government Code, Chapter 551, prohibits the City Council from fully discussing, debating, or considering subjects for which public notice has not been given on the agenda. Issues that cannot be referred to the City Staff for action may be placed on the agenda of a future City Council Session.]

**C. Report:**

City Manager's Report regarding communication, field and personnel updates, calendar reminders, and notes of appreciation - Submitted by Paul A. Hofmann, City Manager.

**D. New Business:**

**1. Consent Agenda:**

Items set out in the consent agenda are considered routine and are recommended for approval by the passage of a single motion, without discussion or debate, that the consent agenda be adopted. Upon request of any member of City Council, items shall be removed from the consent agenda and considered separately.

**a. Adoption of Minutes:**

Consideration of and possible action on the adoption of minutes of the City Council of the City of Bellaire, Texas, for a Special Session held on Monday, August 29, 2016, and a Regular Session held on Monday, September 12, 2016.

- i. Mayor and Council - Special Session (Town Hall Meeting and Workshop) - Aug 29, 2016 6:00 PM

- ii. Mayor and Council - Regular Session - Sep 12, 2016 6:00 PM

**b. Approval of Ordinances:**

- i. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending the application of Chapter 27, Streets, Sidewalks and Public Places, Article V, Public Parks, Section 27-95(a), Curfew Imposed, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Patrons for Bellaire Parks to hold a special event, Tents in Town, in Bellaire Zindler Park located in Bellaire Town Square, 7008 South Rice Avenue, Bellaire, Texas, on Saturday, November 5, 2016, said suspension to commence at 11:00 p.m. on Saturday, November 5, 2016, and to terminate at 5:00 a.m. on Sunday, November 6, 2016 - Submitted by Cheryl Bright-West, Assistant Director of Parks, Recreation and Facilities.
- ii. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, an Agreement Between Harris County and City of Bellaire Relating to Joint Elections to be held November 8, 2016, to provide election services for the City of Bellaire Bond Election - Submitted by Tracy L. Dutton, City Clerk.
- iii. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with One Way Striping & Signs, for the performance of striping services in an amount not to exceed \$78,143.00.

**2. Adoption of Ordinance(s)/Resolution(s):**

- a. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Contract and Agreement for City Engineer Services with ARKK Engineers, LLC, for the provision of professional city engineer services in an amount of \$90,000.00 for a one-year period commencing on October 16, 2016, and ending on October 15, 2017 - Submitted by Brant Gary, Director of Public Works.
- b. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the issuance of City of Bellaire, Texas (Harris County, Texas), General Obligation Refunding Bonds, Series 2016, in an amount not to exceed \$10,000,000; specifying the terms and features of said refunding bonds; establishing certain parameters for the sale of said bonds; and enacting provisions incident and related to the issuance, delivery, and payment of a security for said bonds - Submitted by Terrence Beaman, Chief Financial Officer.



- c. Consideration of and possible action on proposed amendments to the Rules of Procedure of the City Council of the City of Bellaire, Texas ("Rules"), by the adoption of a resolution of the City Council of the City of Bellaire, Texas, adopting new Rules, replacing and superseding all prior Rules - Submitted by Andrew S. Friedberg, Mayor.
- d. 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 2017 - Submitted by Tracy L. Dutton, City Clerk.

### **3. Item for Individual Consideration:**

Discuss and provide feedback and direction on the process for considering revisions to the City Charter, including the creation and responsibilities of, and procedural matters associated with, a Charter Review Commission - Requested by Mayor Andrew S. Friedberg.

### **E. Community Interest Items from the Mayor and Council.**

It is the intent of this item to provide members of the City Council the opportunity to make a report about items of community interest, which may include expressions of thanks, congratulations, or condolence; 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 announcements involving an imminent threat to the public health and safety of people in Bellaire that has arisen after the posting of the agenda.

No action may be taken on a reported item of community interest, and no possible action discussed except a proposal to place the subject on the agenda for a subsequent meeting.

See *Texas Government Code, Chapter 551, Open Meetings Act*.

### **F. Adjourn.**

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 10/10/16 06:00 PM  
Department: Fire Department  
Category: Public Hearing  
Department Head: Darryl Anderson  
DOC ID: 2034

**SCHEDULED  
PROCLAMATION (ID #  
2034)**

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**Item Title:**

Issuance of a proclamation by Andrew S. Friedberg, Mayor, proclaiming the week of October 9-15, 2016, as "Fire Prevention Week" in the City of Bellaire, Texas, and urging the citizens of Bellaire to heed the Fire Prevention Week message "Don't Wait--Check the Date! Replace Smoke Alarms Every 10 Years" - Requested by Darryl Anderson, Fire Chief.

**Background/Summary:**

Bellaire Fire Department, along with the National Fire Protection Administration encourage all Bellaire residents to become knowledgeable as to the working order of their smoke detector and install them where none exist. The fire department wants all residents to understand that smoke detectors have a 10 year life span, after which sensitivity degrades. Bellaire Fire Department also reminds all rental property owners of the State of Texas requirement to provide working smoke detectors in that property.

**Previous Council Action Summary:**

The City of Bellaire Council has supported Bellaire Fire Department's Fire Prevention Message

**Fiscal Impact:**

There is no fiscal impact

**Recommendation:**

I, Darryl Anderson Fire Chief, recommend accepting this proclamation

**ATTACHMENTS:**

- Fire Prevention Week - October 9-15 2016 (PDF)



## Proclamation

*Whereas*, U.S. fire departments responded to 369,500 home fires in 2014, which fires resulted in 2,745 civilian deaths; and

*Whereas*, three out of five home fire deaths result from fires in properties without working smoke alarms, which cut the risk of dying in reported home fires in half; and

*Whereas*, smoke detectors have a 10-year functional life and should be replaced at regular intervals to ensure their continued effectiveness; and

*Whereas*, the City of Bellaire, Texas, is committed to enhancing the safety and security of all its residents and visitors; and

*Whereas*, the 2016 Fire Prevention Week theme, "Don't Wait – Check the Date! Replace Smoke Alarms Every 10 Years" serves to educate the public about the vital importance of replacing smoke alarms at least every 10 years, and to determine the age of their smoke alarms by checking the date of manufacture on the back of the alarms;

*Now, Therefore*, I, **Andrew S. Friedberg, Mayor of the City of Bellaire, Texas**, do hereby proclaim the week of **October 9-15, 2016** as

### *Fire Prevention Week*

in the City of Bellaire, Texas, and urge all residents to check the age of the smoke alarms in their homes and to replace them if they are more than 10 years old.

*In Witness Whereof*, I have hereunto set my hand and caused the seal of the City of Bellaire, Texas, to be affixed this 10th day of October, 2016.



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Andrew S. Friedberg  
Mayor  
City of Bellaire, Texas



**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 10/10/16 06:00 PM  
Department: Finance Administration  
Category: Truth-In-Taxation  
Department Head: Terrence Beaman  
DOC ID: 2038

**SCHEDULED  
ACTION ITEM (ID # 2038)**

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**Item Title:**

Presentation regarding a proposal to increase total tax revenues for the 2016 tax year from properties on the tax roll in the preceding year by 5.7% percent by proposing a tax rate of \$0.3874 per \$100 valuation - Submitted and presented by Terrence Beaman, 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 2016 (FY 2017), the effective tax rate was calculated as \$0.3665 and the rollback tax rate as \$0.3924. The proposed tax rate for tax year 2016 is \$0.3874 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 19, 2016, the City Council took a record vote proposing to adopt a tax rate of \$0.3874 for tax year 2016 (FY 2017). This proposed rate exceeds the effective rate by \$0.0209 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 Thursday, September 29, 2016 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 17, 2016 at 6:00 PM.

The proposed property tax rate of \$0.3874 would raise \$18,569,889 in revenue, which is \$1,443,276 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 19, 2016 Acceptance of 2016 Tax Roll and the calculated Effective Tax Rate and Rollback Tax Rate.

Sept 19, 2016 Record vote to adopt tax rate of \$0.3874 and scheduled two public hearings.

**Fiscal Impact:**

n/a

**Recommendation:**

n/a

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 10/10/16 06:00 PM  
Department: City Manager's Office  
Category: Presentation  
Department Head: Paul A. Hofmann  
DOC ID: 1925

**SCHEDULED  
ACTION ITEM (ID # 1925)**

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**Item Title:**

City Manager's Report regarding communication, field and personnel updates, calendar reminders, and notes of appreciation - Submitted by Paul A. Hofmann, City Manager.

**Background/Summary:**

City Manager's Report regarding communication, field and personnel updates, calendar reminders, and notes of appreciation.

**Previous Council Action Summary:**

N/A

**Fiscal Impact:**

N/A

**Recommendation:**

N/A



# CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

AUGUST 29, 2016

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**Council Chamber      Special Session (Town Hall Meeting and Workshop)      6:00 PM**

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

## **SPECIAL SESSION - 6:00 P.M.**

### **I. TOWN HALL MEETING (NOVEMBER 2016 BOND ELECTION)**

#### **A. Call to Order and Announcement of a Quorum - Andrew S. Friedberg, Mayor.**

**Andrew S. Friedberg, Mayor**, called the Town Hall Meeting of the City Council of the City of Bellaire, Texas, to order at 6:00 p.m. on Monday, August 29, 2016. The Town Hall Meeting was held in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.

**Mayor Friedberg** announced that a quorum of the members of City Council was present as set forth in the table below.

<b>Name</b>	<b>Title</b>	<b>Status</b>
Andrew S. Friedberg	Mayor	Present
Roman F. Reed	Mayor Pro Tem	Present*
Trisha S. Pollard	Council Member	Present
Gus E. Pappas	Council Member	Present
Pat B. McLaughlan	Council Member	Present
Michael Fife	Council Member	Present
David R. Montague	Council Member	Present

Other officials present were Paul A. Hofmann, City Manager; Diane K. White, Assistant City Manager; and Tracy L. Dutton, City Clerk.

\*Roman F. Reed, Mayor Pro Tem, arrived shortly after the Town Hall Meeting had begun, and participated in the remainder of the session.

#### **B. Introduction - Andrew S. Friedberg, Mayor.**

**Mayor Friedberg** indicated that City Council would hold two meetings, the first of which was a Town Hall Meeting on the subject of the November 2016 Bond Election, followed by a budget workshop.

Mayor Friedberg advised that the November 2016 Bond Election had already been called by action of City Council on August 15, 2016, and that information presented during the meeting would be the subject of the Town Hall Meeting.

#### **C. Summary of Procedure - Paul A. Hofmann, City Manager.**

**Paul A. Hofmann, City Manager**, summarized the procedure to be followed during the Town Hall Meeting.

Minutes Acceptance: Minutes of Aug 29, 2016 6:00 PM (Adoption of Minutes:)

**D. Presentation:**

Presentation regarding the City of Bellaire Bond Election to be held on Tuesday, November 8, 2016 - Presented by Paul A. Hofmann, City Manager.

**Paul A. Hofmann, City Manager**, presented an overview of the November 2016 Bond Program to members of City Council and the public. Reference was made to a recently published six-page pamphlet, which had its genesis in a long report provided to City Council on August 1, 2016. Included in the pamphlet was information related to the three propositions approved by City Council on August 15, 2016, when the 2016 November Bond Election was called.

A summary of the components of each proposition was provided by City Manager Hofmann as follows:

(1) \$24 million for streets, drainage, and sidewalk improvements.

\$20 million of the \$24 million was slated to be expended on streets and drainage improvements and \$4 million was slated for new sidewalks in addition to what was routinely done as part of the City's street reconstruction program and in addition to what was routinely done for sidewalk repairs.

(2) \$5.6 million for new municipal buildings.

Reference was made to a November 2013 Bond Election wherein voters approved \$11 million for a reconstruction of the Police, Courts, City Hall, and Civic Center buildings. Subsequent to that time and after a great deal of community input involving two Ad Hoc Advisory Committees, the estimate had changed to some degree as a result of the passage of time and to some degree as a result of additional space added to the Police building. An additional \$1.5 million in unused authority from the 2005 November Bond Election would also be used for new municipal buildings.

(3) \$24.38 million for water and wastewater improvements.

\$11 million of the \$24.38 million was slated for the replacement of critical water lines. A portion of the funds were earmarked for the replacement of wastewater lines (\$580,000), with the remainder applied to a performance contract that would replace equipment and facilities at the City's Wastewater Treatment Plant.

In closing, City Manager Hofmann advised that members of Staff planned to present a series of public presentations to Council-appointed boards and commissions.

**Diane K. White, Assistant City Manager**, provided an overview of information available on the City's website related to the 2016 November Bond Election. Reference was also made to a resource folder that contained all of the assessments, plans, and presentations referenced in the six-page pamphlet.

**E. Public Comment.**

**Mayor Friedberg** indicated that those wishing to speak should have completed a sign-up sheet located at the entrance to the Council Chamber. He reminded speakers that the time limit for speaking was three (3) minutes, with no extension, and with notice after two (2) minutes that one (1) minute was left.



**Durwin Sharp:**

Mr. Sharp addressed City Council and referred to a \$300 million infrastructure program shown on the City's website. He inquired as to how the three bond propositions for the 2016 November Bond Election rose to the top of the list, as well as the composition for the remainder of the funds in the program.

He continued and urged City Council to consider increasing water rates to cover the percentage of inadequacies resulting from older water meters as opposed to the replacement of those meters and to reconsider the mix in determining an increase to the water rates (such as an increase in the variable water rates as opposed to the fixed water rates).

**William Durbin:**

Mr. Durbin addressed City Council and indicated that the overview of information on the City's website was helpful. He expressed concern as to the time limit allowed for speakers (three (3) minutes).

He stated his understanding that there might be a great deal of deferred maintenance that needed to be addressed, but did not have a clear understanding on the water meter proposal. Reference was made to a prior suggestion that City Council partner with the City of Houston for wastewater treatment services and indicated that he did not know if that suggestion had been addressed.

In closing, Mr. Durbin expressed concern that the City did not have an established, ongoing, budgeted replacement program for the City's public works infrastructure.

**Jim Avioli, Sr.:**

Mr. Avioli addressed City Council regarding the wording of the bond propositions and inquired as to whether there would be a description that would go with the propositions.

Reference was made to the amount of discussion and questions related to the water meter replacement project. Mr. Avioli expressed concern that bond proposition three, which included a water meter changeout, might be approved by citizens without a clear understanding as to what they had approved and urged City Council to be more informative as to the components of the propositions.

**Keith Bowers:**

Mr. Bowers addressed City Council regarding the bond proposition that included wastewater treatment plant improvements. He referenced a Wastewater Treatment Plant located nearby and owned by the City of Houston and suggested that the City contract with the City of Houston for wastewater treatment services as opposed to sinking \$40 million into the City's old facilities that were not adequate for requirements coming down the line.

He concluded by asking for more transparency.

**Laolu Yemitan:**

Mr. Yemitan addressed City Council regarding the pending water rate hike and the proposed bond. He indicated that there did not seem to be any justification for the hike or whether consumption had been factored in to the decision. If the hike remained as

proposed, his cost of service would rise by 50%. He urged City Council to consider the undue burden that was being placed on the residents.

**Jim Hotze:**

Mr. Hotze addressed City Council regarding sidewalks, which he had not seen mentioned in the literature provided by the City. He urged City Council to defer the construction of any new sidewalks to a later date.

**Lynn McBee:**

Ms. McBee addressed City Council and advised that the wording of the propositions was critical and expressed concern as to the lack of detail for the municipal buildings (such as the cost of each building, what would happen if the proposition failed, and where employees would go in the interim during construction).

Other concerns included the lack of a map of priorities for the streets, drainage, and sidewalks proposition and the lack of disclosure regarding the size of the water lines being replaced.

**Lee Norris:**

Mr. Norris addressed City Council and expressed concern that the City had not held more discussions on the water meters, a questionable part of the project, in his opinion. He inquired as to the reason the City had to replace all of the water meters at once; whether there were cheaper options; and if the project could be done on a piecemeal basis.

**Mayor Friedberg** advised that in an upcoming agenda he would like to address the amount of time allowed for speakers in town hall meetings.

**Written Comment:**

**Mayor Friedberg** summarized one written comment received from **Mrs. Pat Lunn** who observed that the whole country had been inactive in addressing infrastructure needs and suggested that Bellaire take the lead in addressing its needed infrastructure and advocated passage of the bonds.

Complete copies of Mrs. Lunn's written comments, as well as all written comments received, were distributed in their entirety to City Council and included in the official record of the meeting.

**F. Questions from the Mayor and City Council.**

Mayor Friedberg opened the floor for questions of City Staff from the Mayor and Council. At the conclusion of questions, Mayor Friedberg concluded the Town Hall Meeting at 7:45 p.m. on Monday, August 29, 2016.

**G. Adjourn.**

Mayor Friedberg advised that the Town Hall Meeting of the City Council of the City of Bellaire, Texas, was adjourned at 7:45 p.m. on Monday, August 29, 2016, and that the Council would take a brief recess.

**II. BUDGET WORKSHOP #2**

**A. Call to Order and Announcement of a Quorum - Andrew S. Friedberg, Mayor.**

Following a brief recess, **Andrew S. Friedberg, Mayor**, called the Budget Workshop (#2) of the City Council of the City of Bellaire, Texas, to order at 8:00 p.m. on Monday, August 29, 2016. He announced that a quorum of the members of City Council was present as set forth in the table below.

<b>Name</b>	<b>Title</b>	<b>Status</b>
Andrew S. Friedberg	Mayor	Present
Roman F. Reed	Mayor Pro Tem	Present
Trisha S. Pollard	Council Member	Present
Gus E. Pappas	Council Member	Present
Pat B. McLaughlan	Council Member	Present
Michael Fife	Council Member	Present
David R. Montague	Council Member	Present

Other officials present were Paul A. Hofmann, City Manager, and Diane K. White, Assistant City Manager.

**B. Budget Discussion:**

Discussion regarding the FY 2017 proposed budget for the City of Bellaire, Texas.

A budget workshop was conducted by members of City Council and City Staff regarding the proposed budget for the City of Bellaire for fiscal year 2017.

**C. Adjourn.**

Mayor Friedberg announced that Budget Workshop #2 of the City Council of the City of Bellaire, Texas, was adjourned at 8:40 p.m. on Monday, August 29, 2016.



# CITY OF BELLAIRE TEXAS

## MAYOR AND COUNCIL

SEPTEMBER 12, 2016

Council Chamber

Regular Session

6:00 PM

7008 S. RICE AVENUE  
BELLAIRE, TX 77401

### REGULAR SESSION - 6:00 P.M.

#### A. Call to Order and Announcement of a Quorum - Andrew S. Friedberg, Mayor.

**Andrew S. Friedberg, Mayor,** called the Regular Session of the City Council of the City of Bellaire, Texas, to order at 6:00 p.m. on Monday, September 12, 2016. The Regular Session was held in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.

Mayor Friedberg announced that a quorum of the members of City Council was present as set forth in the table below.

Name	Title	Status
Andrew S. Friedberg	Mayor	Present
Roman F. Reed	Mayor Pro Tem	Absent
Trisha S. Pollard	Council Member	Present
Gus E. Pappas	Council Member	Present
Pat B. McLaughlan	Council Member	Present
Michael Fife	Council Member	Present
David R. Montague	Council Member	Present

Other officials present were Paul A. Hofmann, City Manager; Martye M. Kendrick, Assistant City Attorney; and Tracy L. Dutton, City Clerk.

#### B. Recognition of Proclamation - Andrew S. Friedberg, Mayor.

Issuance of a proclamation by Andrew S. Friedberg, Mayor, recognizing and congratulating Donald W. Elmer on the occasion of his Badge Pinning Ceremony, and on his successful completion of all requirements necessary to become a Firefighter/Paramedic with the City of Bellaire, Texas - Requested by Darryl Anderson, Fire Chief.

**Mayor Friedberg** announced that the first order of business for the evening was a special presentation which provided an opportunity for the Bellaire City Council to host their first "Badge Pinning Ceremony" and to welcome the City's newly formed Bellaire Fire Department Honor Guard.

After the Bellaire Fire Department Honor Guard made their way to the dais, Mayor Friedberg read and presented the proclamation he had issued in recognition of Donald W. Elmer's successful completion of all requirements to become a Firefighter/Paramedic in good standing. Following the reading and presentation of the proclamation, Mayor Friedberg presented Mr. Elmer's official badge to his father, Donald W. Elmer, Sr., for the pinning ceremony.

Minutes Acceptance: Minutes of Sep 12, 2016 6:00 PM (Adoption of Minutes:)

**I. PUBLIC HEARING****A. Reading of Notice of Public Hearing - Tracy L. Dutton, City Clerk.**

**Tracy L. Dutton, City Clerk**, read the "Notice of Public Hearing" into the record. She advised that the Development Services Department had published the notice in the legal notices section of the Southwest News on August 23, 2016, and posted the notice on the City's official bulletin board and website on August 25, 2016.

In addition, notices were mailed to real property owners of record and assumed renters located within 500 feet of the site of the proposed planned development amendment.

**B. Summary of Public Hearing Procedure - Paul A. Hofmann, City Manager.**

**Paul A. Hofmann, City Manager**, summarized the public hearing procedure.

**C. Presentation of Proposal:**

Presentation of an application and request submitted by Brown & Gay Engineers, Inc., on behalf of Applicant HEB Grocery Company, LP, in accordance with Chapter 24, Planning and Zoning, Article VI, Amendatory Procedures, Section 24-604, Application for a Planned Development Amendment, of the Code of Ordinances of the City of Bellaire, Texas, for an amendment to a planned development (PD-25, HEB Bellaire) consisting of a grocery store retail area with attached parking facility to be known as "HEB Grocery Store" on a 3.055 acre site located on the northern side of the intersection between Bissonnet Street and Cedar Street in the City of Bellaire, Harris County, Texas, and currently addressed as 5106 Bissonnet Street, Bellaire, Texas.

**Jeffrey Williams, Design Architect, HEB Grocery Company, LP ("HEB")**, shared the elevation design for the Bellaire store to members of City Council and the public. Included in the design was a parking garage at ground level and the store and some additional parking on the second level. The main material used in the design was noted to be masonry (stone and split-face concrete block), with wood (fiberboard) at the entrances to the store, along with HEB's signature "red" color.

**John Rose, Senior Due Diligence Manager, HEB**, noted that the site plan had changed a little bit from the standpoint that HEB was using 60 degree parking throughout the majority of the project. Methods of entry to the store included stairs, elevators, and a moving sidewalk.

An overview of the location of the truck docks, access to the docks, and truck routes through Bellaire was provided to members of City Council and the public. It was noted that changes were made as a result of traffic concerns expressed by neighboring businesses, such as congestion and u-turns made by delivery trucks.

**D. Public Comment.**

**Mayor Friedberg** indicated that those wishing to speak should have completed a sign-up sheet located at the entrance to the Council Chamber. He reminded speakers that the time limit for speaking was five (5) minutes, with no extension, and with notice after four (4) minutes that there was one (1) minute left.

**Paul Miller:**

Minutes Acceptance: Minutes of Sep 12, 2016 6:00 PM (Adoption of Minutes:)

Mr. Miller advised that his concerns had been addressed during the HEB presentation.

**Craig Mueller:**

Mr. Mueller advised that his business was located behind the HEB store and indicated that he looked forward to the new store.

He stated that there were two loading docks at the new facility versus one for a store that was three times larger than the current store. He asked if business owners and residents could expect three times the traffic as a result.

In closing, Mr. Mueller indicated that if drivers adhered to the new schedule or route provided by Mr. Rose to City Council this evening, many of Mr. Mueller's concerns would be alleviated.

**Lynn McBee:**

Ms. McBee indicated that she had not received answers to many of the questions she had asked regarding the HEB store. She asked City Council if they could address the following questions to the applicant on her behalf:

1. How many employees would be working in the store?
2. Where was the location of the employee parking spaces (i.e., were those spaces integrated in the general parking area for the public)?
3. What would the store hours be (hours and number of days per week)?
4. What was the current plan for a restaurant or public meeting room, or both?

**Mayor Friedberg** noted that no written comments were received in connection with the public hearing.

**E. Questions from the Mayor and Council.**

**Mayor Friedberg** opened the floor for questions from the Mayor and City Council. Following questions of the applicant and City Staff, the public hearing was closed.

**F. Close of Public Hearing.**

**Mayor Friedberg** announced that the public hearing was concluded at 6:57 p.m. on Monday, September 12, 2016. He advised that oral comment on the subject matter of the public hearing would no longer be received; however, written comments could be provided to City Council prior to their final deliberation on the matter. Mayor Friedberg indicated that written comments must be received in the City Clerk's office by noon on the Thursday preceding the meeting of final deliberation for inclusion in the public record of the proceedings. It was anticipated that final deliberation on the matter would occur in one week or on Monday, September 19, 2016; therefore, written comments should be submitted by noon on Thursday, September 15, 2016.

**G. Adjourn.**

Mayor Friedberg announced that the public hearing was adjourned at 6:57 p.m. on Monday, September 12, 2016.

**II. REGULAR MEETING**

**A. Call to Order and Announcement of a Quorum - Andrew S. Friedberg, Mayor.**

**Andrew S. Friedberg, Mayor,** called the Regular Meeting to order at 6:57 p.m. on Monday, September 12, 2016. The Regular Meeting was held in the Council Chamber.

Mayor Friedberg announced that a quorum was present consisting of all members of City Council as set forth in the table below.

<b>Name</b>	<b>Title</b>	<b>Status</b>
Andrew S. Friedberg	Mayor	Present
Roman F. Reed	Mayor Pro Tem	Present
Trisha S. Pollard	Council Member	Present
Gus E. Pappas	Council Member	Present
Pat B. McLaughlan	Council Member	Present
Michael Fife	Council Member	Present
David R. Montague	Council Member	Present

Other officials present were Paul A. Hofmann, City Manager; Martye M. Kendrick, Assistant City Attorney; and Tracy L. Dutton, City Clerk.

**B. Inspirational Reading and/or Invocation - Roman F. Reed, Mayor Pro Tem.**

**Roman F. Reed, Mayor Pro Tem,** provided the inspirational reading for the evening.

**C. Pledges of Allegiance - Roman F. Reed, Mayor Pro Tem.**

**Mayor Pro Tem Reed** led the members of City Council and the audience in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

**D. Personal/Audience Comments.**

**Mayor Friedberg** reminded speakers that the earlier public hearing on a request for a planned development amendment had been closed. Speakers were asked to complete a blue Speaker Sign-Up Sheet to address City Council on other matters and were advised of the time limit for public comments.

**Lynn McBee:**

Ms. McBee addressed City Council regarding four items on the evening's agenda of concern to her. First, the rate schedule for water and sewer rates was proposed to be phased in over five years, but she still felt the increase was too steep.

Secondly, she indicated that the proposed tax revenue increase yielded the City an additional \$1 million, which would be spent during 2017. She encouraged the City Council to prioritize what was done each year and to receive public feedback.

Reference was made to the beautification funds request for \$700,000 to be added to the remaining \$300,000 to be spent redesigning intersections, installing signs, and adding more plantings. Ms. McBee indicated that with increases in fees and bonded indebtedness, the City should be cutting back on other expenditures.

In closing, Ms. McBee cited some figures she had obtained from the City's Finance Department related to the interest cost of the \$66 million proposed debt issuances. She



advised that the cost was \$28.8 million and urged City Council and residents to think of that when voting in the City's Bond Election.

**Mayor Friedberg** advised that there were no written comments for the evening before proceeding to the next order of business.

#### **E. Reports and Presentations:**

1. City Manager's Report regarding communication, field and personnel updates, calendar reminders, and notes of appreciation - Submitted by Paul A. Hofmann, City Manager.

**Paul A. Hofmann, City Manager**, presented the City Manager's Report dated September 12, 2016, to members of City Council.

The City Manager's Report included an overview of communication updates made to residents since his last report. Communications included reminders of the online Resident Request Center, updates of the Mayor's blog posts, beautification workshops, office closures due to holidays, solid waste schedule updates, the August 29th Town Hall Meeting, Bellaire Citizens Academy updates, and reminders of the August 16<sup>th</sup> Dive-In Movie event.

Personnel activities included honor guard training for four of the Bellaire Fire Department Honor Guard members (Lieutenant Paul Landi, Firefighter Edward Dannenbaum, Firefighter Curtis Thomson, and Firefighter T. J. Girt) and a visit to the Bellaire Fire Department by the Helping Hands for Horn organization, which included a large greeting card and cookies for the City's firefighters.

A word of thanks was given to the Bellaire Fire Department on a memorial recently conducted to commemorate the fifteenth anniversary of September 11th.

Reminders included the upcoming Bellaire Police Department twice annual community meeting to be held on September 15th in the Civic Center, and an overview of future City Council meetings and agenda items for the months of September, October, November, and December.

In closing, a word of appreciation was given to the Bellaire Optimist Club for a luncheon recently hosted by the organization for Police and Fire Department employees.

**Mayor Friedberg** opened the floor for questions from the City Council.

After a brief comment by Council Member Pollard regarding contracts and the Open Records Act, Mayor Friedberg announced that the City Manager's Report was concluded and turned to the next order of business (agenda item II. E(2)).

2. Presentation, consideration, and acceptance of the submittal of the "Certified 2016 Tax Roll and the 2016 Property Tax Rates in the City of Bellaire, Texas" - Presented and submitted by Terrence Beaman, Chief Financial Officer.

**Terrence Beaman, Chief Financial Officer (CFO)**, advised that the City was in receipt of the certified roll for the tax year 2016, and provided the following information related to the certified roll: 1) total appraised value of \$5,971,841,248 and 2) total taxable value of \$4,546,701,928.

CFO Beaman advised that the total taxable value for 2016 compared to the total



taxable value for 2015 had increased approximately 6.2%, and that the average taxable value of a home increased from \$619,000 to \$663,000.

The City's effective rate for tax year 2016 was noted to be \$0.3665, and the rollback rate for tax year 2016 was noted to be \$0.3924.

CFO Beaman stated that the receipt of the certified roll and acceptance of the roll by the City Council was required by the Texas Property Tax Code.

**Mayor Friedberg** opened the floor for questions of CFO Beaman. Noting no questions, Mayor Friedberg asked if there were any objection to accepting the submittal of the 2016 tax roll and the 2016 property tax rates. Hearing no objection, **Mayor Friedberg declared that the submittal of the 2016 tax roll and 2016 property tax rates were accepted by general consent.**

## F. New Business:

### 1. Consent Agenda:

#### a. Adoption of Minutes:

Consideration of and possible action on the adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, dated August 1, 2016 - Submitted by Tracy L. Dutton, City Clerk.

Mayor and Council - Regular Session - Aug 1, 2016 7:00 PM

#### b. Change in Meeting Date:

Consideration of and possible action on a change in the date of the first Regular Session of the City Council of the City of Bellaire, Texas, in October of 2016 from Monday, October 3, 2016, to Monday, October 10, 2016 - Submitted by Tracy L. Dutton, City Clerk.

#### c. Mutual Aid Fire Protection and Agreement:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas (City), a Mutual Aid Fire Protection and Agreement between the City, Harris County, and adjoining entities for the purpose of providing mutual aid fire protection - Submitted by Darryl Anderson, Fire Chief.

#### d. Utility Easement:

Consideration of and possible action on a request and recommendation to authorize the City Manager of the City of Bellaire, Texas, to execute any and all necessary documents related to the granting of a utility easement for Evelyn's Park, 4400 Bellaire Boulevard, Bellaire, Texas - Submitted by Michelle Jordan, Project Manager.

After reading the captions of the four agenda items on the evening's Consent Agenda, **Mayor Friedberg** asked if any members of City Council wished to remove any of the items from the Consent Agenda.

**Trisha S. Pollard, Council Member,** requested removal of item d. regarding a utility easement.

Mayor Friedberg called for a motion to adopt the remaining Consent Agenda items a., b., and c.

**Motion:**

**To adopt items a., b., and c. on the Consent Agenda dated September 12, 2016.**

<b>RESULT:</b>	<b>UNANIMOUS [7 TO 0]</b>
<b>MOVER:</b>	Roman F. Reed, Mayor Pro Tem
<b>SECONDER:</b>	Trisha S. Pollard, Council Member
<b>AYES:</b>	Friedberg, Reed, Pollard, Pappas, McLaughlan, Fife, Montague
<b>NAYS:</b>	None
<b>ABSENT:</b>	None

**Individual Consideration of Item d.:**

**Motion:**

**To approve the request and recommendation to authorize the City Manager to execute the necessary documents related to the granting of a utility easement for Evelyn's Park.**

{Moved by Gus E. Pappas, Council Member, and seconded by Roman F. Reed, Mayor Pro Tem}

**Mayor Friedberg** opened the floor for questions of City Staff and discussion among members of the City Council.

Following questions and discussion, Mayor Friedberg called for action on the motion.

<b>RESULT:</b>	<b>UNANIMOUS [7 TO 0]</b>
<b>MOVER:</b>	Gus E. Pappas, Council Member
<b>SECONDER:</b>	Roman F. Reed, Mayor Pro Tem
<b>AYES:</b>	Friedberg, Reed, Pollard, Pappas, McLaughlan, Fife, Montague
<b>NAYS:</b>	None
<b>ABSENT:</b>	None

**2. Adoption of Ordinance(s)/Resolutions(s):**

Minutes Acceptance: Minutes of Sep 12, 2016 6:00 PM (Adoption of Minutes:)

- a. Consideration of and possible action on a recommendation to approve a change order in an amount not to exceed \$191,632.00 to the construction contract for Phase One of Evelyn's Park with Linbeck Group, LLC, and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager of the City of Bellaire, Texas, to execute said change order. The change order will be executed only upon receipt of the funds associated with said change order in an amount not to exceed \$191,632.00 from the Evelyn's Park Conservancy, and will be authorized for no more than the amount of funding received from the Evelyn's Park Conservancy - Submitted by Michelle Jordan, Project Manager.

**Motion:**

**To approve the change order and adopt the ordinance as presented authorizing the City Manager to execute the change order upon receipt of the associated funds from the Evelyn's Park Conservancy, in an amount not to exceed \$191,632.00.\***

{Moved by Roman F. Reed, Mayor Pro Tem, and seconded by Michael Fife, Council Member}

**Mayor Friedberg** opened the floor for questions of City Staff and discussion among members of the City Council.

Following questions and discussion, Mayor Friedberg called for a vote on the motion.

<b>RESULT:</b>	<b>UNANIMOUS [7 TO 0]</b>
<b>MOVER:</b>	Roman F. Reed, Mayor Pro Tem
<b>SECONDER:</b>	Michael Fife, Council Member
<b>AYES:</b>	Friedberg, Reed, Pollard, Pappas, McLaughlan, Fife, Montague
<b>NAYS:</b>	None
<b>ABSENT:</b>	None

\*Note that subsequent to the City Council's authorization of this change order, the Evelyn's Park Conservancy Board decided not to pursue the construction changes and it was never executed nor funded.

- b. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, adopting a new rate schedule for water and sewer services for residential and nonresidential ratepayers - Submitted by Terrence Beaman, Chief Financial Officer.

**Mayor Friedberg** stated that a revised replacement page for agenda packet page 116 had been provided for members of City Council at the dais. He indicated that during public comments, one of the speakers had relied on the typographical error that was now corrected; the proposed rate increase this year was 13.5%, not 17.5%.

**CFO Beaman** presented a summary of the agenda item to members of City Council. He began by presenting a timeline starting with a water and wastewater rate study completed in March of 2016 and presented to City Council in April of 2016, followed by a Town Hall Meeting before City Council in July of 2016. On August 16, 2016, City Staff was given direction to present

an additional two rate scenarios tiering the increases over a five-year period. Part of the direction was to return with a slightly higher increase for 2017, to reduce the increase needed in 2018. As a result, City Staff was recommending a 13.5% rate increase for the 2017 fiscal year.

Reference was made to various pages in the City Council agenda packet related to the rate schedule, comparison of current and proposed rates, billing scenarios, and a five-year fiscal forecast for the Enterprise Fund. As City Council had directed, CFO Beaman advised that the City's year-end fund balance would be reduced to a 30-day reserve as opposed to a 60-day reserve for fiscal years 2017-2020. It was anticipated that the City would be back to its 60-day management policy with regard to reserves in the Enterprise Fund in fiscal year 2021.

**Motion:**

**To adopt the proposed ordinance adopting a new rate schedule for water and sewer services as presented.**

{Moved by Roman F. Reed, Mayor Pro Tem, and seconded by David R. Montague, Council Member}

**Mayor Friedberg** opened the floor for questions of City Staff and discussion among members of City Council.

Following questions and discussion, action was taken on the motion.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Roman F. Reed, Mayor Pro Tem
<b>SECONDER:</b>	David R. Montague, Council Member
<b>AYES:</b>	Friedberg, Reed, Pollard, Pappas, McLaughlan, Fife, Montague

**3. Item(s) for Individual Consideration:**

- 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 2016 Tax Year by proposing a tax rate of \$0.3874 per \$100 valuation and authorizing the City Clerk and Chief Financial Officer to publish a "Notice of 2016 Tax Year Proposed Property Tax Rate for the City of Bellaire." The dates for two public hearings on the referenced proposal are Thursday, September 29, 2016, and Monday, October 10, 2016, 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 Terrence Beaman, Chief Financial Officer.

**CFO Beaman** advised that truth-in-taxation was the regulation that defined specific steps and wording that a governing body must use to adopt its tax rate. Because the City's proposed tax rate of \$0.3874 was above the effective rate, the City had to take additional steps. The first step was to take a record vote to put on a future agenda a property tax rate increase.

CFO Beaman also advised that the proposed tax rate of \$0.3874 would garner the City \$1.4 million of additional revenue, which was an 8.43% increase as compared to the current year. Adoption of the effective rate of \$0.3665

would generate approximately \$1 million less in tax revenues compared to the revenues proposed at budget time.

If the motion passed to place the recommended tax rate of \$0.3874 on a future agenda, the City was required to set and announce two public hearings on that tax rate. City Staff proposed a first hearing on September 29th and a second hearing on October 10th. The date of adoption of the tax rate was proposed to occur on October 17th.

**Mayor Friedberg** opened the floor for questions of CFO Beaman on the substance of what was presented. Noting none, Mayor Friedberg called for a motion.

**Motion:**

**To increase the tax revenue for the 2016 tax year by proposing a tax rate of \$0.3874 per \$100 valuation and authorizing the City Clerk and Chief Financial Officer to publish a Notice of 2016 Tax Year Proposed Property Tax Rate for the City of Bellaire with two public hearings on the proposal to be held on September 29 and October 10, 2016.**

{Moved by Roman F. Reed, Mayor Pro Tem, and seconded by Michael Fife, Council Member}

Hearing no discussion, Mayor Friedberg indicated that the City Clerk would call for each Council Member's vote individually so that the City could comply with the requirement that a record vote was conducted.

**City Clerk Dutton** asked each member of City Council individually for their vote on the motion. The votes were recorded as follows:

Mayor Pro Tem Roman F. Reed - For;  
Council Member Trisha S. Pollard - For;  
Council Member Gus E. Pappas - For;  
Mayor Andrew S. Friedberg - For;  
Council Member Pat McLaughlan - For;  
Council Member Michael Fife - For; and  
Council Member David R. Montague - For.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Roman F. Reed, Mayor Pro Tem
<b>SECONDER:</b>	Michael Fife, Council Member
<b>AYES:</b>	Friedberg, Reed, Pollard, Pappas, McLaughlan, Fife, Montague

- b. Consideration of and possible action on a recommendation and request to include a new line item in the FY 2017 Budget entitled "Beautification/Urban Design" and funded in the amount of \$700,000, in the manner as was done for FY 2016, with \$350,000 funded from sources determined by the City Manager and the remaining \$350,000 funded from earmarked CIP projects as decided by the City Manager. Funds would be used in accordance with final design principles and guidelines developed by Terrain Studio - Submitted by Michael Fife, Council Member.

**Motion:**

**To include a new line item in the fiscal year 2017 budget entitled "Beautification/Urban Design" and funded in the amount of \$700,000 in the manner as was done for fiscal year 2016 with \$350,000 funded from sources determined by the City Manager and the remaining \$350,000 funded from earmarked CIP projects as decided by the City Manager. Funds would be used in accordance with final design principles and guidelines developed by Terrain Studio.**

{Moved by Michael Fife, Council Member, and seconded by Pat B. McLaughlan, Council Member}

Following a brief introduction of the agenda item by Council Member Michael Fife, discussion ensued among members of City Council regarding the motion. Following discussion, a motion to postpone action was offered by Mayor Friedberg.

**Motion to Postpone:**

**To postpone the underlying motion indefinitely so that it may be considered after Terrain Studio presents its master plan recommendations in December.**

{Moved by Andrew S. Friedberg, Mayor, and seconded by Trisha S. Pollard, Council Member}

Discussion ensued among members of City Council regarding the motion to postpone, with several members expressing concern with the word "indefinitely."

**Amendment to Motion to Postpone:**

Following discussion, Mayor Friedberg asked if there was any objection to the replacement of the word "indefinitely" with "until a later time," such that the motion to postpone would read as follows:

**To postpone the underlying motion until a later time so that it may be considered after Terrain Studio presents its master plan recommendations in December.**

Hearing no objection, Mayor Friedberg declared that the motion was so amended by general consent.

Mayor Friedberg called for a vote on the motion to postpone, as amended.

<b>RESULT:</b>	<b>APPROVED [5 TO 2]</b>
<b>MOVER:</b>	Andrew S. Friedberg, Mayor
<b>SECONDER:</b>	Trisha S. Pollard, Council Member
<b>AYES:</b>	Friedberg, Pollard, Pappas, Fife, Montague
<b>NAYS:</b>	Reed, McLaughlan
<b>ABSENT:</b>	None

- c. Consideration of and possible action on a recommendation and request to earmark the remaining amount of the FY 2016 Beautification funds, estimated to be \$170,000, to be used for the design and construction of a Pilot Esplanade Beautification Project to be located at the Bellaire Boulevard and South Rice Avenue intersection, and on providing direction to the City Manager to work with Terrain Studio on a contract for said services to be approved at a future City Council meeting - Submitted by Michael Fife, Council Member.

**Motion:**

**To approve the recommendation and request to earmark the remaining amount of the fiscal year 2016 beautification funds estimated to be \$170,000.00 to be used for the design and construction of a pilot esplanade beautification project and to provide direction to the City Manager to work with Terrain Studio on a contract for said services to be approved at a future City Council meeting.**

{Moved by Michael Fife, Council Member, and seconded by Gus E. Pappas, Council Member}

Discussion ensued among members of City Council regarding the motion. Following discussion, action was taken on the motion.

<b>RESULT:</b>	<b>ADOPTED [6 TO 1]</b>
<b>MOVER:</b>	Michael Fife, Council Member
<b>SECONDER:</b>	Gus E. Pappas, Council Member
<b>AYES:</b>	Friedberg, Reed, Pollard, McLaughlan, Fife, Montague
<b>NAYS:</b>	Pappas

- d. Consideration of and possible action on the selection of Trustees for Places 6-9 to serve on the Texas Municipal League Intergovernmental Risk Pool (TMLIRP) Board of Trustees for a six-year term commencing on October 1, 2016, and ending September 30, 2022 - Submitted by Tracy L. Dutton, City Clerk, on behalf of the TMLIRP.

**Mayor Friedberg** opened the floor for discussion and a motion.

Following discussion, **Council Member Pollard** offered a motion.

**Motion:**

**To abstain from voting on the selection of trustees to serve on the TMLIRP Board of Trustees.**

{Moved by Trisha S. Pollard, Council Member, and seconded by Michael Fife, Council Member}

**Mayor Pro Tem Reed** indicated that he knew Rick A. Schroder, a candidate for Place 9 on the Board of Trustees, and would recommend voting in favor of him. Mayor Pro Tem Reed offered an amendment to the motion.

**Amendment to the Motion:**



**To except from City Council's abstention that they would vote for Rick A. Schroder for Place 9.**

Following discussion, a vote was taken on the amendment to the motion.

<b>RESULT:</b>	<b>ADOPTED [6 TO 1]</b>
<b>MOVER:</b>	Roman F. Reed, Mayor Pro Tem
<b>SECONDER:</b>	Gus E. Pappas, Council Member
<b>AYES:</b>	Reed, Pollard, Pappas, McLaughlan, Fife, Montague
<b>NAYS:</b>	Friedberg
<b>ABSENT:</b>	None

Before proceeding to a vote, Mayor Friedberg repeated the motion, as amended:

**To abstain from voting on the selection of trustees for Places 6-9 on the Texas Municipal League Intergovernmental Risk Pool Board with the exception of submitting a vote for Rick A. Schroder for Place 9.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trisha S. Pollard, Council Member
<b>SECONDER:</b>	Michael Fife, Council Member
<b>AYES:</b>	Friedberg, Reed, Pollard, Pappas, McLaughlan, Fife, Montague

**G. Community Interest Items from the Mayor and Council.**

Community interest items from the Mayor and City Council included thanks to the Bellaire Police Department for the RAD (Rape Aggression Defense) class offered as a service to residents; expression of thanks to the Bellaire Fire Department for sharing their badge pinning ceremony with City Council and the community and for hosting the memorial event held on 9-11; expression of thanks to Terrain Studio and their continued work on beautification; recognition of Police Chief Byron Holloway for his work with Special Olympics; and an expression of congratulations to all involved in the preparation of financial reports on their award of a "Certificate of Achievement for Excellence in Financial Reporting."

**H. Adjourn.**

Mayor Friedberg announced that the Regular Meeting was adjourned at 9:06 p.m. on Monday, September 12, 2016.



**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 10/10/16 06:00 PM  
Department: Parks, Recreation and  
Facilities  
Category: Code Suspension  
Department Head: Cheryl Bright-  
West  
DOC ID: 2045

**SCHEDULED  
ACTION ITEM (ID # 2045)**

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**Item Title:**

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending the application of Chapter 27, Streets, Sidewalks and Public Places, Article V, Public Parks, Section 27-95(a), Curfew Imposed, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Patrons for Bellaire Parks to hold a special event, Tents in Town, in Bellaire Zindler Park located in Bellaire Town Square, 7008 South Rice Avenue, Bellaire, Texas, on Saturday, November 5, 2016, said suspension to commence at 11:00 p.m. on Saturday, November 5, 2016, and to terminate at 5:00 a.m. on Sunday, November 6, 2016 - Submitted by Cheryl Bright-West, Assistant Director of Parks, Recreation and Facilities.

**Background/Summary:**

PATRONS for Bellaire Parks will partner again with the City of Bellaire for another Tents in Town community event to raise funds for Bellaire Parks. This will be the seventh urban camp-out where Bellaire families spend a fun filled afternoon and night in their own tents in Bellaire Town Square. "Tents in Town" (TNT) will take place on the night of Saturday, November 5, 2016. This joint effort between PATRONS, the Parks, Recreation, and Facilities Department and many local businesses as sponsors, has become a great community building adventure for Bellaire residents.

Anticipated participation is 300 maximum. The park will be secured throughout the event; participants will have special t-shirts and bracelets for identification; food will be cooked by Bellaire Optimist Club; Police and Fire Departments have been contacted to assist when needed; Parks, Recreation and Facilities will be assisting in other logistical needs.

In order for this event to take place, the curfew in Bellaire Zindler Park will have to be extended over the night of November 5, 2016. Currently the curfew is 11:00 p.m. until 5:00 a.m.

**Funding is not needed.**

**ATTACHMENTS:**

- TnT Curfew extension request 2016 (DOC)
- TNT Curfew Suspension Request 2016 Ordinance 2086 (DOC)



# PATRONS *for* BELLAIRE PARKS

Sept. 23, 2016

Mayor Andrew Friedberg and City Council members  
City of Bellaire  
7008 Rice Ave.  
Bellaire, TX 77401

Dear Mayor Friedberg and City Council members:

PATRONS for Bellaire Parks is excited to partner again with the City for another Tents in Town community event to raise funds for Bellaire Parks. We are beginning our planning for the Eighth urban campout where Bellaire families spend a fun filled afternoon and night in their own tents in Bellaire Town Square. Tents in Town will take place on the night of Saturday, November 5, 2016. This joint effort between PATRONS, the Bellaire Parks, Recreation and Facilities Department and many local businesses as sponsors, has become a great community building adventure for Bellaire residents.

In order for this event to take place we are asking Council for permission to extend the curfew in Bellaire Town Square over the night of Saturday, November 5, 2016. We would greatly appreciate your consideration in suspending the curfew ordinance for this event to allow attendees to camp overnight in Bellaire Town Square.

Thank you so very much for your support and consideration in this matter.

Respectfully submitted,

Michal Lutfak  
Tents in Town Co-Chair



## ORDINANCE NO. 16-\_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, TEMPORARILY SUSPENDING THE APPLICATION OF CHAPTER 27, STREETS, SIDEWALKS AND PUBLIC PLACES, ARTICLE V, PUBLIC PARKS, SECTION 27-95(A), CURFEW IMPOSED, OF THE CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS, FOR THE PURPOSE OF ALLOWING THE PATRONS FOR BELLAIRE PARKS TO HOLD A SPECIAL EVENT, TENTS IN TOWN, IN BELLAIRE ZINDLER PARK LOCATED IN BELLAIRE TOWN SQUARE, 7008 SOUTH RICE AVENUE, BELLAIRE, TEXAS, ON SATURDAY, NOVEMBER 5, 2016, SAID SUSPENSION TO COMMENCE AT 11:00 P.M. ON SATURDAY, NOVEMBER 5, 2016, AND TO TERMINATE AT 5:00 A.M. ON SUNDAY, NOVEMBER 6, 2016.**

**WHEREAS**, the Patrons for Bellaire Parks ("Patrons") desire to hold a community event to raise funds for Bellaire parks in Bellaire Zindler Park (located in Bellaire Town Square), 7008 South Rice Avenue, Bellaire, Texas, on Saturday, November 5, 2016, and extending through the night until the morning of Sunday, November 6, 2016; and

**WHEREAS**, the Patrons community event, Tents in Town (TNT), is an urban campout where Bellaire families spend a fun filled afternoon and night in their own tents in Bellaire Zindler Park; and

**WHEREAS**, in order for Tents in Town to take place, the Patrons have requested permission, by letter dated September 23, 2016, from the Bellaire City Council to suspend the curfew in Bellaire Zindler Park commencing at 11:00 p.m. on Saturday, November 5, 2016, and terminating at 5:00 a.m. on Sunday, November 6, 2016; **NOW, THEREFORE**,

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

- 1. THAT** the recitals set forth above are true and correct.
- 2. THAT** *Chapter 27, Streets, Sidewalks and Public Places, Article V, Public Parks, Section 27-95, Curfew Imposed, of the Code of Ordinances of the City of Bellaire, Texas*, is hereby temporarily suspended on Saturday, November 5, 2016, commencing at 11:00 p.m. and terminating at 5:00 a.m. on Sunday, November 6, 2016.
- 3. THAT** said temporary suspension shall only apply to the request from the Patrons for the Tents in Town event commencing on Saturday, November 5, 2016, and terminating on Sunday, November 6, 2016, in Bellaire

Zindler Park located in Bellaire Town Square, 7008 South Rice Avenue, Bellaire, Texas, and said suspension shall not apply to any other person or activity.

**4. THAT** said suspension of *Chapter 27, Streets, Sidewalks and Public Places, Article V, Public Parks, Section 27-95, Curfew Imposed*, of the *Code of Ordinances of the City of Bellaire, Texas*, shall terminate at 5:00 a.m. on Sunday, November 6, 2016, at which time said section of the *Code of Ordinances of the City of Bellaire, Texas*, shall be fully reinstated as if never suspended.

**PASSED** and **APPROVED** this 10<sup>th</sup> day of October, 2016.

(SEAL)

**ATTEST:**

**SIGNED:**

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

\_\_\_\_\_  
Andrew S. Friedberg  
Mayor

**APPROVED AS TO FORM:**

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

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 10/10/16 06:00 PM  
Department: City Clerk  
Category: Contract  
Department Head: Tracy L. Dutton  
DOC ID: 2046

**SCHEDULED  
ORDINANCE (ID # 2046)**

**Item Title:**

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, an Agreement Between Harris County and City of Bellaire Relating to Joint Elections to be held November 8, 2016, to provide election services for the City of Bellaire Bond Election - Submitted by Tracy L. Dutton, City Clerk.

**Background/Summary:**

Since approximately 1989, the City of Bellaire has been entering into a Joint Election Agreement with Harris County, Texas, during November of odd-numbered years for the purpose of sharing election expenditures with Harris County and other entities holding elections on the same date. Entering into a Joint Election Agreement also provides a convenience for our citizens in that they are able to cast their ballot on all positions and/or issues affecting them at one polling location.

If the agreement is approved, Bellaire will be able to share costs with 22 other entities that are holding elections this November. During early voting (October 24 - November 4), our citizens may vote at any of the 46 early voting polling places. On Election Day (November 8), our citizens will vote at their usual precinct location (128 - Bellaire Civic Center; 182 - Horn Elementary School; 214 - Gatherings Banquet Hall; 215 - Faith American Lutheran Church; and 268 - ChristChurch Presbyterian Fellowship Hall).

Compensation for use of Harris County's Voting System, equipment, supplies, staff, and other election services is estimated to be \$9,351.79, which includes our pro rata share (based on the total number of registered voters in each precinct) and 10% of the total amount of the agreement for Bellaire for general overall supervision and advisory services provided by Harris County.

**Previous Council Action Summary:**

An agreement with Harris County for election services was last entered into for the City's General Election held on November 3, 2015.

**Fiscal Impact:**

General Fund - Election Services  
Estimated Cost of \$9,351.79

**Recommendation:**

The City Clerk recommends approval of the agreement and adoption of an ordinance authorizing the execution of said agreement.

**ATTACHMENTS:**

- Joint Election Agreement with Harris County 2016 (DOC)

- Agreement Between Harris County and City of Bellaire Relating to Joint Elections to be held November 8 2016 (PDF)



**ORDINANCE NO. 16-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE AND ATTEST, RESPECTIVELY, FOR AND ON BEHALF OF THE CITY OF BELLAIRE, TEXAS, AN AGREEMENT BETWEEN HARRIS COUNTY AND CITY OF BELLAIRE RELATING TO JOINT ELECTIONS TO BE HELD NOVEMBER 8, 2016, TO PROVIDE ELECTION SERVICES FOR THE CITY OF BELLAIRE BOND ELECTION.**

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

**THAT** the Mayor and the City Clerk of the City of Bellaire, Texas, are each hereby authorized to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, an *Agreement Between Harris County and City of Bellaire Relating to Joint Elections to be Held November 8, 2016*, to provide election services for the City of Bellaire's Bond Election, in a form as attached hereto and marked Exhibit "A."

**PASSED** and **APPROVED** this, the 10th day of October, 2016.

(SEAL)

**ATTEST:**

**SIGNED:**

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

\_\_\_\_\_  
Andrew S. Friedberg  
Mayor

**APPROVED AS TO FORM:**

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

Ord. No. 16-\_\_\_\_\_

**AGREEMENT BETWEEN HARRIS COUNTY AND  
CITY OF BELLAIRE, RELATING TO JOINT ELECTIONS TO BE HELD  
NOVEMBER 8, 2016**

THE STATE OF TEXAS           §  
   §  
COUNTY OF HARRIS           §

THIS AGREEMENT is made and entered into by and between Harris County, a body corporate and politic under the laws of the State of Texas (hereinafter the "County"), and *CITY OF BELLAIRE*, a body corporate and politic under the laws of the State of Texas (hereinafter referred to as the "Entity").

**RECITALS:**

The County will be conducting a joint election on November 8, 2016 for multiple entities. The County will be using an electronic voting system, eSlate, (hereinafter "Voting System") that has been duly approved by the Secretary of State pursuant to Tex. Elec. Code Ann. §§122.031-122.039, §122.061, §122.091, as amended, and duly approved by the United States Justice Department for use in Harris County pursuant to Voting Rights Act of 1965.

Part or all of the Entity lies within the boundaries of Harris County.

The Entity desires to join the November 8, 2016 General and Special Elections (hereinafter referred to as the "November 8, 2016 Election") being conducted by the County.

The County desires to provide certain election services to the Entity for its election to be held on November 8, 2016.

**TERMS:**

In consideration of the mutual covenants, agreements and benefits to the parties, IT IS AGREED as follows:

**I. Entity's Responsibilities**

The Entity agrees that it has furnished the County with a list of race titles and proposition titles and proposition language, if any, for the November 8, 2016 Election. All information must be provided in all four languages.

The Entity agrees that it provided the County with a list of candidates' names and ballot positions for the November 8, 2016 Election.

Further, the Entity agrees that it has verified its current jurisdictional boundaries (including any and all separate districts) and the total number of Harris County precincts required by those jurisdictional boundaries by July 25, 2016. If the Entity failed to provide the County with this information by this stated deadline, then the County is hereby authorized to adopt the current jurisdictional boundaries and total number of Harris County precincts for the non-performing Entity that are provided to the County by the Harris County Voter Registrar's Office, and the non-performing Entity hereby agrees to the County's use of that information to fulfill the requirements of this paragraph.



The Entity shall agree to appoint positions as the Harris County Commissioners Court, Election Board and the Early Voting Clerk have appointed for positions such as all Election Day Presiding and Alternate Judges, Early Voting Judges and Clerks, Early Voting Ballot Board and Central Count Presiding and Alternate Judges, Central Count Manager and Tabulation Supervisor pursuant to the Texas Election Code. The Entity agrees to accept the Early Voting and Election Day polling places accepted by the Harris County Commissioners Court and the hours designated by Harris County for Early Voting.

The Entity agrees to prepare, post and publish any and all notices required of the Entity by state law for the November 8, 2016 Election. Unless otherwise expressly provided herein, the Entity agrees to do all things that may be required of it in connection with the November 8, 2016 Election. The Entity is responsible for the preparation of election orders, resolutions, notices and other pertinent documents for adoption or execution by the appropriate officer of the Entity with regard to the November 8, 2016 Election. The County shall not have any responsibility or duty in connection with such preparations by the Entity. The Entity is responsible for making their own submissions, if any is required or desired, to the United States Justice Department pursuant to the Voting Rights Act of 1965, as amended, and the County Entity shall have no responsibility or duty in connection with such submission relating to the November 8, 2016 Election.

Regarding Debt Obligation Elections, if an entity is holding a bond election, the Entity accepts the responsibility to ensure that the order of the election is posted at each polling location where its precincts will be voting on Election Day. The Entity will provide packets and place them in the supply kits the day before Election Day. The Entity will provide forty-seven (47) packets to be used for Early Voting to the County by October 5, 2016.

## II. County's Responsibilities

The County agrees to follow the Texas Election Code in the conduct of the November 8, 2016 General and Special Elections. The County agrees to provide mail ballots to all voters who request a ballot in the Entity's jurisdictions. The County shall provide space on the ballot sufficient to encompass all candidate races and issues of the Entity.

The County will provide the Entity with all dates and times for Early Voting no later than the 21<sup>st</sup> day before Election Day. The County agrees to provide polling locations for use during Early Voting. The County will arrange for the delivery of the Voting System equipment and other equipment and supplies for use in Early Voting by personal appearance in the November 8, 2016 Election. The County Clerk shall select election officers for the main Early Voting location, as well as any branch Early Voting location, pursuant to the Texas Election Code §85.009.

The County agrees to provide all equipment and supplies for use in Early Voting by mail in the November 8, 2016 Election. The County is authorized to employ or use such personnel, as it deems necessary or desirable, to prepare and conduct Early Voting by mail.

Further, the County agrees to provide all the Election Day polling places, Voting System equipment, and other equipment as it deems necessary or desirable for the holding of the November 8, 2016 Election and cause same to be delivered to the polling places. The County agrees to provide the Voting System to all polling places at least one (1) hour before the time set for opening the polls. The County shall determine the amount of voting equipment available for the November 8, 2016 Election and its decision shall be final.

The County will employ or use such personnel as it deems necessary to program and operate the automatic tabulating equipment in accordance with Texas Election Code.

The Harris County Commissioners Court shall appoint the Presiding and Alternate Election Judges for each county election precinct and the Central Counting Station, the Early Voting Ballot Board, Central Count Manager and Tabulation Supervisor according the Texas Election Code. Necessary additional appointments shall be made under the Texas Election Code. The County agrees to pay the Presiding Judges of the County and their clerks, pursuant to Tex. Elec. Code Ann. §§32.091-32.093 and 271.013, as amended, for their services in connection with the November 8, 2016 Election at the expense of the Entity. The County agrees to pay the Presiding Judge and clerks of the Early Voting Ballot Board to process Early Voting results pursuant to Tex. Elec. Code Ann. §§87.001-87.025, 87.101, and 87.103, as amended at the expense of the Entity.

The County agrees to perform its obligations under this Agreement in accordance with all applicable federal and state laws, rules and regulations.

Regarding the posting of Debt Obligation Election Orders, Harris County, as a courtesy, will post a copy of all Debt Obligation Election Orders in four (4) languages in a notebook on the qualifying table of every Early Voting location for this election. A notice, approved by the Secretary of State, will be posted on the wall stating that information regarding the Debt Obligation Election Orders is available. Regarding Election Day, the entity will provide the Debt Obligation Election Order in four (4) languages in an 8.5" by 11" white envelope with instructions for the judge to post the information on the qualifying table for each polling location in the Entity's jurisdiction, Harris County will assist as a representative of the Entity places the envelope with the judge's supplies to be picked up at Supply Handout. Harris County will train judges on the importance of making this information available. Harris County will use best efforts to collect the certificates of posting from all Early Voting and Election Day Judges. However, it is still the responsibility of the entity to ensure that the judge received the order and that the order was posted at each polling location within the jurisdiction.

### III. Compensation

The fair and reasonable compensation for use of the County's Voting System, equipment, supplies, and staff and for other services provided for administration of the election is detailed in the itemized list of estimated election expenses under **Exhibit A**, attached hereto and incorporated herein. The Entity agrees to pay its pro rata share of costs to the County for the Voting System, equipment, furniture, telephones, election kits, Early Voting Ballot by Mail, printing, supplies, delivery and transportation services, personnel, polling places, technical support, training, administrative costs and any other costs incurred by the Entity under this Agreement for the November 8, 2016 Election held by the County and the Entity and to share the cost of the November 8, 2016 Election in accordance with the terms of this Agreement.

The Entity's pro rata shares will be computed by attributing the total number of registered voters in each of the Entity's precincts that will be serviced by the County in the November 8, 2016 Election. The Voter Registry of the Entity, as of seventy (70) days before the November 8, 2016 Election, will be used to determine the total number of registered voters in each of the Entity's precincts. An estimate of the Entity's total cost is attached and incorporated herein as **Exhibit B**. The final determination of the Entity's pro rata share of the costs incurred by the County for November 8, 2016 Election necessary for the purposes contemplated by this Agreement shall be made by the County and its decision shall be final.

The fair and reasonable value of the general overall supervision and advisory services of the County in connection with decisions to be made and actions to be taken by officers of the Entity is ten percent (10%) of the total amount of the Agreement for the Entity, in accordance with the applicable provisions of Chapters 31 and 271 of the Texas Election Code, as amended.

The Entity agrees to pay the County this ten percent (10%) fee for advisory services for its November 8, 2016 Election. It is understood that the fees paid for these advisory services shall be deposited in a separate fund in the County treasury, in accordance with Tex. Elec. Code Ann. §31.100, as amended.

The Entity agrees to deliver sixty percent (60%) of their respective total estimated cost for its share of the November 8, 2016 Election to the County within ten (10) days of the execution of this Agreement. The County agrees to furnish a final accounting of the November 8, 2016 Election expenses actually incurred within ninety (90) days after the November 8, 2016 Election. The Entity agrees to pay the County's invoice for the balance of its November 8, 2016 Election expenses within thirty (30) days of receipt of the invoice. Payments, in the name of Harris County, must be submitted to Stan Stanart, Harris County Clerk, Attn: Elections Division, P.O. Box 1148, Houston, TX 77251-1148. Copies of all related invoices, records or documentation used in calculating the total cost of the elections will be made available as soon as practicable by the County upon written request to the County at the address above. Within ten (10) days of execution of this Agreement, the County will provide the Entity with a Personal Entity I.D. ("PEID") number assigned by the County Auditor. Each payment by the Entity to the County shall reference and include their respective PEID number.

Waiver of any penalty fees imposed upon the Entity under this Agreement is at the discretion of the County.

#### **IV. Additional Entities**

It is understood that other political subdivisions may wish to participate in the November 8, 2016 Election and request the use of the above-mentioned election equipment, voting places and personnel, etc. It is agreed that the County may contract with other political subdivisions for such purposes. It is understood and agreed that the County will use the same formula for determining a pro rata share for each entity as described in this Agreement.

#### **V. Cancellation of Election**

In the event the Entity's November 8, 2016 Election is enjoined or canceled, or if for any reason whatsoever the Entity shall decide not to proceed with its November 8, 2016 Election, the Entity agrees that it shall be responsible for its share of any costs and expenses incurred by the County up to the cancellation date.

#### **VI. Presiding Judges and Clerks**

Presiding Judges and clerks shall be selected pursuant to the Texas Election Code Chapter 32. Regarding powers and duties, the Presiding Judge is in charge of and responsible for the management and conduct of the election at the polling place of the election precinct that the judge serves. See Texas Election Code Section 32.071.

#### **VII. Notice**

Any notices permitted or required to be given under this Agreement must be made by certified mail, return receipt requested or hand-delivered to the parties at the following addresses:

Harris County:

Harris County Clerk  
1001 Preston, 4<sup>th</sup> Floor  
Houston, TX 77002  
Attention: Maureen McDonald

Entity:

CITY OF BELLAIRE  
7008 South Rice Avenue  
Bellaire, Texas 77401  
Attention: Tracy Dutton

### VIII. Termination

Each party may terminate this agreement upon thirty days (30) notice as provided in this agreement. Should the Entity terminate this contract, the Entity shall be responsible for its pro rata share of expenses incurred up unto the time of termination or as described herein specifically.

### IX. Miscellaneous

Third Party Beneficiaries. The County is not obligated or liable to any party other than the Entity for the performance of this Agreement. Nothing in the Agreement is intended or shall be deemed or construed to create or increase any additional rights or remedies in any third party, or the duties or responsibilities of the County with respect to any third party.

Successors and Assigns. The County and Entity bind themselves and their successors, executors, administrators, and assigns to the other party of this Agreement and to the successors, executors, administrators and assigns of such other party, in respect to all covenants of this Agreement. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body, which may be a Party hereto.

Applicable Law and Venue. This Agreement is governed by the laws of the State of Texas. The Agreement is subject to Texas state and federal laws, orders, rules, and regulations. Each Party shall comply with all applicable federal, state, and local laws, ordinances, rules, and regulations concerning the performance of this Agreement.

Entire Agreement. This instrument contains the entire agreement between the parties. Any oral or written representations or modifications concerning this instrument shall be of no force and effect excepting a subsequent modification in writing signed by both parties to this Agreement.

Severability. If any provision of this Agreement is construed to be illegal or invalid, this will not affect the legality or validity of any of the other provisions hereof. The illegal or invalid provisions will be deemed stricken and deleted here from to the same extent and effect as if never incorporated herein.

Subtitles. The subtitles in this Agreement are provided for organizational purposes only and do not provide substantive meaning to the Agreement.

Multiple Counterparts. This Agreement will be executed in several counterparts, each of which shall be an original and all of which shall constitute but one instrument.

EXECUTED on this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

**HARRIS COUNTY**

\_\_\_\_\_  
STAN STANART  
County Clerk

APPROVED AS TO FORM:

VINCE RYAN  
County Attorney

By \_\_\_\_\_  
DOUGLAS P. RAY  
Assistant County Attorney

ATTEST/SEAL:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

CITY OF BELLAIRE

Signed by:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

COUNTERSIGNED BY:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

DATE COUNTERSIGNED:

\_\_\_\_\_

APPROVED AS TO FORM:

Name: \_\_\_\_\_

Attorney for CITY OF BELLAIRE



Item	Estimated Costs			Actual Costs		
	Qty.	Cost	Total	Qty.	Cost	Total
<b>EARLY VOTING</b>						
Early Voting/Absentee Personnel			\$1,120,000.00	Early Voting Personnel and Absentee Personnel		\$0.00
Ballot Board			\$46,200.00			\$0.00
Early Voting Polling Places			\$2,500.00			\$0.00
Sheriff/Constables (security)			\$2,500.00			\$0.00
<b>Ballot by Mail</b>						
Postage	110,000		\$135,255.00			\$0.00
Absentee/Early Print & Supply			\$86,105.00			\$0.00
			\$1,392,560.00			\$0.00
<b>Equipment - 46 EV locations</b>						
JBC	188	\$129.75	\$24,393.00	0	\$129.75	\$0.00
DAU	116	\$156.24	\$18,123.84	0	\$156.24	\$0.00
eSlate	1265	\$132.49	\$167,599.85	0	\$132.49	\$0.00
Caddy	189	\$29.25	\$5,528.25	0	\$29.25	\$0.00
			\$215,644.94			\$0.00
<b>ELECTION DAY</b>						
Training Booklets	8000	\$2.02	\$16,160.00		\$2.02	\$0.00
Judge/Clerk Payroll, eSlate Training, Judge Supply Pickup, Law School			\$860,000.00	Judge/Clerk Payroll, eSlate Training, Judge Supply Pickup, Law School		\$0.00
Interpreters' Training			\$4,500.00			\$0.00
Training Sites			\$10,000.00			\$0.00
Technical Support			\$190,000.00			\$0.00
Trainers			\$25,000.00			\$0.00
Polling Places	765		\$220,000.00			\$0.00
Election Day Print & Supplies	765		\$95,000.00			\$0.00
			\$1,420,660.00			\$0.00
<b>Equipment - 765 ED locations</b>						
JBC	1530	\$129.75	\$198,517.50	0	\$129.75	\$0.00
DAU	1530	\$156.24	\$239,047.20	0	\$156.24	\$0.00
eSlate	5545	\$132.49	\$734,657.05	0	\$132.49	\$0.00
Caddy	1308	\$29.25	\$38,259.00	0	\$29.25	\$0.00
			\$1,210,480.75			\$0.00
<b>ELECTION NIGHT</b>						
Sheriff/Constables (security)			\$10,000.00			\$0.00
Satellite Sites (security)			\$10,000.00			\$0.00
<b>SERVICES</b>						
Coding fee	1	\$1,800.00	\$1,800.00	0	\$1,800.00	\$0.00
Tally Equipment	1	\$220.00	\$220.00	0	\$220.00	\$0.00
<b>Delivery</b>						
Early Voting	46		\$17,480.00			\$0.00
Election Day	765		\$92,500.00			\$0.00
ETC Pickup and Deliveries	50		\$3,500.00			\$0.00
			\$135,500.00			\$0.00
Miscellaneous			\$80,000.00			\$0.00
<b>Base Contract Total</b>			\$4,454,845.69			\$0.00
<b>10% Fee [TEC Sect. 31.100 (d)]</b>			\$445,484.57			\$0.00
<b>Total</b>			\$4,900,330.26			\$0.00
<b>Deposit</b>			\$2,940,198.16			\$0.00
<b>Amount Due</b>			\$1,960,132.10			\$0.00



Exhibit B Estimate

November 8, 2016

General and Special Elections

	% Share	Base Cost	Admin 10%	Total	Deposit	Remaining
	100.00%	\$4,454,845.69	\$445,484.57	\$4,900,330.26	\$2,940,198.16	\$1,960,132.10
HARRIS COUNTY	74.52%	\$3,319,622.26	\$331,962.23	\$3,651,584.49	\$2,190,950.69	\$1,460,633.80
HOUSTON ISD	16.33%	\$727,470.51	\$72,747.05	\$800,217.56	\$480,130.54	\$320,087.02
KLEIN ISD	3.26%	\$145,096.55	\$14,509.66	\$159,606.21	\$95,763.72	\$63,842.48
SPRING ISD	2.00%	\$89,056.82	\$8,905.68	\$97,962.50	\$58,777.50	\$39,185.00
CLEAR LAKE CITY W.A.	0.95%	\$42,453.05	\$4,245.30	\$46,698.35	\$28,019.01	\$18,679.34
TOMBALL ISD	0.77%	\$34,138.82	\$3,413.88	\$37,552.70	\$22,531.62	\$15,021.08
CITY OF BAYTOWN	0.37%	\$16,652.21	\$1,665.22	\$18,317.43	\$10,990.46	\$7,326.97
CHANNELVIEW ISD	0.33%	\$14,763.36	\$1,476.34	\$16,239.69	\$9,743.82	\$6,495.88
SHELDON ISD	0.30%	\$13,324.44	\$1,332.44	\$14,656.89	\$8,794.13	\$5,862.76
HUFFMAN ISD	0.23%	\$10,269.76	\$1,026.98	\$11,296.73	\$6,778.04	\$4,518.69
CITY OF BELLAIRE	0.19%	\$8,501.63	\$850.16	\$9,351.79	\$5,611.07	\$3,740.72
MEMORIAL VILLAGE W.A.	0.17%	\$7,727.52	\$772.75	\$8,500.27	\$5,100.16	\$3,400.11
HARRIS COUNTY ESD 8	0.17%	\$7,573.24	\$757.32	\$8,330.56	\$4,998.34	\$3,332.22
CITY OF HOUSTON/HEIGHTS	0.16%	\$7,127.75	\$712.78	\$7,840.53	\$4,704.32	\$3,136.21
WOODLANDS TOWNSHIP	0.08%	\$2,655.70	\$265.57	\$2,921.27	\$1,752.76	\$1,168.51
HARRIS COUNTY WCID NO. 089	0.06%	\$2,818.22	\$281.82	\$3,100.05	\$1,860.03	\$1,240.02
HARRIS COUNTY MUD 50	0.04%	\$1,571.36	\$157.14	\$1,728.49	\$1,037.10	\$691.40
HARRIS COUNTY MUD 61	0.03%	\$1,265.27	\$126.53	\$1,391.79	\$835.08	\$556.72
CITY OF LEAGUE CITY	0.02%	\$971.16	\$97.12	\$1,068.27	\$640.96	\$427.31
NEW CANEY ISD	0.01%	\$900.00	\$90.00	\$990.00	\$594.00	\$396.00
SAINT GEORGE MGMT DIST.	0.01%	\$900.00	\$90.00	\$990.00	\$594.00	\$396.00
HARRIS COUNTY MUD 416	0.00%	\$900.00	\$90.00	\$990.00	\$594.00	\$396.00
OLD TOWN SPRING I.D.	0.00%	\$900.00	\$90.00	\$990.00	\$594.00	\$396.00

Attachment: Agreement Between Harris County and City of Bellaire Relating to Joint Elections to be held November 8 2016 (2046 : Joint

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 10/10/16 06:00 PM  
Department: Public Works  
Category: Ordinance  
Department Head: Brant Gary  
DOC ID: 2014

**SCHEDULED  
ORDINANCE (ID # 2014)**

**Item Title:**

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor 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 One Way Striping & Signs, for the performance of striping services in an amount not to exceed \$78,143.00.

**Background/Summary:**

On August 9, 2016, three (3) bids were received and opened for the FY 2016 Street Striping Project, Bid No. 16-005. Of the bids received, One Way Striping & Signs was the lowest with a bid of \$78,143.00.

The project involves the removal and reapplication of existing street striping on Bissonnet and Fournance.

Additional streets may be added at a later date through a contract change order. The addition of these streets will remain within the \$100,000 originally budgeted for this project, and there for would not be required to come back to Council.

**Previous Council Action Summary:**

Council approved the FY 2016 Budget, which included the FY 2016 Street Striping Project in the CIP on September 15, 2015.

Council awarded ARKK Engineering the Design Contract for the FY 2016 Streets and Sidewalk Pavement Management Project on November 2, 2015, which included design work for the FY 2016 Street Striping Project.

**Fiscal Impact:**

As a part of the FY 2016 Adopted CIP, approved by Council, \$2,030,618.00 was approved for the Pavement Maintenance Program, of which \$100,000 was anticipated for the FY 2016 Street Striping Project.

**Recommendation:**

Brant Gary, Director of Public Works, recommends adoption of this ordinance awarding the FY 2016 Streets and Sidewalk Pavement Management Construction contract to One Way Striping & Signs.

**ATTACHMENTS:**

- FY 2016 Street Striping Project Letter of Recommendation (PDF)
- FY 2016 Striping Project Construction Ordinance (DOCX)
- FY 2016 Street Striping Project Construction Standard Form of Agreement (DOCX)

**LETTER OF RECOMMENDATION**  
**for**  
**FY 2016 STREET STRIPING PROJECT**



**CITY OF BELLAIRE**

**AUGUST, 2016**

**ARKK JOB NO. 15-038b**



*City of Bellaire*  
*FY 2016 Street Striping Project*

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Attachment: FY 2016 Street Striping Project Letter of Recommendation (2014 : Award FY 2016 Street Striping Contract)

LETTER OF RECOMMENDATION



August 22, 2016

Mr. Brant Gary  
 Director of Public Works  
 City of Bellaire  
 7008 S. Rice Ave.  
 Bellaire, Texas 77401

Re: **Letter of Recommendation for  
 FY 2016 Street Striping Project**  
 City of Bellaire  
 ARKK Job No. 15-038b

Dear Mr. Gary:

On August 9, 2016, three (3) bids were received for the above referenced project. This project involves the removal and reapplication of existing street striping of various streets throughout the City.

The following is a summary of our bid evaluation:

1. Bid Tabulation Sheet – Three (3) construction firms participated in the bidding process. The bids were checked for mathematical errors and/or bid irregularities. The City's construction budget for this project is \$100,000.00
2. The bids for the total project are as follows:

A copy of the bid tabulation is enclosed with this letter.

Bidder	Base Bid
One Way Striping & Signs	\$78,143.00
Batterson	\$88,620.00
Stripes & Stops Co., Inc.	\$127,116.96

3. Qualifications and References – One Way Striping & Signs provided a List of Qualifications for this project. The references provided by One Way Striping & Signs were contacted and information on their performance and capabilities to perform similar work was obtained. The references contacted indicated that One Way Striping & Signs completed the work in a timely manner and they were satisfied with their work.

One Way Striping & Signs appears to be a responsible firm that is capable of performing the specified work in a satisfactory manner. For these reasons, we recommend that the City of Bellaire award the **FY 2016 Street Striping Project to One Way Striping & Signs for a total amount of \$78,143.00**

If you have any questions, please contact me.

Sincerely,

ARKK ENGINEERS, LLC



James B. Andrews, P.E.  
City Engineer



# BID TABULATION

ITEM NO.	ITEM DESCRIPTION	UNIT	QUAN.	LOW BIDDER		Batterson LLP		Stripes & Stops	
				One Way Striping & Signs					
BASE BID ITEMS									
1	Removing Pavement Striping & Markings (4" width) ANY COLOR/SOLID, Complete in Place, the Sum of:	L.F.	39,240	\$0.15	\$5,886.00	\$0.32	\$12,556.80	\$0.56	\$21,974.40
2	Reflectorized Pavement Markings Type I (Thermoplastic) 4" White/Solid, including Sealant, Complete in Place, the Sum of:	L.F.	3,780	\$0.60	\$2,268.00	\$0.41	\$1,549.80	\$0.65	\$2,457.00
3	Reflectorized Pavement Markings Type I (Thermoplastic) 4" Yellow/Solid, including Sealant, Complete in Place, the Sum of:	L.F.	35,860	\$0.60	\$21,516.00	\$0.41	\$14,702.60	\$0.65	\$23,309.00
4	Removing Pavement Striping & Markings (8" width) ANY COLOR/SOLID, Complete in Place, the Sum of:	L.F.	160	\$0.25	\$40.00	\$0.48	\$76.80	\$1.12	\$179.20
5	Reflectorized Pavement Markings Type I (Thermoplastic) 8" White/Solid, including Sealant, Complete in Place, the Sum of:	L.F.	160	\$1.20	\$192.00	\$1.10	\$176.00	\$1.30	\$208.00
6	Removing Pavement Striping & Markings (12" width) ANY COLOR/SOLID, Complete in Place, the Sum of:	L.F.	7,220	\$0.35	\$2,527.00	\$1.30	\$9,386.00	\$1.68	\$12,129.60
7	Reflectorized Pavement Markings Type I (Thermoplastic) 12" White/Solid, including Sealant, Complete in Place, the Sum of:	L.F.	7,220	\$1.80	\$12,996.00	\$2.20	\$15,884.00	\$3.00	\$21,660.00
8	Removing Pavement Striping & Markings (24" width) ANY COLOR/SOLID, Complete in Place, the Sum of:	L.F.	3,490	\$0.70	\$2,443.00	\$1.60	\$5,584.00	\$4.00	\$13,960.00
9	Reflectorized Pavement Markings Type I (Thermoplastic) 24" White/Solid, including Sealant, Complete in Place, the Sum of:	L.F.	3,490	\$6.00	\$20,940.00	\$5.10	\$17,799.00	\$6.00	\$20,940.00
10	Removing Pavement Markings ("ONLY"), Complete in Place, the Sum of:	EA.	8	\$30.00	\$240.00	\$48.00	\$384.00	\$37.80	\$302.40
11	Reflectorized Pavement Markings Type I (Thermoplastic) Word "ONLY", including Sealant, Complete in Place, the Sum of:	EA.	8	\$110.00	\$880.00	\$180.00	\$1,440.00	\$150.00	\$1,200.00
12	Removing Pavement Markings (Arrows), Complete in Place, the Sum of:	EA.	5	\$30.00	\$150.00	\$27.00	\$135.00	\$28.56	\$142.80
13	Reflectorized Pavement Markings Type I (Thermoplastic) Arrow, including Sealant, Complete in Place, the Sum of:	EA.	5	\$110.00	\$550.00	\$140.00	\$700.00	\$125.00	\$625.00
14	Removing Pavement Markings (Combination Arrows), Complete in Place, the Sum of:	EA.	2	\$30.00	\$60.00	\$48.00	\$96.00	\$50.40	\$100.80
15	Reflectorized Pavement Markings Type I (Thermoplastic) (LEFT-STRAIGHT-RIGHT-ONLY, Combination Arrows, etc...), including Sealant, Complete in Place, the Sum of:	EA.	2	\$130.00	\$260.00	\$180.00	\$360.00	\$150.00	\$300.00
16	Removing Pavement Markings (Handicap Symbol), Complete in Place, the Sum of:	EA.	2	\$30.00	\$60.00	\$80.00	\$160.00	\$26.88	\$53.76
17	Reflectorized Pavement Markings Type I (Thermoplastic) Handicap Symbol, including Sealant, Complete in Place, the Sum of:	EA.	2	\$130.00	\$260.00	\$340.00	\$680.00	\$350.00	\$700.00
18	Yellow Curb Paint for Bull Nose, Complete in Place, the Sum of:	L.F.	1,500	\$1.25	\$1,875.00	\$1.30	\$1,950.00	\$1.25	\$1,875.00
19	Allowance for miscellaneous items, complete in place, the sum of	L.S.	1	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
TOTAL BASE BID ITEMS:				\$78,143.00		\$88,620.00		\$127,116.96	
MATHEMATICAL ERROR CORRECTED BY ENGINEER									

BID PROPOSAL

*City of Bellaire*  
*FY 2016 Street Striping Project*

**BID PROPOSAL**  
**BID FOR UNIT PRICE CONTRACT**

PLACE: Bellaire, Texas

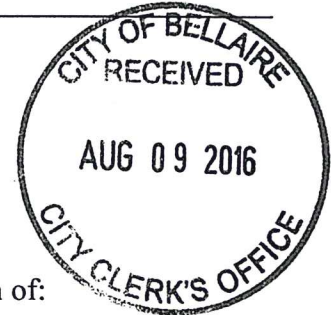
DATE: 08-09-2016

PROJECT NO. 16-005

Proposal of \_\_\_\_\_

(Hereinafter called "Bidder")

TO: THE HONORABLE MAYOR AND CITY COUNCIL  
 CITY OF BELLAIRE, TEXAS  
 (Hereinafter called "Owner")



The Bidder, in compliance with your invitation for bids for the construction of:

**FY 2016 STREET STRIPING PROJECT**

having carefully examined the plans, specifications, instructions to bidders, notice to bidders and all other related contract documents and the site of the proposed work, and being familiar with all of the conditions surrounding the construction of the proposed project including the availability of materials and labor, hereby proposes to furnish all labor, materials and supplies and to construct the project in accordance with the plans, specifications and contract documents, within the time set forth therein and at the prices stated in Exhibit "A" attached hereto.

The Bidder binds himself, upon acceptance of his proposal, to execute a contract and any required bonds, according to the accompanying forms, for performing and completing the said work within the time stated and for the prices stated in Exhibit "A" of this proposal.

Bidder hereby agrees to commence the work on the above project on or before a date to be specified in a written "Notice to Proceed" of the Owner and to fully complete the project within **90 consecutive calendar** days thereafter as stipulated in the specifications and other contract documents. Bidder hereby further agrees to pay to Owner as liquidated damages the sum of **\$400.00** for each consecutive calendar day in excess of the time set forth hereinabove for completion of this project, all as more fully set forth in the General Conditions of the contract documents.

The following unit prices are bid and shall be complete compensation as measured in place for all materials, labor, overhead, profits and any other cost that is necessary to complete the job to the Engineers specifications and satisfaction. It is also understood that the quantities shown are only an estimate of the work to be done. No re-negotiation of prices bid will be made for over runs or under runs of quantities.

City of Bellaire  
FY 2016 Street Striping Project

Bidder understands and agrees that this bid proposal shall be completed and submitted in accordance with the General Instructions to Bidders.

Bidder understands that the Owner reserves the right to reject any or all bids, use deductible bid items and to waive any formality in the bidding.

Bidder agrees that this bid shall be good and may not be withdrawn for a period of ninety (90) calendar days after the scheduled closing time for receiving bids.

Bidder acknowledges receipt of the following addenda:

ADDENDUM # 01  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned Bidder hereby declares that he has visited the site of the work and has carefully examined the plans, specifications and contract documents pertaining to the work covered by this bid, and he further agrees to commence work on or before the date specified in the written notice to proceed and to substantially complete the work on which he has bid, as provided in the contract documents.

Enclosed with this proposal is a cashier's check or certified check for \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) or a bid bond in the sum of TEN PERCENT C.A.B (\$ 10% C.A.B) as which it is agreed shall be collected and retained by the Owner as liquidated damages in the event the proposal is accepted by the Owner and the undersigned fails to execute the necessary contract documents and the required bonds (if any) with the Owner within ten (10) days after the date of receipt of written notification of acceptance of said proposal; otherwise said check or bond shall be returned to the undersigned upon demand.

Discrepancies in the multiplication of units of Work and unit prices will be resolved in favor of unit prices. Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the correct sum.

The unit prices shall include all labor, materials, dewatering, shoring, removal, overhead, incidental costs, fees, profit, insurance, etc., to cover the finished work of the several kinds called for.



City of Bellaire  
FY 2016 Street Striping Project

Bidder understands and agrees that the contract to be executed by Bidder shall be bound and include all contract documents made available to him for his inspection in accordance with the Notice to Bidders.

ONE WAY STRIPING AND SIGNS, LLC  
Bidder

By: Reiah A. Dodeli  
Signature

Type or Print:

Bidder's ONEWAY STRIPING AND SIGNS LLC  
Name: By RICHARDO TODESCUENE

(If Bidder is a Corporation)

Bidder's  
Address: P.O. BOX 270291  
HOUSTON, TX 77277

Attest:

  
Secretary

(Corporate Seal)

Name of  
Person Signing: MARIO GONZALEZ  
Office Held: SECRETARY, VICE-PRESIDENT

## City of Bellaire

## FY 2016 - Street Striping Project

Fournace Place, Avenue B, Ferris Drive, Jessamine Street, Cedar Street, 5th Street, Renwick Drive, 2nd Street, &amp; 3rd Street

Exhibit "A"

## BID PROPOSAL

Item No.	Item Description	Unit	Est. Quan.	Unit Price	Total Amount
<b>BASE BID ITEMS - STRIPING</b>					
1	Removing Pavement Striping & Markings (4" width) ANY COLOR/SOLID, Complete in Place, the Sum of:	L.F.	39240	\$ 0. <sup>15</sup>	\$ 5,886 <sup>00</sup>
2	Reflectorized Pavement Markings Type I (Thermoplastic) 4" White/Solid, including Sealant, Complete in Place, the Sum of:	L.F.	3780	\$ 0. <sup>60</sup>	\$ 2,268 <sup>00</sup>
3	Reflectorized Pavement Markings Type I (Thermoplastic) 4" Yellow/Solid, including Sealant, Complete in Place, the Sum of:	L.F.	35860	\$ 0. <sup>60</sup>	\$ 21,516 <sup>00</sup>
4	Removing Pavement Striping & Markings (8" width) ANY COLOR/SOLID, Complete in Place, the Sum of:	L.F.	160	\$ 0. <sup>25</sup>	\$ 40 <sup>00</sup>
5	Reflectorized Pavement Markings Type I (Thermoplastic) 8" White/Solid, including Sealant, Complete in Place, the Sum of:	L.F.	160	\$ 1. <sup>20</sup>	\$ 192 <sup>00</sup>
6	Removing Pavement Striping & Markings (12" width) ANY COLOR/SOLID, Complete in Place, the Sum of:	L.F.	7220	\$ 0. <sup>35</sup>	\$ 2,527 <sup>00</sup>
7	Reflectorized Pavement Markings Type I (Thermoplastic) 12" White/Solid, including Sealant, Complete in Place, the Sum of:	L.F.	7220	\$ 1. <sup>80</sup>	\$ 12,996 <sup>00</sup>
8	Removing Pavement Striping & Markings (24" width) ANY COLOR/SOLID, Complete in Place, the Sum of:	L.F.	3490	\$ 0. <sup>70</sup>	\$ 2,443 <sup>00</sup>
9	Reflectorized Pavement Markings Type I (Thermoplastic) 24" White/Solid, including Sealant, Complete in Place, the Sum of:	L.F.	3490	\$ 6. <sup>00</sup>	\$ 20,940 <sup>00</sup>
10	Removing Pavement Markings ("ONLY"), Complete in Place, the Sum of:	EA.	8	\$ 30. <sup>00</sup>	\$ 240 <sup>00</sup>
11	Reflectorized Pavement Markings Type I (Thermoplastic) Word "ONLY", including Sealant, Complete in Place, the Sum of:	EA.	8	\$ 110. <sup>00</sup>	\$ 880 <sup>00</sup>
12	Removing Pavement Markings (Arrows), Complete in Place, the Sum of:	EA.	5	\$ 30. <sup>00</sup>	\$ 150 <sup>00</sup>
13	Reflectorized Pavement Markings Type I (Thermoplastic) Arrow, including Sealant, Complete in Place, the Sum of:	EA.	5	\$ 110. <sup>00</sup>	\$ 550 <sup>00</sup>
14	Removing Pavement Markings (Combination Arrows), Complete in Place, the Sum of:	EA.	2	\$ 30. <sup>00</sup>	\$ 60 <sup>00</sup>
15	Reflectorized Pavement Markings Type I (Thermoplastic) (LEFT-STRAIGHT-RIGHT-ONLY, Combination Arrows, etc...), including Sealant, Complete in the Place, the Sum of:	EA.	2	\$ 130. <sup>00</sup>	\$ 260 <sup>00</sup>
16	Removing Pavement Markings (Handicap Symbol), Complete in Place, the Sum of:	EA.	2	\$ 30. <sup>00</sup>	\$ 60 <sup>00</sup>
17	Reflectorized Pavement Markings Type I (Thermoplastic) Handicap Symbol, including Sealant, Complete in Place, the Sum of:	EA.	2	\$ 130. <sup>00</sup>	\$ 260 <sup>00</sup>
18	Yellow Curb Paint for Bull Nose, Complete in Place, the Sum of:	L.F.	1500	\$ 1. <sup>25</sup>	\$ 1,875 <sup>00</sup>
19	Allowance for miscellaneous items, complete in place, the sum of	L.S.	1	\$ 5,000.00	\$ 5,000.00

SUBTOTAL BASE BID STRIPING ITEMS:

78,143<sup>00</sup>



# BID BOND



## BID BOND

**KNOW ALL MEN BY THESE PRESENTS**, that we One Way Striping and Signs, LLC as principal, hereinafter called the "Principal," and **SURETEC INSURANCE COMPANY**, 1330 Post Oak Boulevard, Suite 1100, Houston, Tx 77056, as surety, hereinafter called the "Surety," are held and firmly bound unto City of Bellaire TX as obligee, hereinafter called the Obligee, in the sum of Ten Percent of the Greatest Amount Bid Percent (10% GAB%) of the Amount Bid by Principal for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

**WHEREAS**, the principal has submitted a bid for City of Bellaire - FY 2016 Street Striping Project.

**NOW, THEREFORE**, if the contract be timely awarded to the Principal and the Principal shall within such time as specified in the bid, enter into a contract in writing or, in the event of the failure of the Principal to enter into such Contract, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

**PROVIDED, HOWEVER**, neither Principal nor Surety shall be bound hereunder unless Obligee prior to execution of the final contract shall furnish evidence of financing in a manner and form acceptable to Principal and Surety that financing has been firmly committed to cover the entire cost of the project.

SIGNED, sealed and dated this 29th day of July, 2016.

One Way Striping and Signs, LLC  
(Principal)

BY: Reinal A. Dolecki

TITLE: PRESIDENT

SureTec Insurance Company

BY: Robert M. Overbey, Jr., Attorney-in-Fact



# SureTec Insurance Company

## LIMITED POWER OF ATTORNEY

**Know All Men by These Presents**, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Robert M. Overbey Jr., Carol E. Hock, Suzonne Denise Lawrence

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for:

Five Million and 00/100 Dollars (\$5,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment shall continue in force until 12/31/2016 and is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

*Be it Resolved*, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

*Be it Resolved*, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Adopted at a meeting held on 20<sup>th</sup> of April, 1999.)

**In Witness Whereof**, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 21st day of March, A.D. 2013.

SURETEC INSURANCE COMPANY

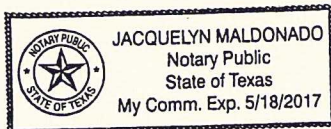
By: [Signature]  
John Knox Jr., President

State of Texas  
County of Harris

SS:



On this 21st day of March, A.D. 2013 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.



[Signature]  
Jacquelyn Maldonado, Notary Public  
My commission expires May 18, 2017

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 29<sup>th</sup> day of July, 2016, A.D.

[Signature]  
M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.  
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:00 am and 5:00 pm CST.

# SureTec Insurance Company

## THIS BOND RIDER CONTAINS IMPORTANT COVERAGE INFORMATION

### Statutory Complaint Notice/Filing of Claims

To obtain information or make a complaint: You may call the Surety's toll free telephone number for information or to make a complaint or file a claim at: 1-866-732-0099. You may also write to the Surety at:

SureTec Insurance Company  
9737 Great Hills Trail, Suite 320  
Austin, Tx 78759

You may contact the Texas Department of Insurance to obtain information on companies, coverage, rights or complaints at 1-800-252-3439. You may write the Texas Department of Insurance at

PO Box 149104  
Austin, TX 78714-9104  
Fax#: 512-490-1007  
Web: <http://www.tdi.state.tx.us>  
Email: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

**PREMIUM OR CLAIM DISPUTES:** Should you have a dispute concerning your premium or about a claim, you should contact the Surety first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

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# REFERENCE SHEETS

REFERENCE: SER Construction  
TELEPHONE NO.: 281-830-9504  
CONTACT: Ramesh Pavaluri  
PROJECT: Several

### QUESTIONS

1. How did One Way Striping and Signs perform on the project? (On a scale of 1-10)

ANSWER: 9

2. Were you satisfied with their performance?

ANSWER: Yes

3. How would you rate the quality of their work? (On a scale of 1-10)

ANSWER: 9

4. How would you rate their ability to coordinate the work with neighboring property owners?  
(Scale of 1-10)

ANSWER: N/A SER coordinated with the neighboring property owners.

5. Did they have any problems with the job? If so, what was the nature of the problem?

ANSWER: No

6. Were there many change orders on the project? If so, what were the reasons? Were they reasonable?

ANSWER: No

7. Were they able to complete the project within the time allotted? If not, what was the reason?

ANSWER: Yes

8. How would you rate their ability to cooperate with a client? (On a scale of 1-10)

ANSWER: 9

9. Would you like to have them perform a job for you again?

ANSWER: Yes

10. Do you see them capable of performing larger projects?

ANSWER: Yes



REFERENCE: Menade  
TELEPHONE NO.: 281-348-0853  
CONTACT: David Schomer  
PROJECT: Several

### QUESTIONS

1. How did One Way Striping and Signs perform on the project? (On a scale of 1-10)

ANSWER: 10

2. Were you satisfied with their performance?

ANSWER: Yes

3. How would you rate the quality of their work? (On a scale of 1-10)

ANSWER: 10

4. How would you rate their ability to coordinate the work with neighboring property owners?  
(Scale of 1-10)

ANSWER: 10

5. Did they have any problems with the job? If so, what was the nature of the problem?

ANSWER: No

6. Were there many change orders on the project? If so, what were the reasons? Were they reasonable?

ANSWER: Yes, they were warranted.

7. Were they able to complete the project within the time allotted? If not, what was the reason?

ANSWER: Yes

8. How would you rate their ability to cooperate with a client? (On a scale of 1-10)

ANSWER: 10

9. Would you like to have them perform a job for you again?

ANSWER: Yes

10. Do you see them capable of performing larger projects?

ANSWER: Yes



REFERENCE: R. Construction Co.  
TELEPHONE NO.: 713-334-5757  
CONTACT: Brody Maedgen  
PROJECT: Several

### QUESTIONS

1. How did One Way Striping and Signs perform on the project? (On a scale of 1-10)

ANSWER: 10

2. Were you satisfied with their performance?

ANSWER: Yes

3. How would you rate the quality of their work? (On a scale of 1-10)

ANSWER: 10

4. How would you rate their ability to coordinate the work with neighboring property owners?  
(Scale of 1-10)

ANSWER: 10

5. Did they have any problems with the job? If so, what was the nature of the problem?

ANSWER: No

6. Were there many change orders on the project? If so, what were the reasons? Were they reasonable?

ANSWER: No

7. Were they able to complete the project within the time allotted? If not, what was the reason?

ANSWER: Yes

8. How would you rate their ability to cooperate with a client? (On a scale of 1-10)

ANSWER: 10

9. Would you like to have them perform a job for you again?

ANSWER: Yes

10. Do you see them capable of performing larger projects?

ANSWER: Yes



**ORDINANCE NO. 16-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AUTHORIZING THE MAYOR AND THE CITY CLERK OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE AND ATTEST, RESPECTIVELY, FOR AND ON BEHALF OF THE CITY OF BELLAIRE, TEXAS, A *STANDARD FORM OF AGREEMENT* WITH ONE WAY STRIPING & SIGNS, IN A FORM AS ATTACHED HERETO AND MARKED EXHIBIT "A," FOR THE PERFORMANCE AND PROVISION OF ANY AND ALL SERVICES, MATERIALS, AND EQUIPMENT NECESSARY FOR THE FY 2016 STREET STRIPING PROJECT IN AN AMOUNT NOT TO EXCEED \$78,143.00.**

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

**THAT** the Mayor and the City Clerk of the City of Bellaire, Texas, are each hereby authorized to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a *Standard Form of Agreement* with One Way Striping & Signs, in a form as attached hereto and marked Exhibit "A," for the performance and provision of any and all services, materials, and equipment necessary for the FY 2016 Street Striping Project in an amount not to exceed \$78,143.00 (Bid No. 16-005, FY 2016 Street Striping Project).

**PASSED and APPROVED** this 19<sup>th</sup> 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

Attachment: FY 2016 Striping Project Construction Ordinance (2014 : Award FY 2016 Street Striping Contract)

Corporate Contractor

STANDARD FORM OF AGREEMENT

Attachment: FY 2016 Street Striping Project Construction Standard Form of Agreement (2014 : Award FY 2016 Street Striping Contract)



## STANDARD FORM OF AGREEMENT

STATE OF TEXAS

COUNTY OF HARRIS

THIS AGREEMENT, made and entered into this, the \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, 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 the laws of the State of Texas, acting by and through the undersigned Mayor, as attested to by the City Clerk of the CITY OF BELLAIRE, TEXAS, thereunto duly authorized to do so, hereinafter referred to as “Owner”, and \_\_\_\_\_, a corporation duly authorized to do business and existing under the laws of the State of \_\_\_\_\_, acting by and through a duly authorized officer thereof as attested to by the Secretary of said corporation of the City of \_\_\_\_\_, County of \_\_\_\_\_, State of \_\_\_\_\_, hereinafter referred to as “Contractor”.

### WITNESSETH:

That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Owner, and under the conditions expressed in the bond(s) bearing even date herewith (if any), the Contractor hereby agrees with the Owner to commence and complete the construction of certain improvements described as follows:

**The project involves the removal and reapplication of existing street striping on various street throughout the City.**

and all necessary work of every kind or nature, including all extra work in connection therewith necessary to complete said improvements, under the terms as stated in the contract documents, including the General Conditions of Agreement, and, at its own proper cost and expense, to furnish all materials, supplies, machinery, equipment, tools, superintendence, labor, insurance and other accessories and services necessary to complete the said construction in accordance with the conditions and prices stated in the Proposal attached hereto, and in accordance with the Notice to Contractors, General and Special Conditions of Agreement, plans and other drawings and printed or

written explanatory matter thereof, and the Specifications and addenda therefore, as prepared by ARKK Engineers, LLC., hereinafter called "PROFESSIONAL", each of which has been identified by the CONTRACTOR and the PROFESSIONAL, together with CONTRACTOR's written Proposal, the General Conditions of Agreement and the Performance and Payment Bonds hereto attached, all of which are made a part hereof and collectively evidence and constitute the entire Contract.

The CONTRACTOR hereby agrees to commence work within ten (10) days after the date written notice to do so shall have been given to it and to complete the same within the time specified in the contract documents, subject to such extensions of time as shall be specified in the General and Special Conditions or shall have been specifically agreed to in writing by the parties hereto, which writing shall be attached to this Contract as a part hereof.

The Owner agrees to pay the CONTRACTOR in current funds for the performance of the Contract in accordance with the Proposal submitted therefor, which forms a part of this Contract, subject to additions and deductions as provided in the contract documents, and to make payment on account thereof as provided therein.

The undersigned persons executing this Contract and all other documents executed simultaneously herewith, do certify and attest that they are executing the same in their capacity as herein stated as the act and deed of the corporation and that they have authority to do so under the terms of the Charter, By-Laws and resolutions of said corporation and that, unless more specifically set out in the Charter or By-Laws of said corporation, the following is an excerpt of the official minutes of said corporation as found and contained in the official minute book of said corporation:

RESOLVED that \_\_\_\_\_,  
an officer of this corporation holding the office of  
\_\_\_\_\_, is authorized  
to execute, for and on behalf of this corporation, a  
Contract with the CITY OF BELLAIRE, TEXAS, a copy  
of which is attached hereto and marked Exhibited "A",  
upon the same being duly attested to by the Secretary of  
this corporation as the act and deed of this corporation.

IN WITNESS WHEREOF, the Mayor of the CITY OF BELLAIRE, TEXAS, as attested to by the City Clerk of the CITY OF BELLAIRE, TEXAS, hereunto, has executed this Agreement in the year and date first above written, under the authority granted to them under the provisions of Ordinance No. \_\_\_\_\_, an Ordinance duly enacted by the City Council of the CITY OF BELLAIRE, TEXAS.

*City of Bellaire*  
*FY 2016 Street Striping Project*

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\_\_\_\_\_  
MAYOR, City of Bellaire, Texas

ATTEST:

\_\_\_\_\_  
City Secretary

Attachment: FY 2016 Street Striping Project Construction Standard Form of Agreement (2014 : Award FY 2016 Street Striping Contract)



IN WITNESS WHEREOF, the undersigned officers of the corporation, whose names are hereinafter set out, do certify and attest that they have executed this Agreement in their capacities as herein stated, for and on behalf of said corporation, and that they have authority to do so under specific authorization granted to them under the Charter or By-laws of said corporation or, if said Charter and By-laws are silent, then under authority granted to them under a resolution duly adopted by the Board of Directors of said corporation, as set out in the official minute book of said corporation, and an excerpt of said resolution is herein previously set out.

\_\_\_\_\_  
CONTRACTING CORPORATION (CONTRACTOR)

\_\_\_\_\_  
Officer

\_\_\_\_\_  
Office Held

ATTEST:

\_\_\_\_\_  
Secretary

Acknowledged and Accepted:

\_\_\_\_\_  
PROFESSIONAL

\_\_\_\_\_  
Officer

\_\_\_\_\_  
Office Held

ATTEST:

\_\_\_\_\_  
Witness



Non-Corporate Contractor/Sole Proprietorship

STANDARD FORM OF AGREEMENT

Attachment: FY 2016 Street Striping Project Construction Standard Form of Agreement (2014 : Award FY 2016 Street Striping Contract)



## STANDARD FORM OF AGREEMENT

STATE OF TEXAS

COUNTY OF HARRIS

THIS AGREEMENT, made and entered into this, the \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, 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 the laws of the State of Texas, acting by and through the undersigned Mayor, as attested to by the City Clerk of the CITY OF BELLAIRE, TEXAS, thereunto duly authorized to do so, hereinafter referred to as "Owner", and \_\_\_\_\_, an individual doing business in the State of \_\_\_\_\_, acting by and through a duly authorized officer thereof as attested to by the Secretary of said corporation of the City of \_\_\_\_\_, County of \_\_\_\_\_, State of \_\_\_\_\_, hereinafter referred to as "Contractor".

### WITNESSETH:

That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Owner, and under the conditions expressed in the bond(s) bearing even date herewith (if any), the Contractor hereby agrees with the Owner to commence and complete the construction of certain improvements described as follows:

**The project involves the removal and reapplication of existing street striping on various street throughout the City.**

and all necessary work of every kind or nature, including all extra work in connection therewith necessary to complete said improvements, under the terms as stated in the contract documents, including the General Conditions of Agreement, and, at its own proper cost and expense, to furnish all materials, supplies, machinery, equipment, tools, superintendence, labor, insurance and other accessories and services necessary to complete the said construction in accordance with the conditions and prices stated in the Proposal attached hereto, and in accordance with the Notice to Contractors, General and Special Conditions of Agreement, plans and other drawings and printed or written explanatory matter thereof, and the Specifications and addenda therefore, as prepared

by \_\_\_\_\_, hereinafter called "PROFESSIONAL", each of which has been identified by the CONTRACTOR and the PROFESSIONAL, together with CONTRACTOR's written Proposal, the General Conditions of Agreement and the Performance and Payment Bonds hereto attached, all of which are made a part hereof and collectively evidence and constitute the entire Contract.

The CONTRACTOR hereby agrees to commence work within ten (10) days after the date written notice to do so shall have been given to it and to complete the same within the time specified in the contract documents, subject to such extensions of time as shall be specified in the General and Special Conditions or shall have been specifically agreed to in writing by the parties hereto, which writing shall be attached to this Contract as a part hereof.

The Owner agrees to pay the CONTRACTOR in current funds for the performance of the Contract in accordance with the Proposal submitted therefor, which forms a part of this Contract, subject to additions and deductions as provided in the contract documents, and to make payment on account thereof as provided therein.

IN WITNESS WHEREOF, the Mayor of the CITY OF BELLAIRE, TEXAS, as attested to by the City Clerk of the CITY OF BELLAIRE, TEXAS, hereunto, has executed this Agreement in the year and date first above written, under the authority granted to them under the provisions of Ordinance No. \_\_\_\_\_, an Ordinance duly enacted by the City Council of the CITY OF BELLAIRE, TEXAS.

\_\_\_\_\_  
MAYOR, City of Bellaire, Texas

ATTEST:

\_\_\_\_\_  
City Secretary

*City of Bellaire*  
*FY 2016 Street Striping Project*

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IN WITNESS WHEREOF, the undersigned has executed this Agreement in his/her individual capacity as owner of a sole proprietorship.

\_\_\_\_\_  
 CONTRACTOR

\_\_\_\_\_  
 Proprietor

Acknowledged and Accepted:

\_\_\_\_\_  
 PROFESSIONAL

\_\_\_\_\_  
 Officer

\_\_\_\_\_  
 Office Held

ATTEST:

\_\_\_\_\_  
 Witness

Attachment: FY 2016 Street Striping Project Construction Standard Form of Agreement (2014 : Award FY 2016 Street Striping Contract)





Non-Corporate Contractor/Partnership

STANDARD FORM OF AGREEMENT

Attachment: FY 2016 Street Striping Project Construction Standard Form of Agreement (2014 : Award FY 2016 Street Striping Contract)



## STANDARD FORM OF AGREEMENT

STATE OF TEXAS

COUNTY OF HARRIS

THIS AGREEMENT, made and entered into this, the \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, 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 the laws of the State of Texas, acting by and through the undersigned Mayor, as attested to by the City Clerk of the CITY OF BELLAIRE, TEXAS, thereunto duly authorized to do so, hereinafter referred to as "Owner", and \_\_\_\_\_, a partnership doing business in the State of \_\_\_\_\_, acting by and through a duly authorized officer thereof as attested to by the Secretary of said corporation of the City of \_\_\_\_\_, County of \_\_\_\_\_, State of \_\_\_\_\_, hereinafter referred to as "Contractor".

### WITNESSETH:

That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Owner, and under the conditions expressed in the bond(s) bearing even date herewith (if any), the Contractor hereby agrees with the Owner to commence and complete the construction of certain improvements described as follows:

**The project involves the removal and reapplication of existing street striping on various street throughout the City.**

and all necessary work of every kind or nature, including all extra work in connection therewith necessary to complete said improvements, under the terms as stated in the contract documents, including the General Conditions of Agreement, and, at its own proper cost and expense, to furnish all materials, supplies, machinery, equipment, tools, superintendence, labor, insurance and other accessories and services necessary to complete the said construction in accordance with the conditions and prices stated in the Proposal attached hereto, and in accordance with the Notice to Contractors, General and Special Conditions of Agreement, plans and other drawings and printed or written explanatory matter thereof, and the Specifications and addenda therefore, as prepared

by \_\_\_\_\_, hereinafter called "PROFESSIONAL", each of which has been identified by the CONTRACTOR and the PROFESSIONAL, together with CONTRACTOR's written Proposal, the General Conditions of Agreement and the Performance and Payment Bonds hereto attached, all of which are made a part hereof and collectively evidence and constitute the entire Contract.

The CONTRACTOR hereby agrees to commence work within ten (10) days after the date written notice to do so shall have been given to it and to complete the same within the time specified in the contract documents, subject to such extensions of time as shall be specified in the General and Special Conditions or shall have been specifically agreed to in writing by the parties hereto, which writing shall be attached to this Contract as a part hereof.

The Owner agrees to pay the CONTRACTOR in current funds for the performance of the Contract in accordance with the Proposal submitted therefor, which forms a part of this Contract, subject to additions and deductions as provided in the contract documents, and to make payment on account thereof as provided therein.

IN WITNESS WHEREOF, the Mayor of the CITY OF BELLAIRE, TEXAS, as attested to by the City Clerk of the CITY OF BELLAIRE, TEXAS, hereunto, has executed this Agreement in the year and date first above written, under the authority granted to them under the provisions of Ordinance No. \_\_\_\_\_, an Ordinance duly enacted by the City Council of the CITY OF BELLAIRE, TEXAS.

\_\_\_\_\_  
MAYOR, City of Bellaire, Texas

ATTEST:

\_\_\_\_\_  
City Secretary

IN WITNESS WHEREOF, the undersigned does certify and attest that he/she has executed this Agreement in his/her capacity as herein stated, for and on behalf of said partnership and that he/she has authority to do so.

\_\_\_\_\_  
 CONTRACTOR

\_\_\_\_\_  
 Partner

Acknowledged and Accepted:

\_\_\_\_\_  
 PROFESSIONAL

\_\_\_\_\_  
 Officer

\_\_\_\_\_  
 Office Held

ATTEST:

\_\_\_\_\_  
 Witness





**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 10/10/16 06:00 PM  
Department: Public Works  
Category: Ordinance  
Department Head: Brant Gary  
DOC ID: 2007 A

**SCHEDULED  
ORDINANCE (ID # 2007)**

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**Item Title:**

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Contract and Agreement for City Engineer Services with ARKK Engineers, LLC, for the provision of professional city engineer services in an amount of \$90,000.00 for a one-year period commencing on October 16, 2016, and ending on October 15, 2017 - Submitted by Brant Gary, Director of Public Works.

**Background/Summary:**

Staff is proposing to continue engaging the Professional City Engineer Services of ARKK Engineers, LLC (ARKK) to be utilized by all City departments within the following Scope of Services:

1. Community Outreach and Information Services
2. Goals, Budgeting and Policy Services
3. Planning and Review Services
4. Conceptual Planning Services
5. Records Management Services
6. TPDES Permit renewal application, Industrial Storm Water Permit for the Wastewater Treatment Plant Site, and the General Storm Water Permit
7. Traffic Engineering Services

The base Professional City Engineer Services will be \$75,000.00. The On-Call Traffic Engineering Services will be \$15,000.00. Combined, this equals a total proposed contract amount not to exceed \$90,000.00.

Starting with new capital projects in FY17, Public Works officials and the City Engineer will work to create a definitive separation of duties for all major capital projects. The goal is to separate out the Design Engineering/Construction Administration functions from the Construction Management/Inspection functions. This would also include adding a 3rd party review process for project plans being designed. Going forward, no single firm will perform all of these duties for a specific project. This will create a better system of accountability and allow us to be much more proactive in handling concerns by adding built-in checks and balances to the project teams. While there should be no noticeable fiscal impact as project budgets have previously included all professional services, we will look for potential efficiencies that can offset any additional costs associated with the plan review and/or use of different firms.

**Previous Council Action Summary:**

Council first awarded the Professional City Engineer Services contract to ARKK Engineers on October 15, 2012, and has renewed the contract each year since. For FY 2016 Council approved an increase in base Professional City Engineer services from \$70,000 to \$75,000 and added an additional \$15,000 for the provision of on-call Traffic Engineering Services.

**Fiscal Impact:**

This item will be funded from the General Fund - Streets & Drainage in an amount not to exceed \$90,000.00.

**Recommendation:**

The Director of Public Works, Brant Gary, has reviewed the proposal and recommends approval of engineering services for the Professional City Engineer Services set forth in the ARKK Engineers, LLC, proposal in an amount not to exceed \$90,000.00 for General City Engineer Services and authorization for the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest to, respectively, a Contract and Agreement for Engineering Services with ARKK Engineers, LLC, related to said engineering services.

**ATTACHMENTS:**

- Ordinance - 2016 City Engineer Contract Renewal (DOC)
- 2016 City Engineer Contract Agreement - ARKK Engineers (DOC)
- FY2017 Bellaire City Engineer Proposal (PDF)
- Attachment A - ARKK\_FEE BASIS BELLAIRE FY2017 (PDF)



**ORDINANCE NO. 16-\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY CLERK OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE AND ATTEST, RESPECTIVELY, A CONTRACT AND AGREEMENT FOR CITY ENGINEER SERVICES WITH ARKK ENGINEERS, LLC (ARKK), IN A FORM AS ATTACHED HERETO AND MARKED EXHIBIT "A," FOR THE PROVISION OF PROFESSIONAL CITY ENGINEER SERVICES, IN AN AMOUNT OF \$90,000.00 FOR A ONE-YEAR PERIOD COMMENCING ON OCTOBER 16, 2016, AND ENDING ON OCTOBER 15, 2017.**

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

That the Mayor and the City Clerk of the City of Bellaire, Texas, are each hereby authorized to execute and attest to, respectively, for and on behalf of the City of Bellaire, Texas, a Contract and Agreement for City Engineer Services with ARKK Engineers, LLC (ARKK), in a form as attached hereto and marked Exhibit "A," for the provision of professional city engineer services in an amount of \$90,000.00 for a one-year period commencing on October 16, 2016, and ending on October 15, 2017.

**PASSED and APPROVED** this 10<sup>th</sup> day of October, 2016.

(SEAL)

**ATTEST:**

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

**SIGNED:**

\_\_\_\_\_  
Andrew S. Friedberg  
Mayor

Attachment: Ordinance - 2016 City Engineer Contract Renewal (2007 : Engineering Contract)

**APPROVED AS TO FORM:**

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Alan P. Petrov  
City Attorney

Attachment: Ordinance - 2016 City Engineer Contract Renewal (2007 : Engineering Contract)



## **EXHIBIT A**

# **Contract and Agreement for Engineering Services**

## CONTRACT AND AGREEMENT FOR CITY ENGINEER SERVICES

### ARKK ENGINEERS, LLC (ARKK)

This Agreement is made and entered into by and between the **CITY OF BELLAIRE, TEXAS**, hereinafter referred to as "**BELLAIRE**," and the undersigned, **ARKK ENGINEERS, LLC**, hereinafter referred to as "**ENGINEER**," a corporation authorized to conduct business in the State of Texas.

#### I.

**BELLAIRE** desires to enter into an Agreement with **ENGINEER** in order that **ENGINEER** may render city engineer services and any other necessary services as specified in the proposal as attached hereto and marked "Exhibit 1"; and **ENGINEER** has agreed to perform said services for the consideration set out in "Exhibit 1" attached hereto. **ENGINEER** has represented and does represent that, by signature and execution of this Agreement, the professional services and other services to be purchased by **BELLAIRE** can be reasonably rendered in a competent and professional manner.

#### II.

**ENGINEER** agrees to render said services for the consideration set out in Exhibit "1" attached; and **BELLAIRE** agrees to pay, within 30 days of the receipt and acceptance of monthly itemized invoices, the consideration as therein set out.

#### III.

It is specifically understood and agreed that **BELLAIRE** may, at any time, cancel this Contract and Agreement; and in the event of such cancellation, **ENGINEER** shall only have a claim against **BELLAIRE** in quantum meruit for services actually rendered or costs actually incurred for and on behalf of **BELLAIRE** and have no claim for any other reason whatsoever.

#### IV.

In the event of dispute or disagreement as to the provisions, purpose, or intent of any of the terms and provisions of this Contract and Agreement or any exhibit attached hereto, the City Manager of **BELLAIRE** shall provide an interpretation of this Agreement and shall inform **ENGINEER**, by letter, of such interpretation, which shall form a part of this Agreement, and which interpretation shall become final and binding upon the signatories hereto, subject to the right of **ENGINEER** to appeal any decision made by the City Manager to the City Council of **BELLAIRE**. In the event of appeal of **ENGINEER**, the City Council of **BELLAIRE** shall, upon consideration of all facts and evidence that may be brought before it, and in consideration of all other factors or matters that may also be properly brought before it, render an interpretation which shall be binding upon all parties hereto.

#### V.

In the event of any conflicts or provisions contained in "Exhibit 1" attached hereto which differ from the terms and provisions of this Contract and Agreement for City Engineer Services, Exhibit "1" being incorporated herein for all purposes, the terms and provisions of Exhibit "1" shall be deemed to be controlling and shall supersede the terms and provisions of this Agreement.

**VI.**

Upon termination of services to be rendered and delivery of any and all final work product thereof to **BELLAIRE** under the terms and provisions of this Agreement, **ENGINEER** shall receive final payment in an amount as shall be properly itemized and described, and the same shall be clearly identified as "Final Payment"; and receipt thereof and acceptance by **ENGINEER** and tendering of the same by **ENGINEER** for payment shall constitute a full and final release of any and all liability which may be claimed by **ENGINEER** against **BELLAIRE**. Said release shall be full and final even though the same may not be reflected verbatim on the face of the check or draft accepted, endorsed, and tendered for payment.

This Contract and Agreement is entered into and executed this, the \_\_\_\_ day of October, 2016.

**ARKK ENGINEERS, LLC**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Witness





## **EXHIBIT 1**

# **Proposal for Professional City Engineer Services FY 2017**



September 20, 2016

Mr. Brant Gary  
Director of Public Works  
City of Bellaire  
7008 S. Rice Avenue  
Bellaire, Texas 77401

Re: **Proposal for Professional City Engineer Services FY 2017**  
City of Bellaire, Texas

Dear Mr. Gary:

ARKK Engineers, LLC (ARKK) is pleased to offer this proposal for providing City Engineer services to the City of Bellaire (COB). James Andrews P.E. will be the Principal-in-Charge of the engineering services and the Engineer of Record for work under this Agreement. As the City Engineer, Mr. Andrews will be expected to play a proactive role in helping the City Council and City Staff make appropriate decisions regarding City infrastructure. Mr. Andrews and his ARKK staff will assist the City with their goal of ensuring that the public infrastructure and facilities are reviewed, evaluated, and maintained to the highest possible standard for its residents and corporate citizens.

#### **SCOPE OF SERVICES:**

As City Engineer, Mr. Andrews will provide engineering expertise to City staff and Council to facilitate community outreach, the development of goals and budgets, planning and review of engineering plans, conceptual planning and records management. ARKK Engineers, LLC will also prepare the City of Bellaire's TPDES permit renewal application, Industrial Storm Water Permit for the Wastewater Plant Site, and the General Storm Water Permit for the City, as required. The General City Engineering services are described in items 1 through 6 with Traffic Engineering Services described in item 7 below:

##### **1. Community Outreach and Information Services**

- Provide effective community outreach and education so citizens have the opportunity to be informed and aware of programs and activities designed to enhance the City's infrastructure.
- Examine the potential for developing new policies that will enhance the infrastructure of the community.

- Provide a forum for the public to provide feedback with respect to infrastructure issues and concerns through meetings, direct mail and email to the City Engineer.

## **2. Goals, Budgeting and Policy Services**

- Serve as the engineering liaison between City departments, commissions, committees, council, outside agencies and the public to coordinate and implement policies, goals and objectives; explain engineering programs, policies and activities to the City during staff meetings and other city meetings when required.
- Attend meetings as requested by the Director of Public Works and City Manager. These meetings may include City Council meetings, City Council workshops, City Staff meetings and public/neighborhood meetings.
- Participate in the development and implementation of goals, objectives, policies and priorities for infrastructure improvements during staff meetings.
- Participate in the development of City short and long range infrastructure plans, policies, guidelines, and procedures during staff meetings and Council meetings when required.
- Participate in the preparation of budgets for infrastructure improvement projects and programs based on Public Works budget parameters.
- Participate in the development of and implementation of policies and ordinances controlling the impact on land use by construction, development, right-of-way, or infrastructure system changes.
- Interact, engage in problem solving, build effective teams, and form partnerships with citizens, community groups, developers, and City boards and commissions by attending meetings when requested.

## **3. Planning and Review Services**

- Interpret and communicate technical rules, regulations and ordinances as they relate to infrastructure proposed by private developers.
- Participate in the development of design standards and policies that serve the City of Bellaire's best interests and comply with long range planning.
- Review and interpret lot drainage plans and development plans developed by others.

- Organize, prioritize, and evaluate the work of professional and technical consultants and staff, in reviewing and evaluating complex development and land use applications and complex plans, and related infrastructure system plans and impacts.
- Oversee and participate in the analysis of possible impacts proposed development and new construction may have on city infrastructure.
- Coordinate technical reviews of proposed land use actions or complex developments which may affect traffic, storm water, water, wastewater and roadway systems. Identify potential conflicts and help resolve issues.
- Participate in special engineering studies such as proposed zoning changes and public transportation issues.
- Prepare correspondence, reports and presentations to Director of Public Works, City Manager and City Council regarding major engineering activities and policy issues, as requested.

#### 4. Conceptual Planning Services

- Participate in the planning, organization, and coordination of capital improvement projects including engineering design for the public infrastructure needs of the City of Bellaire.
- Conduct engineering studies that evaluate feasibility of proposed or ongoing projects or methods, or to determine solutions to existing field problems, assembling and evaluating technical data, providing technical leadership and solutions.
- Assist the City in developing infrastructure projects to the conceptual engineering stage with associated estimated total project costs and present to Council for acceptance and approval to begin final design or to negotiate with outside consultant for final design services.
- Participate in the selection of other consulting professional engineers for civil infrastructure projects, as required.
- Review technical reports, plans, calculations, and specifications prepared by others for adherence to City standards and accepted engineering practices.

## 5. Records Management Services

- Work with the City staff to maintain, at Public Works, municipal engineering records and maps required to provide information as requested by engineering consultants, other governmental agencies, various City of Bellaire Departments and the general public.
- Work with the City staff to organize, manage and update City-Engineering related files, standards, and details.

## 6. TPDES Permit renewal application, Industrial Storm Water Permit for the Wastewater Plant Site, and the General Storm Water Permit

- Prepare the City of Bellaire's TPDES wastewater discharge permit renewal application and shall provide technical support during its processing through TCEQ.
- Prepare updates to the City of Bellaire's Industrial Storm Water Permit for the Wastewater Plant Site.
- Prepare updates to the City of Bellaire's General Storm Water Permit.
- Assist the City in responding to TCEQ and EPA issues regarding water quality.

## 7. Traffic Engineering Services – Provide traffic engineering services as requested such as:

- Multi-Way Stop Sign Study - The purpose of a multi-way stop sign study is to determine if the location meets minimum criteria for installation of stop signs in accordance with the Texas Manual on Uniform Traffic Control Devices, at the intersection of two or more roadways and will benefit motorists from a safety and operational standpoint.
- Traffic Signal Warrant Studies - The purpose of a traffic signal warrant study is to determine the necessity for a signal installation at an intersection, of two or more roadways based on safety and time delay benefits which may be derived by motorists and/or pedestrians. Analyses shall be performed in accordance with the procedures and criteria established in the latest edition of the Texas Manual on Uniform Traffic Control Devices.
- Left/Right Turn Lane Warrant Analyses - The purpose of a turn lane warrant analysis is to determine if a separate left or right turn lane is needed on an intersection approach. The intention of separating left and right turn traffic from through traffic is to improve safety and minimize delay.

- **Speed Zone Study** - The purpose of a speed study is the establishment of safe and reasonable speed limits for certain special zones or sections of City roadways where the speed limits may not fit the road or traffic conditions. Speeds are based on travel during favorable weather, daylight travel, and average traffic conditions. Other factors to be considered and studied in establishing speed zones include design and physical factors of the roadway. These factors should be considered as a whole and weighed accordingly: horizontal and vertical curves, hidden driveways and other roadside developments, high driveway density, lack of striped, or improved shoulders.

### **FEE BASIS**

The City Engineer services for items 1 – 6 are proposed for FY 2016 for a total fee of \$75,000.

The City Engineer services for items 7 (Traffic Engineering Services) are proposed for FY 2016 for a not-to-exceed fee of \$15,000. Prior to receiving written authorization for services under Item 7, ARKK shall prepare a preliminary fee estimate for said services with a breakdown of estimated hours and expenses. It is expressly understood that the Engineer shall not furnish any work or services under Items 7 without a prior written authorization of the City containing a maximum authorized fee for the approved services and a required date of completion of services.

ARKK Engineers, LLC will submit monthly invoices with status reports for all engineering work completed to invoice date.

Services beyond those described in the Scope of Services will be invoiced on the basis of direct labor costs times a factor of 2.99. Billing Rate of designated Principal-in-Charge (James Andrews) will not exceed \$100.00 per hour. No additional services will be performed or invoiced without prior authorization from the City.

Services of specialized consultants such as geotechnical services, surveying services, materials testing services, etc. will be accomplished by subcontract and billed to the City of Bellaire at cost plus ten percent (10%) as indicated in Attachment "A", or such services may be contracted for directly by the COB if desired. If these services are contracted directly by the COB, the Engineer assumes no responsibility for the adequacy of these services.

It is anticipated that additional engineering services to produce plans, specifications, bid documents, engineering reports, planning studies, etc. will be requested from time to time. These services would include preparing and providing documents sealed by a licensed professional engineer for a specific design project or study. Such "Engineering Design Services" would be

requested by the City either verbally or in writing, at which time the Engineer would meet with the appropriate City representative(s) to discuss the project and develop a scope of services and fee proposal, and furnish these to the City for approval prior to start of the work. Each project authorized by the City would be identified by a unique job number and all fees associated thereafter would be separately accounted for. Such fees will be based on a lump sum fee or the fee rate cited in this agreement depending upon the nature of the project and as stated in the fee proposal.

ARKK Engineers, LLC appreciates the opportunity to submit this proposal and we look forward to continue working with the City of Bellaire.

Sincerely,  
ARKK Engineers, LLC.



James B Andrews II, P.E.  
Principal

Attachment 'A' – Fee Basis for Additional Services





### ATTACHMENT "A"

FEE BASIS FOR ADDITIONAL SERVICES  
BEYOND THOSE DESCRIBED IN THE  
September 20, 2016  
FY 2017 CITY ENGINEER PROPOSAL

The charge for services invoiced on an hourly basis will be the sum equal to 2.99 times raw labor rates of employees assigned to and working on a project or assignment. The multiplier covers salary costs, general overhead, professional liability, and profit. The time of company officers participating directly in the performance of this Agreement will be invoiced at a not-to-exceed rate of one-hundred dollars (\$100.00) per hour.

The charges for services invoiced on a lump sum basis will be as described and calculated in future fee proposal letters from the Engineer to the City of Bellaire or the Work Order description and fee schedule provided as part of this agreement.

"Subcontract Expense" is that incurred by the Engineer in employment of outside firms for services such as field surveys, soil borings and tests, environmental studies, and similar services. Subcontracted Expenses will be accomplished by subcontract and billed to the City of Bellaire at cost plus ten percent (10%).

"Direct Non-Labor Expense" is that incurred by the Engineer for postage, copies, and prints of drawings and specifications. Direct Non-Labor Expenses will be billed at cost plus ten percent (10%). Mileage will be billed at the current IRS rate per mile.

The range of billings rates currently in effect by the Engineer is presented on the following table. This range may change depending on pay raises and personnel changes in the future. The fee basis multiplier presented in this agreement will not change without authorization from the Owner.

CLASSIFICATION	Salary Cost Times 2.99			
Principal - James B. Andrews, P.E.	\$100.00 Maximum Billing Rate			
Principal	\$ 100.00	to	\$ 100.00	
Project Manager	\$ 115.00	to	\$ 150.94	
Project Engineer	\$ 94.88	to	\$ 115.00	
Senior Designer	\$ 94.88	to	\$ 107.81	
CADD Technician	\$ 59.80	to	\$ 89.70	
Construction Inspector	\$ 71.76	to	\$ 89.70	
Clerical	\$ 35.88	to	\$ 64.69	

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 10/10/16 06:00 PM  
Department: Finance Administration  
Category: Bond  
Department Head: Terrence Beaman  
DOC ID: 2044

**SCHEDULED  
ORDINANCE (ID # 2044)**

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**Item Title:**

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the issuance of City of Bellaire, Texas (Harris County, Texas), General Obligation Refunding Bonds, Series 2016, in an amount not to exceed \$10,000,000; specifying the terms and features of said refunding bonds; establishing certain parameters for the sale of said bonds; and enacting provisions incident and related to the issuance, delivery, and payment of a security for said bonds - Submitted by Terrence Beaman, Chief Financial Officer.

**Background/Summary:**

**Previous Council Action Summary:**

The City's financial advisor, U.S. Capital Advisors, monitors the bond market and makes recommendations on refinancing the City's outstanding bonds as opportunities present themselves for savings. Mr. Jim Gilley of U.S. Capital Advisors has identified an opportunity for the City to realize savings from refunding portions of four currently outstanding bond issues:

Bond Series	Call Date	Principal to Refund
GO 2009	2/15/2019	1,730,000
GO 2010	2/15/2019	3,145,000
GO 2010A	2/15/2019	4,140,000

Coupons on the outstanding bonds range from 3.4% to 4.8%. Analysis based on market conditions on September 28, 2016 show a potential for total debt service savings of \$1,061,391 or an average annual debt service savings of \$55,863 per year for 20 years, with a net present value benefit of \$884,972 or 9.84% savings of refunded bonds.

In an effort to maximize the City's savings in this transaction, staff and U.S. Capital Advisors recommend a process called a "parameter sale" whereby City Council approves an ordinance authorizing the transaction to refund the bonds within parameters or minimum levels of savings and authorizing representatives to execute the transaction within those parameters. This process provides more opportunities to capture market conditions without having to time the sale to City Council meeting dates.

**Fiscal Impact:**

N/A

**Recommendation:**

Terrence Beaman, CFO recommends approval of the ordinance authorizing the issuance of City of Bellaire, Texas (Harris County, Texas), General Obligation Refunding Bonds, Series 2016 in an amount not to exceed \$10,000,000 in accordance with the stated parameters for the sale of said

bonds.

**ATTACHMENTS:**

- Refunding Analysis prepared by U.S. Capital Advisors dated October 10, 2016.
- Ordinance authorizing the issuance of City of Bellaire, Texas (Harris County, Texas), General Obligation Refunding Bonds, Series 2016 in an amount not to exceed \$10,000,000; specifying the terms and features of said refunding bonds; establishing certain parameters for the sale of said bonds; and enacting provisions incident and related to the issuance, delivery, payment of and security for said bonds.

**ATTACHMENTS:**

- Refunding Bonds 2016 FA support (PDF)

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City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

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SAVINGS

City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

Date	Prior Debt Service	Refunding Debt Service	Savings	Present Value to 12/06/2016 @ 1.9642589%
09/30/2017	367,847.50	319,883.75	47,963.75	47,327.06
09/30/2018	367,847.50	312,850.00	54,997.50	53,277.06
09/30/2019	367,847.50	311,650.00	56,197.50	53,389.86
09/30/2020	367,847.50	310,450.00	57,397.50	53,478.34
09/30/2021	367,847.50	314,175.00	53,672.50	49,005.15
09/30/2022	1,019,906.88	962,925.00	56,981.88	51,067.37
09/30/2023	1,126,553.76	1,069,825.00	56,728.76	49,879.47
09/30/2024	1,130,053.76	1,074,325.00	55,728.76	48,071.40
09/30/2025	1,131,972.51	1,077,925.00	54,047.51	45,737.96
09/30/2026	1,131,698.76	1,075,700.00	55,998.76	46,519.38
09/30/2027	1,134,284.38	1,077,650.00	56,634.38	46,178.64
09/30/2028	772,525.00	714,250.00	58,275.00	46,630.18
09/30/2029	575,762.50	518,650.00	57,112.50	44,832.16
09/30/2030	581,890.00	525,450.00	56,440.00	43,467.13
09/30/2031	581,930.00	526,725.00	55,205.00	41,713.87
09/30/2032	580,843.75	522,625.00	58,218.75	43,172.88
09/30/2033	583,266.25	528,075.00	55,191.25	40,161.46
09/30/2034	584,275.00	528,000.00	56,275.00	40,190.64
09/30/2035	408,500.00	350,175.00	58,325.00	40,871.90
	13,182,700.05	12,121,308.75	1,061,391.30	884,971.93

Savings Summary

Dated Date	12/01/2016
Delivery Date	12/06/2016
PV of savings from cash flow	884,971.93
Plus: Refunding funds on hand	1,833.71
Net PV Savings	886,805.64

# SUMMARY OF REFUNDING RESULTS

City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

Dated Date	12/01/2016
Delivery Date	12/06/2016
Arbitrage yield	1.964259%
Escrow yield	0.766242%
Value of Negative Arbitrage	240,960.04
Bond Par Amount	9,245,000.00
True Interest Cost	2.199482%
Net Interest Cost	2.298765%
Average Coupon	3.000000%
Average Life	10.371
Par amount of refunded bonds	9,015,000.00
Average coupon of refunded bonds	4.144512%
Average life of refunded bonds	10.851
PV of prior debt to 12/06/2016 @ 1.964259%	11,011,815.73
Net PV Savings	886,805.64
Percentage savings of refunded bonds	9.837001%
Percentage savings of refunding bonds	9.592273%



## SUMMARY OF BONDS REFUNDED

City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price
GO Refunding Bonds, Series 2010, REF2010:					
REF2010	02/15/2022	4.000%	450,000.00	02/15/2019	100.000
	02/15/2023	4.000%	460,000.00	02/15/2019	100.000
	02/15/2024	4.000%	480,000.00	02/15/2019	100.000
	02/15/2025	4.000%	500,000.00	02/15/2019	100.000
	02/15/2026	4.000%	520,000.00	02/15/2019	100.000
	02/15/2027	4.000%	540,000.00	02/15/2019	100.000
	02/15/2028	4.000%	195,000.00	02/15/2019	100.000
			✓ 3,145,000.00		
General Obligation Bonds, Series 2009, SER2009:					
SER2009	02/15/2022	4.000%	100,000.00	02/15/2019	100.000
	02/15/2023	4.000%	105,000.00	02/15/2019	100.000
	02/15/2024	4.000%	110,000.00	02/15/2019	100.000
	02/15/2025	4.125%	115,000.00	02/15/2019	100.000
	02/15/2026	4.300%	120,000.00	02/15/2019	100.000
	02/15/2027	4.375%	125,000.00	02/15/2019	100.000
	02/15/2028	4.500%	130,000.00	02/15/2019	100.000
	02/15/2029	4.500%	135,000.00	02/15/2019	100.000
	02/15/2030	4.600%	145,000.00	02/15/2019	100.000
	02/15/2031	4.700%	150,000.00	02/15/2019	100.000
	02/15/2032	4.700%	155,000.00	02/15/2019	100.000
	02/15/2033	4.800%	165,000.00	02/15/2019	100.000
	02/15/2034	4.800%	175,000.00	02/15/2019	100.000
			✓ 1,730,000.00		
GO Bonds, Series 2010A, SER2010A:					
SER2010A	02/15/2022	3.375%	115,000.00	02/15/2019	100.000
	02/15/2023	3.500%	235,000.00	02/15/2019	100.000
	02/15/2024	3.500%	245,000.00	02/15/2019	100.000
	02/15/2025	3.625%	255,000.00	02/15/2019	100.000
	02/15/2026	4.000%	265,000.00	02/15/2019	100.000
	02/15/2029	4.000%	305,000.00	02/15/2019	100.000
	02/15/2030	4.000%	320,000.00	02/15/2019	100.000
	02/15/2031	4.000%	335,000.00	02/15/2019	100.000
	02/15/2032	4.125%	350,000.00	02/15/2019	100.000
	02/15/2028	4.000%	570,000.00	02/15/2019	100.000
TERM2028					
TERM2035	02/15/2035	4.250%	1,145,000.00	02/15/2019	100.000
			✓ 4,140,000.00		
			9,015,000.00		



# BOND SUMMARY STATISTICS

City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

Dated Date	12/01/2016
Delivery Date	12/06/2016
Last Maturity	02/15/2035
Arbitrage Yield	1.964259%
True Interest Cost (TIC)	2.199482%
Net Interest Cost (NIC)	2.298765%
All-In TIC	2.359183%
Average Coupon	3.000000%
Average Life (years)	10.371
Weighted Average Maturity (years)	10.333
Duration of Issue (years)	8.958
Par Amount	9,245,000.00
Bond Proceeds	9,995,905.70
Total Interest	2,876,308.75
Net Interest	2,203,985.55
Bond Years from Dated Date	95,876,958.33
Bond Years from Delivery Date	95,876,958.33
Total Debt Service	12,121,308.75
Maximum Annual Debt Service	1,077,925.00
Average Annual Debt Service	666,311.06
Underwriter's Fees (per \$1000)	
Average Takedown	
Other Fee	8.500000
Total Underwriter's Discount	8.500000
Bid Price	107.272290

Bond Component	Par Value	Price	Average Coupon	Average Life	PV of 1 bp change
General Obligation Refunding Bonds, Series 2016Q	9,245,000.00	108.122	3.000%	10.371	7,542.35
	9,245,000.00			10.371	7,542.35

BOND SUMMARY STATISTICS

City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

	TIC	All-In TIC	Arbitrage Yield
Par Value	9,245,000.00	9,245,000.00	9,245,000.00
+ Accrued Interest			
+ Premium (Discount)	750,905.70	750,905.70	750,905.70
- Underwriter's Discount	-78,582.50	-78,582.50	
- Cost of Issuance Expense		-139,045.00	
- Other Amounts			
Target Value	9,917,323.20	9,778,278.20	9,995,905.70
Target Date	12/06/2016	12/06/2016	12/06/2016
Yield	2.199482%	2.359183%	1.964259%

BOND PRICING

City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

Bond Component	Maturity Date	Amount	Rate	Yield	Price	Yield to Maturity
General Obligation Refunding Bonds, Series 2016Q:						
	02/15/2017	130,000	3.000%	1.110%	100.359	
	02/15/2018	40,000	3.000%	1.150%	102.182	
	02/15/2019	40,000	3.000%	1.220%	103.836	
	02/15/2020	40,000	3.000%	1.290%	105.328	
	02/15/2021	45,000	3.000%	1.370%	106.616	
	02/15/2022	705,000	3.000%	1.450%	107.723	
	02/15/2023	835,000	3.000%	1.490%	108.898	
	02/15/2024	865,000	3.000%	1.590%	109.544	
	02/15/2025	895,000	3.000%	1.690%	109.980	
	02/15/2026	920,000	3.000%	1.780%	110.300	
	02/15/2027	950,000	3.000%	1.870%	110.439	
	02/15/2028	610,000	3.000%	1.970%	109.466 C	2.049%
	02/15/2029	430,000	3.000%	2.060%	108.599 C	2.192%
	02/15/2030	450,000	3.000%	2.170%	107.550 C	2.332%
	02/15/2031	465,000	3.000%	2.220%	107.077 C	2.408%
	02/15/2032	475,000	3.000%	2.330%	106.044 C	2.519%
	02/15/2033	495,000	3.000%	2.430%	105.116 C	2.610%
	02/15/2034	510,000	3.000%	2.530%	104.196 C	2.693%
	02/15/2035	345,000	3.000%	2.630%	103.286 C	2.769%
		9,245,000				

Dated Date	12/01/2016	
Delivery Date	12/06/2016	
First Coupon	02/15/2017	
Par Amount	9,245,000.00	
Premium	750,905.70	
Production	9,995,905.70	108.122290%
Underwriter's Discount	-78,582.50	-0.850000%
Purchase Price	9,917,323.20	107.272290%
Accrued Interest		
Net Proceeds	9,917,323.20	

# SOURCES AND USES OF FUNDS

City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

Dated Date 12/01/2016  
Delivery Date 12/06/2016

## Sources:

Bond Proceeds:	
Par Amount	9,245,000.00
Premium	750,905.70
	<u>9,995,905.70</u>

## Uses:

Refunding Escrow Deposits:	
Cash Deposit	0.49
SLGS Purchases	<u>9,776,444.00</u>
	9,776,444.49
Delivery Date Expenses:	
Cost of Issuance	139,045.00
Underwriter's Discount	<u>78,582.50</u>
	217,627.50
Other Uses of Funds:	
Additional Proceeds	1,833.71
	<u>9,995,905.70</u>

## BOND DEBT SERVICE

City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

Period Ending	Principal	Coupon	Interest	Debt Service
09/30/2017	130,000	3.000%	189,883.75	319,883.75
09/30/2018	40,000	3.000%	272,850.00	312,850.00
09/30/2019	40,000	3.000%	271,650.00	311,650.00
09/30/2020	40,000	3.000%	270,450.00	310,450.00
09/30/2021	45,000	3.000%	269,175.00	314,175.00
09/30/2022	705,000	3.000%	257,925.00	962,925.00
09/30/2023	835,000	3.000%	234,825.00	1,069,825.00
09/30/2024	865,000	3.000%	209,325.00	1,074,325.00
09/30/2025	895,000	3.000%	182,925.00	1,077,925.00
09/30/2026	920,000	3.000%	155,700.00	1,075,700.00
09/30/2027	950,000	3.000%	127,650.00	1,077,650.00
09/30/2028	610,000	3.000%	104,250.00	714,250.00
09/30/2029	430,000	3.000%	88,650.00	518,650.00
09/30/2030	450,000	3.000%	75,450.00	525,450.00
09/30/2031	465,000	3.000%	61,725.00	526,725.00
09/30/2032	475,000	3.000%	47,625.00	522,625.00
09/30/2033	495,000	3.000%	33,075.00	528,075.00
09/30/2034	510,000	3.000%	18,000.00	528,000.00
09/30/2035	345,000	3.000%	5,175.00	350,175.00
	9,245,000		2,876,308.75	12,121,308.75



BOND DEBT SERVICE

City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
02/15/2017	130,000	3.000%	53,158.75	183,158.75	
08/15/2017			136,725.00	136,725.00	
09/30/2017					319,883.75
02/15/2018	40,000	3.000%	136,725.00	176,725.00	
08/15/2018			136,125.00	136,125.00	
09/30/2018					312,850.00
02/15/2019	40,000	3.000%	136,125.00	176,125.00	
08/15/2019			135,525.00	135,525.00	
09/30/2019					311,650.00
02/15/2020	40,000	3.000%	135,525.00	175,525.00	
08/15/2020			134,925.00	134,925.00	
09/30/2020					310,450.00
02/15/2021	45,000	3.000%	134,925.00	179,925.00	
08/15/2021			134,250.00	134,250.00	
09/30/2021					314,175.00
02/15/2022	705,000	3.000%	134,250.00	839,250.00	
08/15/2022			123,675.00	123,675.00	
09/30/2022					962,925.00
02/15/2023	835,000	3.000%	123,675.00	958,675.00	
08/15/2023			111,150.00	111,150.00	
09/30/2023					1,069,825.00
02/15/2024	865,000	3.000%	111,150.00	976,150.00	
08/15/2024			98,175.00	98,175.00	
09/30/2024					1,074,325.00
02/15/2025	895,000	3.000%	98,175.00	993,175.00	
08/15/2025			84,750.00	84,750.00	
09/30/2025					1,077,925.00
02/15/2026	920,000	3.000%	84,750.00	1,004,750.00	
08/15/2026			70,950.00	70,950.00	
09/30/2026					1,075,700.00
02/15/2027	950,000	3.000%	70,950.00	1,020,950.00	
08/15/2027			56,700.00	56,700.00	
09/30/2027					1,077,650.00
02/15/2028	610,000	3.000%	56,700.00	666,700.00	
08/15/2028			47,550.00	47,550.00	
09/30/2028					714,250.00
02/15/2029	430,000	3.000%	47,550.00	477,550.00	
08/15/2029			41,100.00	41,100.00	
09/30/2029					518,650.00
02/15/2030	450,000	3.000%	41,100.00	491,100.00	
08/15/2030			34,350.00	34,350.00	
09/30/2030					525,450.00
02/15/2031	465,000	3.000%	34,350.00	499,350.00	
08/15/2031			27,375.00	27,375.00	
09/30/2031					526,725.00
02/15/2032	475,000	3.000%	27,375.00	502,375.00	
08/15/2032			20,250.00	20,250.00	
09/30/2032					522,625.00
02/15/2033	495,000	3.000%	20,250.00	515,250.00	
08/15/2033			12,825.00	12,825.00	
09/30/2033					528,075.00

BOND DEBT SERVICE

City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
02/15/2034	510,000	3.000%	12,825.00	522,825.00	
08/15/2034			5,175.00	5,175.00	
09/30/2034					528,000.00
02/15/2035	345,000	3.000%	5,175.00	350,175.00	
09/30/2035					350,175.00
	9,245,000		2,876,308.75	12,121,308.75	12,121,308.75

PRIOR BOND DEBT SERVICE

City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

Dated Date 12/01/2016  
Delivery Date 12/06/2016

Period Ending	Principal	Coupon	Interest	Debt Service	Present Value to 12/06/2016 @ 1.9642589%
09/30/2017			367,847.50	367,847.50	364,689.84
09/30/2018			367,847.50	367,847.50	357,630.55
09/30/2019			367,847.50	367,847.50	350,707.91
09/30/2020			367,847.50	367,847.50	343,919.28
09/30/2021			367,847.50	367,847.50	337,262.04
09/30/2022	665,000	** %	354,906.88	1,019,906.88	919,982.40
09/30/2023	800,000	** %	326,553.76	1,126,553.76	996,797.36
09/30/2024	835,000	** %	295,053.76	1,130,053.76	980,679.35
09/30/2025	870,000	** %	261,972.51	1,131,972.51	963,472.05
09/30/2026	905,000	** %	226,698.76	1,131,698.76	944,741.98
09/30/2027	945,000	** %	189,284.38	1,134,284.38	928,725.73
09/30/2028	615,000	** %	157,525.00	772,525.00	620,168.39
09/30/2029	440,000	** %	135,762.50	575,762.50	453,192.80
09/30/2030	465,000	** %	116,890.00	581,890.00	449,228.30
09/30/2031	485,000	** %	96,930.00	581,930.00	440,638.27
09/30/2032	505,000	** %	75,843.75	580,843.75	431,380.17
09/30/2033	530,000	** %	53,266.25	583,266.25	424,878.27
09/30/2034	555,000	** %	29,275.00	584,275.00	417,460.08
09/30/2035	400,000	4.250%	8,500.00	408,500.00	286,260.95
	9,015,000		4,167,700.05	13,182,700.05	11,011,815.73



PRIOR BOND DEBT SERVICE

City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

Dated Date 12/01/2016  
Delivery Date 12/06/2016

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service	Present Value to 12/06/2016 @ 1.9642589%
02/15/2017			183,923.75	183,923.75		183,235.98
08/15/2017			183,923.75	183,923.75		181,453.86
09/30/2017					367,847.50	
02/15/2018			183,923.75	183,923.75		179,689.08
08/15/2018			183,923.75	183,923.75		177,941.47
09/30/2018					367,847.50	
02/15/2019			183,923.75	183,923.75		176,210.85
08/15/2019			183,923.75	183,923.75		174,497.06
09/30/2019					367,847.50	
02/15/2020			183,923.75	183,923.75		172,799.94
08/15/2020			183,923.75	183,923.75		171,119.33
09/30/2020					367,847.50	
02/15/2021			183,923.75	183,923.75		169,455.06
08/15/2021			183,923.75	183,923.75		167,806.98
09/30/2021					367,847.50	
02/15/2022	665,000	** %	183,923.75	848,923.75		767,001.78
08/15/2022			170,983.13	170,983.13		152,980.62
09/30/2022					1,019,906.88	
02/15/2023	800,000	** %	170,983.13	970,983.13		860,300.79
08/15/2023			155,570.63	155,570.63		136,496.57
09/30/2023					1,126,553.76	
02/15/2024	835,000	** %	155,570.63	990,570.63		860,666.77
08/15/2024			139,483.13	139,483.13		120,012.57
09/30/2024					1,130,053.76	
02/15/2025	870,000	** %	139,483.13	1,009,483.13		860,121.11
08/15/2025			122,489.38	122,489.38		103,350.95
09/30/2025					1,131,972.51	
02/15/2026	905,000	** %	122,489.38	1,027,489.38		858,516.87
08/15/2026			104,209.38	104,209.38		86,225.11
09/30/2026					1,131,698.76	
02/15/2027	945,000	** %	104,209.38	1,049,209.38		859,695.41
08/15/2027			85,075.00	85,075.00		69,030.32
09/30/2027					1,134,284.38	
02/15/2028	615,000	** %	85,075.00	700,075.00		562,519.99
08/15/2028			72,450.00	72,450.00		57,648.40
09/30/2028					772,525.00	
02/15/2029	440,000	** %	72,450.00	512,450.00		403,790.26
08/15/2029			63,312.50	63,312.50		49,402.54
09/30/2029					575,762.50	
02/15/2030	465,000	** %	63,312.50	528,312.50		408,231.19
08/15/2030			53,577.50	53,577.50		40,997.11
09/30/2030					581,890.00	
02/15/2031	485,000	** %	53,577.50	538,577.50		408,107.38
08/15/2031			43,352.50	43,352.50		32,530.88
09/30/2031					581,930.00	
02/15/2032	505,000	** %	43,352.50	548,352.50		407,471.30

PRIOR BOND DEBT SERVICE

City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service	Present Value to 12/06/2016 @ 1.9642589%
08/15/2032			32,491.25	32,491.25		23,908.87
09/30/2032					580,843.75	
02/15/2033	530,000	** %	32,491.25	562,491.25		409,886.79
08/15/2033			20,775.00	20,775.00		14,991.49
09/30/2033					583,266.25	
02/15/2034	555,000	** %	20,775.00	575,775.00		411,445.11
08/15/2034			8,500.00	8,500.00		6,014.97
09/30/2034					584,275.00	
02/15/2035	400,000	4.250%	8,500.00	408,500.00		286,260.95
09/30/2035					408,500.00	
	9,015,000		4,167,700.05	13,182,700.05	13,182,700.05	11,011,815.73

UNREFUNDED BOND DEBT SERVICE

City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

Dated Date 12/01/2016  
Delivery Date 12/06/2016

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service	Present Value to 12/06/2016 @ 1.9642589%
02/15/2017	1,325,000	** %	288,080.01	1,613,080.01		1,607,047.97
08/15/2017			267,192.51	267,192.51		263,604.42
09/30/2017					1,880,272.52	
02/15/2018	1,360,000	** %	267,192.51	1,627,192.51		1,589,727.99
08/15/2018			245,755.01	245,755.01		237,761.61
09/30/2018					1,872,947.52	
02/15/2019	1,415,000	** %	245,755.01	1,660,755.01		1,591,110.73
08/15/2019			218,542.51	218,542.51		207,341.50
09/30/2019					1,879,297.52	
02/15/2020	1,480,000	** %	218,542.51	1,698,542.51		1,595,813.76
08/15/2020			189,711.26	189,711.26		176,503.93
09/30/2020					1,888,253.77	
02/15/2021	1,535,000	** %	189,711.26	1,724,711.26		1,589,033.80
08/15/2021			159,817.51	159,817.51		145,813.11
09/30/2021					1,884,528.77	
02/15/2022	940,000	** %	159,817.51	1,099,817.51		993,684.05
08/15/2022			141,345.63	141,345.63		126,463.60
09/30/2022					1,241,163.14	
02/15/2023	875,000	4.000%	141,345.63	1,016,345.63		900,492.42
08/15/2023			123,845.63	123,845.63		108,661.28
09/30/2023					1,140,191.26	
02/15/2024	905,000	4.000%	123,845.63	1,028,845.63		893,922.37
08/15/2024			105,745.63	105,745.63		90,984.52
09/30/2024					1,134,591.26	
02/15/2025	930,000	** %	105,745.63	1,035,745.63		882,497.84
08/15/2025			87,026.88	87,026.88		73,429.31
09/30/2025					1,122,772.51	
02/15/2026	970,000	** %	87,026.88	1,057,026.88		883,196.87
08/15/2026			67,326.88	67,326.88		55,707.73
09/30/2026					1,124,353.76	
02/15/2027	1,005,000	** %	67,326.88	1,072,326.88		878,637.30
08/15/2027			46,842.50	46,842.50		38,008.26
09/30/2027					1,119,169.38	
02/15/2028	515,000	** %	46,842.50	561,842.50		451,448.26
08/15/2028			36,005.00	36,005.00		28,649.15
09/30/2028					597,847.50	
02/15/2029	230,000	4.500%	36,005.00	266,005.00		209,601.38
08/15/2029			30,830.00	30,830.00		24,056.55
09/30/2029					296,835.00	
02/15/2030	235,000	4.600%	30,830.00	265,830.00		205,408.91
08/15/2030			25,425.00	25,425.00		19,455.02
09/30/2030					291,255.00	
02/15/2031	250,000	4.700%	25,425.00	275,425.00		208,703.44
08/15/2031			19,550.00	19,550.00		14,669.94
09/30/2031					294,975.00	
02/15/2032	260,000	4.700%	19,550.00	279,550.00		207,728.79

UNREFUNDED BOND DEBT SERVICE

City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service	Present Value to 12/06/2016 @ 1.9642589%
08/15/2032			13,440.00	13,440.00		9,889.90
09/30/2032					292,990.00	
02/15/2033	275,000	4.800%	13,440.00	288,440.00		210,185.93
08/15/2033			6,840.00	6,840.00		4,935.82
09/30/2033					295,280.00	
02/15/2034	285,000	4.800%	6,840.00	291,840.00		208,546.99
09/30/2034					291,840.00	
	14,790,000		3,858,563.91	18,648,563.91	18,648,563.91	16,732,724.45

ESCROW DESCRIPTIONS

City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

Type of Security	Type of SLGS	Maturity Date	First Int Pmt Date	Par Amount	Rate	Max Rate	Total Cost
Dec 6, 2016:							
SLGS	Certificate	02/15/2017	02/15/2017	169,844	0.280%	0.280%	169,844.00
SLGS	Certificate	08/15/2017	08/15/2017	147,157	0.510%	0.510%	147,157.00
SLGS	Note	02/15/2018	02/15/2017	147,674	0.610%	0.610%	147,674.00
SLGS	Note	08/15/2018	02/15/2017	148,126	0.700%	0.700%	148,126.00
SLGS	Note	02/15/2019	02/15/2017	9,163,643	0.770%	0.770%	9,163,643.00
				9,776,444			9,776,444.00

SLGS Summary

SLGS Rates File	17AUG16
Total Certificates of Indebtedness	317,001.00
Total Notes	9,459,443.00
Total original SLGS	9,776,444.00



# ESCROW CASH FLOW

City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

Date	Principal	Interest	Net Escrow Receipts	Present Value to 12/06/2016 @ 0.7662424%
02/15/2017	169,844.00	14,079.85	183,923.85	183,654.45
08/15/2017	147,157.00	36,767.03	183,924.03	182,953.69
02/15/2018	147,674.00	36,248.88	183,922.88	182,254.29
08/15/2018	148,126.00	35,798.47	183,924.47	181,560.27
02/15/2019	9,163,643.00	35,280.03	9,198,923.03	9,046,021.29
	9,776,444.00	158,174.26	9,934,618.26	9,776,444.00

## Escrow Cost Summary

Purchase date	12/06/2016
Purchase cost of securities	9,776,444.00
Target for yield calculation	9,776,444.00

ESCROW STATISTICS

City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

Total Escrow Cost	Modified Duration (years)	PV of 1 bp change	Yield to Receipt Date	Yield to Disbursement Date	Perfect Escrow Cost	Value of Negative Arbitrage
Global Proceeds Escrow: 9,776,444.49	2.090	2,043.09	0.766242%	0.766242%	9,535,484.42	240,960.04
9,776,444.49		2,043.09			9,535,484.42	240,960.04

ESCROW STATISTICS

City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

Cost of  
Dead Time

Global Proceeds Escrow:	0.03
	0.03



ESCROW STATISTICS

City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

Delivery date	12/06/2016
Arbitrage yield	1.964259%

SAVINGS BY MATURITY

City of Bellaire, Texas  
General Obligation Refunding Bonds, Series 2016

Assumes S&P 'AAA' rated BQ  
Scales & SLGS 9-28-16 + 15 bps  
Refunds Series 2009, 2010, 2010A

Bond	Maturity Date	Interest Rate	Par Amount	Nominal Savings	Nominal Savings Percent
General Obligation Bonds, Series 2009, SER2009:					
SER2009	02/15/2022	4.000%	100,000.00	3,976.35	3.976%
	02/15/2023	4.000%	105,000.00	6,306.40	6.006%
	02/15/2024	4.000%	110,000.00	8,242.14	7.493%
	02/15/2025	4.125%	115,000.00	10,839.27	9.425%
	02/15/2026	4.300%	120,000.00	14,251.23	11.876%
	02/15/2027	4.375%	125,000.00	16,977.61	13.582%
	02/15/2028	4.500%	130,000.00	19,402.04	14.925%
	02/15/2029	4.500%	135,000.00	20,533.89	15.210%
	02/15/2030	4.600%	145,000.00	23,495.17	16.204%
	02/15/2031	4.700%	150,000.00	26,904.94	17.937%
	02/15/2032	4.700%	155,000.00	27,703.62	17.873%
	02/15/2033	4.800%	165,000.00	31,549.70	19.121%
	02/15/2034	4.800%	175,000.00	33,910.26	19.377%
			1,730,000.00	244,092.61	
GO Bonds, Series 2010A, SER2010A:					
SER2010A	02/15/2022	3.375%	115,000.00	2,490.84	2.166%
	02/15/2023	3.500%	235,000.00	9,014.20	3.836%
	02/15/2024	3.500%	245,000.00	12,014.28	4.904%
	02/15/2025	3.625%	255,000.00	16,382.40	6.424%
	02/15/2026	4.000%	265,000.00	25,875.77	9.764%
	02/15/2029	4.000%	305,000.00	31,690.45	10.390%
	02/15/2030	4.000%	320,000.00	32,317.21	10.099%
	02/15/2031	4.000%	335,000.00	34,700.34	10.358%
	02/15/2032	4.125%	350,000.00	39,547.95	11.299%
	02/15/2027	4.000%	280,000.00	29,960.14	10.700%
	02/15/2028	4.000%	290,000.00	30,410.47	10.486%
	02/15/2033	4.250%	365,000.00	46,398.78	12.712%
TERM2028	02/15/2027	4.000%	280,000.00	29,960.14	10.700%
	02/15/2028	4.000%	290,000.00	30,410.47	10.486%
TERM2035	02/15/2033	4.250%	365,000.00	46,398.78	12.712%
	02/15/2034	4.250%	380,000.00	47,080.17	12.390%
	02/15/2035	4.250%	400,000.00	54,953.04	13.738%
			4,140,000.00	412,836.06	
GO Refunding Bonds, Series 2010, REF2010:					
REF2010	02/15/2022	4.000%	450,000.00	15,785.36	3.508%
	02/15/2023	4.000%	460,000.00	25,785.49	5.606%
	02/15/2024	4.000%	480,000.00	34,136.01	7.112%
	02/15/2025	4.000%	500,000.00	42,930.86	8.586%
	02/15/2026	4.000%	520,000.00	50,617.55	9.734%
	02/15/2027	4.000%	540,000.00	58,172.84	10.773%
	02/15/2028	4.000%	195,000.00	20,852.04	10.693%
			3,145,000.00	248,280.14	
			9,015,000.00	905,208.81	

Note: Calculated Using Remaining Maturities

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 10/10/16 06:00 PM  
Department: City Clerk  
Category: Policy  
Department Head: Tracy L. Dutton  
DOC ID: 2022

**SCHEDULED  
ACTION ITEM (ID # 2022)**

**Item Title:**

Consideration of and possible action on proposed amendments to the Rules of Procedure of the City Council of the City of Bellaire, Texas ("Rules"), by the adoption of a resolution of the City Council of the City of Bellaire, Texas, adopting new Rules, replacing and superseding all prior Rules - Submitted by Andrew S. Friedberg, Mayor.

**Background/Summary:**

On January 25, 2016, the City Council adopted new Rules as recommended by a special committee it had appointed to review and propose revisions to the previous Rules. The committee's review was the first comprehensive review that had been undertaken in 20 years. The resulting document adopted by Council represented a complete overhaul of the Rules.

Since that time, having seen the newly adopted Rules in operation, Council and the public have observed situations in which certain aspects of the Rules might be improved. Principally, the rules governing the conduct of town hall meetings, which were newly introduced in the Rules adopted January 25, would better serve their intended purpose if more closely conformed to the rules for public hearings. Additionally, Council encountered a distinction between public hearings that are adjudicative in nature and those that are strictly legislative in nature, which distinction is not reflected in the Rules (neither the current version nor any prior version). These improvements are captured in the proposed amendments for Council's consideration, along with some minor clean-up items.

A resolution has been prepared for the purpose of adopting new Rules including the proposed amendments, replacing and superseding all prior Rules.

**Previous Council Action Summary:**

The Rules were last adopted on January 25, 2016.

**Fiscal Impact:**

N/A

**Recommendation:**

Mayor Friedberg recommends favorable action on the proposed amendments to the Rules.

**ATTACHMENTS:**

- 20161010\_Adoption of Rules of Procedure of City Council - October 2016 (DOC)
- 20161010\_Clean\_Proposed Revision\_Rules of Procedure for the City Council (PDF)
- 20161010\_Redline\_Proposed Revision\_Rules of Procedure for the City Council (PDF)



## RESOLUTION NO. 16-\_\_\_\_

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, ADOPTING RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, REPLACING AND SUPERSEDING ALL PRIOR RULES.**

**WHEREAS**, heretofore previously, the City Council of the City of Bellaire, Texas ("City Council"), originally adopted Rules of Procedure of the City Council of the City of Bellaire, Texas ("Rules"), on February 12, 1996, and several subsequent revisions thereto, most recently on January 25, 2016; and

**WHEREAS**, since that time, having seen the latest revision of the Rules in operation, the City Council and the public have observed situations in which certain aspects of the Rules might be improved, to better serve their intended purpose; and

**WHEREAS**, the City Council now desires to amend the Rules by adopting the proposed Rules, attached hereto and marked Exhibit "A," replacing and superseding all prior Rules; **NOW, THEREFORE**,

### **BE IT RESOLVED 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 City Council hereby adopts the Rules attached hereto and marked Exhibit "A," replacing and superseding all prior Rules.
3. **THAT** this Resolution shall be effective immediately upon its passage and adoption.

**PASSED, APPROVED** and **ADOPTED** this 10<sup>th</sup> day of October, 2016.

(SEAL)

**ATTEST:**

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

**SIGNED:**

\_\_\_\_\_  
Andrew S. Friedberg  
Mayor

**APPROVED AS TO FORM:**

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



**CITY COUNCIL  
OF THE  
CITY OF BELLAIRE, TEXAS**

**RULES OF PROCEDURE  
As of October 10, 2016**

**EXH. A**

**RULES OF PROCEDURE  
OF THE CITY COUNCIL OF THE  
CITY OF BELLAIRE, TEXAS  
AS OF OCTOBER 10, 2016**

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**RULES OF PROCEDURE  
OF THE CITY COUNCIL OF THE  
CITY OF BELLAIRE, TEXAS  
AS OF OCTOBER 10, 2016**

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**RULES OF PROCEDURE  
OF THE CITY COUNCIL OF THE  
CITY OF BELLAIRE, TEXAS  
AS OF OCTOBER 10, 2016**

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These Rules of Procedure ("*Rules*") are adopted by the City Council of the City of Bellaire, Texas ("*City Council*"), effective as of October 10, 2016, and supersede the prior rules of procedure originally adopted February 12, 1996, together with the nine subsequent revisions thereto. The purpose of these *Rules* is to establish an orderly and effective set of procedures for conducting the meetings of the City Council.

## **ARTICLE 1.**

### **AUTHORITY**

#### **Section A. City Council Determines its Own Rules.**

*The Charter of the City of Bellaire, Texas*, as amended November 7, 2006 ("*City Charter*"), *Article II, The Council, Section 17, Rules of Procedure; Journal*, grants to the City Council the right to determine its own rules of procedure. These *Rules* are adopted by authority of that provision.

#### **Section B. Precedence of Authority.**

The precedence of authority in all matters associated with the meetings and activities of the City Council shall be: 1) the Constitution and laws of the United States of America; 2) the Constitution and laws of the State of Texas; 3) the *City Charter*; 4) the *Code of Ordinances of the City of Bellaire, Texas* ("*City Code*"); 5) these *Rules*; and 6) *Robert's Rules of Order Newly Revised 11<sup>th</sup> Edition* ("*Robert's Rules*").

## **ARTICLE 2.**

### **GENERAL RULES OF PROCEDURE AND POLICIES**

#### **Section A. Recording and Broadcasting of Meetings.**

Meetings of the City Council will generally be digitally recorded, and broadcast and available for replay on the City public access television channel and the City website.

#### **Section B. Minutes of Meetings.**

Minutes of all meetings of the City Council shall be open to public inspection. *City Charter, Article II, The Council, Section 17, Rules of Procedure; Journal*. Unless otherwise specifically requested by any member of the City Council with respect to any matter, such minutes shall concisely state all matters presented to the City Council for a vote and a record of the action taken.

The City Clerk shall prepare and submit to the City Council by the end of the day on the Thursday preceding a regular session, or as soon thereafter as reasonably practicable but not later than 72 hours in advance, the minutes of the last regular session of the City Council.

### **Section C. Quorum.**

A quorum of the City Council is four (4) members, of whom the Mayor shall be counted as one. *City Charter, Article II, The Council, Section 15, Meetings of Council.* The affirmative vote of four (4) members of the City Council shall be required for any main motion to pass, except as may be specified for certain motions by applicable rule or law requiring a greater number.

### **Section D. Absence of Mayor.**

The Mayor Pro Tempore shall act in the absence of the Mayor. *City Charter, Article II, The Council, Section 5, Mayor Pro Tempore.*

### **Section E. Absence of Both Mayor and Mayor Pro Tempore.**

In the absence of both the Mayor and the Mayor Pro Tempore at a meeting of the City Council, the member who holds the lowest numbered City Council position (i.e., position number 1, position number 2, etc.) among the members present shall preside over the meeting in their absence.

### **Section F. Attendance of City Manager or Assistant City Manager.**

The City Manager or Assistant City Manager, unless excused, shall attend all City Council meetings and, upon request, shall make recommendations and take part in discussion. He or she shall orally provide periodic status reports on City affairs to the City Council and the public at such meetings.

### **Section G. Attendance of City Attorney.**

The City Attorney or his or her designee, unless excused, shall attend all City Council meetings and shall provide opinions on questions of law. He or she shall orally provide periodic status reports on non-privileged legal matters to the City Council and the public at such meetings. The City Attorney or his or her designee shall also serve as parliamentarian and advise the City Council on procedural matters when requested.

### **Section H. Attendance of City Clerk.**

The City Clerk or his or her designee, unless excused, shall attend all City Council meetings and shall keep all official minutes, electronic files and video and audio recordings of City Council proceedings.

## **Section I. Attendance of City Employees and Consultants.**

The City Council may request, through the City Manager, that any City employee or consultant attend City Council meetings to present information relating to business before the City Council.

## **Section J. Individuals Presenting to City Council.**

In the event individuals shall come before the City Council to make a presentation, the Mayor shall introduce the person making the presentation or invite that person to introduce him or herself.

## **Section K. Rules Governing Personal/Audience Comments.**

It is the desire of the City Council to hear from the residents of Bellaire and other interested persons, and to stimulate discussion of subjects that are properly a concern of the City Council. The following rules shall govern personal/audience comments at regular sessions (or, as the case may be, special sessions) of the City Council.

### **1. Mayor to State Rules.**

Immediately preceding the opening of personal/audience comments, the Mayor shall summarize briefly the rules governing personal/audience comments.

### **2. Mayor Shall Recognize Individual Speakers.**

All individuals desiring to address the City Council must submit to the City Clerk a request to speak on a sign-up sheet prior to the time for personal/audience comments. Each speaker must first be recognized by the Mayor and shall give his or her name. The Mayor shall recognize each individual, in turn, hearing from all who desire to comment.

### **3. Time Limit.**

Each speaker shall have a time limit of up to five (5) minutes, with no extension, and with notice after four (4) minutes that one (1) minute is left. In the event of pressing business before the City Council or matters requiring its immediate attention or action, the City Council may, prior to the opening of audience comments, set a different maximum time limit for each speaker by a vote of four (4) members of the City Council.

### **4. Subjects Introduced by the Public During a Meeting of City Council.**

The Texas Open Meetings Act, *Texas Government Code, Chapter 551*, prohibits the City Council from fully discussing, debating, or considering subjects for which public notice has not been given on the agenda. *See Article 5, Rules Governed by Texas Open Meetings Act, Section C, Non-Agendaed Subjects Introduced During a Meeting of City Council, of these Rules.*

## **5. Termination of Personal/Audience Comments.**

Personal/audience comments may be concluded by the Mayor. This action may be appealed or overturned by a vote of four (4) members of the City Council. The City Council may terminate personal/audience comments for a particular City Council meeting by a vote of four (4) members of the City Council. In all cases, the Mayor shall announce the conclusion of personal/audience comments.

### **Section L. Written Comments.**

Written comments may be submitted to the City Clerk in connection with a meeting of the City Council, in lieu of oral personal/audience comments, by residents of Bellaire and other interested persons either not in attendance or who prefer not to speak at the meeting. Such written comments must be received prior to the start of the meeting to be included in the record of the meeting. At the conclusion of personal/audience comments, the Mayor shall identify for the record all written comments received, stating the name of the commenter and concisely summarizing the subject of the comment. The City Clerk shall distribute to all members of the City Council, as soon as reasonably practicable, copies of such written comments for their consideration.

### **Section M. Introduction of Agenda Items.**

The Mayor shall read each agenda item and, as appropriate, briefly introduce it. In the event an item provides for consideration and action on a proposed ordinance, the Mayor shall read the caption of the ordinance or a concise but complete summary thereof as it appears on the agenda.

### **Section N. Deliberation.**

Items on the agenda shall be formally considered by motion and vote. Following a motion duly made and seconded, debate and discussion shall begin.

### **Section O. Mayor or Clerk to State Question.**

Before any vote is taken on any question before the City Council, the Mayor or City Clerk shall restate the motion.

### **Section P. Mayor or Clerk to Announce the Vote.**

The Mayor or the City Clerk shall, at the conclusion of the vote on each question, announce the result.

### **Section Q. Recording of the Vote.**

All votes on any motion shall be recorded and, if not unanimous, the name of each member of the City Council voting in the minority and/or abstaining shall be clearly stated in the record.

## **Section R. Abstention.**

An abstention from voting shall not be considered as approving or disapproving the motion. The member abstaining may state for the record his or her reasons for abstaining, but shall not be required to do so.

## **Section S. Conflicts of Interest.**

In the event a member of the City Council shall have a conflict of interest concerning any matter to be considered, he or she must disclose the nature and extent of his or her interest prior to the consideration of the matter and recuse him or herself from all proceedings concerning that matter. After disclosing the nature and extent of his or her interest, he or she shall step down from the dais while the matter is being considered and/or acted upon by the City Council. See *City Code, Chapter 2, Administration, Article VI, Code of Ethics*.

Furthermore, if the conflict of interest involves a substantial interest in a business entity or in real property, the affected member of City Council shall file with the City Clerk, prior to the consideration of the matter, an affidavit stating the nature and extent of his or her interest and shall abstain from further participation in the matter to the extent required by *Texas Local Government Code, Chapter 171, Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and Certain Other Local Governments, Section 171.004*.

## **Section T. Preservation of Order.**

The Mayor shall preserve order and decorum, prevent the impugning of members' motives, and confine members to debate of the questions under discussion. If necessary, the Mayor shall cause to be silenced or removed from the Council Chamber any person speaking out of order or disrupting the order of the meeting.

## **Section U. City Manager's Weekly Memorandum.**

The City Manager shall issue to the City Council a weekly memorandum concerning affairs, problems and other matters that should properly be brought to the attention of the City Council. Such memorandum shall be made available to the City Council on or before the end of each work week.

## **Section V. City Attorney's Legal Memoranda.**

The City Attorney shall regularly issue to the City Council memoranda concerning the status of current legal matters affecting the City and advising the City Council of his or her activities on behalf of the City since the last memorandum, on an as-needed basis but no less frequently than by the close of business each Friday immediately preceding a regular session of the City Council. Such memoranda shall be subject to and protected from disclosure by the attorney-client privilege, to the extent applicable.

## **Section W. Amendment of Rules.**

Any provisions of these *Rules* not governed by federal or state law, the *City Charter*, or the *City Code* may be amended by a vote of five (5) members of the City Council.

## **ARTICLE 3.**

### **MEETINGS OF THE CITY COUNCIL**

#### **Section A. Regular Sessions.**

Regular sessions of the City Council shall be held on the first and third Mondays of each month, at 7:00 p.m. or at such other hour as may be stated in the notice. In the event the first or third Monday of a month is a legal holiday, then the regular session that would otherwise be held on that day shall instead be held on the next Monday thereafter.

In addition to the regular order of business (*see Article 4, Agenda Procedure, Section E, Order of Business, of these Rules*), regular sessions (or, as the case may be, special sessions) may consist of one or more meetings, including workshops, public hearings, town hall meetings, closed meetings and the annual state of the city.

#### **Section B. Special Sessions.**

Special sessions may be called upon request of either the Mayor, the City Manager, or a majority of the members of the City Council (*City Charter, Article II, The Council, Section 15, Meetings of Council*), at times other than those specified for regular sessions, for any business that could otherwise be conducted in a regular session.

#### **Section C. Workshops.**

Workshops are meetings called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council.

##### **1. Subject Matter.**

Only a limited number of matters shall be considered by the City Council during a workshop, and sufficient time for consideration of such matters shall be provided.

##### **2. Documents and Exhibits to be Presented.**

All documents, exhibits, maps, plats, architectural drawings, specifications and other similar documents to be considered in a workshop shall be made available to the City Council at least 72 hours before the beginning of such workshop so that sufficient time may be allowed for each member of the City Council to study and be prepared to discuss such documents in the workshop.

### **3. Questions of a Technical Nature.**

All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a workshop. The City Council may request, through the City Manager, the appearance of any City employee or outside consultant as may be necessary to secure factual answers to such technical questions.

### **4. No Action.**

No action may be taken in a workshop. An informal motion may be made to request additional information, to schedule additional workshop(s), or to place an item on a subsequent meeting agenda. Informal motions may be passed by a vote of four (4) members of the City Council.

### **5. Minutes of Workshops.**

Because no action may be taken, minutes are not prepared for workshops. The minutes of the regular or special session within which a workshop is held shall provide a concise description of the subject matter and identify all participants in the workshop.

### **6. No Audience Comments or Questions.**

Audience comments or questions will not be received at a workshop.

## **Section D. Public Hearings.**

Public hearings are meetings legally required by Texas statutes and the *City Code* to record public comment on a matter being considered by the City Council. These same statutes and ordinances also govern how the public hearings are to be conducted.

### **1. Reading of the Notice of the Public Hearing.**

After the Mayor has called the meeting to order and announced the presence of a quorum of the City Council, the City Clerk shall read the notice and call of the public hearing. This is the same notice that was published and/or mailed to all persons entitled to written notice.

### **2. Summary of Procedure.**

The City Manager shall be recognized to present a brief summary of the procedure to be followed during the public hearing.

### **3. Presentation of Proposal.**

The applicant or recommending body shall be recognized to explain the proposal that is the subject of the public hearing. The presentation will be limited to 15 minutes unless a different time limit is adopted by a majority vote of the City Council.



#### **4. Public Comment.**

The Mayor will recognize speakers who have completed a sign-up sheet prior to the commencement of the public hearing. Each speaker shall have a time limit of up to five (5) minutes, with no extension, and with notice after four (4) minutes that one (1) minute is left. Questions from the public shall be addressed to the Mayor, and the Mayor and members of the City Council may refer such questions to the applicant or recommending body, or to staff as appropriate.

#### **5. Questions from Mayor and Members of City Council.**

The Mayor and members of the City Council will have an opportunity to ask questions of the applicant or of staff concerning the proposal, but shall express no opinions at the public hearing.

#### **6. Close of the Public Hearing.**

At the conclusion of the public hearing, the Mayor shall announce the deadline for written public comments, as applicable, and close the public hearing.

#### **7. Written Public Comments; Deadline.**

For public hearings that are adjudicative in nature (for example, concerning applications governed by the zoning code), oral public comment on the proposal will not be received following the close of the public hearing. The public may submit written comments to the City Council prior to its final deliberation. All written comments on the application must be received in the City Clerk's office by noon on the Thursday preceding the meeting of final deliberation for inclusion in the public record of the proceedings. For public hearings that are strictly legislative in nature (for example, concerning the annual budget of the City), the foregoing limitations on public comment following the close of the public hearing shall not apply.

### **Section E. Town Hall Meetings.**

Town hall meetings are called by the City Council to present information concerning matters of public interest and to receive public comment on such matters. They are similar to public hearings, but are not legally required by statute or ordinance, nor is their conduct governed thereby.

#### **1. Introduction of the Subject.**

After the Mayor has called the meeting to order and announced the presence of a quorum of the City Council, the Mayor shall briefly introduce the subject of the town hall meeting.

## **2. Summary of Procedure.**

The City Manager shall be recognized to present a brief summary of the procedure to be followed during the town hall meeting.

## **3. Presentation.**

The City Manager or other employee, or an outside consultant as appropriate, shall be recognized to present information to the public concerning the subject of the town hall meeting.

## **4. Public Comment.**

The Mayor will recognize speakers who have completed a sign-up sheet prior to the commencement of the town hall meeting. Each speaker shall have a time limit of up to five (5) minutes, with no extension, and with notice after four (4) minutes that one (1) minute is left. Questions from the public shall be addressed to the Mayor, and the Mayor and members of the City Council may refer such questions to staff as appropriate.

## **5. Questions from Mayor and Members of City Council.**

The Mayor and members of the City Council will have an opportunity to ask questions of staff concerning the subject of the town hall meeting, but shall express no opinions.

## **6. No Deliberation or Action.**

The City Council shall not deliberate or take any action in a town hall meeting. At the conclusion of the meeting, the Mayor shall announce to the public the date of the meeting at which deliberation or action on the subject of the town hall meeting is anticipated, to the extent known.

## **Section F. Closed Meetings (Executive Sessions).**

Closed meetings (commonly known as "executive sessions") are permitted only for the purposes enumerated in *Texas Government Code, Chapter 551, Open Meetings Act, Subchapter D, Exceptions to Requirement That Meetings be Open*. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the *Open Meetings Act*.

Rules governing closed meetings are addressed in *Article 5, Rules Governed by Texas Open Meetings Act, of these Rules*.

## **Section G. Annual State of the City.**

At the City Council's first regular session in February of each year, the Mayor shall present an annual State of the City address to the public, and the City boards and commissions shall present their annual reports to the City Council and the public. See *City*

*Code, Chapter 2, Administration, Article VII, Boards and Commissions, Section 2-104, Annual or special reports to city council.*

## **ARTICLE 4.**

### **AGENDA PROCEDURE**

#### **Section A. Posting of the Agenda.**

The Mayor and City Manager, or an appropriate designee, shall prepare an agenda and cause the same to be posted by the end of the day on the Thursday preceding the meeting, or as soon thereafter as reasonably practicable but not later than 72 hours in advance of the meeting. The agenda and accompanying meeting packet shall be distributed to members of the City Council and made available to the public as soon as reasonably practicable on the day of posting.

#### **Section B. Agenda Requests.**

Any member of the City Council or the City Manager may place an item on the agenda. Staff assistance, if required, should be requested through the City Manager.

No item shall be included on the agenda unless a request to include the same has been made, and all supporting materials provided, to the City Manager or City Clerk by noon on the Wednesday next preceding the date of the meeting. This provision shall not apply in the event of an emergency meeting of the City Council or the emergency addition of an item to the agenda, which are instead governed by *Texas Government Code, Chapter 551, Open Meetings Act, Section 551.045*.

#### **Section C. Consent Agenda.**

The consent agenda may consist of any and all business regularly coming before the City Council, excluding: i) ordinances finally adopting amendments to *Chapter 24, Planning and Zoning*, of the *City Code*; and ii) ordinances adopting, amending, or otherwise relating to the budget of the City.

All items set out in the consent agenda shall be deemed passed upon the passage of an affirmative motion, by a vote of at least four (4) members of the City Council without discussion or debate, that the consent agenda be adopted. Upon the passage of such motion, all items included in the consent agenda shall be deemed adopted as if voted upon separately and as if the caption and/or body of any ordinance therein set out shall have been read in full. The City Clerk is authorized to affix to all ordinances therein set out, consecutive numbers beginning with the first number available for new ordinances.

Upon request of any member of the City Council, items shall be removed from the consent agenda and considered separately.

## **Section D. City Manager Shall Provide Analysis.**

The City Manager shall provide the City Council with an analysis of items requested by staff to be on the agenda, by the end of the day on the Thursday preceding the meeting, or as soon thereafter as reasonably practicable but not later than 72 hours in advance of the meeting. However, in the case of an emergency, this provision shall be suspended. Said analysis should include sufficient detail so that members of the City Council are able to make an informed decision on the matter based solely on the information provided in the analysis.

## **Section E. Order of Business.**

The following sequence of items shall, in general, be the order of business for regular sessions (or, as the case may be, special sessions) of the City Council.

### **1. Call to Order.**

The Mayor shall call the meeting to order.

### **2. Announcement of a Quorum.**

The Mayor shall announce that a quorum of the City Council is present and shall state, for the record, the names of all members of the City Council that are absent.

### **3. Inspirational Reading and/or Invocation.**

Members of the City Council will alternate reading a brief inspirational message and/or invocation.

### **4. Pledges of Allegiance.**

The member of the City Council conducting the inspirational reading and/or invocation shall lead the Pledges of Allegiance to the United States and Texas flags.

### **5. Recognition of Proclamations.**

### **6. Approval of Minutes.**

The minutes of previous meetings of the City Council shall either be approved as submitted or be corrected and approved as corrected. Any member of the City Council that was absent from a particular meeting may still vote on the minutes of the meeting by relying on his fellow members of the City Council and/or by reviewing the recorded digital video recordings as to the accuracy of those minutes.

Minutes submitted for approval may properly be included in the consent agenda.

## **7. Personal/Audience Comments.**

*See Article 2, General Rules of Procedure and Policies, Section K, Rules Governing Personal/Audience Comments, of these Rules.*

## **8. Reports.**

The City Manager, City Attorney, department directors, consultants, and such others shall present reports, as needed or requested, to the City Council.

## **9. New Business.**

In addition to agenda items to be considered individually, the consent agenda shall be handled as an item of new business.

## **10. Community Interest Items from the Mayor and City Council.**

It is the intent of this item to provide members of the City Council the opportunity to make a report about items of community interest, which may include expressions of thanks, congratulations, or condolence; 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 announcements involving an imminent threat to the public health and safety of people in Bellaire that has arisen after the posting of the agenda.

No action may be taken on a reported item of community interest, and no possible action discussed except a proposal to place the subject on the agenda for a subsequent meeting.

*See Texas Government Code, Chapter 551, Open Meetings Act, Sections 551.0415 and 551.042.*

# **ARTICLE 5.**

## **RULES GOVERNED BY TEXAS OPEN MEETINGS ACT**

### **Section A. Meetings Open to the Public; Notice.**

All meetings of the City Council shall be open to the public, and notices thereof shall be posted as provided under the *Texas Government Code, Chapter 551, Open Meetings Act*. Except in the case of an emergency meeting, notice of all meetings shall be given at least 72 hours in advance. *Texas Government Code, Chapter 551, Open Meetings Act, Section 551.043.*

## **Section B. Notice of Emergency Meetings or Emergency Additions to Agenda.**

In the event of an emergency meeting of the City Council, or an emergency addition to the agenda, notice shall be given at least two (2) hours in advance, and special notice shall be given to the news media at least one (1) hour in advance, as required by *Texas Government Code, Chapter 551, Open Meetings Act, Sections 551.045 and 551.047.*

## **Section C. Non-Agendaed Subjects Introduced During a Meeting of City Council.**

Any inquiry made at a meeting by the public or by a member of the City Council regarding a subject for which notice has not been given on the agenda, may be responded to with a statement of factual information or a recitation of existing policy. Any deliberation or decision about the subject of inquiry shall be limited to a proposal to place the subject on a future agenda for a subsequent meeting. *Texas Government Code, Chapter 551, Open Meetings Act, Section 551.042.*

## **Section D. Rules Governing Closed Meetings.**

### **1. Convene First in Open Meeting.**

The City Council may retire into a closed meeting as stated on a posted agenda during a regular or special session. Before said closed meeting begins, the Mayor shall announce in the open meeting that the City Council will be retiring into a closed meeting and shall identify the section(s) of the *Open Meetings Act* pursuant to which the closed meeting will be held. *Texas Government Code, Chapter 551, Open Meetings Act, Section 551.101.*

### **2. Certified Agenda.**

A certified agenda, certified by the Mayor to be a true and correct record of the proceedings, shall be sealed and kept for at least two years after the date of the closed meeting, subject to disclosure only by Court order. *Texas Government Code, Chapter 551, Open Meetings Act, Sections 551.103 and 551.104.*

### **3. No Action in Closed Meeting.**

No action, decision, or vote shall be taken by the City Council during the closed portion of the meeting, and no subject but that posted on the agenda is to be discussed. Any action, decision, or vote on a matter deliberated in the closed meeting shall be made, and the City Council may adjourn, only during the open meeting. *Texas Government Code, Chapter 551, Open Meetings Act, Section 551.102.*

## **Section E. Review and Discipline.**

Complaints, charges and discipline concerning members of the City Council or City personnel reporting directly to the City Council shall be discussed in a closed meeting unless the person charged or the person against whom a complaint has been lodged shall request

a public hearing. *Texas Government Code, Chapter 551, Open Meetings Act, Section 551.074.*

## **ARTICLE 6.**

### **REFERENCE: SELECTED RULES OF PARLIAMENTARY PROCEDURE**

This article references some of the more commonly cited parliamentary rules, but is not intended to be an exhaustive listing, nor is it a substitute for *Robert's Rules*, which shall guide the conduct of business before the City Council except where inconsistent with federal or state law, the *City Charter*, the *City Code*, or as otherwise provided in these *Rules*.

#### **Section A. Order of Precedence of Motions.**

*Robert's Rules* shall prevail as to the order of precedence of motions and types of motions.

#### **Section B. Right to the Floor.**

Any member of the City Council desiring to speak shall be recognized by the Mayor and shall confine his or her remarks to the subject under consideration. No member shall speak more than once to a question until every member wishing to speak shall have spoken.

#### **Section C. Motion to Postpone.**

A motion to postpone consideration of a matter can be used by: 1) postponing the motion until a certain time; 2) postponing the motion and referring it to a committee for further investigation; or 3) postponing the motion indefinitely, which kills the motion. A motion to postpone is debatable and amendable. To postpone a motion, a motion must be made and can only be made at such time as another member of the City Council is not speaking. A simple majority vote is required for the motion to pass.

#### **Section D. Motion to Amend a Pending Motion.**

A member of the City Council who desires to modify the wording of a pending motion by adding and/or striking out words may move to amend the motion. This motion is debatable and such amendment can be passed by a vote of four (4) members of the City Council.

#### **Section E. Substitute Motion.**

A member of the City Council who desires to substitute a motion for the one being considered may make a substitute motion, which acts as an amendment to the pending

motion and is itself amendable. Once the substitute motion is adopted, the vote on the original motion is not necessary, the substitute motion being the motion then on the floor.

#### **Section F. Motion to Close Debate or to Move the Previous Question.**

A motion to close debate or to move the previous question is a motion to stop debate on the pending motion. This motion can be made only at such time as no one else is speaking and the Mayor recognizes the person making the motion, and can be considered only if both sides of the issue have been presented during the debate. If this motion is made and seconded, debate stops immediately and the vote is taken on whether to close debate on the original motion. To close debate, a two-thirds (2/3) majority vote is required.

#### **Section G. Motion to Lay a Pending Motion on the Table.**

A motion to lay a pending motion on the table is a motion to temporarily set aside the pending motion. Reasons for this may include to take up a more urgent item of business or to hear a speaker who cannot stay for the disposition of the pending motion. This motion can be made only at such time as no one else is speaking and is not debatable. To lay a pending motion on the table, a vote of four (4) members of the City Council is required.

#### **Section H. Motion to Take a Question from the Table.**

A motion previously laid on the table may be taken from the table by a majority vote as soon as the interrupting business is disposed of.

#### **Section I. Motion to Adjourn.**

A motion to adjourn may be made at any time upon being recognized by the Mayor so long as no one has been previously recognized and is speaking; such a motion requires a second and it requires a majority vote to pass.

#### **Section J. Point of Order.**

A member of the City Council may raise a point of order at any time whether or not another member of the City Council is speaking. A point of order is a statement to the Mayor that a particular motion before the City Council or other matter is out of order, or to make an inquiry of the Mayor as to parliamentary procedure. As soon as a point of order has been disposed of, the person interrupted may continue speaking.

The Mayor shall determine all points of order, subject to the right of any member of the City Council to appeal to the City Council or request a parliamentary opinion of the City Attorney. In the event of an appeal, the Mayor shall briefly state the reasons for the ruling; the decision of the Mayor may be overruled by a vote of four (4) members of the City Council.



**Section K. Suspension of the Rules.**

A member of the City Council may move to suspend the rules that interfere with a particular matter that is of apparent importance to the City Council. For a suspension of the rules to be accomplished, a vote of five (5) members is required. However, a motion to suspend the rules cannot interrupt an individual speaking.

**Section L. Motion to Object to the Consideration of a Motion.**

A member of the City Council may object to the consideration of a motion, and such objection may be made at any time prior to debate on the motion, even when another member of the City Council is speaking. It does not require a second. To stop the consideration of a motion, a two-thirds (2/3) vote of the members present is required, which in no event shall be fewer than four (4) members of the City Council.

**Section M. Division of the Question.**

All questions submitted for vote shall contain only one subject. If two (2) or more subjects are involved, any member of the City Council may require its division.

**Section N. Request to Withdraw a Motion.**

The member making the motion may request to withdraw the motion, and it is withdrawn unless an objection is raised. If a member of the City Council objects to the withdrawal of the motion, then the Mayor, upon motion, shall put the matter to an immediate vote and if four (4) members of the City Council vote to allow withdrawal of the motion, it is withdrawn.

**Section O. Reconsideration of an Action of City Council.**

Only a member of the City Council who voted with the majority (on the prevailing side) can make a motion to reconsider an action of the City Council. Any member can second it. Notwithstanding any conflict with *Robert's Rules* concerning the timing of such a motion, the motion to reconsider must be made no later than the next succeeding regular session, except that action relating to a contract may be reconsidered at any time before final execution thereof. No question shall be reconsidered, except by a vote of four (4) members of the City Council. The action must be stated as "reconsideration" on the agenda.



**CITY COUNCIL  
OF THE  
CITY OF BELLAIRE, TEXAS**

**RULES OF PROCEDURE**  
As of ~~January 25~~October 10, 2016

Attachment: 20161010\_Redline\_Proposed Revision\_Rules of Procedure for the City Council (2022 : Proposed Amendments to the City Council

**RULES OF PROCEDURE  
OF THE CITY COUNCIL OF THE  
CITY OF BELLAIRE, TEXAS  
AS OF ~~JANUARY 25~~OCTOBER 10, 2016**

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RULES OF PROCEDURE  
OF THE CITY COUNCIL OF THE  
CITY OF BELLAIRE, TEXAS  
AS OF ~~JANUARY 25~~OCTOBER 10, 2016

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These Rules of Procedure ("Rules") are adopted by the City Council of the City of Bellaire, Texas ("City Council"), effective as of ~~January 25~~ October 10, 2016, and supersede the prior rules of procedure originally adopted February 12, 1996, together with the ~~eight~~ nine subsequent revisions thereto. The purpose of these Rules is to establish an orderly and effective set of procedures for conducting the meetings of the City Council.

## **ARTICLE 1.**

### **AUTHORITY**

#### **Section A. City Council Determines its Own Rules.**

*The Charter of the City of Bellaire, Texas*, as amended November 7, 2006 ("City Charter"), Article II, The Council, Section 17, Rules of Procedure; Journal, grants to the City Council the right to determine its own rules of procedure. These Rules are adopted by authority of that provision.

#### **Section B. Precedence of Authority.**

The precedence of authority in all matters associated with the meetings and activities of the City Council shall be: 1) the Constitution and laws of the United States of America; 2) the Constitution and laws of the State of Texas; 3) the *City Charter*; 4) the *Code of Ordinances of the City of Bellaire, Texas* ("City Code"); 5) these Rules; and 6) *Robert's Rules of Order Newly Revised 11<sup>th</sup> Edition* ("Robert's Rules").

## **ARTICLE 2.**

### **GENERAL RULES OF PROCEDURE AND POLICIES**

#### **Section A. Recording and Broadcasting of Meetings.**

Meetings of the City Council will generally be digitally recorded, and broadcast and available for replay on the City public access television channel and the City website.

#### **Section B. Minutes of Meetings.**

Minutes of all meetings of the City Council shall be open to public inspection. *City Charter, Article II, The Council, Section 17, Rules of Procedure; Journal*. Unless otherwise specifically requested by any member of the City Council with respect to any matter, such minutes shall concisely state all matters presented to the City Council for a vote and a record of the action taken.

The City Clerk shall prepare and submit to the City Council by the end of the day on the Thursday preceding a regular session, or as soon thereafter as reasonably practicable but not later than 72 hours in advance, the minutes of the last regular session of the City Council.

**Section C. Quorum.**

A quorum of the City Council is four (4) members, of whom the Mayor shall be counted as one. *City Charter, Article II, The Council, Section 15, Meetings of Council.* The affirmative vote of four (4) members of the City Council shall be required for any main motion to pass, except as may be specified for certain motions by applicable rule or law requiring a greater number.

**Section D. Absence of Mayor.**

The Mayor Pro Tempore shall act in the absence of the Mayor. *City Charter, Article II, The Council, Section 5, Mayor Pro Tempore.*

**Section E. Absence of Both Mayor and Mayor Pro Tempore.**

In the absence of both the Mayor and the Mayor Pro Tempore at a meeting of the City Council, the member who holds the lowest numbered City Council position (i.e., position number 1, position number 2, etc.) among the members present shall preside over the meeting in their absence.

**Section F. Attendance of City Manager or Assistant City Manager.**

The City Manager or Assistant City Manager, unless excused, shall attend all City Council meetings and, upon request, shall make recommendations and take part in discussion. He or she shall orally provide periodic status reports on City affairs to the City Council and the public at such meetings.

**Section G. Attendance of City Attorney.**

The City Attorney or his or her designee, unless excused, shall attend all City Council meetings and shall provide opinions on questions of law. He or she shall orally provide periodic status reports on non-privileged legal matters to the City Council and the public at such meetings. The City Attorney or his or her designee shall also serve as parliamentarian and advise the City Council on procedural matters when requested.

**Section H. Attendance of City Clerk.**

The City Clerk or his or her designee, unless excused, shall attend all City Council meetings and shall keep all official minutes, electronic files and video and audio recordings of City Council proceedings.

**Section I. Attendance of City Employees and Consultants.**

The City Council may request, through the City Manager, that any City employee or consultant attend City Council meetings to present information relating to business before the City Council.

**Section J. Individuals Presenting to City Council.**

In the event individuals shall come before the City Council to make a presentation, the Mayor shall introduce the person making the presentation or invite that person to introduce him or herself.

**Section K. Rules Governing Personal/Audience Comments.**

It is the desire of the City Council to hear from the residents of Bellaire and other interested persons, and to stimulate discussion of subjects that are properly a concern of the City Council. The following rules shall govern personal/audience comments at regular sessions (or, as the case may be, special sessions) of the City Council.

**1. Mayor to State Rules.**

Immediately preceding the opening of personal/audience comments, the Mayor shall summarize briefly the rules governing personal/audience comments.

**2. Mayor Shall Recognize Individual Speakers.**

All individuals desiring to address the City Council must submit to the City Clerk a request to speak on a sign-up sheet prior to the time for personal/audience comments. Each speaker must first be recognized by the Mayor and shall give his or her name. The Mayor shall recognize each individual, in turn, hearing from all who desire to comment.

**3. Time Limit.**

Each speaker shall have a time limit of up to five (5) minutes, with no extension, and with notice after four (4) minutes that one (1) minute is left. In the event of pressing business before the City Council or matters requiring its immediate attention or action, the City Council may, prior to the opening of audience comments, set a different maximum time limit for each speaker by a vote of four (4) members of the City Council.

**4. Subjects Introduced by the Public During a Meeting of City Council.**

The Texas Open Meetings Act, *Texas Government Code, Chapter 551*, prohibits the City Council from fully discussing, debating, or considering subjects for which public notice has not been given on the agenda. See Article 55, *Rules Governed by Texas Open Meetings Act, Section C, Non-Agendaed Subjects Introduced During a Meeting of City Council, of these Rules.*

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## **5. Termination of Personal/Audience Comments.**

Personal/audience comments may be concluded by the Mayor. This action may be appealed or overturned by a vote of four (4) members of the City Council. The City Council may terminate personal/audience comments for a particular City Council meeting by a vote of four (4) members of the City Council. In all cases, the Mayor shall announce the conclusion of personal/audience comments.

## **Section L. Written Comments.**

Written comments may be submitted to the City Clerk in connection with a meeting of the City Council, in lieu of oral personal/audience comments, by residents of Bellaire and other interested persons either not in attendance or who prefer not to speak at the meeting. Such written comments must be received prior to the start of the meeting to be included in the record of the meeting. At the conclusion of personal/audience comments, the Mayor shall identify for the record all written comments received, stating the name of the commenter and concisely summarizing the subject of the comment. The City Clerk shall distribute to all members of the City Council, as soon as reasonably practicable, copies of such written comments for their consideration.

## **Section M. Introduction of Agenda Items.**

The Mayor shall read each agenda item and, as appropriate, briefly introduce it. In the event an item provides for consideration and action on a proposed ordinance, the Mayor shall read the caption of the ordinance or a concise but complete summary thereof as it appears on the agenda.

## **Section N. Deliberation.**

Items on the agenda shall be formally considered by motion and vote. Following a motion duly made and seconded, debate and discussion shall begin.

## **Section O. Mayor or Clerk to State Question.**

Before any vote is taken on any question before the City Council, the Mayor or City Clerk shall restate the motion.

## **Section P. Mayor or Clerk to Announce the Vote.**

The Mayor or the City Clerk shall, at the conclusion of the vote on each question, announce the result.

## **Section Q. Recording of the Vote.**

All votes on any motion shall be recorded and, if not unanimous, the name of each member of the City Council voting in the minority and/or abstaining shall be clearly stated in the record.

**Section R. Abstention.**

An abstention from voting shall not be considered as approving or disapproving the motion. The member abstaining may state for the record his or her reasons for abstaining, but shall not be required to do so.

**Section S. Conflicts of Interest.**

In the event a member of the City Council shall have a conflict of interest concerning any matter to be considered, he or she must disclose the nature and extent of his or her interest prior to the consideration of the matter and recuse him or herself from all proceedings concerning that matter. After disclosing the nature and extent of his or her interest, he or she shall step down from the dais while the matter is being considered and/or acted upon by the City Council. *See City Code, Chapter 2, Administration, Article VI, Code of Ethics.*

Furthermore, if the conflict of interest involves a substantial interest in a business entity or in real property, the affected member of City Council shall file with the City Clerk, prior to the consideration of the matter, an affidavit stating the nature and extent of his or her interest and shall abstain from further participation in the matter to the extent required by *Texas Local Government Code, Chapter 171, Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and Certain Other Local Governments, Section 171.004.*

**Section T. Preservation of Order.**

The Mayor shall preserve order and decorum, prevent the impugning of members' motives, and confine members to debate of the questions under discussion. If necessary, the Mayor shall cause to be silenced or removed from the Council Chamber any person speaking out of order or disrupting the order of the meeting.

**Section U. City Manager's Weekly Memorandum.**

The City Manager shall issue to the City Council a weekly memorandum concerning affairs, problems and other matters that should properly be brought to the attention of the City Council. Such memorandum shall be made available to the City Council on or before the end of each work week.

**Section V. City Attorney's Legal Memoranda.**

The City Attorney shall regularly issue to the City Council memoranda concerning the status of current legal matters affecting the City and advising the City Council of his or her activities on behalf of the City since the last memorandum, on an as-needed basis but no less frequently than by the close of business each Friday immediately preceding a regular session of the City Council. Such memoranda shall be subject to and protected from disclosure by the attorney-client privilege, to the extent applicable.

**Section W. Amendment of Rules.**

Any provisions of these *Rules* not governed by federal or state law, the *City Charter*, or the *City Code* may be amended by a vote of five (5) members of the City Council.

**ARTICLE 3.****MEETINGS OF THE CITY COUNCIL****Section A. Regular Sessions.**

Regular sessions of the City Council shall be held on the first and third Mondays of each month, at 7:00 p.m. or at such other hour as may be stated in the notice. In the event the first or third Monday of a month is a legal holiday, then the regular session that would otherwise be held on that day shall instead be held on the next Monday thereafter.

In addition to the regular order of business (see Article ~~44~~, *Agenda Procedure, Section E, Order of Business, of these Rules*), regular sessions (or, as the case may be, special sessions) may consist of one or more meetings, including workshops, public hearings, town hall meetings, closed meetings and the annual state of the city.

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**Section B. Special Sessions.**

Special sessions may be called upon request of either the Mayor, the City Manager, or a majority of the members of the City Council (*City Charter, Article II, The Council, Section 15, Meetings of Council*), at times other than those specified for regular sessions, for any business that could otherwise be conducted in a regular session.

**Section C. Workshops.**

Workshops are meetings called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council.

**1. Subject Matter.**

Only a limited number of matters shall be considered by the City Council during a workshop, and sufficient time for consideration of such matters shall be provided.

**2. Documents and Exhibits to be Presented.**

All documents, exhibits, maps, plats, architectural drawings, specifications and other similar documents to be considered in a workshop shall be made available to the City Council at least 72 hours before the beginning of such workshop so that sufficient time may be allowed for each member of the City Council to study and be prepared to discuss such documents in the workshop.

### **3. Questions of a Technical Nature.**

All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a workshop. The City Council may request, through the City Manager, the appearance of any City employee or outside consultant as may be necessary to secure factual answers to such technical questions.

### **4. No Action.**

No action may be taken in a workshop. An informal motion may be made to request additional information, to schedule additional workshop(s), or to place an item on a subsequent meeting agenda. Informal motions may be passed by a vote of four (4) members of the City Council.

### **5. Minutes of Workshops.**

Because no action may be taken, minutes are not prepared for workshops. The minutes of the regular or special session within which a workshop is held shall provide a concise description of the subject matter and identify all participants in the workshop.

### **6. No Audience Comments or Questions.**

Audience comments or questions will not be received at a workshop.

## **Section D. Public Hearings.**

Public hearings are meetings legally required by Texas statutes and the *City Code* to record public comment on a matter being considered by the City Council. These same statutes and ordinances also govern how the public hearings are to be conducted.

### **1. Reading of the Notice of the Public Hearing.**

After the Mayor has called the meeting to order and announced the presence of a quorum of the City Council, the City Clerk shall read the notice and call of the public hearing. This is the same notice that was published and/or mailed to all persons entitled to written notice.

### **2. Summary of Procedure.**

The City Manager shall be recognized to present a brief summary of the procedure to be followed during the public hearing.

### **3. Presentation of Proposal.**

The applicant or recommending body shall be recognized to explain the proposal that is the subject of the public hearing. The presentation will be limited to 15 minutes unless a different time limit is adopted by a majority vote of the City Council.

#### 4. Public Comment.

The Mayor will recognize speakers who have completed a sign-up sheet prior to the commencement of the public hearing. Each speaker shall have a time limit of up to five (5) minutes, with no extension, and with notice after four (4) minutes that one (1) minute is left. Questions from the public shall be addressed to the Mayor, and the Mayor and members of the City Council may refer such questions to the applicant or recommending body, or to staff as appropriate.

#### 5. Questions from Mayor and Members of City Council.

The Mayor and members of the City Council will have an opportunity to ask questions of the applicant or of staff concerning the proposal, but shall express no opinions at the public hearing.

#### 6. Close of the Public Hearing.

At the conclusion of the public hearing, the Mayor shall announce the deadline for written public comments, as applicable, and close the public hearing.

#### 7. Written Public Comments; Deadline.

For public hearings that are adjudicative in nature (for example, concerning applications governed by the zoning code), Oral public comment on the proposal will not be received following the close of the public hearing. The public may submit written comments to the City Council prior to its final deliberation. All written comments on the application must be received in the City Clerk's office by noon on the Thursday preceding the meeting of final deliberation for inclusion in the public record of the proceedings. For public hearings that are strictly legislative in nature (for example, concerning the annual budget of the City), the foregoing limitations on public comment following the close of the public hearing shall not apply.

### Section E. Town Hall Meetings.

Town hall meetings are called by the City Council to present information concerning matters of public interest and to receive public comment on such matters. They are similar to public hearings, but are not legally required by statute or ordinance, nor is their conduct governed thereby.

#### 1. Introduction of the Subject.

After the Mayor has called the meeting to order and announced the presence of a quorum of the City Council, the Mayor shall briefly introduce the subject of the town hall meeting.

## 2. Summary of Procedure.

The City Manager shall be recognized to present a brief summary of the procedure to be followed during the town hall meeting.

## 3. Presentation.

~~The City Manager or other employee, or an outside consultant as appropriate, shall be recognized to present information~~A presentation to the public concerning the subject of the town hall meeting ~~will be limited to 15 minutes unless a different time limit is adopted by a majority vote of the City Council.~~

## 4. Public Comment.

The Mayor will recognize speakers who have completed a sign-up sheet prior to the commencement of the town hall meeting. Each speaker shall have a time limit of up to ~~three-five (35)~~ minutes, with no extension, and with notice after ~~two~~four (24) minutes that one (1) minute is left. Questions from the public shall be addressed to the Mayor, and the Mayor and members of the City Council may refer such questions to staff as appropriate.

## 5. Questions from Mayor and Members of City Council.

The Mayor and members of the City Council will have an opportunity to ask questions of staff concerning the subject of the town hall meeting, but shall express no opinions.

## 5.6. No Deliberation or Action.

The City Council shall not deliberate or take any action in a town hall meeting. At the conclusion of the meeting, the Mayor shall announce to the public the date of the meeting at which deliberation or action on the subject of the town hall meeting is anticipated, to the extent known.

## Section F. Closed Meetings (Executive Sessions).

Closed meetings (commonly known as "executive sessions") are permitted only for the purposes enumerated in *Texas Government Code, Chapter 551, Open Meetings Act, Subchapter D, Exceptions to Requirement That Meetings be Open*. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the *Open Meetings Act*.

Rules governing closed meetings are addressed in *Article 55, Rules Governed by Texas Open Meetings Act, of these Rules*.

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## Section G. Annual State of the City.

At the City Council's first regular session in February of each year, the Mayor shall present an annual State of the City address to the public, and the City boards and

commissions shall present their annual reports to the City Council and the public. *See City Code, Chapter 2, Administration, Article VII, Boards and Commissions, Section 2-104, Annual or special reports to city council.*

#### **ARTICLE 4.**

#### **AGENDA PROCEDURE**

##### **Section A. Posting of the Agenda.**

The Mayor and City Manager, or an appropriate designee, shall prepare an agenda and cause the same to be posted by the end of the day on the Thursday preceding the meeting, or as soon thereafter as reasonably practicable but not later than 72 hours in advance of the meeting. The agenda and accompanying meeting packet shall be distributed to members of the City Council and made available to the public as soon as reasonably practicable on the day of posting.

##### **Section B. Agenda Requests.**

Any member of the City Council or the City Manager may place an item on the agenda. Staff assistance, if required, should be requested through the City Manager.

No item shall be included on the agenda unless a request to include the same has been made, and all supporting materials provided, to the City Manager or City Clerk by noon on the Wednesday next preceding the date of the meeting. This provision shall not apply in the event of an emergency meeting of the City Council or the emergency addition of an item to the agenda, which are instead governed by *Texas Government Code, Chapter 551, Open Meetings Act, Section 551.045.*

##### **Section C. Consent Agenda.**

The consent agenda may consist of any and all business regularly coming before the City Council, excluding: i) ordinances finally adopting amendments to *Chapter 24, Planning and Zoning*, of the *City Code*; and ii) ordinances adopting, amending, or otherwise relating to the budget of the City.

All items set out in the consent agenda shall be deemed passed upon the passage of an affirmative motion, by a vote of at least four (4) members of the City Council without discussion or debate, that the consent agenda be adopted. Upon the passage of such motion, all items included in the consent agenda shall be deemed adopted as if voted upon separately and as if the caption and/or body of any ordinance therein set out shall have been read in full. The City Clerk is authorized to affix to all ordinances therein set out, consecutive numbers beginning with the first number available for new ordinances.

Upon request of any member of the City Council, items shall be removed from the consent agenda and considered separately.

**Section D. City Manager Shall Provide Analysis.**

The City Manager shall provide the City Council with an analysis of items requested by staff to be on the agenda, by the end of the day on the Thursday preceding the meeting, or as soon thereafter as reasonably practicable but not later than 72 hours in advance of the meeting. However, in the case of an emergency, this provision shall be suspended. Said analysis should include sufficient detail so that members of the City Council are able to make an informed decision on the matter based solely on the information provided in the analysis.

**Section E. Order of Business.**

The following sequence of items shall, in general, be the order of business for regular sessions (or, as the case may be, special sessions) of the City Council.

**1. Call to Order.**

The Mayor shall call the meeting to order.

**2. Announcement of a Quorum.**

The Mayor shall announce that a quorum of the City Council is present and shall state, for the record, the names of all members of the City Council that are absent.

**3. Inspirational Reading and/or Invocation.**

Members of the City Council will alternate reading a brief inspirational message and/or invocation.

**4. Pledges of Allegiance.**

The member of the City Council conducting the inspirational reading and/or invocation shall lead the Pledges of Allegiance to the United States and Texas flags.

**5. Recognition of Proclamations.****6. Approval of Minutes.**

The minutes of previous meetings of the City Council shall either be approved as submitted or be corrected and approved as corrected. Any member of the City Council that was absent from a particular meeting may still vote on the minutes of the meeting by relying on his fellow members of the City Council and/or by reviewing the recorded digital video recordings as to the accuracy of those minutes.

Minutes submitted for approval may properly be included in the consent agenda.



## **7. Personal/Audience Comments.**

See Article ~~22~~, *General Rules of Procedure and Policies, Section K, Rules Governing Personal/Audience Comments, of these Rules.*

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## **8. Reports.**

The City Manager, City Attorney, department directors, consultants, and such others shall present reports, as needed or requested, to the City Council.

## **9. New Business.**

In addition to agenda items to be considered individually, the consent agenda shall be handled as an item of new business.

## **10. Community Interest Items from the Mayor and City Council.**

It is the intent of this item to provide members of the City Council the opportunity to make a report about items of community interest, which may include expressions of thanks, congratulations, or condolence; 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 announcements involving an imminent threat to the public health and safety of people in Bellaire that has arisen after the posting of the agenda.

No action may be taken on a reported item of community interest, and no possible action discussed except a proposal to place the subject on the agenda for a subsequent meeting.

See *Texas Government Code, Chapter 551, Open Meetings Act, Sections 551.0415 and 551.042.*

# **ARTICLE 5.**

## **RULES GOVERNED BY TEXAS OPEN MEETINGS ACT**

### **Section A. Meetings Open to the Public; Notice.**

All meetings of the City Council shall be open to the public, and notices thereof shall be posted as provided under the *Texas Government Code, Chapter 551, Open Meetings Act*. Except in the case of an emergency meeting, notice of all meetings shall be given at least 72 hours in advance. *Texas Government Code, Chapter 551, Open Meetings Act, Section 551.043.*

**Section B. Notice of Emergency Meetings or Emergency Additions to Agenda.**

In the event of an emergency meeting of the City Council, or an emergency addition to the agenda, notice shall be given at least two (2) hours in advance, and special notice shall be given to the news media at least one (1) hour in advance, as required by *Texas Government Code, Chapter 551, Open Meetings Act, Sections 551.045 and 551.047.*

**Section C. Non-Agendaed Subjects Introduced During a Meeting of City Council.**

Any inquiry made at a meeting by the public or by a member of the City Council regarding a subject for which notice has not been given on the agenda, may be responded to with a statement of factual information or a recitation of existing policy. Any deliberation or decision about the subject of inquiry shall be limited to a proposal to place the subject on a future agenda for a subsequent meeting. *Texas Government Code, Chapter 551, Open Meetings Act, Section 551.042.*

**Section D. Rules Governing Closed Meetings.****1. Convene First in Open Meeting.**

The City Council may retire into a closed meeting as stated on a posted agenda during a regular or special sessionmeeting. Before said closed meeting begins, the Mayor shall announce in the open meeting that the City Council will be retiring into a closed meeting and shall identify the section(s) of the *Open Meetings Act* pursuant to which the closed meeting will be held. *Texas Government Code, Chapter 551, Open Meetings Act, Section 551.101.*

**2. Certified Agenda.**

A certified agenda, certified by the Mayor to be a true and correct record of the proceedings, shall be sealed and kept for at least two years after the date of the closed meeting, subject to disclosure only by Court order. *Texas Government Code, Chapter 551, Open Meetings Act, Sections 551.103 and 551.104.*

**3. No Action in Closed Meeting.**

No action, decision, or vote shall be taken by the City Council during the closed portion of the meeting, and no subject but that posted on the agenda is to be discussed. Any action, decision, or vote on a matter deliberated in the closed meeting shall be made, and the City Council may adjourn, only during the open meeting. *Texas Government Code, Chapter 551, Open Meetings Act, Section 551.102.*

**Section E. Review and Discipline.**

Complaints, charges and discipline concerning members of the City Council or City personnel reporting directly to the City Council shall be discussed in a closed meeting unless the person charged or the person against whom a complaint has been lodged shall request

a public hearing. *Texas Government Code, Chapter 551, Open Meetings Act, Section 551.074.*

## **ARTICLE 6.**

### **REFERENCE: SELECTED RULES OF PARLIAMENTARY PROCEDURE**

This article references some of the more commonly cited parliamentary rules, but is not intended to be an exhaustive listing, nor is it a substitute for *Robert's Rules*, which shall guide the conduct of business before the City Council except where inconsistent with federal or state law, the *City Charter*, the *City Code*, or as otherwise provided in these *Rules*.

#### **Section A. Order of Precedence of Motions.**

*Robert's Rules* shall prevail as to the order of precedence of motions and types of motions.

#### **Section B. Right to the Floor.**

Any member of the City Council desiring to speak shall be recognized by the Mayor and shall confine his or her remarks to the subject under consideration. No member shall speak more than once to a question until every member wishing to speak shall have spoken.

#### **Section C. Motion to Postpone.**

A motion to postpone consideration of a matter can be used by: 1) postponing the motion until a certain time; 2) postponing the motion and referring it to a committee for further investigation; or 3) postponing the motion indefinitely, which kills the motion. A motion to postpone is debatable and amendable. To postpone a motion, a motion must be made and can only be made at such time as another member of the City Council is not speaking. A simple majority vote is required for the motion to pass.

#### **Section D. Motion to Amend a Pending Motion.**

A member of the City Council who desires to modify the wording of a pending motion by adding and/or striking out words may move to amend the motion. This motion is debatable and such amendment can be passed by a vote of four (4) members of the City Council.

#### **Section E. Substitute Motion.**

A member of the City Council who desires to substitute a motion for the one being considered may make a substitute motion, which acts as an amendment to the pending

motion and is itself amendable. Once the substitute motion is adopted, the vote on the original motion is not necessary, the substitute motion being the motion then on the floor.

**Section F. Motion to Close Debate or to Move the Previous Question.**

A motion to close debate or to move the previous question is a motion to stop debate on the pending motion. This motion can be made only at such time as no one else is speaking and the Mayor recognizes the person making the motion, and can be considered only if both sides of the issue have been presented during the debate. If this motion is made and seconded, debate stops immediately and the vote is taken on whether to close debate on the original motion. To close debate, a two-thirds (2/3) majority vote is required.

**Section G. Motion to Lay a Pending Motion on the Table.**

A motion to lay a pending motion on the table is a motion to temporarily set aside the pending motion. Reasons for this may include to take up a more urgent item of business or to hear a speaker who cannot stay for the disposition of the pending motion. This motion can be made only at such time as no one else is speaking and is not debatable. To lay a pending motion on the table, a vote of four (4) members of the City Council is required.

**Section H. Motion to Take a Question from the Table.**

A motion previously laid on the table may be taken from the table by a majority vote as soon as the interrupting business is disposed of.

**Section I. Motion to Adjourn.**

A motion to adjourn may be made at any time upon being recognized by the Mayor so long as no one has been previously recognized and is speaking; such a motion requires a second and it requires a majority vote to pass.

**Section J. Point of Order.**

A member of the City Council may raise a point of order at any time whether or not another member of the City Council is speaking. A point of order is a statement to the Mayor that a particular motion before the City Council or other matter is out of order, or to make an inquiry of the Mayor as to parliamentary procedure. As soon as a point of order has been disposed of, the person interrupted may continue speaking.

The Mayor shall determine all points of order, subject to the right of any member of the City Council to appeal to the City Council or request a parliamentary opinion of the City Attorney. In the event of an appeal, the Mayor shall briefly state the reasons for the ruling; the decision of the Mayor may be overruled by a vote of four (4) members of the City Council.

**Section K. Suspension of the Rules.**

A member of the City Council may move to suspend the rules that interfere with a particular matter that is of apparent importance to the City Council. For a suspension of the rules to be accomplished, a vote of five (5) members is required. However, a motion to suspend the rules cannot interrupt an individual speaking.

**Section L. Motion to Object to the Consideration of a Motion.**

A member of the City Council may object to the consideration of a motion, and such objection may be made at any time prior to debate on the motion, even when another member of the City Council is speaking. It does not require a second. To stop the consideration of a motion, a two-thirds (2/3) vote of the members present is required, which in no event shall be fewer than four (4) members of the City Council.

**Section M. Division of the Question.**

All questions submitted for vote shall contain only one subject. If two (2) or more subjects are involved, any member of the City Council may require its division.

**Section N. Request to Withdraw a Motion.**

The member making the motion may request to withdraw the motion, and it is withdrawn unless an objection is raised. If a member of the City Council objects to the withdrawal of the motion, then the Mayor, upon motion, shall put the matter to an immediate vote and if four (4) members of the City Council vote to allow withdrawal of the motion, it is withdrawn.

**Section O. Reconsideration of an Action of City Council.**

Only a member of the City Council who voted with the majority (on the prevailing side) can make a motion to reconsider an action of the City Council. Any member can second it. Notwithstanding any conflict with *Robert's Rules* concerning the timing of such a motion, the motion to reconsider must be made no later than the next succeeding regular session, except that action relating to a contract may be reconsidered at any time before final execution thereof. No question shall be reconsidered, except by a vote of four (4) members of the City Council. The action must be stated as "reconsideration" on the agenda.

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 10/10/16 06:00 PM  
Department: City Clerk  
Category: Appointment  
Department Head: Tracy L. Dutton  
DOC ID: 2047

**SCHEDULED  
RESOLUTION (ID # 2047)**

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**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 2017 - 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-GAC 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. The designees must be elected by the City Council by resolution.

A copy of the letter Andrew S. Friedberg, Mayor, received from Jack Steele, Executive Director of H-GAC, regarding the City's 2017 designees and a draft resolution are attached for City Council's review. Executive Director Steele has requested receipt of our resolution designating our representative and official alternate no later than October 19, 2016. The new designees will attend a dinner meeting of Home Rule city representatives on November 3, 2016, and will meet again in early 2017.

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.

<b>Year</b>	<b>Representative</b>	<b>Official Alternate</b>
2016	Pat B. McLaughlan	Gus E. Pappas
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

**Previous Council Action Summary:**

The Bellaire City Council designated Pat B. McLaughlan as the City's representative and Gus

E. Pappas as the City's official alternate on October 5, 2015, by Resolution No. 15-10.

**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 2017.

**ATTACHMENTS:**

- H-GAC General Assembly 2017(DOC)
- Jack Steele of H-GAC Regarding Election of Representative and Official Alternate for 2017 (PDF)



### RESOLUTION NO. 16-\_\_\_\_

**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 2017.**

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

**1. THAT** \_\_\_\_\_ be, and is hereby designated, as its Representative to the **GENERAL ASSEMBLY** of the Houston-Galveston Area Council for the year 2017.

**2. FURTHER,** that the Official Alternate authorized to serve as the voting representative should the hereinabove named Representative become ineligible, or should he/she 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 10th day of October, 2016.

(SEAL)

**ATTEST:**

**SIGNED:**

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

\_\_\_\_\_  
Andrew S. Friedberg  
Mayor

**APPROVED AS TO FORM:**

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

Res. No. 16-\_\_\_\_

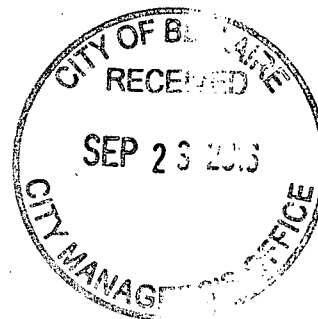



**Houston-Galveston Area Council**

Office of the Executive Director

September 19, 2016

Hon. Andrew S. Friedberg  
 Mayor  
 City of Bellaire  
 7008 S Rice Ave  
 Bellaire, TX 77401-4495



Dear Mayor Friedberg:

I am writing regarding the appointment of your city's representative to H-GAC's 2017 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 2017.

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](mailto:rick.guerrero@h-gac.com).

A dinner meeting of Home Rule city representatives is scheduled for the evening of November 3. At that meeting, your 2016 Home Rule Cities' H-GAC Board of Directors representatives will report on this year's activities and look ahead to issues and progress in 2017.

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 19. If you have any questions during the designation process, please call Rick Guerrero at 713-993-4598.

Sincerely,

Jack Steele

JS/cj

Enclosure  
 cc: City Secretary

**DESIGNATION OF REPRESENTATIVE AND ALTERNATE  
HOUSTON-GALVESTON AREA COUNCIL  
2017 GENERAL ASSEMBLY**

\*\*\*\*\*

**BE IT RESOLVED**, by the Mayor and City Council of \_\_\_\_\_, Texas,  
that \_\_\_\_\_ be, and is hereby designated as its Representative  
to the **GENERAL ASSEMBLY** of the Houston-Galveston Area Council for the year 2017.

**FURTHER**, that the Official Alternate authorized to serve as the voting representative should  
the hereinabove named representative become ineligible, or should he/she resign, is  
\_\_\_\_\_.

**THAT** the Executive Director of the Houston-Galveston Area Council be notified of the  
designation of the hereinabove named representative and alternate.

**PASSED AND ADOPTED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 10/10/16 06:00 PM  
Department: City Manager's Office  
Category: Discussion  
Department Head: Paul A. Hofmann  
DOC ID: 2048

**SCHEDULED  
INFORMATION ITEM (ID  
# 2048)**

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**Item Title:**

Discuss and provide feedback and direction on the process for considering revisions to the City Charter, including the creation and responsibilities of, and procedural matters associated with, a Charter Review Commission - Requested by Mayor Andrew S. Friedberg.

**Background/Summary:****Background/Summary:**

The Texas Constitution recognizes and affirms the importance of the municipal charters, and requires that amendments to the document be approved by the voters. The Charter was most recently amended in November 2006. Amendments prior to 2006 were most recently made in November 1987.

The Charter is our fundamental policy and governance document, establishing our form of government and setting forth the roles and responsibilities of the City Council, the City Manager and staff, and the citizens. It is important that charter provisions not conflict with state law, and be written in clear, unambiguous, and inclusive language. As it has been 10 years since Bellaire voters last considered and approved amendments to the Charter, it is suggested that we initiate the process again. Additionally, over the past few years we have become aware of inconsistencies in charter language, charter requirements that could be reconsidered in light of current state law, and unnecessary inefficiencies.

Importantly, because the Charter belongs to the electorate, and given the infrequency of charter amendments, the establishment of a citizen board with the responsibility of a broad review of the Charter is of significant benefit. The process of a citizen board review alone would increase public awareness of the existence and provisions of the Charter, and has worked well for us in the past.

***Commission Charge and Procedure***

Attached is the ordinance establishing the last Charter Review Commission in 2004. Using the provisions of that ordinance as a guide, the charge to the 2016 Commission could include the following general topics. The amendments recommended by the Charter Review Commission should focus on:

- Conflicts with state law,
- Inconsistencies with current case law,
- Ambiguous or inaccurate language, and
- Provisions inconsistent with our form of government, or requirements that create unnecessary inefficiencies.

Clear direction should be provided by the City Council on how the Commission should procedurally function. To avoid confusion, the City Council should decide at the outset whether the procedural requirements established in the Board Handbook will apply. For example, the appointment and role of a chairperson and other officers, whether there should be a Council liaison, that the Commission should allow for spoken public comment during their meetings, reporting requirements and whether formal minutes will be kept; these are all likely questions that should be addressed upfront by the City Council.

Also attached is a proposed schedule for the charter review process.

### ***Appointment Process***

Once the overall objectives are established, Council members should consider and recruit appointees to the Commission. The Commission should well represent the community, and be comprised of individuals who understand and accept the schedule and general direction.

Again using the 2004 process as a guide, it is suggested that Council Members each select an individual appointee, for Council review and approval. If Council decides on October 10 to follow that process, appointments can be made at the November 7 Council meeting.

The FY 2017 budget includes funds sufficient for the professional facilitation of the Committee's meetings. A professional facilitator ensures that the Committee operates with good information, that discussions are focused and inclusive, and that schedules are met.

### **Previous Council Action Summary:**

Council has taken no recent action on this subject, other than to approve the FY 2017 budget.

### **Fiscal Impact:**

The FY 2017 budget includes \$25,000 which will cover the costs of facilitation, supplies, and printed materials.

### **Recommendation:**

Mayor Friedberg recommends that Council give direction for an ordinance be drafted for consideration on November 7. The ordinance would include:

- The appointment of a 7 member Charter Review Committee, (each Council Member nominates one candidate subject to Council review)
- A charge to the Charter Review Committee consistent with the Council's consensus discussion achieved on October 10.

**ATTACHMENTS:**

- charteragendaitem (PDF)

**2016 Charter Review Committee Schedule**

October 10, 2016

Council Discuss:

- charter revision objectives and schedule
- creation of Charter Review Committee
- Committee facilitation and organization

November 7, 2016

Council consider ordinance appointing members to the Charter Review Committee and establishing a charge and schedule for the committee.

Early December, 2016

First organizational meeting of Charter Review Committee, including:

- City Charter overview presentation by City Attorney
- Committee discussion of procedural, administrative, and scheduling matters

January 2017

Charter Review Committee receives report from City Manager and City Clerk on recommended areas of revision.

June 2017

Charter Review Committee submits recommendations to City Council

August 2017

Council considers November 2017 ballot items